

DICTIONARY OF THE INTERNATIONAL LAW OF ARMED CONFLICT

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ICRC



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*Translated from French into English
by Edward Markee and Susan Mutti*

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DEI CONFLITTI ARMATI**

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PREFACE

The International Committee of the Red Cross is honoured to publish this book. Its timely appearance fills a gap in the literature on the law of armed conflict, which had long been in need of a complete but handy work defining the principal concepts of two branches of international law, *jus ad bellum* and *jus in bello*.

The *Dizionario di Diritto Internazionale dei Conflitti Armati* first appeared in 1984 and was welcomed by the ICRC with keen interest. When its author, General Pietro Verri, learned of this he was kind enough to give the ICRC permission to publish French and English versions. The French version, *Dictionnaire du droit international des conflits armés*, appeared in 1988, only a few days after the sudden death of the author. It was not, however, a translation pure and simple. The author had greatly expanded the original Italian edition; its arrangement had been somewhat modified, and an index was added, making it even easier to consult than before.

Few changes have been made to the English version now published, although it retains the French index for those working in both languages.

General Verri was admirably qualified to write such a work, being perfectly conversant with the theory of the laws of armed conflicts and infinitely experienced in the practical difficulties of applying them.

His almost unparalleled experience comes from a distinguished military career, his universally recognized academic achievements, his untiring efforts to disseminate knowledge of humanitarian law, and his membership in the Italian delegation to the Diplomatic Conference that led to the adoption in 1977 of the Protocols Additional to the Geneva Conventions of 1949. It would have been difficult indeed to find an author more competent to compile a dictionary of this kind.

The ICRC, mandated by the international community to disseminate knowledge and acceptance of international humanitarian law, gratefully welcomes all efforts to elucidate the law and so make it more effective. This clear and logically arranged dictionary will undoubtedly be of great assistance in this respect.

The ICRC will cherish the memory of General Verri, a very dear friend and tireless promoter and champion of the ideals of international humanitarian law.

Cornelio Sommaruga
President, International Committee
of the Red Cross

FOREWORD

The four decades since the Second World War have witnessed many conflicts, international and non-international, each of which has added to the sum of human misery and destruction of property.

Over the years, international humanitarian law, whose purpose is to alleviate the suffering of victims of armed conflicts, has been greatly developed and reaffirmed to good purpose. It is now a complex but coherent corpus of legal rules.

International humanitarian law (IHL) imposes on the States party to its treaties the special obligation of making its rules as widely known as possible.

It must nevertheless be admitted that in spite of all the efforts made – many of them considerable – much remains to be done, largely because States have been slow to adopt domestic legislation for effective application of the international treaties.

Two national institutions, the armed forces and the universities, are natural leaders in the task of disseminating the rules and principles of IHL. The rules are intended first and foremost for the armed forces, who are therefore duty-bound to know them and make them known. The universities have a dual function: to explore the subject intellectually, so helping to form a code of law in line with modern needs; and to encourage greater knowledge of IHL.

This is no place to consider the current indifference to the law of armed conflict or lack of interest in it, whether the conflicts are ideological or psychological. But in these days of disputed values, growing concern among peoples and worsening international relations all over the world, we have to make a special effort to reaffirm the importance of international law, and especially of its rules for the conduct of hostilities.

We shall not succeed unless we know the law well and are convinced that imperfect though its rules may be, they do offer real protection to combatants and civilian populations who respect them.

This is my sincere belief. I have therefore written this Dictionary, keenly aware of its shortcomings, but hopeful of having done something to make the law of armed conflict better known.

Pietro Verri
Rome, January 1984

ABBREVIATIONS

The abbreviations used for the documents quoted at the end of the definitions are given below in alphabetical order.

I. International treaties

- ACHR 1969 American Convention on Human Rights “Pact of San José, Costa Rica” – San José, Costa Rica, 22 November 1969.
- Co. 1888 Convention respecting the Free Navigation of the Suez Maritime Canal – Constantinople, 29 October 1888.
- E. 1974 European Convention on the Non-Applicability of Statutory Limitations to Crimes against Humanity and War Crimes – Strasbourg, 25 January 1974.
- ECHR 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms – Rome, 4 November 1950.
- GC I Conventions for the protection of war victims: First (Wounded and Sick in Armed Forces in the Field),
- GC II Second (Wounded, Sick and Shipwrecked Members of Armed Forces at Sea),
- GC III Third (Prisoners of War),
- GC IV Fourth (Civilian Persons) – Geneva, 12 August 1949.
- G CW 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 Protocols) – Geneva, 10 October 1980.
- G CW Prot. I
- G CW Prot. II
- G CW Prot. III
- GP 1925 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and Bacteriological Methods of Warfare – Geneva, 17 June 1925.
- H Decl. 1899 V Declaration concerning the Prohibition of Using Projectiles the Sole Object of which is the Diffusion of Asphyxiating or Deleterious Gases – The Hague, 29 July 1899.

- H Decl. 1899 VI Declaration concerning the Prohibition of Using Bullets which Expand or Flatten Easily in the Human Body – The Hague, 29 July 1899.
- H III Convention relative to the Opening of Hostilities – The Hague, 18 October 1907.
- H IV Convention respecting the Laws and Customs of War on Land (with Annex: Regulations) – The Hague, 18 October 1907.
- H IV R
- H V Convention respecting the Rights and Duties of Neutral Powers and Persons in case of War on Land – The Hague, 18 October 1907.
- H VI Convention relating to the Status of Enemy Merchant Ships at the Outbreak of Hostilities – The Hague, 18 October 1907.
- H VII Convention relating to the Conversion of Merchant Ships into War-Ships – The Hague, 18 October 1907.
- H VIII Convention relative to the Laying of Automatic Submarine Contact Mines – The Hague, 18 October 1907.
- H IX Convention respecting Bombardment by Naval Forces in Time of War – The Hague, 18 October 1907.
- H X Convention for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of 6 July 1906 – The Hague, 18 October 1907. This Convention was replaced by the Second Geneva Convention of 1949, as stated in Art. 58 of the latter.
- H XI Convention relative to Certain Restrictions with Regard to the Exercise of the Right of Capture in Naval War – The Hague, 18 October 1907.
- H XII Convention relative to the Creation of an International Prize Court – The Hague, 18 October 1907.
- H XIII Convention concerning the Rights and Duties of Neutral Powers in Naval War – The Hague, 18 October 1907.
- H AW Rules of Air Warfare – The Hague, December 1922 - February 1923. The proposed rules were never adopted or ratified by the States.

H CP H CP R H CP P	Convention for the Protection of Cultural Property in the Event of Armed Conflict (with Annexes: Regulations and Protocol) – The Hague, 14 May 1954.
H 1957	Agreement Relating to Refugee Seamen – The Hague, 23 November 1957.
H 1970	Convention for the Suppression of Unlawful Seizure of Aircraft – The Hague, 16 December 1970.
H 1973	Protocol to the Agreement Relating to Refugee Seamen – The Hague, 12 June 1973.
Ha 1928	Convention on Maritime Neutrality – Havana, 20 February 1928.
LMW. 1967	Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies – London, Moscow and Washington, 27 January 1967.
LMW. 1971	Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil thereof – London, Moscow and Washington, 11 February 1971.
LMW. 1972	Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) Weapons – London, Moscow and Washington, 10 April 1972.
London Decl. 1909	Declaration concerning the Laws of Naval War – London, 26 February 1909 (not ratified).
London PV 1936	Procès-verbal (London 1936) relating to the Rules of Submarine Warfare set forth in Part IV of the Treaty of London of 22 April 1930 – London, 6 November 1936.
MB. 1982	United Nations Convention on the Law of the Sea – Montego Bay, 10 December 1982.
Mo 1936	Convention Concerning the Régime of the Straits – Montreux, 20 July 1936.

- Mon. 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation – Montreal, 23 September 1971.
- OAU 1969 OAU Convention governing the specific aspects of refugee problems in Africa, 10 September 1969.
- P I Protocol relating to the Protection of Victims of International Armed Conflicts – Geneva, 8 June 1977, with Annex: Regulations concerning identification.
- P II Protocol relating to the Protection of Victims of Non-International Armed Conflicts – Geneva, 8 June 1977.
- Pan. 1977 Treaty between the United States and Panama relating to the permanent neutrality and management of the Panama Canal – Washington, 7 September 1977.
- Paris 1856 Declaration of Paris of 1856 respecting maritime law in time of war – Paris, 16 April 1856.
- St. Petersburg Decl. 1868 Declaration of St. Petersburg of 1868 to the Effect of Prohibiting the Use of Certain Projectiles in Wartime – St. Petersburg, 29 November - 11 December 1868.
- TL. 1967 Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) – Mexico, 14 February 1967.
- Tokyo 1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft – Tokyo, 14 September 1963.
- UN 1945 Charter of the United Nations – San Francisco, 26 June 1945.
- UN 1948 Convention on the Prevention and Punishment of the Crime of Genocide. United Nations General Assembly Resolution 260 (III), 9 December 1948.
- UN 1948/2 Universal Declaration of Human Rights – New York, 10 December 1948.
- UN 1950 Principles of International Law Recognized in the Charter of the Nuremberg Tribunal and in the Judgment of the Tribunal. United Nations International Law Commission, June-July 1950.

- UN 1951 Convention relating to the Status of Refugees – Geneva, 28 July 1951.
- UN 1954 Convention relating to the Status of Stateless Persons – New York, 28 September 1954.
- UN 1961 Convention on the Reduction of Statelessness – New York, 30 August 1961.
- UN 1966 Protocol relating to the Status of Refugees. UN Gen. Ass. Res. 2198 (XXI), 16 December 1966.
- UN 1966/2 International Covenant on Civil and Political Rights. UN Gen. Ass. Res. 2200 (XXI), 16 December 1966.
- UN 1967 Declaration on Territorial Asylum. UN Gen. Ass. Res. 2312 (XXII), 14 December 1967.
- UN 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. UN Gen. Ass. Res. 2391 (XXIII), 26 November 1968.
- UN 1968/2 Respect for human rights in armed conflicts. UN Gen. Ass. Res. 2444 (XXIII), 19 December 1968.
- UN 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. UN Gen. Ass. Res. 2625 (XXV), 24 October 1970.
- UN 1973 International Convention on the Suppression and Punishment of the Crime of *Apartheid*. UN Gen. Ass. Res. 3068 (XXVIII), 30 November 1973.
- UN 1973/2 Principles of International Cooperation in the Detection, Arrest, Extradition and Punishment of Persons Guilty of War Crimes and Crimes against Humanity. UN Gen. Ass. Res. 3074 (XXVIII), 3 December 1973.
- UN 1974 Definition of Aggression. UN Gen. Ass. Res. 3314 (XXIX), 14 December 1974.
- UN 1975 Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. UN Gen. Ass. Res. 3452 (XXX), 9 December 1975.

- UN 1975/2 Declaration on the definition of the concept of nuclear-weapons-free zone. UN Gen. Ass. Res. 3472 B (XXX), 11 December 1975.
- UN 1976 Convention on the Prohibition of Military or any Other Hostile Use of Environmental Modification Techniques. UN Gen. Ass. Res. 31/72, 10 December 1976.
- UN 1977 Declaration on the Deepening and Consolidation of International Détente. UN Gen. Ass. Res. 32/155, 19 December 1977.
- UN 1979 Agreement Governing the Activities of States on the Moon and Other Celestial Bodies. UN Gen. Ass. Res. 34/68, 5 December 1979.
- UN 1979/2 International Convention Against the Taking of Hostages. UN Gen. Ass. Res. 34/146, 17 December 1979.
- UN 1979/3 Code of Conduct for Law Enforcement Officials. UN Gen. Ass. Res. 34/169, 17 December 1979.
- UN 1982 World Charter for Nature. UN Gen. Ass. Res. 37/7, 28 October 1982.
- UN 1984 Declaration on the Right of Peoples to Peace. UN Gen. Ass. Res. 39/11, 12 November 1984.
- UN 1984/2 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. UN Gen. Ass. Res. 39/46, 10 December 1984.
- WEU P. III Protocol No. III on the “Control of Armaments”. Annexe to the Treaty of 17 March 1948 (WEU Covenant) – Paris, 23 October 1954.

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A

ACTION, DEFENSIVE: Any activity intended to thwart enemy offensive action.

F: *Action défensive*

ACTION, OFFENSIVE: Any attempt to gain the initiative over the enemy and destroy his ability to operate.

F: *Action offensive*

ADVANTAGE, MILITARY: A term used in the **law of armed conflict**¹ in defining “**military objective**” and in stating the precautions to be taken in **attack** so as to spare the **civilian population, civilian persons** and **civilian objects** to the greatest possible extent (P I Arts. 51, 52, 57).

F: *Avantage militaire*

ADVISER, LEGAL: A special adviser who must be available to counsel military commanders at the appropriate level on the application of the **law of armed conflict** and on teaching the **armed forces** the rules of armed conflict (P I Art. 82).

F: *Conseiller juridique*

AGENCY, CENTRAL TRACING: An organization formed by the **ICRC** to collect all the information it can obtain through official or private channels respecting **prison-**

ers of war, and to transmit it to the country of origin of the prisoners of war or to the Power on which they depend. The Agency also does such work for **protected civilian persons**, particularly those subject to **internment**, by transmitting the information collected to the countries of origin or residence of the persons concerned, except where such transmission might be detrimental to the persons whom the information concerns or to their relatives (GC III Art. 123; GC IV Art. 140).

See Bureau, National Information.

F: *Agence centrale de recherches*

AGREEMENT, LOCAL: An agreement that the parties to the conflict may conclude for the collection, exchange and transport of those **wounded** on the battlefield, the removal of wounded and sick from a besieged or encircled area, and the passage of **medical material** on their way to such areas (GC I Art. 15; GC II Art. 18; GC IV Art. 17). See Encirclement; Hostilities, Suspension of; Siege.

F: *Accord local*

AGREEMENT, SPECIAL: An agreement that the parties to the conflict may conclude among themselves to improve or supplement the rules in GC I Art. 6, GC II Art. 6, GC III Art. 6, GC IV Art. 7, P I, P II and H CP.

See Conflict, Legal status of the parties to the.

F: *Accord spécial*

¹ Words in bold type are the subject of a cross-reference.

AGGRESSION: The use of armed **force** by a State against the sovereignty, territorial integrity or political independence of another State. Regardless of whether or not a **declaration of war** has been made, any of the following are acts of aggression: (a) the invasion or attack of the territory of one State by another State, or any military occupation, or any **annexation** by the use of force of the territory of another State or part thereof; (b) the **bombardment** or the use of any weapons by a State against the territory of another State; (c) the **blockade** of the ports and coasts of a State by the armed forces of another State; (d) the **attack** by the armed forces of a State on the land, sea or air forces, or marine or air fleets, of another State; (e) the use of the armed forces of one State which are stationed on the territory of another State with the latter's agreement, in contravention of the conditions provided for in the agreement, or any extension of their presence in such territory beyond the termination of the agreement; (f) the action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by the other State for perpetrating an act of aggression against a third State; (g) the sending by or on behalf of a State of armed bands or groups, irregulars or **mercenaries**, which carry out against another State acts of armed force of such gravity as to amount to the acts listed above, or the substantial involvement of a State in such acts.

A State that is the victim of an aggression has the right of **self-defence**. Acts committed in the ex-

ercise of the right to self-determination of peoples, or when peoples are fighting against colonial domination, foreign occupation or racist regimes, are not acts of aggression (UN 1974; P I Art. 1).

F: *Agression*

AID SOCIETY: See Relief Society.

AIRCRAFT: See also Medical Aircraft.

AIRCRAFT, CARTEL: An aircraft used by a **parlementaire** sent to parley with the enemy. A cartel aircraft enjoys the same conditional immunity as the parlementaire, subject to any conditions that may be imposed for its identification, whether visual or by radio or radar, and on its flight plan. It may not be armed, nor may it be attacked or captured during the outward or return journey.

F: *Aéronef parlementaire*

AIRCRAFT, CIVILIAN: A privately owned aircraft used to transport goods or **civilian persons**. Civilian aircraft are subject to the same rules as merchant ships.

F: *Aéronef civil*

AIRCRAFT IN DISTRESS: An aircraft no longer under control because it has been damaged or hit in the course of an enemy attack, and from which its crew escapes by parachute. No person parachuting from an aircraft in distress may be attacked during his descent. Upon reaching the ground any such person must be given an opportunity to surrender before being attacked, unless

it is apparent that he is engaging in a hostile act. Airborne troops are not protected by this provision (P I Art. 42).

See *Hors de combat*.

F: *Aéronef en perdition*

AIRCRAFT, MILITARY: An aircraft that (a) proves its military purpose by using the distinguishing marks adopted for that purpose by the State to which it belongs; (b) is placed under the direct authority, and the immediate control and responsibility, of the State; (c) is commanded by a person whose name appears in lists of military personnel; and (d) is protected by a crew of military or militarized personnel.

F: *Aéronef militaire*

ALIGHTING ON WATER: See Overflight.

F: *Amerrissage*

ALLEGIANCE: In the law of armed conflict, the **Occupying Power** may not compel the inhabitants of **occupied territory** to swear allegiance to that Power (H IV R Art. 45).

F: *Serment*

AMNESTY: A measure of clemency that the authorities in power are invited by the law of armed conflict to grant as widely as possible at the end of **hostilities** in a **non-international armed conflict** to persons who participated in the conflict or are detained or interned for reasons related thereto (P II Art. 6).

See Internment.

F: *Amnistie*

ANGARY: A measure deriving from the general principle that **belligerents** may perform acts that would be forbidden by the rules of peacetime relations. Angary is the recognized right of belligerents to **requisition** neutral property, whether such property is on their own territory or in **occupied enemy territory**. The right of angary may not be exercised without the payment of compensation for damage done, or without imperative **military necessity**.

Current international law also allows a belligerent State to requisition railway material coming from the territory of a neutral State. Up to the amount of the damage suffered, the neutral State may then likewise requisition railway material coming from the territory of the belligerent State (H V Art. 19).

Besides requisition, there have been many cases involving the **destruction** or incapacitation of neutral property (e.g. the cutting of underwater cables). Admittedly, the rules of positive law do not apply in such cases, but many belligerents have ignored the normal rights of neutrals and have justified their action on the grounds of military necessity. The legitimacy of their action has not been contested, except where no military necessity was considered to exist.

F: *Angarie*

ANNEXATION: Annexation by a State of the territory or part thereof of another State by means of threats of force or the use of **force** is an act of **aggression** and is therefore forbidden by international law. Annex-

ation of a territory does not affect the status of **protected persons** (GC IV Art. 47).

F: *Annexion*

APARTHEID: This term comprises the following inhuman acts committed for the purpose of establishing and maintaining the domination by one racial group of persons over any other racial group of persons and systematically oppressing them: (a) denial to a member or members of a racial group or groups of the right to life and liberty of person (by murder of its members, inflicting upon them serious bodily or mental harm, infringement of their freedom, or by subjecting them to **torture** or to **cruel, inhuman or degrading treatment** or **punishment**, or by arbitrary arrest and illegal imprisonment of its members); (b) deliberate imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction in whole or in part; (c) measures calculated to prevent a racial group or groups from participating in the political, social, economic and cultural life of the country, and the deliberate creation of conditions preventing the full development of such a group or groups (by denying to their members basic human rights and freedoms, including the right to work, the right to form recognized trade unions, the right to education, the right to leave and return to their country, the right to a nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association);

(d) any measures designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups, the prohibition of mixed marriages among members of various racial groups or the expropriation of landed property belonging to a racial group or groups or to members thereof; (e) exploitation of the labour of the members of a group or groups, in particular by submitting them to forced labour; (f) persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose *apartheid*. International criminal responsibility applies, irrespective of the motive involved, to individuals, members of organizations and institutions and representatives of the State who, whatever their country of residence: (a) commit, participate in, directly incite or conspire in the commission of the above-mentioned acts; (b) abet, directly encourage or cooperate in the commission of the crime of *apartheid*. *Apartheid* committed during an international armed conflict is a **war crime** (UN 1968; UN 1973; P I Art. 85).
See Genocide.

APPLICATION: Refers: (a) to the application of the instruments of the law of armed conflict by a **neutral State** or a State that is not a party to a conflict; (b) to the application of such instruments *ratione materiae* and *ratione personae* by belligerents; (c) to the laws and regulations adopted by States to ensure their application; or (d) to an undertaking to respect them given by an authority representing a people engaged in

a **war of national liberation** (GC I-IV Art. 2; GC I Arts. 5, 48; GC II Art. 4, 49; GC III Art. 128; GC IV Art. 145; P I Arts. 1, 3, 9, 84, 96; P II Arts. 1, 2).

F: *Application*

ARCHIPELAGIC STATE: A State constituted wholly by one or more **archipelagos**. It may include other islands (MB. 1982 Art. 46).

F: *Etat archipélagique*

ARCHIPELAGIC WATERS: The maritime area constituting the **territorial sea** of an **archipelagic State** (MB. 1982 Arts. 47, 49).

F: *Eaux archipélagiques*

ARCHIPELAGO: A group of **islands**, including parts of islands, interconnecting waters and other natural features which are so closely interrelated that they form an intrinsic geographical, economic and political entity, or which historically have been regarded as such (MB. 1982 Art. 46).

F: *Archipel*

AREA: See also Localities; Zone.

AREA, BESIEGED: See Siege.

AREA, DISASTER: An area in which **civilian objects** have been seriously damaged by bombardment or natural disaster, and in which action by **civil defence** organizations is necessary to help the **civilian population** and provide the conditions necessary for its survival (P I Art. 61).

F: *Zone sinistrée*

AREA, ENCIRCLED: See Encirclement.

AREA, REAR: According to prevailing military doctrine, that part of the combat zone that contains the bases used for the tactical and logistic supply of operations. Rear areas contain logistic centres, medical centres, depots and warehouses, **prisoner-of-war collection posts** or establishments, etc.

For the purposes of the law of armed conflict, the “rear area” comprises not only the rear areas themselves, situated behind the “defensive position”, but also the **territorial zone** which the global nature of modern warfare will inevitably involve in the **hostilities**. Application of the law of armed conflict in rear areas calls for close cooperation between military and civilian authorities and the police in such matters as protection of the **civilian population** and of **civil defence** organizations, recourse to civil defence, the establishment of **hospital and safety zones and localities** and of **neutralized zones**, the protection of **cultural property**, and prisoner-of-war camps and internment camps for **civilian persons**.

See Zone, Territorial.

F: *Zone des arrières*

ARMBAND: See Armlet.

ARMISTICE: A **military convention** drawn up for political and military purposes and therefore containing, besides purely military clauses, political and economic clauses for the primary purpose of suspending active **hostilities**, over the whole

theatre of war, usually for an indefinite period. An armistice does not put an end to the **state of war**, which subsists with all its legal consequences. Only a government may take the initiative in proposing an armistice (see H VI R Arts. 36-41; GC I Art. 15). Besides making provision for the general armistice just mentioned, international law provides for local armistices for the collection, exchange and transfer of wounded.

See Hostilities, Suspension of.

F: *Armistice*

ARMLET: A strip of cloth bearing a special **distinctive emblem** to be worn on the arm to show that the wearer belongs to a **medical service** or **civil defence** organization.

F: *Brassard*

ASSISTANCE: Indicates: (a) the general assistance the ICRC must provide (with **protection**) to victims of **armed conflicts** and for which purpose the parties to a conflict must grant the ICRC all facilities in their power; (b) spiritual assistance to **prisoners of war**, **civilian internees** and **civilian persons in occupied territory**; (c) assistance to persons deprived of their freedom in an internal armed conflict; (d) one of the tasks of **civil defence**; (e) the right of representatives of the **Protecting Power** to be present at the hearings of any court trying a civilian protected person, except where the proceedings are held *in camera* (GC III Arts. 34-36; GC IV Arts. 58, 93; P I Arts. 61, 81, 88; P II Art. 5).

F: *Assistance*

ASSISTANCE, MUTUAL, IN CRIMINAL MATTERS: The assistance which the parties to the 1949 Conventions and to Protocol I of 1977 must give one another in any procedure relating to **grave breaches** and, when circumstances permit, to extradition (P I Art. 88).

F: *Entraide judiciaire*

ASYLUM: In the law of armed conflict, the stay of a **belligerent warship** in a neutral **port** or **territorial waters** at the outbreak of or during hostilities. That stay may not exceed twenty-four hours, subject to exceptions due to the state of the sea or damage. Special regulations govern the simultaneous stay in a neutral port or territorial waters of warships belonging to opposing belligents, and of warships of one belligerent and merchant ships of the enemy belligerent (H XIII Arts. 12-20; Mo 1936 Art. 16).

“Asylum” may also mean the stay on the territory of a consenting neutral State of (a) troops belonging to belligerent **armed forces** (for disarmament and internment); (b) escaped **prisoners of war** (left at liberty or assigned a place of residence); (c) **wounded and sick** from different belligerent parties (in care and custody) (H V Arts. 11-15).

For political asylum see Refugees (UN 1948/2 Art. 14; UN 1967).

F: *Asile*

ATTACK: In military parlance, the action taken by a unit to make its offensive capacity felt by an enemy unit. A strategic attack is a phase of battle that aims at reaching an objective far behind enemy lines normal-

ly defended by large front-line units. A tactical attack is a part of battle that enables a land, air or naval unit to conquer or destroy a **military objective** by coordinating fire and movement.

In international law, “attacks” are acts of violence against the adversary, whether in offence or defence and in whatever territory conducted. This definition applies to (a) any act of land, air or sea warfare which may affect the **civilian population** or **civilian objects** on land; (b) all attacks from the sea or the air against objectives on land. Attacks on the civilian population as such, acts of violence the primary purpose of which is to spread **terror** among the civilian population, and **indiscriminate attacks** on specified categories of places and civilian objects are prohibited. Precautions must be taken in preparing and carrying out attacks and against the effects of attacks (P I Arts. 49, 51-60).

F: *Attaque*

ATTACK, INDISCRIMINATE: An **attack** of a nature to strike **military objectives** and **civilians** or **civilian objects** without discrimination, i.e., an attack which (a) is not directed at a specific military objective; (b) employs a **method** or **means of warfare** which cannot be directed at a specific military objective; or (c) employs a method or means of combat the effects of which cannot be limited. Indiscriminate attacks are prohibited and include: (a) an attack by **bombardment**, by any means or method which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects; (b) an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the tangible and direct military advantage anticipated (P I Art. 51).

F: *Attaque indiscriminée*

B

BASELINE: Line serving to measure the breadth of the **territorial sea**. It is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State concerned (MB. 1982, Art. 5).

F: *Ligne de base*

BAY: A well-marked indentation whose penetration inland is in such proportion to the width of its mouth as to contain land-locked waters and constitute more than a mere curvature of the coast. An indentation is not, however, regarded as a bay unless its area is as large as, or larger than, that of the semi-circle whose diameter is a line drawn across the mouth of that indentation (MB. 1982, Art. 10).

F: *Baie*

BELLIGERENT: According to the international law in force until the end of the Second World War: (1) the States taking part in a **war**; (2) the individuals authorized to inflict war violence. As regards the States involved in an **international armed conflict** (an expression nowadays preferred to “war” so as to include international conflicts that do not possess the technical and legal characteristics of war), more recent provisions of international law refer to them as “**parties to the conflict**”, as entities that are not States can also take part in international conflicts and are therefore bound to comply with the law of armed con-

flict. To obtain the quality of belligerent it is necessary to possess at the very least international personality (i.e. to be a subject of international law) and to be subject also (by the effects of the “**state of war**”) to a special branch of international law, namely the law of armed conflict. The quality of belligerent may also be attributed to the insurgents who in a **civil war** exercise *de facto* control of a part of the territory of a State, because third States are in touch with them to protect their own interests, or because it is in the interest of the legitimate government to recognize the insurgents as belligerents, so as to require other States to respect **neutrality**. As regards individuals, the term “belligerents” referred in the past to the members of: (1) the armed forces of a party to the conflict; (2) militias and volunteer corps not forming part of the said forces but operating in favour of the said party, provided that (a) they were commanded by a person responsible for his subordinates, (b) they had a fixed distinctive sign recognizable at a distance, (c) they carried arms openly, and (d) they conducted their operations in accordance with the laws and customs of war; (3) a *levée en masse*, that is, the inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the **invasion**, without having had time to form themselves into regular armed units, provided they carried arms openly and respected the laws and customs of war (see H IV R Arts. 1-3).

Immediately after the Second World War international law added to these categories of belligerent individuals members of organized **resistance movements**, belonging to a party to the conflict and operating in or outside their own territory, even if this territory was occupied, on condition that they fulfilled the above-mentioned conditions for volunteer corps (GC III Art. 4).

More recently, international law ceased to use these categories and issued a single definition of armed forces which states that the armed forces of a party to a conflict consist of all organized armed forces, groups and units which are under a command responsible to that party for the conduct of its subordinates, even if that party is represented by a government or an authority not recognized by an adverse party. Such armed forces must be subject to an internal disciplinary system which, *inter alia*, must enforce compliance with the rules of international law applicable in armed conflict. Members of such armed forces are combatants (the term which, as applied to individuals, replaces that of "belligerents"), i.e. they have the right to participate directly in **hostilities** and enjoy **prisoner-of-war** status if they are captured by the enemy. Special regulations have to a great extent blurred the mandatory distinction between **combatants** and the **civilian population** (P I Arts. 43, 44, 48).
See Combatants; Conflict, International armed; Conflict, Internationalized internal armed; Conflict, Non-International armed.

F: *Belligérant*

BLOCKADE: An operation involving naval and air forces, by which a **belligerent** completely prevents movement by sea from or to a **port** or coast belonging to or occupied by an enemy belligerent. To be mandatory, that is, for third States to be obliged to respect it, the blockade must be effective. This means that it must be maintained by a force sufficient to prevent all access to the enemy coast. The blockade must also be declared, and the starting date, the geographical limits of the blockaded territory and the time allowed to neutral vessels to leave it specified. This declaration must be notified to all neutral Powers and to the local authorities. Other rules relating to blockades are contained in positive and customary international law (Paris 1856; London Decl. 1909 Arts. 1-22). Article 53 of HAW relates to aerial blockade of an airport or other parts of enemy territory by means of air power.

See Capture; Confiscation; Contraband of war.

F: *Blocus*

BOARDING: Stopping or boarding a ship to obtain its **surrender** and take possession of it by force.

F: *Abordage*

BOMBARDMENT: Whether from land, sea or air, bombardment is a legitimate **method of warfare**, subject to the general principle that the right of the parties to choose methods of warfare is not unlimited. In accordance with that principle, it is prohibited to employ methods of a nature to cause superfluous injury or unnecessary suffering or destruc-

tion. Bombardment is, however, subject to prohibitions and limitations with respect to **medical units, cultural property, non-defended localities** and **demilitarized zones**. Bombardment of the civilian population as such is prohibited, as are **indiscriminate bombardments** and those whose primary purpose is to spread **terror**. Precautions in bombardments and against their effects are prescribed (H IV R Arts. 25-27; H IX; P I Arts. 35, 36, 51-60).

F: *Bombardement*

BOMBARDMENT, INDISCRIMINATE: See Attack, Indiscriminate.

BOOBY-TRAP: Any device or material designed, constructed or adapted to kill or injure and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act. Booby-traps also include manually-emplaced devices designed to kill, injure or damage and which are actuated by remote control or automatically after a lapse of time. Their use is prohibited or restricted by precise rules (G CW Prot. II).

See Mines, Land; Mines, Removal of.

F: *Piège*

BREACH: A punishable act which although not a **grave breach** is contrary to the law of armed conflict (P I Art. 86).

See Commanders, Duty of; Failure to act; Law of armed conflict, Respect for the.

F: *Infraction*

BREACH, GRAVE: A violation of the **law of armed conflict** which States are under the obligation to prevent. They are also under the obligation to institute penal action against persons who have committed grave breaches or ordered them to be committed. Grave breaches are regarded as **war crimes** (GC I Arts. 49-52, GC II Arts. 50-53; GC III Arts. 129-132; GC IV Arts. 146-149; P I Arts. 11, 75, 85-89).

See Commanders, Duty of; Failure to act; Law of armed conflict, Respect for the.

F: *Infraction grave*

BUREAU, NATIONAL INFORMATION: The body that each party to an **international armed conflict** must establish to collect information on **prisoners of war** in its power and to forward it to the Power concerned through the intermediary of the **Protecting Powers** and the **Central Tracing Agency**. Neutral or non-belligerent Powers who may have received on their territory persons entitled to prisoner-of-war status must take similar action. The Bureau also looks after personal valuables, money and documents of special importance left by prisoners of war who have been released or have escaped or died. The Bureau carries out similar activities in aid of protected **civilian persons, in occupied territory** or otherwise, in the power of the party to the conflict which set up the Bureau (GC III Arts. 122-124; GC IV Arts. 136-141).

F: *Bureau national de renseignements*

BURIAL: The law of armed conflict requires the parties to the conflict to bury persons who died on the battlefield or in camps for **civilian internees** and **prisoners of war**, or for reasons related to **occupation**, or in detention resulting from occupation or **hostilities** (GC I Art. 17;

GC II Art. 20; GC III Art. 120; GC IV Art. 130; P I Art. 34).

See Grave.

F: *Inhumation*

BURIAL AT SEA: See Grave.

F: *Immersion*

C

CAPITULATION: An act leading to the cessation of active **hostilities**. Its purpose is the negotiated surrender of the forces of one of the parties to an international armed conflict. Capitulation may be partial (limited to the forces that surrender) or general (applying to all a **belligerent's armed forces**). It may be unconditional, in which case it leaves the defeated party at the mercy of the victorious party while granting the capitulating **combatants prisoner-of-war** status. Its clauses are fixed by a special **military convention** and may not impose on the capitulating enemy conditions contrary to **military honour**. Capitulation should not be confused with **surrender** (H IV R Art. 35).

F: *Capitulation*

CAPTURE: The act by which the commander of a warship substitutes his authority for that of the captain of an enemy ship, subject to the subsequent judgment of the **prize court** as to the ultimate fate of the ship and its cargo. Thus, after **visit** and **search**, a **merchant ship** may be captured unless it has a document exempting it from such measures. Similar treatment is given a neutral ship guilty of **unneutral service**, **contraband of war** or breach of **blockade**. Capture is effected by sending on board the ship an officer and a few men (the prize crew). The original crew acquires **prisoner-of-war** status if the ship is an enemy one. If it is neutral, the crew may be detained as witnesses before a prize

court. Even if the cargo is subject to capture, the definitive transfer of the vessel or its cargo to the captor's property may not be made except by sentence of the prize court. Once captured the ship sails for a port of the captor State, which must escort it to its destination or order the prize crew to do so.

For access to a vessel captured in a neutral port, see **Prize**.

The captured ship may not be destroyed before the verdict of the prize court unless for reasons of absolute necessity or in special circumstances (such as the impossibility of providing a prize crew, the great distance separating it from national ports, or the danger of **recapture**). In case of destruction the crew and the ship's log must be transferred to a safe place (H XI; H XIII Arts. 2 and 3; London Decl. 1909 Arts. 48-54).

The word "capture" is also applied in international humanitarian law to goods and persons other than the above-mentioned (GC I Arts. 16, 19, 31-34; GC II Arts. 19-25, 36, 38; GC III Art. 85; P I Arts. 46, 52). See **Confiscation**; **Neutrality, Maritime**; **Seizure**.

F: *Capture*

CARTEL: See **Aircraft, Cartel**; **Ship, Cartel**.

CEASE-FIRE: After the Second World War this term was added to the list of those long used to indicate the various ways of ceasing or suspending hostilities, namely, **suspension of hostilities** (truce),

capitulation and **armistice**. The new term has caused some confusion. It has been adopted mainly by the press and politicians as being more vivid, taken as it is from military terminology, in which it is the contrary of “open fire”. Although sometimes used by the United Nations Security Council, in legal language it can mean only the immediate effect to be produced by one of the above-mentioned conventions between belligerents.

F: *Cessez-le-feu*

CENSORSHIP: The scrutiny to which correspondence addressed to or sent by **prisoners of war** and **civilian internees** may be subjected by the Detaining Power before it is distributed or sent off (GC III Arts. 71, 76; GC IV Arts. 107, 112).

F: *Censure*

CHILDREN: The international law of armed conflict gives children general protection as **civilian persons** taking no part in hostilities and special protection as particularly vulnerable beings. That special protection is conferred by numerous rules, *inter alia* on: (a) the treatment of new-born babies on the same footing as the **wounded**; (b) a child’s right to care and aid; (c) the reception of children under the age of fifteen years in **hospital and safety zones and localities**; (d) the reunion of families dispersed by an international or internal armed conflict; (e) the temporary evacuation of children for imperative reasons of their safety, especially from a **besieged** or **encircled area**; (f) the prohibition, in case of **occupation**,

of compelling **protected persons** under the age of eighteen years to work; (g) the protection of the child’s cultural environment and of his education; (h) the protection of the rights of children arrested, detained or interned; (i) the prohibition of applying the death penalty to children under the age of eighteen years at the time the offence was committed; (j) the protection of the family and the inviolability of the status of child; (k) the prohibition of recruiting children under the age of fifteen years into the armed forces; (l) the protection of orphans or children separated from their parents (GC IV Arts. 14, 17, 23-25, 27, 38, 50, 51, 68, 76, 81, 82, 89, 94, 132, 136; P I Arts. 8, 70, 74, 75-78; P II Arts. 4, 6). See Pla.

F: *Enfants*

CIVIL DEFENCE: See Defence, Civil.

CIVILIAN INTERNEE: See Internment.

CIVILIAN MEMBERS OF CREWS OF MILITARY AIRCRAFT: See Forces, armed: Persons who accompany the (without actually being members thereof).

CIVILIAN OBJECT: Any object which is not a **military objective**. It may not be the target of **attacks** or **reprisals** (P I Art. 52).

F: *Bien de caractère civil*

CIVILIAN PERSON: In **international armed conflicts**, a person not belonging to any of the follow-

ing categories is considered as a civilian: (a) members of the regular armed forces, even if the latter belong to a government or authority not recognized by the adverse power; (b) members of **volunteer corps** and **resistance movements**; (c) persons forming part of a *levée en masse*; (d) **combatants** in general. In **international** and **non-international armed conflicts**, civilian persons are protected by special rules of international law (GC III Art. 4; GC IV; P II Art. 13).

See Civilian population; Hostilities, Person taking part in; Protected person.

F: *Personne civile*

CIVILIAN POPULATION: The civilian population is made up of **civilian persons**. In **international armed conflicts**, the presence within the civilian population of individuals who do not come within the definition of civilians does not deprive the population of its civilian character. Appropriate rules protect the whole population of a **party to a conflict** without any **adverse distinction**.

Both in **international** and **non-international armed conflicts**, the civilian population and civilian persons enjoy general protection against the dangers of military operations (GC IV; P I Art. 50; P II Arts. 13-17).

See Civilian person; Civilian population, Role of the; Hostilities, Person taking no active part in; Protected person.

F: *Population civile*

CIVILIAN POPULATION, OBJECTS INDISPENSABLE TO THE SURVIVAL OF THE: These include foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works. It is prohibited to attack, destroy or remove such objects or to render them useless for the purpose of denying them, for their sustenance value, to the **civilian population**, whatever the motive, whether to starve out civilians, to cause them to move away, or for any other reason. These prohibitions do not apply if the objects enumerated are used as sustenance solely for the members of the **armed forces** or for purposes other than sustenance of the civilian population. They must not be made the object of **reprisals**. In recognition of the vital requirements of any party to the conflict in the defence of its national territory against invasion, derogation from the above prohibitions may be made where required by imperative **military necessity** (P I Art. 54; P II Art. 14).

See Population movement; Starvation.

F: *Biens indispensables à la survie de la population civile*

CIVILIAN POPULATION, PROTECTION OF THE: That part of **civil defence** that deals with organized assistance to the **civilian population** in natural disasters, disasters caused by accidents, or **armed conflicts**, in order to keep loss of human life and damage to **civilian objects** to a minimum, and to help the civilian population to

recover from the immediate effects of disasters or **bombardments** and provide the conditions necessary for its **survival**. Civil defence activities include preventive measures to be taken in case of natural disaster, fires or radioactivity; installing an articulated warning system; establishing guidelines for earthquake-resistant construction; preparing emergency assistance; and planning **evacuations**, should they be necessary, of the civilian population of a given territory. Under international law, the personnel, installations and matériel of civil defence organizations used during an **international armed conflict** are entitled to specific protection and may not be the object of attack or reprisals. This protection also applies to civilian civil defence organizations of neutral States and international coordinating organizations which perform civil defence tasks in the territory of a **party to a conflict**, with the consent and under the control of that party. Special rules apply to members of the armed forces and military units assigned to civil defence organizations. Civilian civil defence personnel may use appropriate **distinctive signs** (P I Arts. 61-67).

F: *Protection civile*

CIVILIAN POPULATION, ROLE OF THE: The help that the civilian population can give in an **armed conflict**, in collecting and caring for the **wounded and sick** on its own initiative and under supervision. The term includes the protection and facilities granted to the population

for such purposes (GC I Art. 18; P I Art. 17).

F: *Rôle de la population civile*

CLEARING UP: That part of logistics concerned with sending unusable or captured materials to the rear.

See Area, Rear; Evacuation; Population movement.

F: *Déblaiement*

COLLECTION POST, PRISONER-OF-WAR: A temporary assembly point for **prisoners of war** coming from initial assembly points. They are interrogated at the collection post and sent on to transit or internment camps.

F: *Poste collecteur de prisonniers*

COMBATANT: In international law, members of the **armed forces** of a party to the conflict, except medical and religious personnel, are combatants, that is, they are entitled to take a direct part in hostilities. It is prohibited to recruit into the armed forces persons under the age of fifteen years. Combatants are under the obligation to distinguish themselves from the **civilian population** in accordance with the international law of armed conflict, and to respect that law. If they fall into the hands of the enemy Power they are entitled to **prisoner-of-war** status (GC III Art. 4; P I Arts. 43, 44, 48, 77).

See Belligerent; Distinction between combatants and civilian population.

F: *Combattant*

COMMANDER, DUTY OF: Military commanders, whatever their rank, are fully responsible for ensuring that the members of their units comply with the law of armed conflict. They must therefore ensure that their subordinates are aware of and meet their obligations under that law. It is also the duty of commanders to initiate such steps as are necessary to prevent **breaches** or **grave breaches** of the law of armed conflict, and where necessary to repress and report them to the competent authorities (P I Art. 87).

See Failure to act; Law of armed conflict, Respect for the.

F: *Devoirs des commandants*

COMMANDO: An adjective relating to special kinds of operations effected in enemy-controlled territory. They are a legitimate form of combat and are now accepted by the military doctrine of the major powers, whose armed forces contain units specially organized, equipped and trained for such operations. Commando operations consist in **attacks** on **military objectives** normally located deep in the combat zone and elsewhere, in order to destroy them with great precision so as to paralyse centres vital to the enemy for the conduct of the war. Commando operations may also be designed to kill or capture members of the enemy forces, especially high-ranking or supreme military commanders or civilian war leaders, or to free friendly prisoners or come to the aid of small friendly units encircled by the enemy.

Commando units usually operate from bases outside the enemy lines

and return to those bases if they are not killed or captured. They may reach their objective by infiltration, landing from air or naval transports, etc. Their means and methods of combat are often unusual or unchivalrous, but must conform to the law of armed conflict.

Commando operations, however bold and damaging, and even if barely within permissible limits, can be conducted in ways not forbidden by international law. The characteristic feature of commando units is that although they are engaged in extremely dangerous operations they are not necessarily bound to meet certain death. If it is impossible for them to retreat or find adequate refuge, they do not have to sacrifice their lives in vain but can surrender like any other combatant, even though their battlefield is not the normal one.

An important measure of protection for members of commando units is that they wear a uniform, which must be that of the armed forces to which they belong and is commonly known to be worn by such troops. That uniform may not be varied by individual whim or improvised – its wearers may use **stratagems** to overcome the enemy's vigilance but not **perfidy** to betray his confidence. For example, they may not wear enemy uniform and, irrespective of the attendant risks, it is not permissible to wear two sets of clothing (uniform and civilian dress). In short, as "regular" troops who have entered enemy-controlled territory, whatever their mission, for offensive purposes, they must wear uniforms from the very start.

In other words, commando troops are regular combatants and must behave as such during their operations in enemy-controlled territory; they make full use of surprise and must respect the law of armed conflict.

Resistance movements and civilians forming part of a *levée en masse* may also undertake commando-type operations provided they conform to international law and so qualify for the status of combatant, and operate against lawful objectives, using means and methods that are not prohibited.

See Distinction between combatants and the civilian population; Raid; Sabotage.

F: *Commando*

COMMISSION, INTERNATIONAL FACT-FINDING: International law provides for the appointment of an International Fact-Finding Commission in cases of **international armed conflict**, at the request of one of the parties to the conflict. The Commission must be composed of members of high moral standing and acknowledged impartiality and is competent to: (a) enquire into any facts alleged to be a **grave breach** or any other serious violation of the 1949 Conventions or of Protocol I; (b) facilitate through its good offices the restoration of an attitude of respect for international law. For the Commission to function the parties to the conflict must fully recognize its competence or accept it *in casu* (P I Art. 90).

See Enquiry procedure; Protecting Power.

F: *Commission internationale d'établissement des faits*

CONCILIATION: The procedure by which the **Protecting Powers** use their good offices to settle differences between the parties to an **armed conflict** on the application or interpretation of the law of armed conflict (GC I Art. 11; GC II Art. 11; GC III Art. 11; GC IV Art. 12). See Commission, International Fact-Finding; Enquiry procedure; Protecting Power.

F: *Conciliation*

CONFISCATION: The act by which the **prize court** renders valid the **capture** of a vessel or the seizure of its goods. All captured **merchant ships** must be submitted to the judgment of the prize court, whose purpose is to enquire into the legitimacy of the operation and to rule either that the vessel should be confiscated by the State capturing it or that the ship, its cargo and/or crew should be set free with or without compensation for costs and damages done (H VI Arts. 2, 3; H XI; London Decl. 1909 Arts. 21, 39, 40, 42, 43, 45, 46, 49, 53, 54, 63).

See Blockade; Contraband of war; Prize; Unneutral service.

F: *Confiscation*

CONFLICT, ARMED: This general expression covers confrontations between (a) two or more States (see War); (b) a State and a body other than a State (see War of national liberation); (c) a State and a dissident faction (see Non-international armed conflict); (d) two ethnic groups within a State (see Non-in-

ternational armed conflict) (GC I-IV, common Art. 2).

See Conflict, Internationalized internal armed.

F: *Conflit armé*

CONFLICT, INTERNAL ARMED:

See Conflict, Non-international armed.

CONFLICT, INTERNATIONAL ARMED: An international armed conflict that is an armed contest between States is a **war**. **Wars of national liberation** in which peoples are fighting against colonial domination and against racist regimes, and in general wars breaking out when peoples attempt to exercise their right of self-determination, are also considered as international armed conflicts. In short, international armed conflicts may be between States (when they may also be called “wars” in the usual sense of the word) or not between States, in certain specific circumstances (GC I-IV, common Art. 2; UN 1945; UN 1980; P I Art. 1).

See Conflict, armed; Conflict, Internationalized internal armed; Conflict, Non-international armed.

F: *Conflit armé international*

CONFLICT, INTERNATIONALIZED INTERNAL ARMED: A **non-international armed conflict** may become internationalized if (a) a State victim of an **insurrection** recognizes the insurgents as **belligerents**; (b) one or more foreign States come to the aid of one of the parties with their own **armed forces**; (c) two foreign States intervene with their respective armed forces, each

in aid of a different party. There is no simple unambiguous answer to the resulting problems, given their legal ramifications and the lack of specific international provisions for this kind of conflict.

See Non-intervention.

F: *Conflit armé interne internationalisé*

CONFLICT, LEGAL STATUS OF THE PARTIES TO THE: The humanitarian rules of the law of armed conflict, and the **special agreements** for which they provide, do not affect the status of the parties to the conflict or of an occupied territory (GC I-IV, common Art. 3; P I Art. 4).

F: *Statut juridique des parties au conflit*

CONFLICT, NON-INTERNATIONAL ARMED: A synonym for “**civil war**”. A non-international armed conflict is characterized by fighting between the armed forces of a State and dissident or rebel armed forces. The law applicable in such conflicts was long considered as a purely internal matter for States. Article 3 common to the four 1949 Geneva Conventions spelled out, for the first time, certain basic principles to be respected in such conflicts, but did not define non-international armed conflict. Article 1 of Protocol II of 1977 partly filled this gap by defining a non-international armed conflict as a conflict which takes place in the territory of a State between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise

such control over a part of the territory as to enable them to carry out sustained and concerted military operations and to implement the international law applicable in this kind of conflict. Situations of **internal disturbances** and **tension** such as riots, isolated and sporadic acts of violence and other acts of a similar nature are not considered as armed conflicts (P II, Art. 1). However, a conflict in the territory of a State between two ethnic groups may be classed as a non-international armed conflict provided it has the necessary characteristics of intensity, duration and participation. See Conflict, Internationalized internal armed.

F: *Conflit armé non international*

CONFLICT, PARTY TO THE: A State or other entity taking part in an armed conflict, whether formally or *de facto*. See Belligerent.

F: *Partie au conflit*

CONSCIENCE, PUBLIC: See Martens.

F: *Conscience publique*

CONSCIENTIOUS OBJECTOR: A person who refuses to obey a legal obligation on the grounds that his conscience does not allow him to do so. The commonest form of conscientious objection is to compulsory military service: a conscientious objector called upon to fulfil his military obligations declares that for religious or philosophical reasons he objects to the use of armed force but is prepared to per-

form other (unarmed or community) service in lieu of military service.

F: *Objecteur de conscience*

CONTAGION: The law of armed conflict prohibits the exposure of the wounded, sick and shipwrecked to deliberately created risks of contagion or infection (GC I Art. 12; GC II Art. 12).

F: *Contagion*

CONTAMINATION, HOSTILE: See Infection, Hostile.

F: *Contamination hostile*

CONTRABAND OF WAR: The goods of which each **belligerent** prohibits supplies to the enemy on the grounds that they augment his military potential.

The traditional distinction between absolute contraband (movables which by their very nature are designed to be used in war) and conditional contraband (movables that may, in certain conditions or circumstances, be very useful to the war effort) practically ceased to exist during the two World Wars, in which the list of goods of absolute contraband absorbed many items from the list of conditional contraband. The **prize courts** treated goods from both lists with equal severity.

Military operations against contraband of war affect not only the enemy but also neutrals, whose trade is consequently much restricted. Contraband may be captured and confiscated in accordance with a decision of the prize court. So may neutral ships and aircraft

carrying contraband, but only if they are caught in the act. Contraband goods forming not more than half the cargo may be destroyed.

Forcible resistance to the surrender or destruction of contraband justifies the use of force against the ship or aircraft and even its destruction (London Decl. 1909 Arts. 22-44).

For special instructions on contraband see Capture; Confiscation; Infection, Hostile; Voyage, Continuous.

F: *Contrebande de guerre*

CONTRACTOR, SUPPLY: See Forces, Armed; Persons who accompany the (without actually being members thereof).

F: *Fournisseur*

CONVENTION, MILITARY: An agreement between **belligerents**. Military conventions are normally written but may be oral if their scope and duration are limited or they are to be carried out immediately. The content of conventions is not subject to any qualitative or quantitative limits but depends on the parties' wishes. Their entry into force is fixed by the parties, and they may lapse when their purpose has been achieved, or on expiry of the stipulated period, or if denounced, or when a peace treaty is signed. **Suspension of hostilities, armistice** and **capitulation** are military conventions between belligerents (H IV R Arts. 35-41).

F: *Convention militaire*

CONVOY, ESCORTED: A convoy of **merchant ships** escorted by **warships**. If the merchant ships are those of a **belligerent** they are of course liable to attack by enemy warships. Neutral merchant ships escorted by warships flying the same national flag as the merchant ships are exempt from **visit**, but the commander of a belligerent warship may ask the commander of the escort for information and assurances concerning the escorted ships or their cargo or passengers. If neutral merchant ships are escorted by enemy warships they are subject to **capture**, and run the risk of offensive action (London Decl. 1909 Arts. 61, 62).

See Confiscation; Contraband of War.

F: *Convoi escorté*

CORPS, VOLUNTEER: See Voluntary enlistment.

CORRESPONDENT, WAR: See Journalist.

COUNTER-ESPIONAGE: Activities designed to protect **State secrets** by detecting and repressing enemy or alien **espionage** agents or networks.

See Spy.

F: *Contre-espionnage*

CREMATION: See Grave.

CRUELTY: The law of armed conflict prohibits any form of cruelty or **torture** against **prisoners of war** (GC III Art. 13; GC IV Art. 27).

F: *Cruauté*

CULTURAL OBJECT: See Property, Cultural.

CURFEW: The prohibition for security reasons of any movements by vehicles or persons outside their homes between stated hours. Usually adopted during a state of **siege**.

F: *Couvre-feu*

CURIOSITY, PUBLIC: The international law of armed conflict prohibits the exposure to public curiosity of protected **civilian persons** or **prisoners of war** (GC III Art. 13; GC IV Art. 27).

F: *Curiosité publique*

CUSTOM: Comprehensive and uniform repetition of behaviour over a

long period, in the belief that such behaviour is obligatory. In the law of armed conflict, custom has often preceded written regulations, sometimes, as with **parlementaires** and **truces**, by thousands of years.

The laws of war stem from the practice of war. They are adopted because they are necessary, and thereafter become customs. These tentative innovations are repeated over and over again and observed in good faith. Little by little they become routine and in the end are respected by all. Custom then often becomes part of positive international law, which may in turn lead to a custom that becomes binding even on States not party to international instruments.

F: *Coutume*

D

DAM: See Forces, Dangerous, Works and installations containing.

F: *Barrage*

DANGER, PUBLIC, STATE OF: See Siege.

DEAD (THE): The mortal remains of persons killed in action or who have died of wounds or disease contracted during hostilities must be respected, as must the mortal remains of persons who have died in captivity, internment or detention as a result of occupation of a territory. International law prescribes rules for the respect and marking of **graves** and the steps to be taken for such purposes at the end of hostilities (GC I Art. 17; GC II Art. 20; GC III Arts. 13, 66, 120-122; GC IV Arts. 129-131, 136, 139; P I Art. 34).

F: *Personnes décédées*

DEFENCE, CIVIL: A component of **national defence** consisting in measures and activities to counter dangerous situations caused by (a) natural disaster; (b) national or international crisis; (c) **armed conflict**. These measures and activities are intended to regulate the functioning of the central and peripheral organization of telecommunications, transport, the economy, and energy resources. They also deal with the psychological aspects of such situations, maintenance of public order (where appropriate by the assumption of civilian powers by the military authorities), **protec-**

tion of the civilian population, etc.

See Defence of the territory, Internal; Emergency, State of; Siege.

F: *Défense civile*

DEFENCE, NATIONAL: The measures and activities of all kinds (political, military, economic, psychological, etc.) used by the State to ensure its own security. National defence covers the preparation, organization and use of all national forces to safeguard national integrity in all circumstances. It includes military and civil defence. See Defence of the territory, Internal.

F: *Défense nationale*

DEFENCE, SELF-: The United Nations Charter authorizes any State Member of the United Nations that is the victim of an aggression to exercise its right to self-defence in the way it considers necessary until the Security Council adopts the measures necessary to restore international order.

The State victim of the aggression is required to inform the Security Council promptly of any measures so taken (UN 1945, Chap. VII, especially Art. 51).

F: *Légitime défense*

DEFENCE, TERRITORIAL: The system of organized defence planned and applied by the State on its own territory in case of enemy **occupation**. It may be designed for

independent action if the State's traditional forces are defeated, so as to make life difficult for the Occupying Power, prevent the installation of a government favourable to that Power, and maintain control over the territory and population to the greatest possible extent. It may coincide with the defensive action carried on in greater depth by the traditional **armed forces** so as to oblige the enemy to divert forces from its principal operations. It is carried on by regular troops of local origin constituted at the time of mobilization, and by the remainder of units that were unable to follow the bulk of the retreating troops, or were ordered to allow themselves to be overtaken by the enemy. Militarized formations from the civilian population may also support and in some cases replace regular formations. **Territorial warfare**, mainly **guerrilla warfare**, is a favourite method of territorial defence.

See Resistance movements.

F: *Défense territoriale*

DEFENCE OF THE TERRITORY, INTERNAL: All the duties of special army units, carried out with other armed forces or units or state organizations: (a) to ensure the smooth running of **mobilization** and subsequent movements of men and material; (b) to protect the lines of communication with the **combat zone**; (c) to prevent enemy offensives in the **territorial zone**; (d) to assist in maintaining internal order. See Defence, Civil; Emergency, State of; Siege.

F: *Défense interne du territoire*

DELEGATE: Person appointed by the **Protecting Powers** or their substitutes in order to facilitate and supervise the application of humanitarian rules so as to safeguard the interests of the parties to a conflict (GC I Art. 8; GC II Art. 8; GC III Art. 8; GC IV Art. 9; H CP R Arts. 3, 5, 8, 9-11, 17).

F: *Délégué*

DEMOBILIZATION: The contrary of **mobilization**; demobilization returns units of the **armed forces** put on a war footing to peacetime organization.

F: *Démobilisation*

DEPORTATION: Deportations and individual or mass forcible transfers of **protected persons** from **occupied territory** to the territory of the **Occupying Power** or to that of any other country, occupied or not, are prohibited, regardless of their motive. Such deportations and transfers are **war crimes** (GC IV Arts. 49, 147; P I Art. 85).

See Population movement.

F: *Déportation*

DESERTER: A member of the armed forces who, whether or not in the face of the enemy, commits desertion, i.e. leaves the troops or his post. If the deserter goes over to the enemy, the enemy must treat him as a prisoner of war.

F: *Déserteur*

DESTRUCTION: Demolishing manufactured products, installations and materials, or interrupting them

or putting them out of order, for offensive or defensive purposes in the course of **military operations**. Destruction not justified by **military necessity** is prohibited (GC I Art. 50; GC II Art. 51; GC III Art. 130; GC IV Art. 147; UN 1950). See Commando; Raid; Sabotage; War crimes.

F: *Destruction*

DETAINEE, POLITICAL: According to Moreillon, it may be assumed that this expression applies only to persons arrested in the event of **internal tension**, and indeed only to persons who have been thrown into prison solely for their opinions and not for criminal acts even if these are politically motivated. On this point the ICRC adopts a pragmatic attitude; it does not formally define “political detainees” and is concerned only with the fate and conditions of persons arrested in their own country during **internal disturbances** and **tension** (See Mor.).

F: *Détenu politique*

DETAINING POWER: In an **international armed conflict**, the Power holding **wounded**, **sick** and **shipwrecked** members of the armed forces, **medical** and **religious personnel**, **civilian internees** or **prisoners of war** belonging to the adverse party.

F: *Puissance détentrice*

DIGNITY: A recognized human right protected by the law of armed conflict (GC I-IV, common Art. 3; P I Art. 75; P II Art. 4).

F: *Dignité*

DISASTER: An event causing great loss of human life and material damage, and therefore requiring exceptional countermeasures. A disaster may be due to: (1) natural causes – (a) climatic (cyclones, floods, avalanches); (b) seismic (earthquake, volcanic eruption); or (c) other physical causes (landslides); (2) human agency – (a) accidental (transport, industry, explosions, fire, collapse of buildings, etc., or biological, chemical or nuclear causes); (b) voluntary agency (terrorism, disorders, armed conflicts). A disaster may take place in five stages: (a) warning (if it is foreseeable); (b) impact; (c) rescue; (d) relief; (e) recovery. International humanitarian law mentions disasters in the regulations relating to **civil defence** in case of armed conflict (P I Art. 61).

F: *Catastrophe*

DISC, IDENTITY: A small thin metal disc worn by combatants and consisting of two separable identical halves, each bearing information essential to identify the wearer in case of wounds, sickness or death. The parties to the conflict must send the **Central Tracing Agency** one of the parts of the identity disc of each dead enemy combatant falling into their hands (GC I Arts. 16, 17, 40; GC II Arts. 19, 20, 42).

F: *Plaque d'identité*

DISCIPLINE: The rules of behaviour governing the lives and activities of a collectivity, particularly the **armed forces**. Numerous regulations of the **law of armed conflict** deal with discipline in camps for **prisoners of war** and **civilian inter-**

nees. Internal discipline is one of the conditions required for recognition of an armed force in accordance with the precepts of international law (GC III Arts. 39-45, 75; GC IV Arts. 99-104, 107; P I Art. 43).

F: *Discipline*

DISPLACED PERSON: International law has strictly defined the term “**refugee**”, but not the term “displaced person”. The latter is usually applied to persons fleeing from their homes because of an **armed conflict, internal disturbances or natural disaster**, but not those crossing the border of the State in which they are resident. It is also used of persons who have crossed the border of their State of residence but do not qualify for refugee status.

Every language often makes no distinction between displaced persons and refugees.

See Area, Rear; Evacuation; Population movement; Starvation.

F: *Personne déplacée*

DISSEMINATION: In the law of armed conflict, the obligation of States to make the principles of the law known to its armed forces and the civilian population by teaching them in military training programmes and encouraging the civilian population to study them (H IV Art. 1; GC I Art. 47; GC II Art. 48; GC III Art. 127; GC IV Art. 144; H CP Arts. 7, 25; P I Arts. 83, 87; P II Art. 19; G CW Art. 6).

F: *Diffusion*

DISTINCTION, ADVERSE: The rules relating to victims of armed

conflicts lay down the basic principle that only the seriousness of their wound may determine the order in which they are to be cared for. It is therefore forbidden to make, in the course of their treatment, any adverse distinction based on race, colour, sex, language, religion or belief, political or other opinion, nationality, social origin, wealth, birth or any other status or similar criteria (GC I Arts. 3, 12; GC II Arts. 3, 12; GC III Arts. 3, 16; GC IV Arts. 3, 13; P I Arts. 9, 69, 70, 75; P II Arts. 2, 18).

F: *Distinction de caractère défavorable*

DISTINCTION BETWEEN COMBATANTS AND THE CIVILIAN POPULATION: Positive international law prescribes that in **international armed conflicts combatants** must distinguish themselves from the **civilian population**. According to the rules in force until 1977, the distinction between combatants and the civilian population consisted in (a) for regular troops, wearing their usual uniform and carrying their weapons openly; (b) for members of volunteer corps and **resistance movements**, respecting the conditions of having a fixed distinctive sign recognizable at a distance, and of carrying arms openly. According to the rules laid down in 1977, the distinction was modified (in what manner was not stated) in normal situations in which the combatants take part in an **attack** or an operation preparatory to an attack. In exceptional situations where, in **guerrilla warfare**, a combatant cannot distinguish himself from the civ-

ilian population, he retains his status as a combatant provided that in such situations he carries his arms openly (a) during each military engagement; (b) during such time as he is visible to the adversary while engaged on a military deployment preceding the launching of an attack in which he is to participate. In conducting hostilities the parties to the conflict must always distinguish between the civilian population and combatants, and between **civilian objects** and **military objectives**. Only military objectives may be attacked (GC IV Art. 4; P I Arts. 44, 48).

See Warfare, Guerrilla; Resistance movement.

F: *Distinction entre combattants et population civile*

DISTURBANCES, INTERNAL: According to an ICRC definition of 1971, this term covers situations in which, although there is strictly speaking no armed conflict, there is

serious or lasting internal confrontation which includes acts of violence, from spontaneous isolated acts of revolt to a struggle by groups in various stages of organization against the authorities in power. These situations do not necessarily escalate into open struggle, but the authorities use large police forces, and even the armed forces, to restore order within the country (see Mor.).

F: *Troubles intérieurs*

DISUSE: Prolonged constant inobservance of a legal rule leads to a usage that does not, as in the past, have the effect of rescinding that regulation, but rather leads to the mistaken belief that it is no longer in force.

F: *Désuétude*

DYKE: See Forces, Dangerous, Works and installations containing.

F: *Digue*

E

EMBLEMS AND SIGNS, DISTINCTIVE: The purpose of distinctive emblems and signs is to indicate that the persons or property bearing them are entitled to special international protection and may not be the object of violence. These signs and emblems are: (a) a red cross (or red crescent) on a white ground which protects **medical and religious personnel, medical units and medical transports** (GC I Art. 23 and Annex D); (b) oblique red stripes on a white ground, designating **hospital and safety zones and localities** (GC IV Art. 14); (c) a shield consisting of a royal-blue square, one of the angles of which forms the point of the shield, and of a royal-blue triangle above the square, the space on either side being taken up by a white triangle, to protect **cultural property**; (d) an equilateral blue triangle on an orange ground, to protect **civil defence** personnel, installations and material; (e) a group of three bright orange circles of equal size, placed on the same axis, the distance between each circle being one radius, to protect **works and installations containing dangerous forces**; (f) signs to be fixed wherever it is required to protect a **non-defended locality, neutralized zone or demilitarized zone**; (g) the white flag, protecting **parlementaires**; (h) the initials PG, PW or IC protecting **internment camps for prisoners of war** and civilian internees.

The undue or abusive use of a distinctive emblem or sign is prohibited (GC I Arts. 23, 53, 54, Annex I; GC II Art. 45; GC III Art. 23; GC

IV Arts. 14, 83; P I Arts. 18, 37, 38, 85).

See Perfidy.

F: *Emblèmes et signes distinctifs*

EMERGENCY, STATE OF: A legal situation resembling the **state of siege** but having less severe effects. It is generally declared because of a present or imminent danger arising from **disaster**, serious disturbances in **law and order**, international crisis or **armed conflict**.

See Defence, Civil; Defence of the territory, Internal; Siege.

F: *Etat d'urgence*

ENCIRCLEMENT: An operation whereby a unit first engages an enemy deployment frontally and then progresses on its flanks and rear, completely surrounding it and cutting it off from its lines of communication.

See Siege.

F: *Encerclement*

ENGAGEMENT, RULES OF: A neologism whose content has so far been studied principally by the armed forces, especially the navy. It designates the instructions given by a government setting out clearly the circumstances and limits within which its land, sea and air forces may engage or continue to engage enemy forces. These instructions may be general and permanent, or refer only to specific actions and contingencies. Basically these rules restrict the use of force to the limits authorized by domestic law and the

international law of armed conflict. Their wording may also depend on strategic, political and diplomatic factors. The principle of rules of engagement is generally associated with the theory of flexible response. Except in exceptional cases, rules of engagement must take into account the requirements of **self-defence**.

For the sake of security of operations, the rules of engagement must be known only to the members of the armed forces who will have to apply them, and each rule is referred to merely by a letter of the Greek alphabet, whose assigned meaning is stated in a classified document.

F: *Règles d'engagement*

ENLISTMENT, VOLUNTARY: See Voluntary Enlistment.

ENQUIRY PROCEDURE: The enquiry that must be opened, on application by one of the parties to an **armed conflict**, into any alleged violation of the 1949 Geneva Conventions (GC I Art. 52; GC II Art. 53; GC III Art. 132; GC IV Art. 149).

See Conciliation; Commission, International Fact-Finding.

F: *Procédure d'enquête*

ENSIGN: See Flag; Emblems and Signs, Distinctive.

ENVIRONMENT, NATURAL: The physical, chemical and biological conditions that make possible and are propitious to the life of living creatures. It is prohibited to use methods or means of warfare which are intended or may be expected to cause widespread, long-term and severe damage to the natural environ-

ment and thereby to prejudice the health or survival of the population. **Attacks** against the natural environment by way of **reprisals** are also prohibited (MB. 1982 Part XII, Art. 225; UN 1976; P I Arts. 35, 55; UN 1982 Art. 20).

F: *Environnement naturel*

ESCAPE: Flight from a place in which a person is confined or under surveillance. A **prisoner of war** who attempts to escape is liable only to disciplinary punishment, even if this is a repeated offence. A prisoner of war who has made good his escape (i.e., who has joined the **armed forces** of the Power on which he depends, or those of an allied Power, or has left the territory under the control of the **Detaining Power** or of an ally of that Power) and is recaptured is not liable to punishment in respect of his previous escape. The use of weapons against a prisoner of war who is escaping or attempting to escape is an extreme measure which must always be preceded by warnings appropriate to the circumstances.

A civilian internee who is recaptured after having escaped or when attempting to escape is liable only to disciplinary punishment in respect of this act, even if it is a repeated offence.

These rules obviously apply only to the escape or attempted escape. They do not concern offences committed by the prisoner of war or the civilian internee with a view to or while he is making good his escape (GC III Arts. 42, 91-93; GC IV Arts. 120-123).

F: *Evasion*

ESCORT: See Convoy, Escorted; Sentry.

ESPIONAGE: The word commonly applied to the efforts made in territory under enemy control by a party to the conflict to collect all information on the enemy that may be useful to the conduct of the war in general and to that of hostilities in particular. Espionage as international law understands it is clandestine and takes place under false pretences. The collection of information by members of the armed forces wearing their own uniforms is not espionage, but **intelligence activities**.

For the treatment to be applied in either event, see **Spy**.

The word espionage is also applied to the collection by States, in peacetime as well as in time of war, of political and military information regarding each other.

See State secret.

F: *Espionnage*

EVACUATION: In the present context, the necessary movement (within the **combat zone** and from that zone towards the **territorial zone**) of persons protected by the **law of armed conflict**. This comprises: (a) **wounded, sick** and **shipwrecked**, who the military medical services must collect and to whom they must give first aid in dressing stations. They must be classified into three grades of urgency, sorted out, transported and cared for in a medical establishment able to give them suitable treatment. All these operations are carried out by **medical personnel, medical units** and **medical**

transports, and must take place under the protection of the emblem of the red cross or red crescent, with due respect for the rules established by international law (GC I; GC II; P I Arts. 8, 34); (b) **prisoners of war**, who must be collected by specialized units and sent to internment camps conforming to legal standards (GC III); (c) the **civilian population**, which must be moved in a coordinated and controlled manner from the **rear area** by military commanders and in accordance with the rules of international law (GC IV Arts. 14, 15, 17, 49; P I Arts. 51, 54, 78; P II Arts. 4, 17). See Area, Rear; Children; Clearing up; Population movement.

F: *Evacuation*

EXHUMATION: See Grave.

F: *Exhumation*

EXPULSION: A precautionary measure, for which provision is made in domestic law and that is ordered by a judge or competent administrative authority, in pursuance of which a foreigner is obliged to leave the territory of a State. International law prescribes that an alien lawfully in the territory of a State may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion (UN 1966/2 Art. 13). As regards **refugees**, international law prescribes that a person of refugee status may not be expelled save on

grounds of national security or **law and order**, and in pursuance of a decision reached in accordance with due process of law (UN 1951 Art. 32). In time of war the situation of aliens continues to be governed by the rules applicable in time of peace (GC IV Arts. 27, 38). An alien may therefore not be expelled from the territory of a State party to an armed conflict unless the other rules of applicable international law are respected.

F: *Expulsion*

EXTERMINATION: The law of armed conflict prohibits extermination, so as to protect the **wounded, sick and shipwrecked, prisoners of war** and any other protected person (GC I Art. 12; GC II Art. 12; GC III Art. 13; GC IV Art. 32). See Finish off; Quarter; Safeguard.

F: *Extermination*

EXTRADITION: See Assistance, Mutual, in criminal matters.

EXTRA-TERRITORIALITY: In the law of armed conflict, this word refers to the status of units of the **armed forces** who are in transit or stationed on a territory not subject to the sovereignty of their own State. In either case, in accordance with a principle going back to Antiquity but still in force, these units are subject to the “law of the flag”, according to which their members remain subject to the laws of their own country, wherever they go. In other words, they remain under the disciplinary and penal jurisdiction of the State to which they belong. This principle is indisputably and

virtually automatically applicable to units stationed on an enemy territory that they occupy. It similarly applies if the State of the territory concerned is one friendly to or allied to the flag State, but in the latter case, doctrine and practice since the nineteenth century have both affirmed that the transit or peaceful presence of military units on the territory of a friendly or allied State must be regulated by bilateral agreements. This principle is especially important nowadays, for interdependence is the rule for many States in time of war and in time of peace, when they unite to prevent aggression or to prepare their joint defence against a possible aggression. Many bilateral or multilateral agreements were concluded for these purposes during both World Wars, and later by the forces of the Western European Union (WEU), NATO, the Warsaw Pact, and the United Nations. All these treaties reaffirm this principle and make rules for its application that reconcile the exercise of sovereignty by the State ruling the territory with the jurisdictional and administrative authority of the flag State over its own citizens stationed on that territory as members of the armed forces.

In such agreements the host State formally and freely agrees to apply the “law of the flag” in disciplinary and penal matters to the foreign forces to whom it allows entry.

The agreements also regulate access by the local authorities to the flag State’s military installations, and the activities of the flag State’s **military police** inside and outside those installations.

The status in question applies to land, sea and air forces (the **territory, territorial waters** and **air space** of the receiving State). **Warships** remain immune from jurisdiction in the ter-

ritorial waters of another State, unless appropriate agreements have been made to the contrary.

F: *Exterritorialité*

F

FACT-FINDING COMMISSION, INTERNATIONAL: See Commission, International Fact-Finding.

FAILURE TO ACT: States are duty bound to take without delay all necessary measures for the execution of the duties incumbent on them under the law of armed conflict (P I Art. 80). **Parties to a conflict** who fail in their duty of repressing **grave breaches** of that law incur responsibility for such failure. The fact that a breach was committed by a subordinate does not absolve his superiors from penal or disciplinary responsibility, as the case may be, if they knew or had information which should have enabled them to conclude in the circumstances at the time that he was committing or was going to commit such a breach and if they did not take all feasible measures within their power to prevent or repress the breach (P I Art. 86).

See Commanders, Duty of; Law of armed conflict, Respect for the.

F: *Omission*

FAMILY: The law of armed conflict contains rules for the special protection of the family, relating especially to (a) keeping it together; (b) allowing the exchange of family news; (c) allowing the reunion of families dispersed by the conflict; (d) maintaining the unity of the family group in case of **evacuation**, detention or **internment**; (e) ensuring that families shall have the right to know the fate of their relatives

(GC IV Arts. 24-27, 49; P I Arts. 32, 74, 75, 77, 78; P II Art. 4).

F: *Famille*

FINISH OFF: To kill a **wounded, sick** or **shipwrecked** person, or any other person who is *hors de combat* and has fallen into enemy hands. International law regards finishing off as a **war crime** (GC I Arts. 12, 50; GC II Arts. 12, 51). See Quarter.

F: *Achever*

FIREARMS: Until the Second World War firearms were understood to be weapons which used the expansion of the gases produced by the combustion of deflagrating substances to fire (non-explosive) cartridges or (explosive) projectiles.

Nowadays the traditional system based on the compression of gases appears to have reached the limits of its possibilities, as is proved by weapons such as bazookas and recoilless artillery, which are based on the reaction of gases. These were already used in the Second World War, together with rocket-propelled flying bombs, the ancestors of present weapons. Conventional firearms include hand grenades, bombs dropped from aircraft, depth charges, **mines** and similar devices, torpedoes, aerial torpedoes and **incendiary weapons**.

The following are prohibited: (a) explosive projectiles weighing less than 400 gr. (St. Petersburg Decl. 1868); (b) bullets which expand or flatten easily in the human body (H

Decl. 1899 VI); any weapon the primary effect of which is to injure by fragments which in the human body escape detection by X-rays (G CW Prot. I).

The following are subject to prohibitions or restrictions: **land mines** and similar devices, and incendiary weapons (G CW Prots. II & III).

F: *Armes à feu*

FLAG: The official symbol of a State. A flag is a piece of cloth of various shapes and sizes and of one or more colours, sometimes bearing special emblems. It is flown in battle by military units of designated levels and by **warships**, on which it is sometimes referred to as an “ensign”. A national flag may be accompanied by the white flag bearing a red cross (or red crescent) protecting **medical units, medical transports, medical and religious personnel and medical material**, military or civilian, from the effects of war.

The use of the white flag is reserved to **parlementaires**.

Misuse of (a) the flag of truce carried by a parlementaire, (b) a flag bearing the red cross or red crescent, (c) the flag of a **neutral State**, (d) the enemy’s flag, or (e) the flag of the United Nations is considered as an act of **perfidy** and is therefore prohibited.

The laws of naval war contain specific regulations (either written or customary) to the effect that: (a) a warship is required to fly only its own national flag in battle; (b) neutral merchandise except **contraband of war** may not be seized under an enemy flag; (c) a neutral flag covers enemy merchandise ex-

cept contraband of war; (d) the neutral or enemy character of a merchant ship is determined by the flag which it is entitled to fly; (e) the transfer of an enemy merchant vessel to a neutral flag is subject to certain regulations. See Paris 1856; H IV R Arts. 23, 32; H X Art. 5; London Decl. 1909 Arts. 55-57; GC I Arts. 38-43; GC II Arts. 41-43; P I Arts. 18, 37-39.

F: *Drapeau; Pavillon*

FORCE: International law forbids the threat or use of force against the territorial integrity or political independence of any State.

The use of force is not prohibited for peoples who are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination. The use of force by a government to repress a riot or **insurrection** is not prohibited (UN 1945 Art. 2; ECHR 1950 Art. 2; UN 1970 Arts. 1-3, 5; UN 1974; UN 1977).

See Conflict, Non-international armed; Pacifism.

F: *Force*

FORCES, ARMED: According to positive international law, the armed forces of a **belligerent** taking part in an **international armed conflict** consist of all organized armed forces, groups and units which are under a command responsible to that party for the conduct of its subordinates, even if that party is represented by a government or authority not recognized by an adverse party.

Such armed forces must be subject to an internal disciplinary system which must enforce compliance with the law of armed conflict. Members of such armed forces (other than medical personnel and chaplains) are **combatants**. The armed forces may comprise a paramilitary or armed law enforcement agency (GC III Arts. 4, 5; P I Art. 43).

F: *Forces armées*

FORCES, ARMED: PERSONS WHO ACCOMPANY THE (WITHOUT ACTUALLY BEING MEMBERS THEREOF): Are considered to comprise civilian members of military aircraft crews, supply contractors, members of labour units or of services responsible for the welfare of the **armed forces**, provided that they have received authorization from the armed forces which they accompany. If they fall into enemy hands they are entitled to **prisoner-of-war** status (GC I Art. 13; GC II Art. 13; GC III Art. 4, Annex 4).
See Journalist.

F: *Personnes suivant les forces armées sans en faire directement partie*

FORCES, DANGEROUS, WORKS AND INSTALLATIONS CONTAINING: Works or installations containing dangerous forces are those whose **attack** may cause the release of dangerous forces and con-

sequent severe losses among the civilian population.

They are mainly dams, dykes and nuclear electrical generating stations. They may not be attacked, even where they are **military objectives**, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population. This special protection against attack ceases in certain specified circumstances. Works and installations containing dangerous forces must always bear the appropriate **distinctive sign**. **Reprisals** against them are prohibited (P I Art. 56).

F: *Ouvrages et installations contenant des forces dangereuses*

FORCES, POLICE: See Forces, armed; Locality, Non-defended; Paramilitary; Zone, Demilitarized.

F: *Forces de police*

FORCIBLE TRANSFER: See Deportation.

F: *Transfert forcé*

FRANC-TIREUR: The expression used until the end of the Second World War to describe a person who although not a member of a regular army unit took part in hostilities on his/her own initiative. This expression, now obsolete, has been partly replaced by “member of a **resistance movement**”.

F: *Franc-tireur*

G

GENOCIDE: A crime that may take the form of the following acts, whether committed in time of peace or in time of war, with intent to destroy, in whole or in part, a national, ethnic, racial or religious group: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group.

Genocide includes conspiracy to commit genocide, direct and public incitement to commit genocide, attempts to commit genocide and complicity in genocide. If committed in time of war genocide is a **war crime**. It is not considered as a political crime for the purpose of extradition (UN 1948).

See *Apartheid*; *Torture*.

F: *Génocide*

GRAVE: The law of armed conflict, which contains provisions relating

to the care of graves, requires that the dead must be honourably interred, if possible according to the rites of their religion. Their graves must be respected, grouped if possible according to the nationality of the deceased, and properly maintained and marked so that they may always be found. Bodies may not be cremated except for imperative reasons of hygiene or for motives based on the religion of the deceased. At sea, burial of the dead should be carried out individually as far as circumstances permit. As soon as circumstances permit, the parties to an **international armed conflict** must facilitate access to the grave sites by relatives of the deceased. Remains may be exhumed to facilitate their return to the home country, or in case of public necessity (GC I Art. 17; GC II Art. 20; GC III Art. 120, Ann. IV D; GC IV Art. 130; PI Art. 34).

See also *Burial*; *Dead*.

F: *Tombe*

GUERRILLA: See *Warfare*, *Guerilla*.

H

HONOUR: See also Dignity; Parole, Liberty on.

HONOUR, MILITARY: The ideal values forming the basis of military discipline and closely connected with the principle of military service. Under international law, **capitulation** agreements must take into account the rules of military honour (H IV R Art. 35).

F: *Honneur militaire*

HONOUR, WORD OF: See Parole, Liberty on.

HONOURS OF WAR: A ceremonial surrender allowed by the victor to a capitulating force in recognition of its bravery in battle.

F: *Honneur des armes*

HORS DE COMBAT: A **combatant** is *hors de combat* if (a) he is in the power of an adverse party; (b) he clearly expresses an intention to surrender; or (c) he has been rendered unconscious or is otherwise incapacitated by wounds or sickness, and is therefore incapable of defending himself. Provided that in any of these cases he abstains from any hostile act and does not attempt to escape, he may not be made the object of **attack** (P I Art. 41). See Aircraft in distress.

HOSPITAL: See Localities.

HOSTAGE: In the past, hostages were usually taken in **occupied territory** to ensure observation of rules

imposed by the Occupying Power, e.g. requisitions. More recently, hostages have been taken mainly to prevent hostile acts against the occupying forces. This practice is as old as war itself, but is now expressly forbidden by international law; the taking and execution of hostages are regarded as **war crimes** (GC I-IV common Art. 3; GC IV Arts. 34, 147; UN 1950; P I Art. 75; UN 1979/2 Art. 12).

F: *Otage*

HOSTILITIES: Acts of violence by a belligerent against an enemy in order to put an end to his resistance and impose obedience. Positive international law does not define hostilities but often uses the word in, for example, the phrases: "Opening of hostilities, conduct of hostilities, acts of hostility, persons taking or not taking part in hostilities, effects of hostilities, suspension of hostilities, end of hostilities" (H III; H IV R Arts. 22-41; H VI; GC I-IV common Art. 3; GC I Art. 17; GC III Arts. 67, 118, 119; GC IV Arts. 44, 49, 130, 133-135; P I Arts. 33, 34, 45, 47, 59, 60).

F: *Hostilités*

HOSTILITIES, PERSON TAKING NO ACTIVE PART IN: In **non-international armed conflicts**, all persons who do not take a direct part or have ceased to take part in **hostilities**, whether or not their liberty has been restricted, are entitled to respect for their person, honour, convictions and religious practices,

and to be treated humanely, without any **adverse distinction** (GC I-IV common Art. 3; P II Art. 4).

F: *Personne qui ne participe pas aux hostilités*

HOSTILITIES, PERSON TAKING PART IN: In **international armed conflicts**, a person who takes part in **hostilities** and falls into the power of an adverse party is presumed to be a **prisoner of war**. In case of doubt a competent tribunal shall determine whether his participation in hostilities was legitimate and consequently whether he is entitled to prisoner-of-war status, or if he is not so entitled, to try him for any unlawful acts of which he is accused.

Civilian persons taking a direct part in hostilities will not, so long as they take any such part, benefit from the protection granted to civilian persons by the law of armed conflict (GC III Art. 5; P I Arts. 45, 51; P II Art. 13).

See Civilian persons; Civilian population; Hostilities, Person taking no active part in; Protected person.

F: *Personne qui participe aux hostilités*

HOSTILITIES, SUSPENSION OF: Also called a truce, an agreement between **belligerents** to interrupt for a stated period the use of **means of warfare** in a specified locality or sector. A truce should enable work to be done that is unrelated to the general conduct of the war (e.g. removal of the wounded, burial of

the dead, exchange of prisoners) or give military commanders time to ask for instructions regarding negotiations. For so long as the suspension of hostilities remains in force, and failing agreement to the contrary, there must be no change in the positions of the opposing forces. The effects of the suspension are limited to the territory stated in the relevant convention. Suspension of hostilities does not entail suspension of the application of the law of armed conflict or put an end to the **state of war**, which subsists with all its legal consequences.

See Agreement, Local.

F: *Suspension d'armes (Trêve)*

HUMANITY: One of the seven Fundamental Principles of the Red Cross and Red Crescent Movement. This principle is based on respect for the human being, is inseparable from the idea of **peace**, and sums up the Movement's ideal. The other Fundamental Principles therefore derive from it. Humanity means being sensible of and sharing the suffering of others, and preventing and alleviating it. Its purpose is to protect life against violence. It is the first step towards preventing and eliminating war, and an essential factor of true peace, which is attainable neither by domination nor by military superiority.

F: *Humanité*

HUMANITY, LAWS OF: See Martens.

I

ICRC: The initials of the International Committee of the Red Cross. See Red Cross.

F: *CICR*

IDENTIFICATION: Relates to the action prescribed to render identifiable the persons and objects entitled to protection in case of **armed conflict**, namely, **cultural property, wounded, sick or shipwrecked persons, civilian internees, medical transports, works and installations containing dangerous forces, parlementaires, medical and religious personnel, civil defence members, prisoners of war, medical units, and children** (see also P I Arts. 18, 66).

See Emblems and signs, distinctive.

F: *Identification*

IDENTITY DISC: See Disc, Identity.

ILL-TREATMENT: The law of armed conflict prohibits ill-treatment of the **wounded, sick or shipwrecked**, of **prisoners of war** and of **civilian persons** (GC I Art. 15; GC II Art. 18; GC III Art. 13; GC IV Art. 27; P II Art. 8).

F: *Mauvais traitement*

IMMUNITY: The principle of the law of armed conflict that gives special protection to a **parlementaire** and **cultural property** (H IV R Arts. 32-34; H CP Arts. 8-14; H CP R Arts. 11-19).

F: *Immunité*

IMPARTIALITY: One of the Fundamental Principles of the Red Cross and Red Crescent Movement; a positive principle of relief without discrimination that affirms that human beings in distress are equal. It is therefore the contrary of the feelings of superiority and the discriminatory action that are the cause of many conflicts. In the law of armed conflict, impartiality means the conduct to be followed by a neutral State towards the **belligerents** in an **armed conflict**.

Impartiality must also be the hallmark of action by the **ICRC** or the **Protecting Powers**.

See Neutrality.

F: *Impartialité*

INCITEMENT: Used with reference to **war crimes** and the crime of **genocide** (UN 1948 Art. III; UN 1968 Art. II).

F: *Instigation*

INCURSION: See Raid.

INFECTIOIN: See also Contagion.

INFECTIOIN, HOSTILE: Used in reference to goods which are not **contraband of war** but belong to the owner of contraband and are on board the same vessel (Paris 1856; London Decl. 1909 Art. 42).

F: *Infection hostile*

INFILTRATION: Attempts by individuals or small units to penetrate

enemy military installations without being detected.

F: *Infiltration*

INFIRMARY: Every camp for civilian internees or prisoners of war must have an adequate infirmary where inmates of the camp may receive the medical attention they require (GC II Art. 28; GC III Arts. 30, 98; GC IV Arts. 91, 125).

F: *Infirmerie*

INFIRMARY ON A WARSHIP: See Sick-bay.

INJURY, SUPERFLUOUS: Refers to the effects of certain **methods** or **means of warfare** which uselessly aggravate the suffering of disabled men. The law of armed conflict forbids such methods and means (H IV R Art. 23; P I Art. 35; St. Petersburg Decl. 1868).

F: *Maux superflus*

INSTALLATIONS CONTAINING DANGEROUS FORCES: See Forces, Dangerous, Works and installations containing.

INSULT: The law of armed conflict prohibits insults, that is, offensive acts or words, to **civilian persons** and **prisoners of war** (GC III Art. 13; GC IV Art. 27).

F: *Insulte*

INSURRECTION: The term usually applied to a violent collective movement by a high proportion of the inhabitants of a territory, who take up arms in rebellion against the government. The rebellion may develop into

a **non-international armed conflict**, but if it does not reach that level is more commonly called a riot.

The term is also commonly applied to open, intense operations against an invader or an alien Occupying Power, carried on in all parts of a territory by its inhabitants (whether or not they are organized).

See Invasion; Occupied territory.

F: *Insurrection*

INTELLIGENCE ACTIVITIES:

Any attempt to obtain, study or use any kind of information on the enemy in order to assess his situation and the options open to him. See Espionage; State secret.

F: *Activités de renseignements*

INTERNEE, CIVILIAN: See Internment.

INTERNEE COMMITTEE: A committee formed by the civilian internees at a place of **internment**. Its members must be freely elected by secret ballot every six months. Its purpose is to represent internees before the **Detaining Power**, the **Protecting Power** and the **ICRC**. The functions and prerogatives of internee committees are established by the Fourth Geneva Convention (GC IV Arts. 87, 101-104, 109, 118, 123, 125, 128).

F: *Comité d'internés*

INTERNMENT: A security measure that a State may apply concurrently with assigned residence in time of **armed conflict**. It is also possible for foreigners resident in the territory of

the State to make voluntary application for internment. Precise detailed rules regulate internment, which is also applied: (a) to **prisoners of war** by the **Detaining Power**; (b) to prisoners of war transferred for internment to a **neutral territory** by agreement between the States involved; (c) to escaped prisoners of war accommodated in a neutral territory, unless they are left at liberty; (d) to a **prize** crew placed by the captor on board a ship captured in neutral waters or brought into a neutral port after capture (H V Arts. 11-15; H XIII Arts. 3, 21, 22; GC III Arts. 21, 111; GC IV Arts. 41-43, 68, 78-135).

F: *Internement*

INTIMIDATION: Any threat, open or implied, made in order to obtain compliance with required behaviour. The law of armed conflict protects **civilian persons** and **prisoners of war** against intimidation (GC III Art. 13; GC IV Arts. 27, 33).

F: *Intimidation*

INVASION: The violent entry of military forces from one State into the territory of another State for purposes that may be political and military, i.e., strategic, or merely tactical. The resulting situation for the invaded territory is temporary, for an invasion is of short duration; either the invading forces are quickly pushed back over the violated

border, or they retire because the invasion was only a **raid** to test enemy resistance, collect information, capture prisoners, destroy installations, etc. If the invader intends to remain in possession of the invaded territory and carries out that intention, that territory then becomes an **occupied territory**.

The invader is subject to the same rules of the law of armed conflict as other belligerents. The civilian population of an invaded territory is entitled to take up arms spontaneously to resist the invading forces, provided it respects certain obligations (H IV R Art.2; GC I Art. 13; GC II Art. 13; GC III Art. 4). See Aggression; *Levée en masse*.

F: *Invasion*

INVIOLABILITY: The rights conferred by the law of armed conflict on **parlementaires** and on **protected persons in occupied territory** are inviolable (H IV R Art. 32; GC IV Art. 47).

See also Rights, Non-renunciation of.

F: *Intangibilité*

ISLAND: A naturally formed area of land, surrounded by water, which is above water at high tide. The **territorial sea** of an island is determined in accordance with the provisions applicable to other land territory (MB. 1982 Art. 121).

F: *Ile*

J

JOURNALIST: A person who attempts to obtain or comments on or uses information for the press or for radio or television; any correspondent, reporter, photographer, or cameraman, or his film, radio or television technical assistant, habitually carrying out such activities as his/her main occupation. From 1899 to 1949 the only journalists specially protected by the law of armed conflict were war correspondents (journalists duly authorized by a **belligerent** to follow its troops); captured war correspondents were (and still are) entitled to **prisoner-of-war** status.

The Additional Protocols of 1977 made no change in the rules relating to war correspondents, but P I Art. 79 formally reiterated that journalists engaged in dangerous professional missions in areas of armed conflict have the status of civilian persons, on condition that they refrain from any combat activity. GC III Art. 4, Ann. 4, and P I Art. 79 state the rules for **identification** of journalists (by means of an identity card).

Journalists who are nationals of a non-belligerent State and who work during an international armed con-

flict are given the benefit of peacetime law; that is, if captured by a **party to the conflict** they may not be detained save for serious reasons, in default of which they are generally released. Members of armed forces undertaking duties similar to those of civilian journalists have no special immunity; they belong to the **armed forces**.

F: *Journaliste*

JUDICARE AUT DEDERE: The principle that any State party to the Geneva Conventions is under the obligation to search for persons alleged to have committed, or to have ordered to be committed, any of the **grave breaches** defined by the law of armed conflict. Accused persons must be brought before the competent courts, and if found guilty must be sentenced by such courts to the penal sanctions provided by law. The State party may, if it prefers and its own legislation permits, hand such persons over for trial to another State party concerned, provided the latter has made out a *prima facie* case (GC I Art. 49; GC II Art. 50; GC III Art. 129; GC IV Art. 146; UN 1948 Arts. IV-VI).

L

LABOUR: The **Detaining Power** may require **prisoners of war** to work, subject to certain conditions and guarantees. Existing rules regulate authorized work, the duration of labour, the prohibition of dangerous or humiliating labour, working pay, labour detachments and the treatment of prisoners working for private employers. It is also permitted to employ civilian internees as workers, but only if they so desire and subject to certain prohibitions (e.g. of degrading or humiliating work) and conditions, and for a fair wage. The law of armed conflict also regulates work by foreigners in the territory of a belligerent, and by protected persons in **occupied territory** (GC III Arts. 49-57; GC IV Arts. 40, 51, 52, 95, 96). See Mines, Removal of.

F: *Travail*

LANDING: See Overflight.

LAW AND ORDER: In positive law, "law and order" has various mutually exclusive meanings; consequently its scope, legal and political basis, and its very nature vary with the circumstances of the case. In the present context law and order means the smooth running of civil life in a manner consonant with public opinion and a general feeling of security in the community. It is the responsibility of the state to safeguard law and order, which is a benefit that takes precedence over the rights of the individual wherever the exercise of the latter entails a real and concrete danger that law

and order will be disturbed. International law recognizes the primordial importance of safeguarding law and order, in that it allows a State, to the extent strictly required by the exigencies of the situation, to take measures derogating from its obligations to safeguard the citizen's civil and political rights (UN 1948/2 Art. 29; ECHR Art. 15; UN 1966/2 Art. 4; ACHR Art. 27) and establishes exceptions justified by the exigencies of law and order to some of the provisions of the law of armed conflict (H CP Art. 8; P I Arts. 43, 59-61, 65, 67; P II Art. 3).

F: *Ordre public*

LAW, CUSTOMARY: Unwritten laws that have become obligatory. See Custom.

F: *Droit coutumier*

LAW, HUMANITARIAN: A term employed to emphasize the humanitarian aims of the **law of armed conflict**.

F: *Droit humanitaire*

LAW, MARTIAL: A term that in the internal legislation of some countries, and sometimes in general use, replaces "state of **siege**".

F: *Loi martiale*

LAW OF ARMED CONFLICT: The corpus of regulations of international law deriving from conventions or **custom** and intended specifically to regulate problems arising in time of **international** or **non-**

international armed conflict. These regulations limit, *inter alia*, the choice of the **parties to the conflict** as to the **methods and means of warfare** and war aims, in any operational situation. They apply to: (a) **hostilities** in general; (b) the conduct of hostilities by the **armed forces**; (c) combatants' behaviour; (d) the protection of persons affected by the conflict (**civilian persons, medical and religious personnel, civil defence** personnel, the personnel involved in the protection of **cultural property, combatants**, and others).

The law of armed conflict also comprises the law of **neutrality**, which regulates the rights and duties of belligerent and neutral States.

Ratione temporis, the law of armed conflict enters into force when there is a **state of war**, or at the start of an occupation which meets with no resistance, according to circumstances. It ceases to apply at the end of the state of war or when all the protected persons who have fallen into enemy hands have been repatriated.

Ratione loci, given that the state of war also has legal effects on States that take no part in the conflict, the law of armed conflict applies to an unlimited extent, but as regards the space in which the violence of war may licitly be exercised (the "**region of war**"), only to a limited extent. It applies not only to States party to the relevant treaties but also to States and national liberation movements that, although not party to those treaties, agree to apply them and apply them in practice.

States are under the obligation of enforcing the law of armed conflict

in all circumstances, and therefore of **disseminating** knowledge of it even in peacetime, and repressing breaches and **grave breaches** thereof.

See Adviser, Legal; Commander, Duty of; Failure to act.

F: *Droit des conflits armés*

LAW OF ARMED CONFLICT, RESPECT FOR THE: The States party to the law of armed conflict are under the obligation to respect and ensure respect for the said law in all circumstances, and accordingly to **disseminate** knowledge and repress **breaches** and **grave breaches** of it (GC I-IV Art. 1; P I Art. 1).

See Commander, Duty of; Failure to act.

F: *Respect du droit des conflits armés*

LAW OF THE FLAG: See Extraterritoriality.

F: *Loi du drapeau*

LAW OF WAR: See Law of armed conflict.

LAWS OF HUMANITY: See Martens.

LEVÉE EN MASSE: The term applied to the inhabitants of a territory which has not been occupied, who on the approach of the enemy spontaneously take up arms to resist the invading troops without having had time to organize themselves into regular **armed forces**. They must be regarded as **combatants** if they carry arms openly and respect the laws and customs of armed conflict.

If captured they have a right to be treated as **prisoners of war**. The *levée en masse* should not be confused with **resistance movements** (H I V R Art. 2; GC III Art. 4).

LOCALITIES, HOSPITAL ZONES AND: Zones and localities organized to protect, from the effects of war, **wounded** and **sick** from the armed forces, and the personnel employed in the organization and administration of these zones and localities or assigned to care for the persons therein assembled. Hospital zones must fulfil the following conditions: (a) they must comprise only a small part of the territory governed by the Power which has established them; (b) they must be thinly populated in relation to the possibilities of accommodation; (c) they must be removed and free from all **military objectives**, or large industrial or administrative establishments; (d) they must not be situated in areas which, according to every probability, may become important for the conduct of the war; (e) the lines of communication and means of transport which they possess must not be used for the transport of military personnel or material, even in transit; (f) they must in no case be defended by military means. Such zones must be recognized by an agreement between the parties. **Hospital zones and localities** have affinities with **hospital and safety zones and localities, neutralized zones, and demilitarized zones**. Hospital zones must be marked by appropriate **distinctive signs** (GC I Art. 23, Ann. I).

F: *Zones et localités sanitaires*

LOCALITIES, HOSPITAL AND SAFETY ZONES AND: Zones fulfilling the same conditions as hospital zones and localities, and so organized as to protect from the effects of war, **wounded, sick** and aged persons, **children** under fifteen, expectant mothers and mothers of children under seven, and the personnel allowed for **hospital zones and localities**. Recognition of hospital and safety zones and localities must be by agreement between the parties, and they must be marked by appropriate **distinctive signs**. Such zones and localities have affinities with **hospital and safety zones, neutralized zones and demilitarized zones** (GC IV Art. 14, Ann. I).

F: *Zones et localités sanitaires et de sécurité*

LOCALITY, NON-DEFENDED: Any inhabited place open to enemy occupation and situated near or in a **zone** where **armed forces** are in **contact**. It must fulfil the following conditions: (a) all combatants, as well as mobile weapons and mobile military equipment, must have been evacuated; (b) no hostile use may be made of fixed military installations or establishments; (c) no acts of **hostility** may be committed by the authorities or by the population; (d) no activities in support of military occupation may be undertaken. Police forces may be retained in such localities for the sole purpose of maintaining law and order. Designation of a non-defended locality and the distinctive sign marking it are subject to detailed regulations (P I Art. 59). See Zone, Demilitarized.

F: *Localité non défendue*

M

MANUALS, OXFORD: Two sets of regulations of the laws and customs of war adopted by the Institute of International Law at its sessions in Oxford in 1880, when it adopted the “Manual of the laws of war on land”, and in 1913, when it adopted the “Manual of the laws of naval war governing the relations between belligerents”. The influence of these documents on the formation of the **law of armed conflict** should not be underestimated.

F: *Manuels d’Oxford*

MARAUDING: The offence committed by a member of, a person in service of, or a person following the armed forces who appropriates unnecessarily and without authority food, clothing or equipment, or causes them to be handed over to him. Marauding relates only to food, clothing or equipment, and may take the form of theft, swindling, extortion or robbery. It should not be confused with **pillage**.

F: *Maraude*

MARTENS: The name of the jurist who is the author of the clause introduced into the Preamble of H IV and reading: “Until a more complete code of the laws of war has been issued, the High Contracting Parties deem it expedient to declare that, in cases not included in the Regulations adopted by them, the inhabitants and the belligerents remain under the protection and the rule of the law of nations, as they result from the usages established among

civilized peoples, from the laws of humanity, and the dictates of the public conscience”. This clause had already acquired the status of a customary rule and was adopted wholly or in part by later instruments of international law (GC I Art. 63; GC II Art. 62; GC III Art. 142; GC IV Art. 158; P I Art. I; P II Preamble; G CW Preamble).

MEDICAL AIRCRAFT: Any means of **medical transport** by air intended for the evacuation of wounded, sick or shipwrecked persons and for the transport of medical personnel or equipment. In an international armed conflict, a medical aircraft may not be attacked but must be respected by all parties to the conflict while flying at altitudes, at times and on routes agreed upon between the parties to the conflict. Besides the national colours it must be marked with the distinctive emblem of the red cross (or red crescent) on a white ground, on its lower, upper and lateral surfaces. It must be provided with any other markings or means of identification which may be agreed upon between the parties to the conflict.

A medical aircraft must obey any summons to alight on land or water. Flights over specified zones involved in hostilities, or over the territory of neutral States, and restrictions on the use, landing and inspection of medical aircraft are the subject of detailed regulations (GC I Arts. 36-38; GC II Arts. 39-41; P I Arts. 8, 24-30, Ann. I Arts. 5-13).

See Overflight; Medical transport and transportation.

F: *Aéronef sanitaire*

MEDICAL ESTABLISHMENT: See Medical unit.

MEDICAL ETHICS: A set of ethical rules and principles to be respected by all persons giving medical care. The obligation to respect the principles of medical ethics is repeated in the statement of the general protection which positive international law recognizes as due to medical duties. This states that (a) no person may be punished for carrying out medical activities compatible with medical ethics, regardless of the circumstances or persons benefiting therefrom, and (b) that persons engaged in medical activities shall not be compelled to perform acts or to carry out work contrary to the rules of medical ethics, to other medical rules designed for the benefit of the **wounded** and **sick** or to the provisions of international law, or to refrain from performing acts or from carrying out work required by those rules and provisions (P I Art. 16; P II Art. 10).

See Medical personnel.

F: *Déontologie médicale*

MEDICAL MATERIAL: All the equipment and supplies necessary for the functioning of **medical units** (GC I Arts. 33, 34; P I Art. 8).

F: *Matériel sanitaire*

MEDICAL PERSONNEL: Persons assigned exclusively, whether for a **permanent** or **temporary** period, to medical purposes, namely the

search for, collection, transportation, diagnosis or treatment of the **wounded, sick** and **shipwrecked**, or to the prevention of disease, or to the administration or operation of **medical units** or **medical transports**. Medical personnel comprises military and civilian medical personnel including that of the Red Cross or Red Crescent, and civil defence personnel. They are entitled to the protection and treatment stipulated by international law, may not be the object of violence, and if they fall into enemy hands are not considered as **prisoners of war** and must be set free. However they may be retained to give medical care to prisoners of war, preferably those belonging to the same armed forces as themselves. They are identified by the **distinctive sign** of the red cross or red crescent worn on their uniform, or on their clothing if they are duly authorized civilian medical personnel. Medical personnel comprises doctors and paramedical personnel. Members of the armed forces specially trained for employment, should the need arise, as hospital orderlies, nurses or auxiliary **stretcher-bearers** in the search for or the collection, transport or treatment of the wounded and sick must likewise be respected and protected if they are carrying out these duties at the time when they come into contact with the enemy or fall into his hands. In the latter case they will be considered as **prisoners of war** but will be employed on medical tasks as needed (GC I-IV; P I Arts. 8, 15, 16, 18).

See Medical ethics.

F: *Personnel sanitaire*

MEDICAL SERVICE: The **medical personnel, medical units and medical transports** whose work is to care for the **sick, wounded and shipwrecked**.

Medical services work under the protection of the red cross or red crescent emblem and are governed by international law, which grants identical protection to military and civilian medical services (GC I; GC II; GC IV Arts. 56, 57; P I Arts. 8-31; P II Arts. 7-12).

F: *Service sanitaire*

MEDICAL SHIPS AND CRAFT: Any **medical transport** by water (P I Art. 8).

F: *Navire ou embarcation sanitaire*

MEDICAL TRANSPORT AND TRANSPORTATION: Any means of transportation, whether military or civilian, **permanent or temporary**, assigned exclusively to medical transportation and under the control of a competent authority. It may be a **medical vehicle, a medical ship or craft, or a medical aircraft**. Medical transports are protected by international law and may bear the **distinctive emblem** prescribed for that purpose (P I Arts. 8(g), 9, 21-31, Ann. I Ch. III).

Medical transportation means the conveyance by land, water or air of the **wounded, sick and shipwrecked, medical and religious personnel and medical material** (GC I Arts. 35-37; GC II Arts. 22-35, 38-40; P I Arts. 8, 21-31).

F: *Moyens de transport sanitaire; Transport sanitaire*

MEDICAL UNIT: A military or civilian establishment or other unit organized for medical purposes, namely the search for, collection, transportation, diagnosis or treatment – including first-aid treatment – of the **wounded, sick and shipwrecked**, or for the prevention of disease. Medical units include hospitals and other similar units, blood transfusion centres, preventive medicine centres and institutes, and the medical and pharmaceutical stores of such units. Medical units may be fixed or mobile, **permanent or temporary** (GC I Arts. 19-23, 33, 35, 42; P I Arts. 8, 12-14).

See Medical service.

F: *Unité sanitaire*

MEDICAL VEHICLE: Any **medical transport** (i.e. means of medical transportation) by land (GC I Art. 35; P I Art. 8).

F: *Véhicule sanitaire*

MERCENARY: Any person who voluntarily enrolls in the combatant armed forces of a **belligerent** State of which he is not a national, being motivated by the desire for private gain. He is not entitled to combatant status, or if captured to the status of **prisoner of war**. Positive international law does not yet prohibit the use of mercenaries, but the United Nations is preparing a convention that will prohibit recruiting, training, financing or using them. A mercenary should not be confused with a volunteer (P I Art. 47).

See Volunteer, international.

F: *Mercenaire*

MINE, LAND: Any munition placed manually under, on or near the ground or other surface area and designed to be detonated or exploded by the presence, proximity or contact of a person or vehicle or by remote control. A “remotely delivered mine” means any mine so defined delivered by artillery rocket, mortar or similar means or dropped from an aircraft. Mines may be anti-personnel or anti-equipment. Current regulations forbid or restrict the use of land mines, **booby-traps** or other devices (G CW Prot. II).

See Mines, removal of.

F: *Mine terrestre*

MINE, SUBMARINE: Submarine devices intended to explode on contact, or as the result of acoustic or magnetic influence or pressure. Submarine mines may or may not be moored. The regulations governing the use of submarine mines have been rendered obsolete by technological progress (H VIII).

F: *Mine maritime*

MINES, REMOVAL OF: The operation consisting in the removal of **land mines** or other similar devices laid for defensive purposes. This operation is regarded as dangerous, and positive international law prohibits the use of **prisoners of war** for this purpose unless they are volunteers (GC III Art. 52).

See Booby-traps; Labour.

F: *Déminage*

MINOR: International law imposes specific regulations for the protec-

tion of minors under fifteen years of age in **international** and **non-international armed conflicts** (GC IV Arts. 14, 17, 23, 24, 38, 50, 68, 76, 81, 82, 89, 94, 126, 132; P I Arts. 76-78; P II Art. 4).

See Children; Combatant; Population movement.

F: *Mineur*

MISSILE: A self-propelled projectile guided for the whole or part of its trajectory. Its warhead may consist of conventional or nuclear explosives or bacteriological and/or chemical substances. A missile may be ballistic (i.e. subject to the laws of gravity), semi-ballistic or non-ballistic. It may be launched from a fixed base, or from a mobile base such as a vehicle, aircraft or submarine. It may be tactical (with effects limited to the **theatre of war**) or strategic, and have multiple independently targetable warheads.

F: *Missile*

MISSING PERSON: International law requires each **party to a conflict** to search for persons reported missing by an adverse party, as soon as circumstances permit and at the latest from the end of active hostilities (P I Art. 33).

F: *Personne disparue*

MOBILIZATION: The transition from the state of peace to a war footing of some or all units of the **armed forces**. Mobilization is effected by reinforcing the number of personnel, increasing supplies of equipment, reinforcing commands,

and setting up new commands and forming new units placed on a war footing.

F: *Mobilisation*

MORTAL REMAINS: See Dead.

MOVEMENT: See Population Movement; Resistance Movement.

N

NATIONS, CIVILISED: See Martens.

NECESSITY, MILITARY: The principle of military necessity is, like the related principle of proportionality, an essential component of the law of armed conflict. In its wider sense, military necessity means doing what is necessary to achieve **war aims**. It is the justification of any recourse to violence, within the limits of the general principle of proportionality. In its narrow sense, military necessity is recognized by the rules of international law and intended to be applied in the context of those rules and as derogations thereto, within the limits and conditions of those derogations. In brief, military necessity in its narrow sense may not be invoked unless positive law expressly allows an exception to be made on the grounds of military necessity to a particular prohibition or restriction of the violence of war. Expressions such as “necessity of military operations”, “military exigencies, motives and reasons”, “reasons of war”, and “security reasons” are to be understood as being synonyms of “military necessity”. Military necessity generally runs counter to humanitarian exigencies. Consequently the purpose of humanitarian law is to strike a balance between military necessity and humanitarian exigencies.

F: *Nécessité militaire*

NEUTRAL TERRITORY: The territory of a State that has chosen to

be neutral either permanently or only in a particular **international armed conflict**, or in certain cases in a **non-international armed conflict**.

See Conflict, Internationalized internal armed; Neutrality.

F: *Territoire neutre*

NEUTRAL TERRITORY, ACCOMMODATION OR HOSPITAL TREATMENT IN: An operation that may relate to certain categories of **civilian internees** and **prisoners of war** (GC III Arts. 109-117; GC IV Art. 132; P I Art. 31).

NEUTRALITY: The legal condition of a State that exercises *jus ad neutralitatem*, that is, chooses not to take part in an international armed conflict. As well as this “occasional” neutrality there is the perpetual neutrality of States such as Austria and Switzerland that have declared that they wish to stay outside any future conflict. The word neutrality is also used in relation to the reciprocal rights and duties of neutral and belligerent States (*jus in neutralitate*). The terms benevolent neutrality, differentiated neutrality, non-engagement and policy of neutrality are commonly used but have no legal foundation. They describe the attitude of States that take no part in **military operations** but intervene in the conflict by taking preferential diplomatic or economic action in favour of one or more of the belligerents. This attitude may be expressed in many ways. It is a composite artificial concept that

lacks **impartiality**, which is the basis of neutrality. Differentiated neutrality above a certain qualitative level, particularly when it includes economic support or military assistance, is obviously a breach of neutrality, or limited belligerence.

Neutrality does not imply ideological neutrality; it does not forbid a neutral State to show that it is well or ill-disposed towards another State, or impose on it the duty of restricting the expression of any such opinions by its own citizens or media. Whether it is possible for a State to remain neutral when it is a member of the United Nations, and consequently participates in the system of collective security and is bound by the duties required of it in case of **aggression**, is an open question.

Most of the written or customary rules governing the conduct towards each other of belligerents and neutrals have been in existence for a long time.

A neutral State may not openly participate in **hostilities**, nor (1) lend assistance to the belligerents; (2) recruit troops for the belligerents or allow third parties to do so on its territory; (3) supply military equipment on any pretext whatsoever; (4) supply military intelligence. Apart from these prohibitions a neutral State retains the right to trade with all belligerent States.

A neutral State is not bound to prohibit (1) its nationals from taking service with any one of the belligerents; (2) the export by a private individual, or the transit, of military equipment; (3) the use by the belligerents of existing means of communication whether publicly or pri-

vately owned. If, however, it does impose prohibitions or restrictions of that kind it must apply them to all belligerents. If troops of a belligerent State enter neutral territory they must be disarmed, interned and subjected to the domestic law of the neutral State. **Prisoners of war** admitted to neutral territory must be left at liberty but may be placed in assigned residence.

A neutral State may on certain conditions allow **wounded** and **sick** persons and **medical personnel** belonging to the belligerent forces to transit on its territory, and may accommodate them provided it respects the principle of impartiality. It must, however, take action to ensure that they do not again take part in military operations. A national of a neutral State cannot avail himself of his neutrality if he commits hostile acts against a belligerent or if he commits acts in favour of a belligerent. If he voluntarily enlists in the ranks of the armed forces of a belligerent and is captured by the other party he must be treated as an enemy national and considered as a prisoner of war. Nationals of a neutral country who are resident in occupied territory have the same legal status as the nationals of the occupied State.

Lastly, neutrality is one of the Fundamental Principles of the Red Cross and Red Crescent Movement, which to retain the trust of all refrains from taking part in hostilities and refrains at all times from taking part in controversies of a political, racial, religious or philosophical nature. The Movement regards neutrality as a means, not an end. Neutrality does not imply either indiffer-

ence to suffering or acceptance of war, but is the indispensable condition of effective humanitarian action by the Red Cross (Paris 1856; H V; H VIII; H X; H XI; H XIII; London Decl. 1909; London P V 1936; GC I-IV; P I).

See Conflict, Internationalized internal armed.

F: *Neutralité*

NEUTRALITY, AIR: In the absence of specific regulations, the rules not exclusively reserved for **land neutrality** or **maritime neutrality** are applicable to operations in the air.

Thus the obligation on belligerents not to commit any hostile act in neutral territory, and not to cross neutral territory with their **armed forces**, also applies to intrusion by belligerent aircraft into the air space of a neutral State. In such a case the neutral State is bound to prohibit, in its **air space**, warlike operations or acts preceding, preparatory to or following an air war operation.

The principle that a neutral State using force to oppose any breach of its neutrality does not thereby commit a hostile act against the belligerent State responsible for the breach also applies to air war. According to prevailing doctrine, the treatment of **warships** obliged by *force majeure* to take refuge in neutral ports is not applicable to **military aircraft** obliged by *force majeure* to land or alight on water in the territory of the neutral State. Any such aircraft may not be allowed, for so long as the war lasts, to continue its flight. **Medical aircraft** are granted specially favourable treatment: that is,

on certain conditions they may be authorized to overfly neutral territory.

Any belligerent military aircraft in a neutral airport on the outbreak of hostilities must continue its flight within twelve hours of being required to do so. If it does not obey it must not be allowed to take off at any time during the war. The rules for enemy merchant ships that are in a neutral port at the outbreak of **hostilities** normally also apply to any civilian aircraft belonging to a belligerent that is at a neutral airport at the outbreak of hostilities (H V; H XIII; Mo 1936; GC I-IV; P I).

F: *Neutralité aérienne*

NEUTRALITY, ARMED: The attitude of a neutral State, whether its neutrality is occasional or perpetual. It consists in rigid supervision and where necessary prompt and vigorous action by that State to prevent one or more belligerents using its territory as a **theatre of war**. This attitude is in absolute conformity with the conditions required for the strict observation of the duties of neutrality, it being understood that neutrality cannot survive unless it is effectively defended.

F: *Neutralité armée*

NEUTRALITY, LAND: The territory of a neutral State may not be violated. **Belligerents** may not move troops or convoys across it or erect any radio station on it.

The duty to respect the territorial sovereignty of neutral States ceases if the neutral territory or part thereof is occupied by a belligerent. The neutral State has the right to oppose,

by force if need be, any attempted violation of its territory.

Railway material coming from the territory of a neutral State may be requisitioned or used by a belligerent in case of imperative military necessity. A neutral State has the same rights over railway material belonging to a belligerent (see *Angary*) (H V; GC I-IV; P I).

F: *Neutralité terrestre*

NEUTRALITY, MARITIME: Belligerents must refrain from acts of war in the **ports** and **territorial sea** of a neutral State. They may not exercise the right of **prize** against an enemy there, nor subject the port and coasts to **blockade**. A neutral State must oppose any act of war in its territorial sea, including **mine** laying, exercise of the right of capture, the stopping and **visit** of neutral ships and the establishment of **prize courts**. A neutral State must use all means in its power to prohibit any breach of the rules of maritime neutrality in its ports or territorial sea. The exercise of the rights and duties fixed by these rules is not to be considered as a hostile act even when breaches are repelled by force.

The supply, in any manner, directly or indirectly, by a neutral Power to a belligerent Power, of warships, ammunition or war material of any kind whatever is forbidden. However, a neutral Power is not bound to prohibit the export or transit for the use of a belligerent of arms, ammunition or medical material in general. It must use all the means at its disposal to prevent vessels within its jurisdiction from being fitted out or armed for the purposes of cruis-

ing or engaging in hostile operations against a State with which it is at peace. It must exercise similar vigilance to prevent the departure from its jurisdiction of any ship intended for such purposes. With the exception of these provisions, a neutral State retains the right to continue trading with all belligerent States and the right to free passage of merchant ships flying its flag. Such ships are, however, prohibited from transporting **contraband of war**.

The neutrality of a State is not affected by the **innocent passage** through its territorial sea of warships or prizes belonging to belligerents. The neutral State must impartially apply the same restriction and prohibitions to admission into its ports and territorial waters of warships and their prizes. Belligerent warships are forbidden to remain in the ports or waters of a neutral State for more than twenty-four hours, unless that period is extended in case of damage or bad conditions at sea. Not more than three ships of war of a belligerent may be in a neutral port at the same time. A ship of war may not depart from a neutral port within less than twenty-four hours after the departure from that port of an enemy warship. The same period must elapse between the departure of a belligerent warship and the departure of a merchant ship belonging to the opposing belligerent. A belligerent warship which is in a neutral port or neutral waters at the outbreak of hostilities must leave such port or waters within twenty-four hours.

If, in spite of having been required to leave by the competent neutral authority, a belligerent warship does

not leave a neutral port or neutral waters, the neutral State shall have the right to take the necessary steps to render the warship unable to put to sea for the duration of the war, and the crew may be subjected to security measures.

Damaged belligerent ships are not permitted to make repairs in neutral ports beyond those that are essential to the continuance of the voyage and which in no degree constitute an increase in their military strength. Belligerent warships may not make use of neutral ports or territorial waters to renew or augment military supplies or their armament or to complete the equipment of the latter. They may only revictual in neutral ports to bring up their supplies to the peace standard. Similarly these vessels may only ship sufficient fuel to enable them to reach the nearest port in their own country, but they cannot renew their supply in a port of the same neutral State until a period of three months has elapsed.

Prizes cannot be taken to a neutral port except in case of unseaworthiness, stress of weather, or want of fuel or provisions. When the cause has disappeared, the prizes must leave immediately. If they fail to do so, the neutral State shall order them to leave immediately, and if not obeyed shall have recourse to the means at its disposal to release them with their officers and crew and to intern the prize crew placed on board by the captor. A neutral State may allow prizes to enter its ports, whether under convoy or not, when they are brought there to be sequestered pending the decision of a prize court. Neutral merchant ships must

refrain, under penalty of capture, from any **unneutral service**, either indirect, such as the transport of individual passengers or dispatches to a belligerent, or direct, such as carrying contraband of war, charter to the enemy, or supplying the enemy. Neutral ships are obliged to tolerate supervision and inspection by belligerent warships. They may be stopped, searched and captured in case of breach of blockade. On the **high seas** they may be stopped, searched and captured if carrying contraband of war or rendering unneutral service.

The principles regulating the treatment of goods are: (1) the neutral flag covers enemy goods, with the exception of contraband of war; (2) neutral goods, with the exception of contraband of war, are not liable to capture under the enemy's flag. Neutral **merchant ships** in a belligerent port may be requisitioned by that belligerent when necessary (see *Angary*). In practice the reverse has occurred, i.e., merchant ships belonging to a belligerent that have entered a neutral port have been requisitioned. Neutral merchant ships may be detained in belligerent ports for security reasons. There are special regulations for the **wounded, sick and shipwrecked** of a belligerent who are (a) taken on board a neutral warship; (b) landed at a neutral port; (c) on board **hospital ships** or merchant or other ships, whatever the nationality of these vessels, and who are required by an enemy warship to be handed over (Paris 1856; H VIII Art. 4; H X Arts. 13, 15; H XI Arts. 1, 5; H XIII; London Decl. 1909 Arts. 7, 9, 14-17, 45-54; Mo 1936; GC I-IV; P

I; Ha. 1928 Arts. 4, 5, 9, 11, 16, 17).

F: *Neutralité maritime*

NON-APPLICABILITY OF STATUTORY LIMITATIONS: In international law, the principle that no statutory limitations apply to **war crimes** (UN 1968; E 1974).

F: *Imprescriptibilité*

NON BIS IN IDEM: The principle that no prisoner of war, civilian internee or any other person in the hands of a party to the conflict may be punished more than once for the same act or on the same account (G III Art. 86; G IV Art. 117; P I Art. 75).

NON-COMBATANT: This term used to refer to members of the **armed forces** other than **medical** and **religious personnel** who took no direct part in **hostilities** (because, for example, they were serving in commissariat or transport

units). If **captured** they were treated as **prisoners of war** and **combatants** (H IV R Art. 3). See also Perfidy.

At present all members of the armed forces apart from medical and religious personnel are regarded as combatants and as such are treated as prisoners of war if captured. It is irrelevant whether they took part in hostilities directly or otherwise.

F: *Non-combattant*

NON-INTERVENTION: The principle forbidding action affecting the sovereignty of a State or the responsibility of a government to maintain or re-establish law and order, or to defend the national unity and territorial integrity of the State, by all legitimate means. Any intervention, direct or indirect, in an **armed conflict** or in the internal or external affairs of a State is also forbidden (P II Art. 3).

See Conflict, Internationalized internal armed.

F: *Non-intervention*

O

OBJECT: See Civilian Object; Civilian Population, Objects indispensable to the survival of; Property, Cultural; War, Object of.

OBJECTION, CONSCIENTIOUS: See Conscientious objector.

OBJECTIVE, MILITARY: An object which by its nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, or capture or neutralization, offers a definite **military advantage** (P I Art. 52).

F: *Objectif militaire*

OCCUPATION: See Occupied Territory.

OCCUPIED TERRITORY: In international law, territory is considered occupied when it is actually placed under the authority of the hostile army. Detailed rules set out the rights and duties of the occupying forces which are, generally speaking, bound to take the necessary steps to restore law and order and public life and maintain them as well as possible while respecting the laws in force, unless absolutely prevented from doing so. In occupied territory it is lawful for **combatants** to perform hostile acts against the occupying forces. If because of those acts the *de facto* authority of the occupying forces cannot establish itself or be exercised, the territory cannot be considered as occupied in the eyes of international

law, and is accordingly an invaded territory, or in other words a battlefield (H IV R Arts. 42-56; GC III Arts. 2, 4, 7; GC IV Sect. III; P I Arts. 43, 44).

See Invasion.

F: *Territoire occupé*

OCCUPYING POWER: The Power which, having in the course of an international armed conflict invaded a territory belonging to the adverse Power, has established and actually exercises its control there (H IV R Art. 42).

See Occupied Territory.

F: *Puissance occupante*

OPEN TOWN: See Locality, Non-defended.

OPERATIONS, MILITARY: In its general meaning, this term is commonly used to describe the events of a campaign or passage of arms. In military terminology it means a connected series of military activities based on movement and/or fire power and having a precise tactical or military purpose. The distinction drawn until the Second World War between land, naval and air operations no longer appears to be justified, (a) because naval forces sometimes, and air forces often, have objectives on land; (b) because land and naval operations on any considerable scale always need air support; and (c) because some operations are combined operations of all three forces. Positive international law does not define the term "mil-

itary operations” but often uses it, laying down, for example when considering objectives on land, that positive international law applies to all military operations whether on land, at sea or in the air, and referring the reader to the special regulations for the conduct of operations at sea and in the air (H IV R Arts. 23, 37, 52; GC I Art. 37; GC II Arts. 4, 15-17, 39, 40; GC III Arts. 23, 50, 75; GC IV Arts. 28, 40, 51, 53, 95, 111; P I Arts. 3, 37, 44, 49, 51, 56, 59, 60; P II Arts. 1, 13).

F: *Opérations militaires*

OVERFLIGHT: The law of armed conflict regulates flights by **medical aircraft** of the parties to an **international armed conflict** over the territory of a neutral country, or their alighting on land or water in such territory, and the protection of such aircraft in (a) areas not controlled by an adverse party; (b) areas controlled by an adverse party; (c) **contact zones** (GC I Art. 37; GC II Art. 40; GC IV Art. 22; P I Arts. 24-30).

F: *Survol*

P

PACIFISM: An attitude based on a deep aversion to settling international differences by the threat or use of **force**. Genuine pacifism does not, however, mean abstaining from the legitimate use of force in cases covered by international law (see Defence, Self-).

See Peace.

F: *Pacifisme*

PARAMILITARY: The adjective used in the law of armed conflict to qualify a law-enforcement agency incorporated by a **party to the conflict** into its **armed forces** for the purpose of enforcing order. The other parties to the conflict must be notified of such incorporation (P I Art. 43).

F: *Paramilitaire*

PARLEMENTAIRE: A person authorized by the military authorities to enter into direct parleys with the enemy, usually to negotiate a **military convention**. Also called a parliamentary. He and the persons and equipment accompanying him have the right to **inviolability**. He must show that he is a parlementaire by advancing with a white flag, accompanied by a trumpeter, bugler or drummer. The commander to whom he is sent is not in all cases obliged to receive him, and the parlementaire loses his right to inviolability if he takes advantage of it to commit an act of treachery. He may not have the nationality of the enemy to whom he is sent (HIV R Arts. 32-34).

F: *Parlementaire*

PAROLE, LIBERTY ON: International law provides that **prisoners of war** may be partially or wholly set at liberty on parole, in so far as is allowed by the laws of their own country. No prisoner of war may be compelled to accept liberty on parole, but it may be offered where it may benefit his health.

Upon the outbreak of hostilities, each party to the conflict must notify the adverse party of the laws and regulations allowing its own nationals to accept liberty on parole. Prisoners of war who are paroled are bound on their personal honour scrupulously to fulfil, both towards the Power on which they depend and towards the Power which has captured them, the engagements of their parole. In such cases the Power on which they depend is bound neither to require nor to accept from them any service incompatible with the parole or promise given.

A very different rule of international law applying only to officers (but applicable by extension to non-commissioned officers and other ranks) provides that officers of the **armed forces** of a belligerent who are received on the territory of a neutral State may, instead of being interned, be left at liberty on giving their parole not to leave the neutral territory without permission (GC III Art. 21; H V Art. 11).

F: *Liberté sur parole*

PASSAGE, INNOCENT: The right of ships of all States, whether coastal or land-locked, to navigate

through the **territorial sea** of a State for the purpose either of traversing that sea without entering its **internal waters**, or of proceeding to or from them. Passage includes stopping and anchoring. It is considered innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. For passage of a foreign ship to be considered innocent, that ship must refrain from all of the following activities: (a) any threat or use of force against the sovereignty, territorial integrity or political independence of the coastal State; (b) any exercise or practice with weapons of any kind; (c) any act aimed at collecting information to the prejudice of the defence or security of the coastal State; (d) any act of propaganda aimed at affecting the defence or security of the coastal State; (e) the launching, landing or taking on board of any aircraft or military device, etc. In addition, there are special rules regulating innocent passage through **archipelagic waters** and **straits**. The **neutrality** of a State is not affected by the mere passage through its territorial waters of **warships** or **prizes** belonging to belligerents (H XIII Art. 10; MB. 1982 Part II Sect. 3, Part III Sect. 3, Part IV Arts. 52, 53).

F: *Passage inoffensif*

PEACE: The great goal of humanity, a goal on whose meaning there is no agreement. Any talk of peace raises the problem of its opposite, **war**. Peace is said to be hard to define without reference to war (peace = the absence of war), but war can be defined without refer-

ence to peace. The General Assembly of the United Nations recently adopted a "Declaration on the right of peoples to peace" (UN 1984). It is anyway beyond doubt that genuine peace must be based on the primacy of the human being and therefore on truth, liberty, safety and justice. The Red Cross and Red Crescent do not view peace simply as the absence of war, but rather as a "dynamic process of cooperation between all States and peoples; cooperation founded on freedom, independence, national sovereignty, equality, respect of human rights, as well as a fair and equitable distribution of resources to meet the needs of peoples... respect of humanitarian rules in all circumstances is essential to peace" (Programme of Action of the Red Cross as a Factor of Peace, Council of Delegates, Bucharest, 1977).

See Pacifism.

F: *Paix*

PERFIDY: Under international law, it is prohibited to kill, injure or capture an adversary by resort to perfidy. Acts inviting the confidence of an adversary to lead him to believe he is entitled to, or is obliged to accord, protection under the rules of international law applicable in armed conflict, with intent to betray that confidence, constitute perfidy. The following acts are examples of perfidy: (a) feigning an intent to negotiate under a flag of truce; (b) feigning surrender; (c) feigning incapacitation by wounds or sickness; (d) feigning civilian or **non-combatant** status; (e) feigning protective status by the use of signs, **emblems** or uniforms of the United

Nations or of a **neutral** or other State not party to the conflict; (f) making improper use of the **emblem** of the red cross or red crescent (P I Arts. 37-39, 44).

See Ruse of war; Ship, Mystery; Treachery.

F: *Perfidie*

PERMANENT: The term applied to **medical** and **religious personnel**, **medical units** and **medical transports** assigned exclusively to medical purposes for an indefinite period. Personnel, units and transports of this kind may be either permanent or **temporary** (GC I Art. 24; P I Art. 8).

F: *Permanent*

PERSON: See Civilian person; Displaced person; Hostilities, Person taking no active part in; Hostilities, Person taking part in; Missing person; Protected person; Stateless person.

PERSONNEL: See Medical personnel; Religious personnel.

PICKET: See Sentry.

F: *Piquet*

PILLAGE: The systematic and violent appropriation by members of the **armed forces** of movable public or private property belonging to the enemy State, to **wounded**, **sick** or **shipwrecked** persons, or to **prisoners of war**. Pillage is a **war crime** (GC I Art. 15; GC II Art. 18; GC IV Arts. 16, 33; H CP Art. 4; P II Art. 4). When movable property belonging to wounded, sick or ship-

wrecked persons, prisoners of war or the dead on the battlefield is removed by non-violent means, the term "spoliation" is sometimes used. Spoliation is prohibited (GC I Art. 15; GC II Art. 18; GC III Art. 18; P II Art. 8).

See Marauding.

F: *Pillage*

PIRACY: Piracy consists of any of the following acts: (1) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed: (a) on the **high seas**, against another ship or aircraft, or against persons or property on board such ship or aircraft; (b) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State; (2) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft; (3) any act of inciting or intentionally facilitating an act described above.

Acts of piracy committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are assimilated to acts committed by a private ship or aircraft. A ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing an act of piracy or has been used to commit any such act. On the high seas, or in any other place outside the jurisdiction of any other State, every State may seize a pirate ship or aircraft, or a ship or aircraft taken by piracy and

under the control of pirates, and arrest the persons and seize the property on board. These operations may be carried out only by warships or military aircraft, or by other ships or aircraft on government service and authorized to that effect.

In sea warfare, any **merchant ship** that belongs to a **belligerent** and attacks an enemy ship that has not previously attacked it will be considered to be a pirate ship (MB. 1982 Arts. 101-107; Tokyo 1963; H 1970; Mon. 1971).

See Privateers.

F: *Piraterie*

PLUNDER: See Pillage.

POLICE: See also Locality, Non-defended; Zone, Demilitarized.

POLICE, MILITARY: Units of the armed forces specially formed and equipped to maintain order and discipline in the armed forces, especially in a non-military environment. Their work (military policing, which extends to the protection of military installations) is mainly concerned with protecting military forces from outside attack, and the **civilian population** (friendly or enemy) from annoyance and other unlawful acts by members of the armed forces.

See Extra-territoriality.

F: *Police militaire*

POPULATION MOVEMENT: A movement caused by **military operations** in an **international armed conflict**. Population movements may be spontaneous, and take place when hundreds or thousands of civ-

ilians, impelled by the pressure of invading troops or intense widespread bombardment, (a) congregate in disorder on the border of a neighbouring country, which may admit them or turn them back; (b) embark on boats to seek refuge by sea in another country; (c) move within their own country towards a less dangerous area.

The **civilian population** may be removed from an area by order of the authorities, in order to protect it from the dangers arising from the proximity of **military objectives** or in case of imperative **military necessity**. All such movements are the responsibility of general staffs, which must plan them in detail and control them, especially when they come from the **combat zone**. Forced **evacuations** may lead to the creation of **hospital zones and localities, safety zones and localities** or **neutralized zones**. Special regulations apply to evacuations from **besieged areas** and **encircled areas** and to the evacuation of **wounded, sick, infirm** and aged persons, **children** and maternity cases.

In all forced evacuations, general staffs must act in close cooperation with the civilian, civil defence and police authorities and must take the prevailing military situation into account.

It is prohibited: (a) to use movements of the civilian population to shield military objectives from attack or to shield, favour or impede **military operations**; (b) to direct the movement of a civilian population in order to shield military objectives or military operations in

general; (c) to deprive the **civilian population of objects indispensable to its survival** in order to cause it to move away.

Territories under military occupation are also subject to other regulations confirming or adapting those above-mentioned, as follows: individual or mass forcible transfers, as well as deportations of protected persons from **occupied territory** to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive; (b) nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military necessity so demands. Such evacuations may not involve the displacement of **protected persons** outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement; (c) the **Occupying Power** may not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military necessity so demands; (d) the Occupying Power may not deport or transfer parts of its own civilian population into the territory it occupies. Breaches of regulations (a) to (d) are **war crimes**.

As regards **internal armed conflicts**, positive international law provides, without prejudice to the possible application of one or another of the rules for international armed conflicts: (a) for the temporary removal of children from the area in which hostilities are taking place to a safer area within the coun-

try; (b) that the displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military necessity so demand; (c) that civilians shall not be compelled to leave their own territory for reasons connected with the conflict (GC IV Arts. 14, 15, 17, 49, 77; P I Arts. 51, 54, 58, 78, 85; P II Arts. 3, 4, 17).

See Area, Rear; Deportation; Displaced person; Evacuation; Refugee.

F: *Mouvement de population*

PORT: A belt of sea, whether broad or narrow, which because of the natural structure of its coasts or the presence of artificial installations gives ships easy and safe access and facilities for a stay. For the purpose of delimiting the **territorial sea**, the outermost permanent harbour works which form an integral part of the harbour system are regarded as forming part of the coast (MB. 1982 Art. 11).

F: *Port*

POWER: See Detaining Power; Occupying Power; Protecting Power.

PRISONER OF WAR: A **combatant** in an **international armed conflict** who falls into the hands of the enemy, or more precisely those of the enemy Power, but not of the individuals or military units who have captured him. Prisoners of war are entitled to the corresponding status and treatment as established by international law, and are subject to the laws, regulations and general

orders in force in the **armed forces** of the **Detaining Power**. The following are also entitled to prisoner-of-war status when they fall into enemy hands: (a) the participants in a *levée en masse*; (b) **persons who accompany the armed forces without actually being members thereof**; and (c) crew members of **merchant ships** or **civilian aircraft** belonging to the parties to the conflict (GC I Arts. 14, 36; GC II Arts. 14, 39; GC III; P I Arts. 43-47, 77, 85).

See Collection post; Escape; Evacuation; Labour; Parole, Liberty on.

F: *Prisonnier de guerre*

PRISONERS' REPRESENTATIVE: A prisoner of war freely elected by secret ballot every six months by the prisoners of war in a camp. He is entrusted with representing them to the authorities of the **Detaining Power**, the **Protecting Power**, and the **ICRC**. In camps for officers or in mixed camps the senior officer among the prisoners of war is recognized as the camp prisoners' representative. In camps for officers he is assisted by one or more advisers chosen by the officers. In mixed camps his assistants must be chosen from among the prisoners of war who are not officers, and must be elected by them. Prisoners' representatives have a wide range of tasks (GC III Arts. 41, 48, 57, 62, 73, 79-81, 96, 98, 104, 113, 126).

F: *Homme de confiance*

PRIVATEER: Privateers were considered to be ships authorized by the State (whose permission distin-

guished privateering from mere piracy) to take part in naval war and to make war on their own account by capturing for the benefit of their own shipowners any enemy or neutral ships subject to capture. Privateering flourished for a long time and was used by all States, being useful to them in conducting naval war, but often degenerated into unlawful acts by undisciplined crews. Privateering was prohibited as from the mid-nineteenth century (Paris 1856 Art. 1).

F: *Navire corsaire*

PRIZE: A general expression applying to a captured ship or to seized goods, and to the seizure of a warship. As regards enemy or neutral **merchant ships** captured by the naval forces of a belligerent, and/or goods found on board the captured ships, the **prize court** must establish the validity of the **capture** and decide regarding the transfer of the property to the State effecting the capture. The word "prize" is also applied to ships captured and goods seized before a judgment designating them as prizes. A prize may only be brought into a neutral port on account of unseaworthiness, stress of weather, or want of fuel or provisions. It must leave as soon as the circumstances which justify its entry are at an end. If it does not, the neutral Power must order it to leave at once; should it fail to obey, the neutral Power must employ the means at its disposal to release it with its officers and crew and to intern the prize crew. A neutral Power may allow prizes to enter its ports, whether under convoy or not, when they are brought there to be

sequestered pending the decision of a prize court. If the prize is conveyed by a warship, the prize crew may go on board the convoying ship. If the prize is not under convoy, the prize crew are left at liberty. The rules relating to naval prizes also apply, *mutatis mutandis* and in the absence of specific regulations, to any aircraft and their cargoes that are taken as prizes (H XII; H XIII Arts. 3, 9, 10, 21-23; London Decl. 1909 Arts. 48-54). See Capture; Confiscation; Neutrality, Maritime; Seizure.

F: *Prise*

PRIZE COURT: An internal body formed by a **belligerent** State to decide whether an enemy or neutral **merchant ship** and/or its cargo, captured by the belligerent's naval forces, are to remain confiscated. Prize courts must also settle all ancillary questions such as compensation for unjustified capture (H XIII Arts. 9, 10, 21-23; London Decl. 1909 Arts. 48-54).

An attempt to set up an International Prize Court was unsuccessful, as the international instrument providing for its institution was not ratified by any State (H XII).

F: *Tribunal des Prises*

PRIZE CREW: See Capture.

F: *Equipage de prise*

PROMISE: See Parole, Liberty on.

PROPERTY, CULTURAL: In international law, this term covers, irrespective of origin or ownership, movable or immovable property

constituting the cultural heritage of all mankind, to which each people makes its contribution. In view of the importance of cultural property to all peoples of the world, international law has attempted to ensure its protection in case of **armed conflict**.

Protected cultural property comprises: historic monuments, works of art, buildings and places of worship, archaeological sites, museums and depositories, libraries, archives, scientific collections, etc. These must be respected and safeguarded against the foreseeable effects of an armed conflict. They must not be used for purposes which are likely to expose them to destruction or damage, or be the objects of **hostility** or **pillage**, theft, misappropriation or vandalism. Protection extends to the transport of movable cultural property, and may be special, for property of very great importance, or standard. Immunity may not be withdrawn from cultural property except for reasons of **military necessity**, which must be imperative where the protection given is standard, and unavoidable where special protection is given. Unavoidable military necessity can be established only by the officer commanding a force the equivalent of a division in size or larger. **Reprisals** against cultural property are prohibited. Cultural property must be marked with a special **distinctive emblem** (H CP; P I Art. 53; P II Art. 16). The above notion of cultural property may usefully be compared with that given in the Paris Convention of 14 November 1970 on the Means of Prohibiting and Preventing the Illicit Import, Export

and Transfer of Ownership of Cultural Property.
See UNESCO.

F: *Biens culturels*

PROPERTY, ENEMY: This term covers **military objectives** and **civilian objects** belonging to the enemy. Civilian objects enjoy general protection; that is, they must not be the object of acts of violence, **attack** or **reprisals**. Detailed regulations of international law stipulate the precautions to be taken by the **parties to a conflict** in preparing and carrying out attacks on military objectives, where such attacks may cause damage to civilian objects, and to protect such objects from attack. Pillage of civilian objects, and **destruction** or seizure of enemy property are forbidden unless imperatively required by **military necessity** (H IV R Arts. 23, 47; GC I Arts. 15, 50; GC II Arts. 18, 51; GC IV Arts. 16, 33, 53, 143; P I Arts. 51, 52, 57, 58). There are special regulations for the protection of **cultural property, objects indispensable to the survival of the civilian population, the natural environment, works and installations containing dangerous forces, non-defended localities and demilitarized zones** (H CP; P I Arts. 53-60, 85; P II Arts. 14, 16). Breaches of the above rules for protection are **war crimes** (GC I Art. 50; GC II Art. 51; GC IV Art. 143; P I Art. 85). The arrangements that a party to the conflict may make with regard to civilian objects falling into his hands in the course of **military operations** vary according to whether such objects are public or

private property, and are regulated by appropriate rules. Other rules regulate the treatment of enemy civilian objects situated at the outbreak of **hostilities** in the territory of a party to the conflict; they concern administration, requisitioning, sequestration, etc.

See Angary; Capture; Confiscation; Prize.

F: *Biens ennemis*

PROPORTIONALITY: The principle that seeks to limit damage caused by **military operations** by requiring that the effect of the **means** and **methods of warfare** used must not be disproportionate to the military advantage sought. This principle has long been affirmed, for example by the prohibition of causing excessive injury or unnecessary suffering, and has become increasingly important as humanitarian law has developed. Articles 51 and 57 of Protocol I contain examples of application of the principle of proportionality taken from the most recent regulations. They prohibit attacks causing casualties in the **civilian population** and damage to **civilian objects** which would be excessive in relation to "the concrete and direct military advantage anticipated". Proportionality and the closely related concept of **military necessity** are essential components of the law of armed conflict.

F: *Proportionnalité*

PROTECTED PERSON: The following persons are protected by international law: (a) **wounded, sick** and **shipwrecked** members of the armed forces who have ceased to

take part in the hostilities; (b) **prisoners of war**; (c) **civilian persons** who because of a conflict or occupation are in the power of a Party whose nationality they do not possess (they are protected from the dangers of **military operations**); (d) **medical and religious personnel**; (e) **parlementaires**; (f) **civil defence** personnel; (g) personnel assigned to the protection of **cultural property** (GC I-IV; H CP Art. 15; P I Arts. 40-42, 48-58, 62-67; P II Arts. 4-6, 13-17).

F: *Personne protégée*

PROTECTING POWER: The Power whose duty it is to safeguard the interests of the **parties to the conflict**, and of their nationals in enemy territory. There are special regulations governing the choice and activity of those Powers and of their substitutes, if any (GC I-III Arts. 8-11; GC IV Arts. 9-12; H CP Art. 21; P I Art. 5).

See Commission, International Fact-Finding; Red Cross.

F: *Puissance protectrice*

PROTECTION: The term “protection” is often used in the **law of**

armed conflict in relation to the term “respect”, and applies whenever the intention is to shield persons or property from the effects of hostilities.

F: *Protection*

PUNISHMENT, COLLECTIVE: International law prohibits collective punishment of **prisoners of war** or other **protected persons** for acts committed by individuals during an armed conflict (GC III Art. 87; GC IV Art. 33; P I Art. 75; P II Art. 4).

F: *Peines collectives*

PUNISHMENT, CORPORAL: International law prohibits corporal punishment of **prisoners of war** or other **protected persons** (GC III Art. 87; GC IV Art. 32; P I Art. 75; P II Art. 4).

See Torture.

F: *Peines corporelles*

PUNISHMENT, CRUEL, INHUMAN AND DEGRADING: See Torture.

F: *Peines cruelles, inhumaines et dégradantes*

Q

Q-SHIP: See Ship, Mystery.

QUARTER: This term is used in such expressions as “to give no quarter” or “cry quarter”, and in regard to hostilities by land, sea or air, means refusing to spare the life of anybody, even of persons manifestly unable to defend themselves

or who clearly express their intention to surrender. International law prohibits the use of this procedure, that is, ordering or threatening that there shall be no survivors, or conducting hostilities on this basis (H IV R Art. 35; P I Arts. 40, 41).

See Finish off.

F: *Quartier*

R

RAID: A brief small-scale operation consisting in temporary penetration into territory under enemy control in order to provoke disturbances and disorganization, carry out **destruction** of installations, effect a reconnaissance or collect intelligence. Raids (also known as incursions) are often synonymous with **commando** operations, and should not be confused with **invasion**.

F: *Incursion; Raid*

REAR: See Area, Rear.

REBELLION: The Preamble to UN 1948/2 uses this word in affirming that it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.

F: *Révolte*

RECAPTURE: A captured ship is recaptured when the naval forces of the State to which it belonged before **capture** retake it. This may occur before a decision by a **prize court**. Recapture after a judgment transferring the property of the ship to the State effecting the capture is more exactly "taking a new prize".

See also Prize.

F: *Reprise*

RED CROSS: In the present context, the International Committee of Red Cross (ICRC), an institution independent of any government. Its

headquarters are in Geneva. The Red Cross has initiated and developed regulations for the effective protection of both **combatant** and civilian victims of all kinds of **armed conflicts**, and applies those regulations in its work with due regard for the principles of **neutrality**, **humanity** and **impartiality**.

The untiring stimulus of the ICRC led to the conclusion of numerous international conventions between 1864 and 1949, and of the Protocols (of 1977) additional to the Geneva Conventions. The ICRC has played a decisive part in the armed conflicts that have taken place in its 125 years of existence. It is active primarily in aid to **wounded**, **sick** and **shipwrecked** persons, **prisoners of war**, **civilian internees** and the **civilian population** in general, bringing relief in the form of food, clothing and medicaments, and tracing missing persons.

When it proves impossible to appoint **Protecting Powers**, the ICRC often acts in that capacity (GC I-III Art. 10; GC IV Art. 11; P I Art. 5).

The International Federation (formerly the League) of Red Cross and Red Crescent Societies is the federation of National Societies, and like them is responsible for providing protection and assistance to victims of natural disasters.

See Bureau, National Information; Agency, Central Tracing.

F: *Croix-Rouge*

REFUGE: Place or installation intended to shelter movable **cultural**

property placed under special protection in case of **armed conflict** (H CP Arts. 1, 8; H CP R Arts. 12, 13, 19).

See Shelter.

F: *Refuge*

REFUGEE: This term varies greatly in meaning, depending on whether it is used in the context of general public international law (PIL) or in the context of international humanitarian law (IHL). In public international law it has on various occasions been precisely defined: it applies to any person who has fled the country of his nationality to avoid persecution or the threat of persecution (see UN 1951 Art. 1). The Convention of the Organization of African Unity (OAU 1969) and certain Resolutions of the United Nations General Assembly subsequently extended refugee status to all persons fleeing their country because of an **armed conflict** or **internal disturbances**. Persons fulfilling the conditions set out in international legal instruments acquire refugee status and certain rights and obligations.

International humanitarian law, however, does not contain any definition of "refugee". In that law a refugee is above all a **civilian person** and the decisive factor is that he is not protected by a government. Unlike PIL, IHL gives the term "refugee" a wide interpretation and includes in it **displaced persons** who have fled their homes because of armed conflict or internal disturbances but remain within the borders of their own country. IHL contains a number of rules directly or indirect-

ly intended for refugees (GC IV Arts. 3, 15, 25, 26, 44, 70; UN 1951 Art. 1; H 1957; UN 1967; H 1973; P I Arts. 73, 74, 85; P II Art. 4; OAU 1969 Art. 1).

See Displaced person.

F: *Réfugié*

REGULATIONS, MILITARY: In the present context, instructions issued by general staffs for the application of the **law of armed conflict**. Military regulations are not formal sources of such laws, but they do indicate the attitude of States to international law (i.e. whether they recognize that it exists) and to its principles and rules. Military regulations may even strongly influence the development of international rules.

F: *Règlements militaires*

RELIEF: See Civilian population, Protection of the.

RELIEF SOCIETY: A society recognized by its government whose staff search for, collect, transport or treat the **wounded** and **sick**, and assist **prisoners of war**. Its staff are placed on the same footing as military **medical personnel**, provided that such staff are subject to military laws and regulations. Nowadays most societies of this kind are National Red Cross or Red Crescent Societies.

In an armed conflict, relief societies of a neutral country can lend the assistance of their medical personnel and **medical units** to a party to the conflict provided they previously obtain the consent of their own government and the authorization of the party to the conflict they aid,

and that the adverse party to the conflict is informed in advance (GC I Arts. 26, 27; GC II Arts. 24, 25; GC III Art. 125; P I Art. 17).

F: *Société de secours*

RELIGIOUS PERSONNEL: Military or civilian persons such as chaplains who are exclusively engaged either **temporarily** or **permanently** in the work of their ministry (spiritual assistance) and attached to the **armed forces** or to **medical units, medical transports, or civil defence** organizations. Religious personnel enjoy the same protection and treatment as **medical personnel** and are identified by the **distinctive sign** of the red cross or red crescent worn on their clothing (GC I-IV; P I Arts. 8, 15, 18).

F: *Personnel religieux*

RENUNCIATION: See Rights, Non-renunciation of.

REPORTER: See Journalist.

REPRISAL: Reprisals in time of **peace** should be distinguished from those carried out during hostilities in an **international armed conflict**. The former are measures of constraint contrary to the ordinary rules of international law, are carried out by a State following unlawful acts committed to its prejudice by another State, and are intended to force that State to respect the law. They are, in fact, intrinsically unlawful but exceptionally justifiable acts, being the response to a previous unlawful act and designed to obtain its withdrawal, or reparation

or redress for it. Unlike war, peacetime reprisals employ a limited and temporary recourse to force that does not alter the state of peace and is without effect on any third State. Reprisals may be armed (as in the case of peaceful blockade, peaceful occupation, or naval or air bombardment) or unarmed (as in the case of punitive embargo, freezing assets or confiscating and sequestering property).

Reprisals during hostilities in an **international armed conflict** are exceptional, intrinsically unlawful measures used by a belligerent to force its enemy to respect the law of armed conflict. After remaining silent on the subject for a long time, contemporary international law forbids reprisals against **wounded, sick or shipwrecked persons, medical or religious personnel, medical units, transports and material, prisoners of war, the civilian population and civilian persons, civilian objects, cultural property, objects indispensable to the survival of the civilian population, the natural environment, works and installations containing dangerous forces** and the buildings and material used for the **protection of the civilian population**. Consequently, provided the principle of **proportionality** is respected, reprisals are implicitly allowed against **combatants** and **military objectives** (GC I Art. 46; GC II Art. 47; GC III Art. 13; GC IV Art. 33; H CP Art. 46; P I Arts. 20, 53-56).

Reprisals should not be confused with **retaliation**.

F: *Représailles*

REQUISITION: An imperative mandatory demand by a belligerent State for the temporary or permanent use of movable or immovable property or services, against payment of compensation.

International law recognizes the right of requisition in many cases, especially in **occupied territory** from local government bodies and individuals. Requisitions must be in proportion to the resources of the country, and of such a nature as not to involve the inhabitants in the obligation of taking part in military operations against their own country.

The right of requisition is also recognized as applying to (a) property of a neutral State (see Angary); (b) ships that are unable owing to circumstances of *force majeure* to leave an enemy port or which are not allowed to leave; (c) **enemy merchant ships** encountered on the **high seas** whilst still ignorant of the outbreak of hostilities; (d) enemy cargo on board the vessels referred to at (b) and (c) above. There are also precise rules for the requisition of medical installations, material and transports (H IV R Arts. 52, 53; H V Art. 19; H VI Arts. 2-4; London Decl. 1909 Art. 29; GC I Arts. 33-35; GC III Art. 18; GC IV Arts. 51, 52, 57; P I Arts. 14, 63).

F: *Réquisition*

RESIDENCE, ASSIGNED: See Internment.

F: *Résidence forcée*

RESISTANCE, FORCIBLE: See Visit.

F: *Résistance active*

RESISTANCE MOVEMENT: The name given during the Second World War to the clandestine movements which throughout occupied Europe carried out intense and often effective activities, usually based on the technique of **guerrilla warfare**, against the occupying forces. At the end of the war positive international law (which had hitherto regarded as unlawful any activity hostile to the occupying **armed forces** that was not carried out by regular forces) recognized members of resistance movements as legitimate combatants, provided that: (a) they were organized (that is, were not an amorphous, disorderly and occasional assembly); (b) they belonged to one of the parties to the conflict (their activities consequently had to be sanctioned by a body possessing legal personality in international law and exercising command over the resistance movement); (c) they had a responsible commander; (d) they bore a fixed distinctive sign recognizable at a distance; (e) they carried arms openly; (f) they conducted their operations in accordance with the laws and customs of war.

More recent rules have put resistance movements on an equal footing with the armed forces, and their methods of operation have been taken into account in fixing the conditions whereby their members distinguish themselves from the **civilian population** (GC III Art. 4; P I Arts. 43, 44, 48).

F: *Mouvement de résistance*

RESPONSIBILITY: As usually understood, this term refers to the obligation of any legal person to

answer for acts committed by himself or persons under his authority. In the context of the law of armed conflict, “responsibility” designates the consequences for the State of the following acts: (a) **breaches** of the law of armed conflict by members of its armed forces; (b) failure to carry out the duty of disseminating those laws among members of the armed forces; (c) failure to carry out the duty of prosecuting and punishing persons committing grave breaches (**grave breaches** are **war crimes**).

The law of armed conflict also assigns responsibility to military commanders who (a) order their subordinates to violate the said laws; (b) fail to prevent such violations; (c) fail to repress them.

Lastly, each member of the armed forces has direct responsibility for breaches committed by himself (H IV Art. 3; GC I Arts. 47, 49-51; GC II Arts. 48, 50-52; GC III Arts. 127, 129-131; GC IV Arts. 144, 146-148; P I Arts. 83, 85-87, 91; P II Art. 15).

See Commanders, Duty of.

F: *Responsabilité*

RETALIATION: Measures of constraint affecting the interests of a State and which, unlike **reprisals**, are not a breach of positive law. Retaliatory measures are not unlawful acts, but merely the strict exercise of a right in response to a similar strict exercise. Examples of retaliation are: the arrest or expulsion of foreign nationals; withdrawal of a foreign consul’s exequatur; expulsion of diplomatic agents or restric-

tions on their freedom of movement (Rou).

F: *Rétorsion*

RIGHTS, HUMAN: The freedoms that all persons should be able to enjoy in their relations with other individuals or with the State. Since the end of the Second World War the principles on which these rights are based have made notable headway with the support of convictions expressed at the United Nations or in regional organizations such as the Council of Europe. The term “human rights” now covers a wide range of rights and freedoms to which the individual is entitled, chief among which are the right to physical and mental health, to freedom of movement, to personal freedom, to freedom of thought, peaceful assembly and association, to equality, to property, to realize one’s aspirations and to participate in political life. The United Nations General Assembly has affirmed the principle that human rights must be fully respected even in periods of armed conflict (UN 1948/2; ECHR 1950; UN 1966/2; UN 1968/2; ACHR 1969).

F: *Droits de l’homme*

RIGHTS, NON-RENUNCIATION OF: The principle whereby persons protected by the international law of armed conflict (**wounded, sick and shipwrecked persons, medical and religious personnel, prisoners of war, and civilian persons**) may in no circumstances renounce in part or in their entirety the rights secured

to them for their protection (GC I-III common Art. 7; GC IV Art. 8).
See also Inviolability.

F: *Inaliénabilité*

RIOT: See Conflict, Non-international armed; Insurrection.

F: *Emeute*

ROADSTEAD: A natural or artificial bay normally used for the loading, unloading and anchorage of ships (MB. 1982 Art. 12).

F: *Rade*

RUSE OF WAR: Considered to be a

permissible **method of warfare**. Ruses of war are acts intended to mislead an adversary or induce him to act recklessly but they infringe no rule of international law and are not perfidious because they do not invite the confidence of an adversary with respect to protection under that law. Examples of ruses of war are camouflage, decoys, mock operations, misinformation, surprises, ambushes and small-scale raids. Ruses of war should not be confused with acts of **perfidy** (H IV R Art. 24; P I Art. 37).

See Ship, Mystery.

F: *Ruse de guerre*

S

SABOTAGE: Action taken to destroy or damage material, works or installations that by their nature or purpose add to the efficiency of the enemy's armed forces. In military terminology it is preferable to term acts committed against one's own armed forces as "sabotage", and acts committed against the enemy as "**destruction**". In the latter sense, sabotage is a **method of warfare**. Whether it is legitimate or otherwise depends on considerations unconnected with sabotage as it is understood in domestic law.

Whether the use of sabotage against an enemy is legitimate or otherwise depends on: (a) the category of persons committing it; (b) its target; and (c) the means and methods used.

As regards the category of persons, only **combatants** (i.e. specially trained and equipped units of the regular forces (**commandos**), members of **resistance movements** and participants in a *levée en masse*) may commit acts of sabotage; no person who does not have combatant status may lawfully commit sabotage.

Sabotage is generally the work of individuals or small formations operating in enemy-controlled territory and taking advantage of clandestinity, surprise, and **ruses of war**. It is generally carried out with great precision and therefore does not usually harm the **civilian population**. The targets of sabotage must form part of the enemy's material infrastructure, that is, they must be **military objectives**.

Because of the category of some saboteurs, and tactical exigencies, the means and methods of sabotage are generally unusual and often barely legitimate.

The tactical need to approach the objective without being seen makes it necessary in particular to avoid contact with the enemy, and if contact occurs to use weapons that will prevent warning being given to other enemies. At this point, if illegitimate means and methods are used sabotage committed by persons entitled to do so and against legitimate objectives may become unlawful.

There are several conflicting schools of thought about wearing uniform, but it is the saboteur's best guarantee of safety, for saboteurs wearing uniform who fall into the hands of the enemy are entitled to be treated as **prisoners of war**.

To sum up, sabotage against the enemy is a lawful operation provided the legal rules for the choice of targets and the methods and means employed are respected (Mey).

See Distinction between combatants and the civilian population; Raid.

F: *Sabotage*

SABOTEUR: A person who carries out **sabotage**. Although a part of doctrine applies the term "saboteur" to all persons carrying out sabotage on behalf of one party against an enemy party, it is preferable to use the term **commando** for saboteurs

operating in an **international armed conflict**.

F: *Saboteur*

SAFE-CONDUCT: Special permission given by authorized military commanders to units of enemy or neutral forces, or to persons of any nationality. Safe-conducts allow such persons or units to travel to a stated locality, if necessary through a **combat zone**, without undergoing search or ill-treatment. It is given in writing and must contain precise information. It may be permanent or temporary.

A safe-conduct automatically becomes null and void if the holder abuses it or does not comply with the conditions imposed on him. It may be cancelled at any time and should not be confused with **safe-guard**.

F: *Sauf-conduit*

SAFEGUARD: The general meaning of this term is protection. In international law it is used as follows: (a) the **civilian population** and the **belligerents** are placed under the safeguard of the law of nations (H IV, Preliminary Declarations); (b) States must safeguard **cultural property** in case of **armed conflict** (H CP Arts. 3, 5, 7); (c) an enemy placed *hors de combat* must be safeguarded (P I Arts. 41, 42, 85); (d) the safeguard of **objects indispensable to the survival of the civilian population** is one the main tasks of **civil defence** organizations in time of conflict (P I Art. 61).

F: *Sauvegarde*

SAFETY: In the **law of armed conflict**, this term generally refers to the safety (a) of **civilian internees**; (b) of **prisoners of war**; (c) of aliens; (d) of the **civilian population**; (e) of the installations in which **protected persons** work under compulsion; (f) of **relief societies**; and (g) of **medical aircraft** (GC III Arts. 20, 23, 46, 47; GC IV Arts. 36, 49, 51, 88, 127, 142; P I Arts. 25-29, 63-64, 71, 74).

See Localities, Hospital and Safety Zones and; Security.

F: *Sécurité*

SAFETY ZONES: See Localities.

SANCTION, DISCIPLINARY: This term may mean: (a) the sanctions to be applied to civilian internees and **prisoners of war** responsible for breaches of the laws, regulations and general orders to which they are subject; or (b) the sanctions applicable to commanders responsible for **failure to act** (GC III Arts. 82, 83; GC IV Art. 119; P I Art. 86).

See Internment; Sanction, penal.

F: *Sanction disciplinaire*

SANCTION, PENAL: This term may be applied: (a) to the sanctions applicable to civilian internees and **prisoners of war** responsible for breaches of the laws, regulations and general orders to which they are subject; (b) to the sanctions applicable to persons who have committed **war crimes** or other breaches of the law of armed conflict; (c) to the sanctions applicable to commanders responsible for **failure to act**; or (d) to the sanctions applicable to per-

sons responsible for acts of **genocide** (GC I Art. 49; GC II Art. 50; GC III Arts. 82-108, 129; GC IV Arts. 117-126, 146; P I Arts. 85-87; UN 1948 Art. V).

See Internment; Sanction, Disciplinary.

F: *Sanction pénale*

SEALANDING: See Overflight.

F: *Amerissage*

SEA, TERRITORIAL: A belt of sea adjacent to the coast. Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding twelve nautical miles measured from the **baseline**.

The outer limit of the territorial sea is the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.

Sovereignty extends to the **air space** over the territorial sea as well as to its bed and subsoil.

In the territorial sea, submarines and other underwater vehicles are required to navigate on the surface and to show their flag (MB. 1982 Part II).

See Passage, Innocent.

F: *Mer territoriale*

SEARCH: A systematic search by a **belligerent** of an enemy or neutral **merchant ship** it has stopped in order to carry out a **visit** to establish whether the vessel and/or its cargo are liable to **capture**. A search may not be ordered unless doubt persists after scrutiny of the ship's papers.

F: *Perquisition*

SEAS, HIGH: A geographical zone comprising all parts of the sea that are not included in the **exclusive economic zone**, in the **territorial sea** or in the **internal waters** of a State, or in the **archipelagic waters** of an **archipelagic State**. The high seas are open to all States, whether coastal or land-locked. No State may validly purport to subject any part of the high seas to its sovereignty. All States, whether coastal or land-locked, enjoy the following freedoms of the high seas: freedom (a) of navigation, (b) of overflight, (c) to lay submarine cables and pipelines, (d) to construct artificial islands and other installations permitted under international law, (e) of fishing, and (f) of scientific research. The latest Convention on the law of the sea (MB. 1982) stipulates that the high seas shall be reserved for peaceful purposes (Art. 88), and that in exercising their rights and performing their duties under the Convention, States Parties shall abstain from any threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the principles of international law embodied in the Charter of the United Nations (MB. 1982 Art. 301). Doctrine has not yet decided what significance should be given to these two principles. The prevailing interpretation is that they add nothing to the existing prohibitions (such as those of TL. 1967 or LMW. 1971) that are already being applied. And indeed, it was not the purpose of the 1982 Convention to prohibit or restrict military activities on the high seas. Warships and ships owned or operated by a State

and used only on government non-commercial service have, on the high seas, complete immunity from the jurisdiction of any State other than the **flag** State. Ships must sail under the flag of one State only and, save in exceptional cases expressly provided for in international treaties, are subject to its exclusive jurisdiction on the high seas (MB. 1982 Part VII).

F: *Haute-mer*

SECURITY: In the law of armed conflict, this term refers to the security (a) of the **Occupying Power**; (b) of the State; (c) of the **parties to a conflict** (GC IV Arts. 5, 39, 42, 51, 64, 74, 75, 78; P I Arts. 29, 63, 64, 71, 74).

See Localities, Hospital and Safety Zones and; Safety.

F: *Sécurité*

SEIZURE: Seizure when applied to a ship is the act by which a warship takes possession of the vessel detained, with or without the consent of the captain of the latter. Seizure differs from **capture** in that the ultimate fate of the vessel may not be involved.

Applied to goods alone, seizure is the act by which the warship, with or without the consent of the captain of the vessel detained, takes possession of the goods and holds them or disposes of them subject to the subsequent judgment of the **prize court**.

F: *Saisie*

SELF-DEFENCE: See Defence, Self-.

SENTRY: The law of armed conflict stipulates that where a **medical unit** is guarded by a picket or by sentries or by an escort it shall not for that reason be deprived of the protection conferred on it by the said law (GC I Art. 22; P I Art. 13).

F: *Sentinelle*

SERVICE: See Medical Service; Unneutral Service.

SHELF, CONTINENTAL: The continental shelf of a coastal State comprises the seabed and subsoil of the submarine areas that extend beyond its **territorial sea** throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the **baselines** from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance. The coastal State may exploit the natural resources of the continental shelf over a distance not exceeding 350 nautical miles from the baselines from which the breadth of the continental sea is measured, or not exceeding 100 nautical miles from the 2,500 metre isobath. The rights of the coastal State over the continental shelf do not affect the legal status of the superjacent waters or of the air space above those waters. The coastal State must therefore not restrict the right of passage or the other freedoms normally granted to other States (MB. 1982 Part VI).

F: *Plateau continental*

SHELLING: See Bombardment.

SHELTER: Place giving adequate protection against air raids and other hazards of war, with which camps for **prisoners of war** and **civilian internees** must be equipped. Providing and organizing shelters is also part of **protection of the civilian population** (GC III Art. 23; GC IV Art. 88; P I Arts. 61, 65, 66). See Refuge.

F: *Abri*

SHIP: See also Medical ships and craft.

SHIP, CARTEL: A ship used by a **parlementaire** on a mission to the enemy. The cartel ship has the same immunity as the parlementaire. It may also be used to transport **prisoners of war** and **wounded** to be exchanged with those of the enemy. The ship must bear the appropriate **distinctive sign** and its route must be known. It may not be armed and may not be attacked or captured during the outward or return voyage.

F: *Navire cartel*

SHIP, HOSPITAL: A ship built or converted or equipped specially and solely with a view to assisting the **wounded, sick** and **shipwrecked**, and to treating and transporting them. In case of **international armed conflict**, its name and description must be notified to the **parties to the conflict** ten days before it is employed. It may not be attacked or captured and must be respected and protected. The religious and medical personnel and crew of hospital ships have a right to the same protection.

The **distinctive sign** for the protection of hospital ships is the emblem of the red cross or red crescent on a white ground. The lifeboats and coastal lifeboats of hospital ships are treated in the same way as hospital ships. So, as far as possible, are the sick-bays of a warship. Hospital ships are bound to afford relief and assistance to the wounded, sick and shipwrecked without distinction of nationality. The parties to the conflict have the right to stop and visit hospital ships in accordance with precise regulations.

Any warship belonging to a belligerent may demand, on certain conditions, that sick, wounded or shipwrecked persons on board a hospital ship shall be handed over (GC II Arts. 22-37, 41-45; P I Arts. 8, 22, 23).

F: *Navire-hôpital*

SHIP, MERCHANT: A privately owned ship used for the transport of goods and **civilian persons**. It must not carry out acts of hostility, and may not be attacked. A merchant ship is, however, subject to **visit**, to **search**, and in case of **capture** to **confiscation**. If it is the property of the enemy State, it is treated to some extent as a warship and may accordingly be confiscated without formality of any kind. See Hostilities; Ship, Merchant, Armed.

F: *Navire marchand*

SHIP, MERCHANT, ARMED: There is still disagreement whether it is legitimate to arm merchant ships during an **international armed conflict**, although during the

First and Second World Wars the most frequent practice was to allow it. The question is still open and is complicated by the difficulty that while defensive armament is accepted as legitimate, it is not easy to distinguish between defensive and offensive armament.

See Ship, Mystery.

F: *Navire marchand armé*

SHIP, MERCHANT, CONVERTED INTO A HOSPITAL SHIP: Once converted into a hospital ship, a merchant ship must comply with the conditions fixed for **hospital ships**, and may then enjoy the protection granted to them. It must not be put to any other use for the duration of the hostilities (GC II Art. 33).

SHIP, MERCHANT, CONVERTED INTO A WARSHIP: A merchant ship is considered to be a warship if all the following conditions are met: (a) it is placed under the direct authority, immediate control and responsibility of the State to which it belongs and uses the distinctive signs adopted by that State for its warships; (b) the commander is in the service of the State and his name appears on the list of the officers of the fighting fleet; (c) the crew is subject to military **discipline**. A merchant ship converted into a warship must be entered as soon as possible on the list of warships (H VII).

SHIP, MERCHANT, ENEMY: AT THE OUTBREAK OF HOSTILITIES: Merchant ships belonging to a belligerent which are in an

enemy port at the commencement of **hostilities** are allowed by international law to depart freely and to proceed after being furnished with a pass to their original destination.

A merchant ship unable to leave the port for reasons of *force majeure* cannot be confiscated, but merely sequestered or requisitioned for the duration of the war. Enemy merchant ships which left their last port of departure before the war began and are encountered on the **high seas** while still ignorant of the outbreak of hostilities cannot be confiscated. They may, however, be destroyed on payment of compensation provided provision is made for the safety of the persons on board and the preservation of the ship's papers. Enemy cargo on board such ships may be sequestered and restored at the end of the war without compensation, or may be requisitioned on payment of compensation, with or without the ship (H VI).

SHIP, MERCHANT, NATIONALITY OF, AND OF PERSONS AND MERCHANDISE ON BOARD: The nationality of merchant ships is determined by the **flag** they fly, if they are entitled to fly it. Generally speaking, ships flying the enemy flag are considered to be enemies and ships flying a neutral flag to be neutral, but the latter may be **captured** in the same way as an enemy ship if they forcibly resist the legitimate exercise of the right of **visit** or give **unneutral service**.

The persons found on board are enemies if they are nationals of the enemy State and neutrals if they are nationals of the neutral State. There

are, however, cases of neutral nationals who are regarded as enemies by a **belligerent** when, for example, they are enlisted in the **armed forces** of the enemy or commit hostile acts. Goods found on board an enemy vessel are presumed to be enemy goods. The nationality of goods found on board a neutral merchant ship depends on the nationality of the owner. There are, however, exceptions to these general rules (Paris 1856; London Decl. 1909 Arts. 57-60).
See Blockade; Contraband of war.

SHIP, MYSTERY: Disguised ships, in fact cargo ships converted into **warships** but whose armament is hidden so that they act as decoys to enemy **submarines**, which they then attack with gunfire once they have stopped nearby (see Rou). Also known as Q-ships. Many authors consider that it is not legitimate to use mystery ships (a) because they are converted in a way that does not conform to H VII and (b) because they class this method under acts of **perfidy**, which are forbidden by Art. 37.1, P I. Other authors, however, regard the use of mystery ships as a **ruse of war**, which Art. 37.2, P I declares to be legitimate. These contrary interpretations show how difficult it is to distinguish between perfidy and ruses of war.

See Ship, Merchant, Armed.

F: *Bateau-piège*

SHIPWRECKED: Persons, whether military or civilian, who are in peril at sea or in other waters as a result of misfortune affecting them or the

vessel or aircraft carrying them and who refrain from any act of hostility. These persons, provided that they continue to refrain from any act of hostility, continue to be considered shipwrecked during their rescue until they acquire another status (e.g. **wounded, sick, or prisoner of war**) (GC II; P I Arts. 8-20).

F: *Naufragés*

SICK: See Wounded and sick.

F: *Malades*

SICK-BAY: Should fighting occur on board a warship the sick-bays must be spared as far as possible (GC II Arts. 28, 34, 35).

F: *Infirmerie de navire de guerre*

SIEGE: Military operations carried out around a defended locality or area with a view to conquering it. The characteristics of siege are **encirclement**, leading to isolation of the locality or area, and attacks to crush its resistance.

In the event of attack **medical units** and **cultural property** must be spared. **Pillage** of the locality after its conquest is forbidden.

Persons other than **combatants** who are in the besieged locality may be allowed to leave it on agreed conditions. This right must be granted (unless fighting is in progress) to the diplomatic agents and citizens of neutral States. The parties to the conflict must endeavour to conclude **local agreements** for the removal from besieged or encircled areas of wounded, sick and infirm persons and maternity cases, and for the

passage of **medical** and **religious personnel** and **medical material** on their way to such areas (H IV R Arts. 27, 28; GC I Art. 15; GC II Art. 18; GC IV Art. 17).

The danger prevailing in a besieged locality generally makes necessary measures limiting or suspending fundamental rights and freedoms. Hence the expression “state of siege”, which by extension indicates the proclamation of a situation of special gravity within a State caused by the **state of war** or other exceptional circumstances, and consequent measures to ensure or restore **law and order**. These measures may extend to delegation of civilian powers to the military authority (ECHR 1950 Arts. 4, 15; UN 1966/2 Arts. 4, 8; ACHR 1969 Arts. 16, 27).

See Defence, Civil; Defence of the territory, Internal; Emergency, State of.

F: *Siège*

SIGN, DISTINCTIVE: See Emblems and Signs, Distinctive.

F: *Signe distinctif*

SPACE, AIR: The column of air above a State's **territory** or **territorial sea**. Air space was for a long time considered to be subject without any upper limit to the sovereignty of the State, but is now divided into inner and outer space. Inner space is subject to the sovereignty of the State beneath it, and outer space is considered to be free and common to all. It is impossible to draw a clear boundary between the two, for the physical characteristics of inner space di-

minish slowly with altitude and the gradual emergence of the physical characteristics of outer space. Generally speaking, inner space may be regarded as space up to a height of 400 km, and outer space as commencing above that height.

F: *Espace aérien*

SPACE, INNER: See Space, Air.

F: *Espace atmosphérique*

SPACE, OUTER: See Space, Air; Weapons, Nuclear.

F: *Espace extra-atmosphérique*

SPOLIATION: See Marauding; Pilgrimage.

F: *Spoliation*

SPY: A person is considered a spy when, acting clandestinely or on false pretences, he obtains or endeavours to obtain military information in enemy-controlled territory. A spy caught in the act must not be punished without previous trial. A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a **prisoner of war** and incurs no responsibility for his previous acts of espionage.

A member of the armed forces who gathers or attempts to gather information in enemy-controlled territory may not be considered as engaging in espionage if while so acting he is in the uniform of his armed forces; he will be entitled to prisoner-of-war status. The special case of members of the armed forces resident or non-resident in enemy-oc-

cupied territory is governed by specific rules (H IV R Arts. 29-31; GC IV Art. 5; P I Art. 46).
See Espionage; Intelligence activities; State secret.

F: *Espion*

STARVATION: A forbidden **method of warfare** consisting in deliberately depriving **civilian persons** of food. It is, for example, prohibited to attack, destroy, remove or render useless **objects indispensable to the survival of the civilian population**, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works, etc., for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse party, in order to starve civilians, cause them to move away, or for any other motive. These prohibitions do not apply if the objects covered are used by an adverse party: (a) as sustenance solely for the members of its armed forces; (b) in direct support of military action, with certain provisos. These objects must not be made the object of **reprisals**.

In recognition of the vital requirement of any party to the conflict in the defence of its national territory against **invasion**, derogation of the above prohibitions may be made by a party to the conflict within such territory under its own control where required by imperative **military necessity** (P I Art. 54; P II Art. 14).

See Population Movement.

F: *Famine*

STATE, ARCHIPELAGIC: See Archipelagic State.

STATE, NEUTRAL: See Neutrality.

STATE OF EMERGENCY: See Emergency, State of.

STATE OF SIEGE: See Siege.

F: *Etat de si ge*

STATE SECRET: A legal institution that forbids acts, documents or information to be made public when by so doing prejudice might be caused to the integrity, independence and military defence of the State, its relations with other States, the defence of its institutions, and free exercise of the functions of its constitutional bodies. Facts that destroy constitutional order may not be the object of State secrets.

F: *Secret d'Etat*

STATELESS PERSON: A person who is not considered as a national by any State under the operation of its law (UN 1954; UN 1961; P I Arts. 73, 74, 85).

F: *Apatride*

STATUS: This term may refer to persons and to places to which the law of armed conflict gives special protection during an **armed conflict**, viz. (a) **wounded, sick or shipwrecked persons** (b) **prisoners of war**; (c) persons on board medical aircraft; (d) **medical and religious personnel**; (e) **civilian persons**; (f) **combatants**; (g) **non-defended localities** and **demilitarized zones**; (h) **hospital and**

safety zones. The law of armed conflict also deals with the status of the public officials and judges of an **occupied territory** by providing that the **Occupying Power** may not alter their status (GC I Arts. 3, 16, 23, 28, 36, 37; GC II Arts. 3, 16, 36, 37, 39, 40; GC III Arts. 3, 4, 33; GC IV Arts. 3, 14, 15, 54; P I Arts. 4, 30, 31, 37, 43-47, 59, 60, 67).

F: *Statut*

STATUS, LEGAL, OF THE PARTIES TO THE CONFLICT: See Conflict, Legal Status of the parties to the.

STATUTORY LIMITATIONS: See Non-Applicability of statutory limitations.

STRAITS: The belt of sea separating two areas of land. If the waters between these areas are not **internal waters** and do not exceed in breadth twice the breadth of the **territorial sea**, they form part of the territorial sea of the State bordering the straits. If the coasts of the strait belong to several States the territorial sea of each State extends up to the median line. Where a strait gives communication between two parts of the **high seas** and is used for international navigation, all ships including **warships** have the right of passage provided that in the case of warships such **passage** is **innocent**.

The status of certain straits especially important to international navigation (the Bosphorus and the Dardanelles) is fixed by internal agreements and is similar to that of certain international canals (the Suez and Panama Canals) (Co.

1888; Mo 1936; Pan. 1977; MB. 1982 Part III).

F: *Détroits*

STRATAGEM: See Ruse of War.

F: *Stratagème*

STRETCHER-BEARER: A member of the armed forces trained for employment, should the need arise, as an auxiliary in the search for or the collection and transport of the **wounded and sick**. Stretcher-bearers must be respected and protected if they are carrying out these duties at the time when they come into contact with the enemy or fall into his hands (GC I Art. 25).

F: *Brancardier*

SUBMARINE: The use of submarines in naval operations is legitimate provided that in dealing with **merchant ships** they conform to the rules to which surface vessels are subject. In particular, except in the case of persistent refusal to stop on being duly summoned, or of **forcible resistance** to **visit** or **search**, a submarine may not attack or render incapable of navigation a merchant vessel without having first placed passengers, crew and the ship's papers in a place of safety. For this purpose the ship's boats are not regarded as a place of safety unless the safety of the passengers and crew is assured, in the existing sea and weather conditions, by the proximity of land, or the presence of another vessel which is in a position to take them on board. In a **territorial sea**, **straits** or canals, submarines are required to navigate on the

surface and to show their **flag** (Co. 1888; Mo 1936 Art. 12; London PV 1936; Pan. 1977; MB. 1982 Art. 20).

F: *Sous-marin*

SUBSTITUTE FOR THE PROTECTING POWERS: See Protecting Power.

F: *Substitut des puissances protectrices*

SUFFERING: Wilfully causing great suffering to **persons protected** by the law of armed conflict is a **war crime** (GC I Art. 50; GC II Art. 51; GC III Art. 130; GC IV Art. 147).

See Ill-treatment; Injury, Superfluous.

F: *Souffrances*

SURRENDER: A unilateral act whereby, by putting their hands up,

throwing away their weapons, raising a white flag or in any other suitable fashion, isolated members of armed forces or members of a formation clearly express to the enemy during battle their intention to cease fighting. Surrender should not be confused with **capitulation**. Surrender is always unconditional, since it is not subject to a convention between the opposing parties. In international law an isolated member of the armed forces or members of a formation who surrender are considered **hors de combat** and must not be made the object of **attack**. Feigning surrender is an act of **perfidy** and is therefore forbidden (H IV R Art. 23; P I Arts. 37, 41).

F: *Reddition*

SURVIVAL: See Civilian population, Objects indispensable to the survival of the.

T

TABARD: A piece of cloth bearing a special **distinctive sign**, worn on the back (and chest) by persons belonging to a protected service such as **civil defence** (P I Ann. I Art. 15).

F: *Dossard*

TEMPORARY: The term applicable, as opposed to **permanent**, to **medical** and **religious personnel**, **medical units** and **medical transports** used for medial purposes for limited periods. Personnel, units and transports of this kind may be either permanent or temporary (GC I Art. 25; P I Art. 8).

F: *Temporaire*

TENSION, INTERNAL: According to a definition given by the ICRC in 1971, when it was consulted by government experts, situations of internal tension may entail: (a) a large number of arrests; (b) a large number of **political** or security **detainees**; (c) the probable ill-treatment of detainees; (d) the declaration of a **state of emergency**; (e) allegations of disappearances. Internal tensions differ from **internal disturbances** in that in the latter the rebels are sufficiently organized and identifiable, whereas in internal tensions the opposition is rarely organized to any visible extent (see Mor.).

F: *Tensions internes*

TERRAIN: A geographical area having a strategic character of its own, and forming a unit for the

purposes of military operations, which are conducted there comprehensively, along one or more operational belts; may be on land or sea.

F: *Echiquier*

TERRITORY: See also Neutral territory; Occupied territory.

TERRITORY: The area of land, including **internal waters**, over which a State exercises sovereignty. See Space, Air; Waters, Territorial.

F: *Territoire*

TERRITORY, INVADED: See Invasion.

F: *Territoire envahi*

TERROR: A forbidden **method of warfare** whose primary purpose is to spread terror among the civilian population. **Indiscriminate bombardment** is one of the principal methods of terror (P I Art. 51; P II Art. 13). See Terrorism.

F: *Terreur*

TERRORISM: Current international law contains no definition of terrorism. International terrorism has been under consideration for years past by an *ad hoc* committee of the United Nations, but no definition acceptable to all States has yet been found. The term comprises various acts and kinds of behaviour ranging from what everyone certainly re-

guards as illegal to what some regard as illegal and others as legal. Without prejudice to consideration of the causes that may give rise to and perhaps explain (but not justify) it, terrorism is generally a violation of **human rights** and is accordingly a major preoccupation of present-day international politics (see the most recent of the many resolutions on international terrorism adopted by the United Nations General Assembly, No. 40/61 of 9 December 1985). From the point of view of the law of armed conflict, terrorism does not apply to attacks against **combatants** and **military objectives** provided that the acts of violence it entails are perpetrated by combatants and that the means used are lawful.

Conversely, attacks on the **civilian population** and **civilian objects**, by whatever means and for whatever reasons, are prohibited.

Between the extremes of legitimate acts of war violence against combatants and military objectives, and the prohibition of acts of terrorism against the civilian population and civilian objects, there is a wide range of controversial action.

However, any attempt to remove from any kind of legal regulation acts of terrorism against the civilian population and civilian objects carried out by **guerrilla** methods, **whether in case of occupation** or **in wars of national liberation**, will never meet with the general approval required for those acts to be regarded as legitimate.

At present the law of armed conflict prohibits but does not define acts of terrorism against **civilian persons** in **international** or **internal armed**

conflicts (GC IV Art. 33; P II Art. 4).

See Terror.

F: *Terrorisme*

TORPEDO: See Mine, Submarine.

F: *Torpille*

TORTURE: As defined by the United Nations, any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as: (a) obtaining from him or a third person information or a confession; (b) punishing him for an act he or a third person has committed or is suspected of having committed; or (c) intimidating or coercing him or a third person; or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions. Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment. No State may permit or tolerate torture or other cruel, inhuman or degrading punishment, even in exceptional circumstances such as a **state of war** or the threat of war, internal political instability or any other public emergency. Each State must take effective measures to prevent torture and other cruel, inhuman or degrading treatment from being practised within its jurisdiction, and to punish persons responsible for such acts. The training

of law enforcement personnel and other public officials who may be responsible for persons deprived of their liberty must ensure that they are informed of the prohibition against torture and other cruel, inhuman or degrading treatment or punishment. Torture committed in time of war is considered to be a **war crime**.

Torture and other cruel, inhuman or degrading treatment or punishment are prohibited by various international instruments (UN 1948/2 Art. 5; GC I Arts. 3, 12, 50; GC II Arts. 3, 12, 51; GC III Arts. 3, 17, 87, 130; GC IV Arts. 3, 31, 32, 100, 118, 147; ECHR Art. 3; UN 1966/2 Art. 7; ACHR Art. 5; UN 1975; P I Art. 75; P II Art. 4; UN 1979/3). The United Nations General Assembly adopted a further Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 10 December 1984. See *Apartheid*; Genocide.

F: *Torture*

TOWN, OPEN: See Locality, Non-defended.

F: *Ville ouverte*

TRACING AGENCY, CENTRAL: See Agency, Central Tracing.

TRANSFER, FORCIBLE: See Deportation.

F: *Transfert forcé*

TRANSIT, INNOCENT: See Passage, Innocent.

F: *Transit inoffensif*

TRANSPORT: See Medical Transport and Transportation.

TREACHERY: The term used in the law of armed conflict to forbid killing or wounding individuals belonging to the hostile nation or army by betraying the confidence of an adversary (H IV R Arts. 22, 23). See *Perfidy*; *Ruse of war*.

F: *Trahison*

TREATMENT, CRUEL, INHUMAN OR DEGRADING: See Torture.

TRUCE: See Hostilities, Suspension of.

F: *Trêve*

U

UNESCO: The anagram of the United Nations Educational, Scientific and Cultural Organization, which does important work for the protection of **cultural property** in case of **armed conflict**.

F: *UNESCO*

UNNEUTRAL SERVICE: The supply to a **belligerent** by neutral **merchant ships** of various forms of aid and services that are neither the transport of **contraband of war** nor a violation of the **blockade**. The concept of unneutral service is regulated by customary law whose content, in part disputed, is contained in the London Declaration of 1909 (which has not been ratified by any of its signatories). That document distinguishes between direct unneutral service (such as direct participation in hostilities, mine-laying, cutting of submarine cables, guarding

of prisoners of war, charter by the enemy, exclusive use as troop transports, and supply of enemy ships) and indirect unneutral service (such as the transport of individual passengers who are members of the **armed forces** or of a military detachment of the enemy and who, in the course of the voyage, directly assist the operations of the enemy). In the case of indirect service the neutral merchant vessel is subject to **capture** and will in general receive the same treatment as a neutral vessel liable to **confiscation** for carriage of contraband of war. In the case of direct service the neutral merchant vessel is subject to capture and will in general be treated in the same way as an enemy merchant vessel. In either case goods belonging to the owner of the vessel are likewise liable to capture.

F: *Assistance hostile*

V

VICTIMIZATION: Dangerous physical or mental strain, which it is forbidden to impose on civilian internees (GC IV Art. 100).

F: *Brimade*

VIOLATION: See Breach.

VIOLENCE: This term has several meanings in the law of armed conflict. It may in the first place refer to the acts that characterize **hostilities** and that must be carried out by legitimate methods and means. In the international law of armed conflict, isolated and sporadic acts of violence do not in themselves constitute an **internal armed conflict**, and acts of violence the primary purpose of which is to spread terror among the **civilian population** and **prisoners of war** are prohibited (GC III Art. 13; GC IV Art. 27; P I Art. 51; P II Arts. 1, 13).

F: *Violence*

VISIT: In time of peace and except where acts of interference derive from powers conferred by treaty, a **warship** which encounters on the **high seas** a foreign ship other than a ship entitled to complete immunity is not justified in boarding or visiting it unless there is reasonable ground for suspecting that the ship: (a) is engaged in **piracy**; (b) is engaged in the slave trade; (c) is engaged in the unauthorized broadcasting of radio or television programmes from a ship or apparatus on the high seas, and the flag State of the warship has jurisdiction; (d) is

without nationality; (e) though flying a foreign flag or refusing to show its flag, the ship is, in reality, of the same nationality as the warship. In such cases the warship may proceed to verify the ship's right to fly its flag. To this end, it may send a boat under the command of an officer to the suspected ship. If suspicion remains after the documents have been checked, it may proceed to a further examination on board the ship, which must be carried out with all possible consideration. If the suspicions prove to be unfounded, and provided that the ship boarded has not committed any act justifying them, it must be compensated for any loss or damage that may have been sustained.

These provisions apply *mutatis mutandis* to military aircraft and to any other duly authorized ships or aircraft clearly marked and identifiable as being on government service (MB. 1982 Art. 110).

In time of war, warships of the belligerents have the right to stop and visit on the high seas and in **territorial waters** that are not neutral any merchant ship with the object of ascertaining its nationality, the category and nationality of the persons on board and the nature of its cargo.

If the ship so stopped is neutral, the purpose of the visit must be to verify that it is not carrying **contraband of war**, is not attempting any breach of **blockade** and is not lending **un-neutral service** (the same right of visit is applied *mutatis mutandis* by military aircraft to civilian aircraft).

If the ship offers **forcible resistance** to the visit, force may be used against it, and if it is neutral it is subject to **capture** and **confiscation**. The cargo is then treated as enemy cargo, and goods belonging to the master or owner of the vessel are confiscated. The same applies in case of forcible resistance by a civilian aircraft.

Neutral vessels in **convoys escorted** by warships flying the flag of a neutral country are exempt from visit. The commander of the convoy is required on request to give the commander of the belligerent warship all information as to the character of the vessels and their cargoes. If in the opinion of the commander of the convoy the facts verified in this way justify the capture of one or more vessels the protection of the convoy must be withdrawn from such vessels. If the commander of the belligerent warship has reason to suspect that the confidence of the commander of the convoy has been abused, he communicates his suspicions to him. In such a case it is for the commander of the convoy alone to investigate the matter (H XIII Art. 2; London Decl. 1909 Arts. 61-63).

F: *Visite*

VOLUNTARY ENLISTMENT: According to the national legislation of several countries, volunteer enlistment as a method of recruiting military personnel is an alternative or supplementary method to compulsory military service. If the laws of the State of origin of the volunteer and those of the host State so allow, foreigners may voluntarily

enlist as individuals on the same conditions as nationals of the recruiting State. What distinguishes a foreign **international volunteer** from a foreign **mercenary** is the conditions on which he enlists.

Thus any national of a neutral State who, if the law of his country so allows, enlists as an individual in the armed forces of a belligerent State must do so on the same conditions as those offered to nationals of the latter State if he wants to be regarded as a volunteer and not as a mercenary.

Any neutral national enrolling as a volunteer in the armed forces of a belligerent State is treated in case of capture as an enemy national (H IV R Art. 1; H V Arts. 4, 6, 17; GC I Art. 13; GC II Art. 13; GC III Art. 4; P I Arts. 43, 50).

F: *Volontariat*

VOLUNTEER, INTERNATIONAL: Prevailing doctrine holds that this term has no legal validity, although international volunteers are the subject of domestic and international law. It is a broader and more neutral term than **mercenary**, which both in international law and everyday usage covers only one category of international volunteers (See Da.). Generally speaking, an international volunteer is a person who enlists in a foreign force to take part in its operations, for a variety of reasons.

F: *Volontaire internationale*

VOLUNTEER, RED CROSS/RED CRESCENT: A person who devotes part of his time and abilities to Red Cross or Red Crescent activities

serving the community. He may either work without payment or receive remuneration (see Meu.).

F: *Volontaire Croix-Rouge/Croissant-Rouge*

VOYAGE, CONTINUOUS: The principle that goods may be seized during their voyage between two neutral ports, if their real destination is enemy territory. In accordance with this principle, a neutral ship carrying **contraband of war** whose

final destination is the enemy may be captured at any time after its departure, even if it intended to call at an intervening neutral port (probably, though not necessarily, to tranship the goods onto another neutral ship there). All successive voyages until the goods reach their final destination are regarded as forming a single transport operation of a hostile nature (London Decl. 1909 Arts. 19, 30, 35, 36).

F: *Voyage continu*

W

WAR: Armed hostilities between two or more States, carried on by their **armed forces** and regulated by international law. Not all violent actions between States are wars. A distinction is made between (a) events involving the use of armed force but taking place in partial and limited forms that do not interrupt the state of peace because any desire to end that state is lacking, and (b) the typical forms of war, i.e., war in its violent form characterized by the will to make war and the consequence of that will, either *de facto* or by a formal declaration, viz., the **state of war** with all its legal consequences including application of the law of armed conflict. "War" should not be confused with "**hostilities**" (see GC I-IV, common Art. 2; P I Art. 1). Any propaganda for war is prohibited by international law, which describes a war of **aggression** as a crime against peace (See UN 1966/2 Art. 20; UN 1970, first principle, para. 3).

See Conflict, armed; Conflict, International armed; Conflict, Internationalized internal armed; Conflict, Non-international armed; War of national liberation.

F: *Guerre*

WAR OF AGGRESSION: See Aggression.

F: *Guerre d'agression*

WAR AIMS: If they refer to a specified conflict or to a specified phase of **hostilities**, war aims consist in strategic objectives which the

government of a belligerent State desires to attain by force of arms.

Quantity and quality influence the choice of strategic objectives and therefore of war aims, and both these factors influence the choice of weapons. The international law of armed conflict directly influences war aims by imposing binding regulations specifying prohibited and permissible **methods** and **means of warfare**. Belligerents may not legitimately choose aims contrary to those regulations (Mey./3).

F: *Buts de la guerre*

WAR, CIVIL: See Conflict, Non-international armed.

F: *Guerre civile*

WAR CORRESPONDENT: See Journalist.

WAR CRIMES: On the authority of the Charter and Judgments of the Nuremberg and Tokyo Military Tribunals and of UN 1950, war crimes include, but are not limited to, the following violations of the laws or customs of war: (a) murder, ill-treatment or deportation to slave-labour of the **civilian population of occupied territory**; (b) murder or ill-treatment of **prisoners of war** or **shipwrecked** persons; (c) taking and killing **hostages**; (d) plunder of public or private property; (e) wanton **destruction** of towns or villages; (f) devastation not justified by **military necessity**.

Also considered as war crimes, when they do not form part of the

above-mentioned acts, are **grave breaches** of GC I-IV and P I.

War crimes are not subject to statutory limitations (UN 1968; E. 1974) and a procedure has been established for international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes (UN 1973/2).

See *Apartheid*; Genocide; Pillage.

F: *Crimes de guerre*

WAR, DECLARATION OF: Under positive international law at the beginning of this century, **hostilities** could not commence between two or more States without clear warning in the form of a declaration of war stating the reasons therefor or of an ultimatum with a conditional declaration of war. Once that requirement had been met a **state of war** formally existed between the States. The principle of a compulsory declaration of war has now fallen into **disuse**. In practice and under customary law, a declaration of war is no longer necessary for a state of war to exist; it suffices for one of the parties to make its intentions clear by actually commencing hostilities (H III; GC I-IV common Art. 2).

F: *Déclaration de guerre*

WAR, HONOURS OF: See Honours of war.

WAR OF NATIONAL LIBERATION: Wars of national liberation were formerly classed by international law as civil wars but are now regarded as **international armed conflicts** and are therefore regulated by the law of armed conflict. They

are armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination, as enshrined in the Charter of the United Nations (P I Arts. 1, 96). See Warfare, Guerrilla.

F: *Guerre de libération nationale*

WAR, OBJECT OF: To destroy the enemy's military forces and impose on him conditions for a return to the state of peace (see St. Petersburg Decl. 1868).

F: *But de la guerre*

WAR, REGION OF: The region of war comprises: (a) the territory of each belligerent State, its **territorial sea** and seabed and subsoil thereof (within the limits fixed by LMW. 1971), and the **inner space** above both; the **high seas**, including their seabed and subsoil (again within the limits fixed by LMW. 1971) and the inner space above the high seas; (c) **outer space** (within the limits fixed by LMW. 1967 and UN 1979).

Neutralized territories – principally (1) Aaland Island; (2) the Antarctic (the region south of latitude 60 S. excluding the high seas); and (3) the Panama Canal – are not included in regions of war.

See War, Theatre of.

F: *Région de la guerre*

WAR, REVOLUTIONARY: Attempts, generally by **guerrilla warfare**, to bring about violent change in the established order.

See Conflict, Non-international armed.

F: *Guerre révolutionnaire*

WAR, STATE OF: The legal situation following (a) a **declaration of war** by which one party to international law makes clear unilaterally its will to be at war with another party to international law. A declaration of war is normally followed by active **hostilities**; (b) the sudden commencement of hostilities. Because of the general prohibition of resort to force, the legal institution of a declaration of war has now fallen into **disuse**.

The state of war produced in either of the above ways has legal effects on the international level and on the internal organization of belligerent and neutral States. It leads to the application of numerous regulations supplementing peacetime law as regards problems arising only in time of war, and departing from peacetime law for problems which do not arise in the same way as in peacetime and are therefore settled differently. In particular, the state of war makes international public law applicable between belligerents. For humanitarian purposes, that law is intended to govern the conduct of hostilities, and to some extent, occupation (see Occupied territory). The state of war ends with the conclusion of **peace** between the belligerents.

The state of war should not be confused with **war** or **hostilities**, nor (although it has a temporal dimension) with **time of war**. For the measures to be taken in a State because of the state of war, see Siege.

F: *Etat de guerre*

WAR, THEATRE OF: That part of the **region of war** in which hos-

ilities take place during an **international armed conflict**.

F: *Théâtre de la guerre*

WAR, TIME OF: In the law of armed conflict, the period starting with a formal **declaration of war**, or a **mobilization** order when war is imminent, or with the general opening of hostilities with a foreign Power, and ending with the cessation of any of these three contingencies. Time of war should not be confused with **state of war**.

F: *Temps de guerre*

WARFARE, COUNTER-GUERRILLA: Military operations against enemy guerrilla formations. Counter-guerrilla warfare is waged by specially trained and equipped formations using the same methods of **guerrilla warfare** as their enemies.

F: *Contre-guérilla*

WARFARE, GUERRILLA: A usually offensive tactical and strategic technique of warfare used in **occupied territory** by the enemy (a) in connection with conventional operations by friendly forces; (b) independently, as part of **territorial defence**. Also used in **wars of national liberation** and **non-international armed conflicts** by the dissident armed forces or by organized armed groups attempting to alter the established order by force of arms. Guerrilla warfare tactics are used for sabotage, ambushes, and attacks on persons and property or against isolated enemy posts. They are characterized by mobility, surprise and prompt disengagement, and take ad-

vantage of knowledge of the **natural environment** and the sympathy (or passive attitude) of the local population. Guerrilla warfare is waged by small widely scattered formations fighting superior forces whose flanks and rear they attack at unexpected places and times.

“Guerrilla warfare” has many synonyms, including unconventional warfare, all of which use guerrilla warfare as a combat technique (P I Art. 44).

See Distinction between combatants and the civilian population; Resistance movement.

F: *Guérilla*

WARFARE, MEANS OF: The **weapons** and **weapon systems** by means of which violence is exercised against the enemy. International law has sanctioned the same principles ((a), (b), (c) and (d)) for means of warfare as for **methods of warfare**, q.v. For the prohibitions and restrictions applicable to means of warfare, see Weapons.

F: *Moyens de guerre*

WARFARE, METHODS OF: The tactics or strategy used in **hostilities** to defeat the enemy by using available information on him together with weapons, movement and surprise. International law has sanctioned the following principles regarding means and methods of warfare: (a) the only legitimate object of war is to weaken the enemy’s military forces, for which purpose it is sufficient to disable the greatest possible number of enemy **combatants**; (b) the right to choose methods and means of warfare is not

unlimited; (c) it is prohibited to employ methods (and means) of warfare of a nature to cause **superfluous injury** or unnecessary suffering; (d) in the study, development, acquisition or adoption of new means or methods of warfare it must be determined whether their employment is not prohibited in some or all circumstances. Prohibited methods of warfare include **perfidy**, **terror**, **starvation**, **reprisals** against non-military objectives, and **indiscriminate attacks**; damage to the **natural environment** or to **works and installations containing dangerous forces**; ordering that there shall be no survivors; **pillage**; taking **hostages**; taking advantage of the presence of the **civilian population** or **population movements** to promote the conduct of hostilities; improper use of **distinctive emblems and signs**; and attacks on persons *hors de combat* or parachuting from an **aircraft in distress**.

F: *Méthodes de guerre*

WARFARE, PSYCHOLOGICAL: A planned and coordinated propaganda campaign that aims at influencing public opinion and the attitude of the **civilian population** and armed forces of other countries, whether enemy, friendly or neutral, in support of political aims and **military operations** in an **international armed conflict**.

F: *Guerre psychologique*

WARFARE, TERRITORIAL: A method of **territorial defence**, practically identical with **guerrilla warfare**, carried on by regular units, generally at less than com-

pany strength. Their objective is the enemy's **rear**. They allow themselves to be overtaken by the enemy that has entered the national territory, and use guerrilla methods to wear down his fighting strength. In this way they help the defence made by regular forces from more distant positions. Territorial warfare units may also reach the enemy's rear by **infiltration** or by landing from ships or aircraft.

F: *Guerre territoriale*

WARFARE, UNCONVENTIONAL: See Warfare, Guerrilla.

F: *Guerre non conventionnelle*

WARSHIP: A ship which is entered on the list of the fighting fleet, is manned by a military or militarized commander and crew, and bears the distinctive signs adopted for warships by the State to which it belongs. A **merchant vessel converted into a warship** is considered to be a warship. A warship may not fight without flying a **flag**, or under a flag other than that of its nationality.

F: *Navire de guerre*

WARSHIP, MERCHANT SHIP CONVERTED INTO A: See Ship, Merchant, Converted into a Warship.

WATERS, ARCHIPELAGIC: See Archipelagic Waters.

WATERS, INTERNAL: A State's maritime area situated on the landward side of the baseline of its **ter-**

ritorial sea (MB. 1982 Arts. 8, 50).

F: *Eaux intérieures*

WATERS, TERRITORIAL: See Sea, Territorial.

WEAPON: Any item of equipment supplied by States to their **armed forces** so that in an **armed conflict** they can take violent action against the enemy and whose use, within the limits justified by **military necessity** and not being contrary to **military honour**, is legitimate in time of war. Weapons may be classified according to their nature and effects. International law (a) states that the right of the parties to the conflict to choose **methods** or **means of warfare** is not unlimited and that in the study, development, acquisition or adoption of a new weapon a party is under an obligation to determine whether its employment would, in some or all circumstances, be prohibited; (b) prohibits weapons of a nature to cause superfluous injury or unnecessary suffering or having excessively injurious or indiscriminate effects. The use of certain weapons is forbidden or restricted. It is, however, impossible to dissociate the lawfulness or unlawfulness of weapons from the lawfulness or unlawfulness of the way they are used. This applies particularly to land, sea, and above all air bombardment. Weapons may be divided into **hand-held weapons for cutting, thrusting and striking, firearms** and **weapons of mass destruction** (St. Petersburg Decl. 1888; H Decl. 1899 V; H Decl. 1899 VI; H IV R

Art. 23; GP 1925; LMW. 1972; P I Arts. 35-37; G CW).

F: *Arme*

WEAPON SYSTEM: A weapon comprising a collection of coordinated elements, each of them essential to the system, which will not work unless all such elements are present and fully effective. In anti-aircraft artillery, for example, a weapon system comprises the guns and projectiles, the crew manning them, the radar apparatus and the fire command. By analogy, military aircraft and tanks are also weapon systems.

F: *Système d'arme*

WEAPONS, BACTERIOLOGICAL: Weapons that use harmful insects or other living or dead organisms or their toxic products to inflict diseases and pathological changes on human beings and animals. They can also destroy or damage crops. The use, manufacture or stockpiling of bacteriological weapons is prohibited (GP 1925; WEU P. III; LMW. 1972).

F: *Armes bactériologiques*

WEAPONS, CHEMICAL: Weapons which cause injuries of various kinds and degree to man and beast by the use of the asphyxiating, toxic, irritant, paralysing, growth-regulating, anti-lubricating or catalytic properties of a solid, liquid or gaseous chemical. Chemical weapons may also pollute food, beverages and materials. Their use, manufacture and stockpiling are prohibited (H Decl. 1899 V; GP

1925; WEU P. III; LMW. 1972).

F: *Armes chimiques*

WEAPONS, HAND-HELD, FOR CUTTING, THRUSTING AND STRIKING: Offensive weapons, usually made of iron or steel (daggers, bayonets, iron-shod maces, etc.). Their use is restricted by the general regulations forbidding treacherous killing or wounding or the causing of superfluous injury or unnecessary suffering (H IV R Art. 23; P I Arts. 35-37).

F: *Armes blanches*

WEAPONS, INCENDIARY: Weapons or munitions primarily designed to set fire to objects or to cause burn injury to persons through the action of flames, heat, or a combination thereof, produced by the chemical reaction of a substance delivered on the target. It is prohibited in all circumstances to use incendiary weapons against the **civilian population, civilian objects**, forests or other kinds of plant cover, but the use of incendiary weapons against **combatants** and **military objectives** is not prohibited. Incendiary weapons do not include munitions which may have incidental incendiary effects, such as illuminants and tracers, or munitions designed to combine penetration, blast or fragmentation effects with an incendiary effect not specifically intended to cause burn injury to persons, such as armour-piercing projectiles or explosive bombs (G CW Prot. III).

F: *Armes incendiaires*

WEAPONS, NUCLEAR: This term is generally applied to the atomic bomb (whose effect depends on the rapid fission of the uranium 235 or plutonium atom), the hydrogen or thermonuclear bomb (H-bomb), which uses the energy released by the fission of hydrogen isotopes at a very high temperature, and the neutron bomb (N-bomb), which causes minor material damage and has less intense thermic effects than the other two bombs, but whose radiation effects are more lethal.

Definitions of nuclear weapons (probably needing technical updating) are to be found in WEU P. III and TL. 1967. Nuclear weapons may be divided into (a) tactical short-range, (b) tactical intermediate range, and (c) strategic weapons, but these descriptions are not mutually exclusive now that Euromissiles (ballistic medium range **missiles**) also exist. There is no comprehensive prohibition of nuclear weapons, but only partial prohibitions, as follows: (a) the prohibition to test, use, manufacture, produce, acquire, receive, stockpile, install, and locate and possess nuclear weapons in a stated region, such as Latin America (TL. 1967); (b) the prohibition to place nuclear weapons and other weapons of mass destruction on the bottom of the seas and oceans and in their subsoil (LMW. 1971; UN 1979); (c) the prohibition to place in orbit around the earth and other celestial bodies devices carrying nuclear weapons or to place such weapons on the surface or in the subsoil of the moon or other celestial bodies (LMW. 1967; UN 1979).

See also the Moscow Treaty of 5 August 1963 forbidding testing of nuclear weapons in **inner** or **outer space** or under water, and the London, Moscow and Washington Treaty of 1 July 1965 on the non-proliferation of nuclear weapons.

F: *Armes nucléaires*

WEAPONS OF MASS DESTRUCTION: These at present comprise **bacteriological**, **chemical** and **nuclear weapons**.

F: *Armes de destruction massive*

WEAPONS, STRATEGIC: See Missile; Weapons, Nuclear.

F: *Armes stratégiques*

WEAPONS, TACTICAL: See Missile; Weapons, Nuclear.

F: *Armes de théâtre*

WELFARE: This term is applied to certain services responsible for the welfare of the **armed forces** (GC I Art. 13; GC II Art. 13; GC III Art. 4).

See Forces, Armed: Persons who accompany the (Without being members thereof).

F: *Bien-être*

WELL-BEING: The term used in forbidding violence to the physical or mental well-being of persons in the power of a party to an armed conflict (P I Art. 75).

F: *Bien-être*

WILL: The law of armed conflict contains instructions for the safe keeping and transmission of wills

made by **prisoners of war** and **civilian internees** (GC III Arts. 77, 123; GC IV Arts. 113, 129).

F: *Testament*

WOMEN: The law of armed conflict grants women general protection as **civilian persons**, and requires that women members of the armed forces shall in all cases benefit from treatment as favourable as that granted to men. Besides this basic protection the law of armed conflict grants women special protection including: (a) protection against outrages upon personal dignity and in particular against rape, enforced prostitution and any form of indecent assault; (b) the protection given expectant mothers, maternity cases and mothers of infants; (c) the rule that women deprived of liberty, i.e., **civilian internees** or **prisoners of war**, must be confined in separate quarters from male internees and must be under the immediate supervision of women (GC I Arts. 3, 12; GC II Arts. 3, 12; GC III Arts. 3, 14, 16, 25, 29, 49, 88, 97, 108; GC IV Arts. 3, 14, 16, 17, 21-23, 27, 38, 50, 76, 85, 89, 91, 97, 98, 119, 124, 127, 132; P I Arts. 8, 70, 75, 76; P II Arts. 4-6). See also Kri.

F: *Femmes*

WORK: See Labour.

WORKS AND INSTALLATIONS CONTAINING DANGEROUS FORCES: See Forces, Dangerous, Works and Installations Containing.

WOUNDED AND SICK: Persons, whether military or civilian, who because of trauma, disease or other physical or mental disorder or disability are in need of medical care and who refrain from any act of hostility. They must be respected and protected in accordance with the law of armed conflict. The general principle governing treatment of the wounded and sick of any party to the conflict is that they must be treated humanely and given, to the fullest extent practicable and with the least possible delay, the medical care required by their condition. There must be no distinction among them founded on any grounds other than medical ones. For the purposes of protection, wounded and sick include expectant mothers, maternity cases, new-born babies and the infirm (GC I; GC II; GC IV; P I Arts. 8-20; P II Arts. 7-12).

See Area, Rear; Evacuation; Medical service; Medical transport.

F: *Blessés et malades*

Z

ZONE: See also Area; Localities.

ZONE, COMBAT: An area of territory in which the **armed forces** of the belligerent parties are actually engaged in combat and in which the troops giving them direct support are located.

See Area, Rear; Zone, Territorial.

F: *Zone de combat*

ZONE, COMMUNICATIONS: See Zone, Territorial.

F: *Zone des communications*

ZONE, CONTACT: Any area on land where the forward elements of opposing forces are in contact with each other, especially where they are exposed to direct fire from the ground (P I Art. 26).

F: *Zone de contact*

ZONE, CONTIGUOUS: The zone contiguous to the **territorial sea** of a coastal State. The contiguous zone may not extend beyond twenty-four nautical miles from the **baselines** from which the breadth of the territorial sea is measured.

In its contiguous zone a coastal State may exercise the control necessary to prevent and punish infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea (MB. 1982 Art. 33).

F: *Zone contiguë*

ZONE, DEMILITARIZED: Any zone from which all **combatants, weapons** and military equipment have been removed, and (a) no hostile use is made of fixed military installations or establishments; (b) no acts of hostility are committed by the authorities or by the population; (c) any activity linked to the military effort has ceased. Police forces may be stationed in demilitarized zones to maintain order. There are detailed rules for the creation and recognition of demilitarized zones, and for agreement upon the distinctive sign to be displayed there. The concept of a demilitarized zone is not far removed from those of **hospital zones and localities, neutralized zones, and hospital and safety zones and localities** (P I Art. 60).

See Locality, Non-Defended.

F: *Zone démilitarisée*

ZONE, EXCLUSIVE ECONOMIC: An area beyond and adjacent to the **territorial sea**, and which may not extend beyond 200 nautical miles from the **baselines** of the coastal State. The zone is subject to a specific legal regime governing the rights and jurisdiction of the coastal State and the rights and freedoms of other States. In that zone the coastal State may in particular exploit the resources of the waters superjacent to the seabed and of the seabed and its subsoil, and undertake other economic activities. All States, whether coastal or landlocked, continue to enjoy freedom of navigation and overflight and to

lay submarine cables and pipelines (MB. 1982 Part V).

F: *Zone économique exclusive*

ZONE, FORBIDDEN: A zone in which **belligerents** are forbidden to engage in **military operations**. It comprises the **territory, territorial sea and air space** of a neutral State.

F: *Zone interdite*

ZONE, INTERIOR: See Zone, Territorial.

F: *Zone de l'intérieur*

ZONE, NEUTRALIZED: A neutralized zone may be established in regions where fighting is taking place. Such zones are intended to shelter from the effects of war the following persons without distinction: **wounded** and **sick** combatants or non-combatants, and **civilian persons** who take no part in the

hostilities and perform no work of a military character.

Recognition and identification of neutral zones must be the object of an agreement between the parties. Neutralized zones have affinities with the following legal institutions: **hospital zones and localities, hospital and safety zones and localities, and demilitarized zones** (GC IV Art. 15).

F: *Zone neutralisée*

ZONE, TERRITORIAL: In prevailing military doctrine, the whole territory of a State except the **combat zone**. It is vitally important, being the headquarters of the **internal defence of the territory** and the base from which all forces operating in the combat zone are supplied. It is divided into the communications zone and the interior zone.

See Area, Rear.

F: *Zone territoriale*

FRENCH-ENGLISH GLOSSARY

A

Abordage	Boarding
Abri	Shelter
Accord local	Agreement, Local
Accord spécial	Agreement, Special
Achever	Finish off
Action défensive	Action, Defensive
Action offensive	Action, Offensive
Activités de renseignement	Intelligence activities
Aéronef civil	Aircraft, Civilian
Aéronef en perdition	Aircraft in distress
Aéronef militaire	Aircraft, Military
Aéronef parlementaire	Aircraft, Cartel
Aéronef sanitaire	Medical Aircraft
Agence centrale de recherches	Agency, Central Tracing
Agression	Aggression
Amerrissage	Alighting on water; Sealanding. See Overflight.
Amnistie	Amnesty
Angarie	Angary
Annexion	Annexation
Apartheid	<i>Apartheid</i>
Apatride	Stateless person
Application	Application
Archipel	Archipelago
Armement en course	See Privateer.
Arme	Weapon
Armes à feu	Firearms
Armes bactériologiques	Weapons, Bacteriological
Armes blanches	Weapons, Hand-held
Armes chimiques	Weapons, Chemical
Armes de destruction massive	Weapons of mass destruction
Armes de théâtre	Tactical weapons. See Missile; Weapons, Nuclear.
Armes incendiaires	Weapons, Incendiary
Armes nucléaires	Weapons, Nuclear
Armes stratégiques	Strategic weapons. See Missile; Weapons, Nuclear.
Armistice	Armistice
Arrières	See Area, Rear.
Asile	Asylum

Assistance
Assistance hostile
Attaque
Attaque indiscriminée
Atterrissage
Avantage militaire

Assistance
Unneutral service
Attack
Attack, Indiscriminate
Landing. See Overflight.
Advantage, Military

B

Baie
Barrage
Bateau-piège
Belligérant
Bien-être
Biens culturels
Bien de caractère civil
Biens ennemis
Biens indispensables à la survie de
la population civile
Blessés et malades
Blocus
Bombardement
Bombardement indiscriminé
Brancardier
Brassard
Brimade
Bureau national de renseignements
But de la guerre
Buts de la guerre

Bay
Dam. See Forces, Dangerous.
Ship, Mystery
Belligerent
Welfare; Well-being.
Property, Cultural
Civilian object
Property, Enemy
Civilian population, Objects
indispensable to the survival of
Wounded and sick
Blockade
Bombardment
See Attack, Indiscriminate.
Stretcher-bearer
Armllet
See Victimization.
Bureau, National Information
War, Object of
War aims

C

Capitulation
Capture
Catastrophe
Censure
Cessez-le-feu
CICR
Clause de Martens
Combattant
Comité d'internés
Commando

Capitulation
Capture
Disaster
Censorship
Cease-fire
ICRC
See Martens.
Combatant
Internee committee
Commando

Commission internationale d'établissement des faits	Commission, International Fact-Finding
Conciliation	Conciliation
Confiscation	Confiscation
Conflit armé	Conflict, Armed
Conflit armé international	Conflict, International armed
Conflit armé interne	See Conflict, Non- international armed
Conflit armé interne internationalisé	Conflict, Internationalized internal armed
Conflit armé non international	Conflict, Non-international armed
Conscience publique	See Martens.
Conseiller juridique	Adviser, Legal
Contagion	Contagion
Contamination hostile	See Infection, Hostile.
Contrebande de guerre	Contraband of war
Contre-espionnage	Counter-espionage
Contre-guérilla	Warfare, Counter-guerrilla
Convention militaire	Convention, Military
Convoi escorté	Convoy, Escorted
Corps de volontaires	See Voluntary Enlistment.
Correspondant de guerre	War correspondent. See Journalist.
Coutume	Custom
Couvre-feu	Curfew
Crimes de guerre	War crimes
Croix-Rouge	Red Cross
Cruauté	Cruelty
Curiosité publique	Curiosity, Public

D

Déblaiement	Clearing up
Déclaration de guerre	War, Declaration of
Défense civile	Defence, Civil
Défense interne du territoire	Defence of the Territory, Internal
Défense nationale	Defence, National
Défense territoriale	Defence, Territorial
Délégué	Delegate
Déménagement	Mines, Removal of
Démobilisation	Demobilization
Déontologie médicale	Medical ethics
Déportation	Deportation
Déserteur	Deserter
Destruction	Destruction

Désuétude
 Détenu politique
 Détroits
 Devoirs des commandants
 Diffusion
 Dignité
 Digue
 Discipline
 Distinction de caractère défavorable
 Distinction entre combattants et
 population civile
 Dossard
 Drapeau
 Droit coutumier
 Droit de la guerre

 Droits de l'homme
 Droit des conflits armés
 Droit humanitaire

Disuse
 Detainee, Political
 Straits
 Commander, Duty of
 Dissemination
 Dignity
 Dyke. See Forces, Dangerous.
 Discipline
 Distinction, Adverse
 Distinction between combatants and
 the civilian population
 Tabard
 Flag
 Law, Customary
 Law of war. See Law of armed
 conflict.
 Rights, Human
 Law of armed conflict
 Law, Humanitarian

E

Eaux archipélagiques
 Eaux intérieures
 Eaux territoriales
 Echiquier
 Embarcation sanitaire
 Emblème
 Emeute

 Encerclement
 Enfants
 Enquête
 Entraide judiciaire

 Environnement naturel
 Equipage de prise
 Espace aérien
 Espace atmosphérique
 Espace extra-atmosphérique

 Espion
 Espionnage
 Etablissement sanitaire

Archipelagic waters
 Waters, Internal
 See Sea, Territorial.
 Terrain
 Medical ships and craft
 See Emblems and signs, Distinctive
 Riot. See Conflict, Non-
 international armed;
 Insurrection.
 Encirclement
 Children
 See Enquiry Procedure.
 Assistance, Mutual, In criminal
 matters
 Environment, Natural
 Prize Crew. See Capture.
 Space, Air
 Space, Inner. See Space, Air.
 Space, Outer. See Space, Air;
 Weapons, Nuclear.
 Spy
 Espionage
 Medical facility. See Medical unit.

Etat archipelagique
Etat de danger public
Etat de guerre
Etat de siège
Etat d'urgence
Etat neutre
Evacuation
Evasion
Exhumation
Expulsion
Extermination
Exterritorialité
Extradition

Archipelagic State
State of public danger. See Siege.
War, State of
See Siege.
Emergency, State of
See Neutrality.
Evacuation
Escape
Exhumation. See Grave.
Expulsion
Extermination
Extra-territoriality
See Assistance, Mutual, In criminal
matters.

F

Famille
Famine
Femme
Force
Forces armées
Forces dangereuses
Forces de police

Formation sanitaire
Fournisseur

Franc-tireur

Family
Starvation
Women
Force
Forces, Armed
Forces, Dangerous
See Forces, Armed; Locality, Non-
defended; Paramilitary; Zone,
Demilitarized.
See Medical unit.
Supply contractor. See Forces,
Armed: Persons who accompany
the (without being members of).
Franc-tireur

G

Génocide
Guérilla
Guerre
Guerre civile

Guerre d'agression
Guerre de bandes

Genocide
See Warfare, Guerrilla.
War
Civil war. See Conflict, Non-
international armed.
War of aggression. See Aggression.
See Warfare, Guerrilla.

Guerre de libération nationale
Guerre de partisans
Guerre en surface
Guerre insurrectionnelle
Guerre non conventionnelle

Guerre populaire
Guerre psychologique
Guerre révolutionnaire
Guerre subversive
Guerre territoriale

War of national liberation
See Warfare, Guerrilla.
See Warfare, Guerrilla.
See War, Revolutionary.
Warfare, Unconventional. See
Warfare, Guerrilla.
See Warfare, Guerrilla.
Warfare, Psychological
War, Revolutionary
See War, Revolutionary.
Warfare, Territorial

H

Haute-mer
Homme de confiance
Honneur des armes
Honneur militaire
Honneur personnel

Hors de combat
Hospitalisation en pays neutre

Hostilités
Humanité

Seas, High
Prisoners' Representative
Honours of war
Honour, Military
Word of honour. See Parole,
Liberty on.
Hors de combat
Neutral territory, Accommodation
or hospital treatment in
Hostilities
Humanity

I

Identification
Ile
Immersion
Immunité
Impartialité
Imprescriptibilité

Inaliénabilité
Incinération
Incursion
Infection
Infection hostile
Infiltration
Infirmierie

Identification
Island
Burial at Sea. See Burial; Grave.
Immunity
Impartiality
Non-applicability of statutory
limitations
Rights, Non-renunciation of
Cremation. See Grave.
See Raid.
See also Contagion.
Infection, Hostile
Infiltration
Infirmary

Infirmerie des navires de guerre
Infraction
Infraction grave
Inhumation
Installation contenant des forces
dangereuses
Instigation
Insulte
Insurrection
Intangibilité
Internement
Interné civil
Intimidation
Invasion
Inviolabilité

Sick-bay
Breach
Breach, Grave
Burial
See Forces, Dangerous.

Incitement
Insult
Insurrection
Inviolability
Internment
Civilian internee. See Internment.
Intimidation
Invasion
Inviolability

J

Journaliste

Journalist

L

Légitime défense
Levée en masse
Liberté sur parole
Lieu assiégé
Lieu encerclé
Ligne de base
Localité non défendue
Loi du drapeau

Loi martiale
Lois de l'humanité
Lois et coutumes de la guerre

Defence, Self-
Levée en masse
Parole, Liberty on
See Siege.
See Encirclement.
Baseline
Locality, Non-defended
Law of the flag. See Extra-
territoriality.
Law, Martial
Laws of humanity. See Martens.
See Law of armed conflict.

M

Malades
Manuels d'Oxford
Maraude
Matériel sanitaire

See Wounded and sick
Manuals, Oxford
Marauding
Medical material

Mauvais traitement	Ill-treatment
Maux superflus	Injury, Superfluous
Mer territoriale	Sea, Territorial
Mercenaire	Mercenary
Méthodes de guerre	Warfare, Methods of
Mine maritime	Mine, Submarine
Mine terrestre	Mine, Land
Mineur	Minor
Missile	Missile
Mobilisation	Mobilization
Mouvement de population	Population movement
Mouvement de résistance	Resistance movement
Moyens de guerre	Warfare, Means of
Moyens de transport sanitaire	Medical transport and transportation

N

Nations civilisées	See Martens.
Naufragés	Shipwrecked
Navire cartel	Ship, Cartel
Navire corsaire	Privateer
Navire de guerre	Warship
Navire-hôpital	Ship, Hospital
Navire marchand	Ship, Merchant
Navire marchand armé	Ship, Merchant, Armed
Navire marchand ennemi au début des hostilités	Ship, Merchant, Enemy: At the outbreak of hostilities
Navire marchand transformé en navire de guerre	Ship, Merchant, Converted into a warship
Navire marchand transformé en navire-hôpital	Ship, Merchant, Converted into a hospital ship
Navires marchands: leur nationalité et la nationalité des personnes et des marchandises qui se trouvent à bord	Ship, Merchant: Nationality of, and of persons and merchandise on board
Navire sanitaire	Medical ships and craft
Nécessité militaire	Necessity, Military
Neutralité	Neutrality
Neutralité aérienne	Neutrality, Air
Neutralité armée	Neutrality, Armed
Neutralité maritime	Neutrality, Maritime
Neutralité terrestre	Neutrality, Land
Non-combattant	Non-combatant
Non-intervention	Non-intervention

O

Objecteur de conscience
Objectif militaire
Occupation
Omission
Opérations militaires
Ordre public
Otage

Conscientious objector
Objective, Military
See Occupied territory.
Failure to act
Operations, Military
Law and order
Hostage

P

Paix
Pacifisme
Paramilitaire
Parlementaire
Parole d'honneur

Partie au conflit
Passage inoffensif
Pavillon

Peines collectives
Peines corporelles
Peines cruelles, inhumaines ou
dégradantes

Perfidie
Permanent
Perquisition
Personnel religieux
Personnel sanitaire

Personne civile
Personne décédée
Personne déplacée
Personne disparue
Personne protégée
Personne qui ne participe pas
directement ou qui ne participe
plus aux hostilités
Personne qui participe aux hostilités
Personnes suivant les forces armées
sans en faire directement partie

Peace
Pacifism
Paramilitary
Parlementaire
Word of honour. See Parole,
Liberty on.
Conflict, Party to the
Passage, Innocent
See Flag; Emblems and signs,
Distinctive.
Punishment, Collective
Punishment, Corporal
Punishment, Cruel, Inhuman and
Degrading. See Torture.
Perfidy
Permanent
Search
Religious personnel
Medical personnel
Civilian person
Dead (The)
Displaced person
Missing person
Protected person
Hostilities, Person taking no active
part in
Hostilities, Person taking part in
Forces, Armed: Persons who
accompany the (without actually
being members thereof)

Piège
Pillage
Piquet
Piraterie
Plaquette d'identité
Plateau continental
Police militaire
Population civile
Port
Poste collecteur de prisonniers
Prise
Prisonnier de guerre
Procédure d'enquête
Promesse
Proportionnalité
Protection
Protection civile

Puissance détentrice
Puissance occupante
Puissance protectrice

Booby-trap
Pillage
Picket. See Sentry.
Piracy
Disc, Identity
Shelf, Continental
Police, Military
Civilian population
Port
Collection post, Prisoner-of war
Prize
Prisoner of war
Enquiry Procedure
See Parole, Liberty on.
Proportionality
Protection
Civilian population, Protection of
the
Detaining Power
Occupying Power
Protecting Power

Quartier

Q

Quarter

Rade
Raid
Reddition
Refuge
Réfugié
Région de la guerre
Règlements militaires
Règles d'engagement
Représailles
Reprise
Réquisition
Résidence forcée

Résistance

R

Roadstead
Raid
Surrender
Refuge
Refugee
War, Region of
Regulations, Military
Engagement, Rules of
Reprisal
Recapture
Requisition
Assigned residence. See
Internment.
See Resistance movement.

Résistance active
Respect du droit des conflits armés

Responsabilité
Rétorsion
Révolte
Rôle de la population civile
Ruse de guerre

Forcible resistance. See Visit.
Law of armed conflict, Respect for
the
Responsibility
Retaliation
Rebellion
Civilian population, Role of the
Ruse of war

S

Sabotage
Saboteur
Saisie
Sanction disciplinaire
Sanction pénale
Sauf-conduit
Sauvegarde
Secours
Secret d'état
Sécurité
Sentinelle
Sépulture
Serment
Service sanitaire
Siège
Signe distinctif
Société de secours
Souffrances
Sous-marin
Spoliation
Statut
Statut juridique des parties
au conflit
Stratagème
Submersible
Substitut
Survie

Survol
Suspension d'armes
Système d'armes

Sabotage
Saboteur
Seizure
Sanction, Disciplinary
Sanction, Penal
Safe-conduct
Safeguard
See Relief society.
State secret
Safety; Security.
Sentry
See Grave.
Allegiance
Medical service
Siege
See Emblems and signs, distinctive.
Relief society
Suffering
Submarine
See Marauding; Pillage.
Status
Conflict, Legal status of the parties
to the
Stratagem. See Ruse of war.
Submarine
See Protecting Power.
See Civilian population, Objects
indispensable to the survival of.
Overflight
Hostilities, Suspension of
Weapon system

T

Temporaire
Temps de guerre
Tensions internes
Terreur
Territoire
Territoire envahi
Territoire neutre
Territoire occupé
Terrorisme
Testament
Théâtre de la guerre
Tombe
Torpille
Torture
Trahison
Traitements cruels, inhumains et
dégradients
Transfert forcé
Transit inoffensif

Transport sanitaire
Travail
Trêve

Tribunal des prises
Troubles intérieurs

Temporary
War, Time of
Tension, Internal
Terror
Territory
See Invasion.
Neutral territory
Occupied territory
Terrorism
Will
War, Theatre of
Grave
Torpedo. See Mine, Submarine.
Torture
Treachery
See Torture.

Forcible Transfer. See Deportation.
Transit, Innocent. See Passage,
Innocent.
Medical transport and transportation
Labour
Truce. See Hostilities, Suspension
of.
Prize court
Disturbances, Internal

U

Unité sanitaire
Unité de travail

Medical unit
Unit, Labour

V

Véhicule sanitaire
Ville ouverte

Violence
Visite

Medical vehicle
Town, Open. See Locality, Non-
defended.
Violence
Visit

Volontaire Croix-Rouge et
Croissant-Rouge
Volontaire international
Volontariat
Voyage continu

Volunteer, Red Cross/Red Crescent

Volunteer, International
Volunteer enlistment
Voyage, Continuous

Z

Zone assiégée
Zone de combat
Zone de contact
Zone contiguë
Zone de l'intérieur

Zone démilitarisée
Zone des arrières
Zone des communications

Zone économique exclusive
Zone encerclée
Zone interdite
Zone neutralisée
Zone sinistrée
Zone territoriale
Zones et localités sanitaires
Zones et localités sanitaires
et de sécurité

See Siege.
Zone, Combat
Zone, Contact
Zone, Contiguous
Zone, Interior. See Zone,
Territorial.
Zone, Demilitarized
Area, Rear
Communications zone. See Zone,
Territorial.
Zone, Exclusive economic
See Encirclement.
Zone, Forbidden
Zone, Neutralized
Disaster area
Zone, Territorial
Localities, Hospital zones and
Localities, Hospital and safety
zones and

MISSION

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

The timely publication of this book by the International Committee of the Red Cross fills a gap in the literature of the law of armed conflict. It supplies a long awaited and comprehensive synthesis of two branches of international law, *jus ad bellum* and *jus in bello*, in an attractive and handy form.

The Dictionary contains more than 450 clear and well-documented definitions of terms and concepts, from Action to Zone. It will be invaluable to those studying or called on to implement international law, and to laymen who realize the eternal and topical importance of the law of armed conflict.



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