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OF THE RED CROSS AND RED CRESCENT**

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**REAFFIRMATION AND IMPLEMENTATION OF
INTERNATIONAL HUMANITARIAN LAW**

"Preserving Human Life and Dignity in Armed Conflict"

BACKGROUND DOCUMENT

**Document prepared by
the International Committee of the Red Cross**

Geneva, October 2007

REAFFIRMATION AND IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW

"Preserving Human Life and Dignity in Armed Conflict"

BACKGROUND DOCUMENT FOR THE DRAFT RESOLUTION

1. Preamble

As armed conflicts continue to wreak devastation across the world, the need to preserve human life and dignity has never been greater, or the role of international humanitarian law more important.

Civilians continue to bear the brunt of armed conflict as attacks on civilians and civilian objects, on medical personnel, transports and units, on humanitarian relief personnel, and on journalists, media professionals and associated personnel occur all too frequently. The basic protection, health and assistance needs of civilian populations, in particular, of women and children, the elderly and disabled, refugees and internally displaced persons, and persons deprived of their liberty are often not taken into account.

In 2003 the 28th International Conference adopted a Declaration and Agenda for Humanitarian Action which focused on very specific issues, in particular missing persons and weapons. At this 30th Conference, the approach to international humanitarian law is meant to be more general. However, the documents adopted in 2003 remain very relevant today, as they deal with issues that continue to be of great humanitarian concern and that are high on the international agenda. All members of the Conference should therefore be encouraged to continue to work towards full implementation of the Declaration and the Agenda for Humanitarian Action.

Since 2003 several aspects of the application, interpretation and implementation of international humanitarian law have been much debated. On this occasion, therefore, as States party to the Geneva Conventions and the components of the International Red Cross and Red Crescent Movement gather in Geneva for the 30th International Conference, it seems highly relevant and important that basic tenets of international humanitarian law should be reaffirmed in a strongly worded resolution and that the basic obligations of implementation, dissemination and enforcement that have to be fulfilled in order to respect and ensure respect for international humanitarian law should once again be underlined in unambiguous language.

The proposed resolution is premised on the conviction that international humanitarian law remains as relevant in armed conflicts today as ever before, from traditional inter-State wars and occupation to the wide variety of armed conflicts not of an international character afflicting the world today. International humanitarian law continues to provide valuable legal protection for the victims of all these types of armed conflict. As a result, no one is bereft of all legal protection during armed conflict.

The protection provided for victims of armed conflict is complemented by the application of other bodies of law, in particular international human rights law and international refugee law. Unlike these, international humanitarian law is applicable only in armed conflict, although some of its provisions apply prior to any conflict and still others continue to apply after active hostilities have ceased. But international humanitarian law does not apply, and should not be extended to apply, to situations unrelated to armed conflict.

There is also good news. The Geneva Conventions achieved universal adherence in 2006, and after more than 50 years their implementation into domestic law is finally picking up speed. Another positive development was the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance, an important instrument in the fight against the scourge of persons going missing. Mounting recognition of the continued value of customary international humanitarian law is also positive.

In addition, a significant expansion of synergies, cooperation and exchanges of information occurred between States, international and regional organizations, National Red Cross and Red Crescent Societies and their International Federation, the ICRC, and non-governmental organizations in the fields of implementation, promotion and development of international humanitarian law.

Nevertheless, a lot of work remains to be done to effectively and fully implement, disseminate and enforce international humanitarian law. The Conference represents an opportunity for all those concerned to renew their commitment to this noble objective.

2. Respect and Ensure Respect

The proposed resolution sets out to reaffirm the primary obligation of all States and parties to an armed conflict to respect and ensure respect for international humanitarian law as provided for under Article 1 common to the Geneva Conventions. This obligation has two aspects.

First, it requires that each party to an armed conflict respect and ensure respect for international humanitarian law by its own armed forces and by other persons or groups acting in fact on its instructions or under its direction or control.

Second, this obligation entails a commitment to refrain from encouraging violations of international humanitarian law by parties to an armed conflict and to exert influence, to the degree possible, in order to prevent violations from occurring or to put an end to ongoing violations.

This influence can be exerted individually or collectively, through multilateral mechanisms and international organizations such as the United Nations.¹ The work of the United Nations aiming to enhance the protection of civilians in armed conflict is an example of influence being exerted to prevent violations of international humanitarian law.² Regional organizations also have an important role to play, as evidenced by initiatives taken by the African Union, the European Union and the Organization of American States.³

It is worth recalling that in 2003 the ICRC organized a series of five regional seminars which discussed ways and means of operationalizing Common Article 1. The summary of these discussions contains a list of practical measures States can take in this respect.⁴ The ICRC also developed a toolbox of measures to better ensure compliance with international humanitarian law by non-State armed groups.⁵

¹ See Additional Protocol I, Art. 89.

² See, e.g., Report of the Secretary-General on the Protection of Civilians in Armed Conflict, UN Doc. S/2005/740, 28 November 2005, and Security Council Resolution 1674, UN Doc. S/RES/1674 (2006), 28 April 2006.

³ See, e.g., European Union, Commission, Guidelines on Promoting Compliance with International Humanitarian Law (2005/C 327/04).

⁴ See *Improving Compliance with International Humanitarian Law*, ICRC Expert Seminars, Summary Report, annexed to *International Humanitarian Law and the Challenges of Contemporary Armed Conflicts*, Doc. 03/IC/09, Geneva 2003, Annex 3, pp. 46-70.

⁵ To be published in late 2007.

3. Fundamental Guarantees

In recent armed conflicts even the most fundamental guarantees have been denied to persons in the power of a party to conflict. There have been pictures of persons in detention being murdered or ill-treated, and reports of rape and other forms of sexual violence. The taking of hostages is still a common practice in some armed conflicts. In still other places, persons are held without a review of the legality of their detention or tried without a fair trial by an independent, impartial and regularly constituted court. Suspects are often declared guilty before judicial proceedings have even started, thus denying them the presumption of innocence. The personal convictions and religious practices of detainees have at times been disregarded.

These violations have been committed both by State armed forces and by non-State armed groups. It is an essential characteristic of international humanitarian law that it is equally binding on State and non-State armed forces and groups. As a result, any party to an armed conflict must fully comply with the law, including the obligation to grant the fundamental guarantees to which all persons in the power of a party to the conflict are entitled, regardless of the means at their disposal or the cause of their fight.

The Conference should, therefore, strongly reaffirm the relevance and applicability of the fundamental guarantees of protection established by international humanitarian law for both international and non-international armed conflict. International humanitarian law is premised on a system whereby all persons in the power of a party to a conflict are entitled, as a minimum, to certain fundamental guarantees which are inalienable and non-derogable under any circumstances, while certain well-defined categories of persons benefit from an additional, more elaborate system of legal protection. These categories include prisoners of war and other protected persons, such as civilian internees, who benefit from a specific legal regime established by the Third and Fourth Geneva Convention, respectively.

Even those not benefiting from such a regime are still entitled to the fundamental guarantees established by treaty-based and customary international humanitarian law, and deriving from the fundamental principle that everyone is entitled to humane treatment without any adverse distinction based upon race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria.

In accordance with these fundamental guarantees, the following are prohibited:

- Ø murder;
- Ø torture, whether physical or mental; cruel or inhuman treatment;
- Ø outrages upon personal dignity, in particular humiliating and degrading treatment;
- Ø failure to respect personal convictions and religious practices;
- Ø corporal punishment;
- Ø mutilation; medical or scientific experiments;
- Ø rape and other forms of sexual violence;
- Ø slavery and slave trade;
- Ø the taking of hostages;
- Ø enforced disappearance;
- Ø arbitrary deprivation of liberty;
- Ø unfair trial;
- Ø collective punishments.

The concept of arbitrary deprivation of liberty refers both to the substantive grounds for detention, which must be provided for in law, and to the procedural safeguards. With respect to the latter, the proposed resolution notes that persons detained or interned in relation to an armed conflict must benefit from procedural safeguards aimed at ensuring that their detention is lawful and does not amount to arbitrary deprivation of liberty. These safeguards include the right to have the basis and continued legality of the detention or internment reviewed by an independent and impartial body.

It should be noted in this regard that the applicable regime for prisoners of war, as set out in the Third Geneva Convention, is different. However, this regime is such that, when complied with, the internment of prisoners of war does not amount to arbitrary deprivation of liberty. Internment continuing after the end of hostilities, however, would constitute an arbitrary deprivation of liberty as there would no longer be imperative security reasons to keep the prisoners interned.⁶

The proposed resolution also reaffirms that all persons subject to arrest on a criminal charge and those on trial are entitled to a fair trial affording all essential judicial guarantees. These are generally understood to include:

- ∅ presumption of innocence;
- ∅ trial by an independent, impartial and regularly constituted court;
- ∅ information on the nature and cause of the accusation;
- ∅ necessary rights and means of defence, including the right to defend oneself or to be assisted by a lawyer of one's own choice, the right to free legal assistance if the interests of justice so require, the right to sufficient time and facilities to prepare the defence and the right of the accused to communicate freely with counsel;
- ∅ trial without undue delay;
- ∅ examination of witnesses;
- ∅ assistance of an interpreter;
- ∅ presence of the accused at the trial;
- ∅ prohibition on compelling an accused to testify against him or herself or to confess guilt;
- ∅ public proceedings;
- ∅ advising convicted persons of available remedies and of their time-limits;
- ∅ prohibition of double jeopardy.

The fundamental guarantees established under international humanitarian law find their basis in Common Article 3, as supplemented by applicable treaty law, in particular Article 75 of Additional Protocol I and Articles 4–6 of Additional Protocol II, which are generally considered to be part of customary international law. While some of the guarantees are the result of the advent and increasing recognition of human rights since the Second World War, several others can be traced back to older texts, such as the Lieber Code, the Brussels Declaration and the Hague Regulations.

4. Humanitarian and Medical Assistance

Humanitarian assistance to civilian populations in need remains essential but is all too often rendered difficult or even blocked, in violation of international humanitarian law, for political or strategic reasons. International humanitarian law provides that relief actions which are

⁶ Prisoners of war against whom criminal proceedings for an indictable offence are pending may be detained until the end of such proceedings, and, if necessary, until the completion of the punishment (Article 119, para. 5 of the Third Geneva Convention).

humanitarian and impartial in character and conducted without any adverse distinction must be undertaken whenever a civilian population is not adequately provided with supplies essential to their survival (such as food, medical supplies, clothing, bedding and means of shelter) or with objects necessary for religious worship.⁷

To provide humanitarian relief for populations in need, access is required. International humanitarian law stipulates that parties to a conflict and other States must allow and facilitate rapid and unimpeded passage of all relief consignments, equipment and personnel, subject to their consent, which may not be withheld for arbitrary reasons. The parties concerned have the right to prescribe the technical arrangements, including verification measures, under which passage is permitted but may not divert relief consignments from the purpose for which they were intended or delay their forwarding except in cases of urgent necessity in the interest of the civilian population concerned. In occupied territory a more stringent regime is applicable under Article 55 of the Fourth Geneva Convention.

To provide humanitarian relief it is also necessary that relief personnel be respected and protected. Instances where these personnel have been harmed, whether through attack, murder, abduction or intimidation, must remain of the utmost concern to the international community, for they make the delivery of humanitarian assistance virtually impossible and may pose a threat to the survival of a civilian population.

Medical assistance, in particular, is essential for the survival of a civilian population. It is important that medical personnel have access to any place where their medical services are required. It is similarly important that parties to a conflict respect and protect medical personnel, their means of transport, as well as medical establishments and other medical facilities at all times. Medical personnel, units and transports have all too often been interfered with in armed conflicts through direct attacks or arbitrary and excessive restrictions on their activities. This undermines one of the basic principles of international humanitarian law, recognized for example in Article 3 common to the Geneva Conventions, i.e. that "the wounded and sick shall be collected and cared for."

The components of the International Red Cross and Red Crescent Movement are among the organizations providing humanitarian relief, including medical assistance, on an impartial basis for populations in need. It is therefore essential that parties to a conflict respect and protect Red Cross and Red Crescent workers and volunteers and that they recognize and uphold the protective value of the distinctive emblems recognized by the Geneva Conventions and their Additional Protocols, i.e. the red cross, red crescent and red crystal. Attacks against personnel, ambulances and hospitals clearly marked with a distinctive emblem constitute a serious violation of international humanitarian law.

5. Conduct of Hostilities

Today, civilian populations and individual civilians continue to bear the brunt of armed conflicts and remain the main victims of violations of international humanitarian law, including direct attacks, indiscriminate attacks and attacks which violate the principle of proportionality, whether committed by State armed forces, dissident armed forces or by other organized armed groups.

The Conference should, therefore, strongly reaffirm the principle of distinction between civilians and combatants and between civilian objects and military objectives as a cardinal principle of international humanitarian law that must be strictly observed by all parties to armed conflict, regardless of circumstances and regardless of the motives underlying the conflict. Direct attacks against civilians and civilian objects are prohibited, as are indiscriminate attacks, i.e. those which are not directed at a specific military objective, those

⁷ See Fourth Geneva Convention, Arts 23 and 55; Additional Protocol I, Art. 70 and Additional Protocol II, Art. 18(2).

which employ a method or means of combat which cannot be directed at a specific military objective, and those which employ a method or means of combat the effects of which cannot be limited as required by international humanitarian law and, consequently, are of a nature to strike military objectives and civilians or civilian objects without distinction.

In recent armed conflicts, journalists, media professionals and associated personnel have been increasingly subject to attack. It should therefore be recalled that when these persons are engaged in dangerous professional missions in areas of armed conflict, they are considered as civilians and must be respected and protected as such, provided that they take no action adversely affecting their status as civilians. This was clearly confirmed by the UN Security Council in Resolution 1738 (2006), which condemned intentional attacks against journalists, media professionals and associated personnel, as such, in situations of armed conflict.

The Conference should reaffirm the prohibition of acts or threats of violence the primary purpose of which is to spread terror among the civilian population. While armed conflict inevitably creates fear among civilians, deliberately terrorizing a civilian population can never constitute a lawful objective in armed conflict. It goes without saying that this prohibition remains of vital importance for the protection of civilians in contemporary armed conflicts. In addition to this general prohibition, international humanitarian law also prohibits several specific acts of terrorism, in particular direct attacks against civilians and civilian objects, indiscriminate attacks, perfidy and hostage-taking.

Given the high number of civilian casualties and the widespread damage to civilian objects in recent armed conflicts, the Conference should also reaffirm the principle of proportionality by which the incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, must not be out of proportion to the concrete and direct military advantage anticipated from an attack. When such loss, injury or damage is excessive the attack is unlawful. It should be underlined that the foreseeable effects of explosive remnants of war on civilian populations are a factor to be considered in applying the rules of international humanitarian law on proportionality in attack and precautions in attack.⁸

The Conference should reaffirm the obligation of parties to a conflict to take all feasible precautions – both in attack and against the effects of attack – to protect and spare the civilian population in military operations. Those who plan or decide upon an attack must take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects. They must also verify that their targets are legitimate military objectives, carry out a prior assessment of the incidental effects the attack may have on civilians and civilian objects, and, if circumstances permit, give advance warning of the attack.

Parties to a conflict must also, to the maximum extent feasible, avoid locating military objectives within or near densely populated areas, and endeavour to remove civilians and civilian objects under their control from the vicinity of military objectives. It should be stressed that the use of human shields is prohibited at all times. The civilian population or individual civilians must not be used to render certain points or areas immune from military operations.

It goes without saying that the protection granted civilians by international humanitarian law would be forfeited in the event of any direct participation in hostilities. The forthcoming "Interpretive Guidance" on the notion of direct participation in hostilities prepared by the ICRC after extensive consultations with outside experts may serve as a means of clarifying this notion in both international and non-international armed conflict.

Under Article 36 of Protocol I additional to the Geneva Conventions, each State Party is required to determine whether the employment of any new weapon, means or method of warfare that it studies, develops, acquires or adopts is prohibited by international law in some

⁸ Third Review Conference of the Convention on Certain Conventional Weapons, Geneva, 7–17 November 2006, Final Declaration, preamble.

or all circumstances. It should be emphasized that all States – regardless of whether they are party to Additional Protocol I – have an interest in determining the legality or illegality of the use of any new weapon, since they need this information to ensure that their armed forces can conduct hostilities in accordance with their international obligations – in particular to ensure that civilians are protected from the indiscriminate effects of weapons and combatants from weapons that cause unnecessary suffering. To date, however, only a small number of States are known to have formal procedures for reviewing new weapons in place.⁹ The Conference should encourage all States to consider establishing procedures to review the legality of new weapons, means and methods of warfare.

In the Agenda for Humanitarian Action adopted by the 28th International Conference, States party to the Geneva Conventions recognized that the obligation of States to "respect and ensure respect" for international humanitarian law requires strengthened controls on the availability of arms and ammunition to ensure that weapons do not end up in the hands of those who may be expected to use them to violate international humanitarian law. States were urged to "make respect for international humanitarian law one of the fundamental criteria on which arms transfer decisions are assessed" and encouraged to "incorporate such criteria into national laws or policies and into regional and global norms on arms transfers."¹⁰ An increasing number of regional arms transfer instruments, as well as national laws and regulations, contain such international humanitarian law criteria.¹¹ The Conference should reaffirm the importance of continued efforts to establish adequate controls in this area.

Since 2006 there has been a growing recognition of the humanitarian concerns posed by the use of cluster munitions. International efforts to address these concerns are currently under way. At a meeting in Oslo in February 2006, 46 States committed themselves to conclude by 2008 a legally binding international instrument that will prohibit the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians. In the framework of the Convention on Certain Conventional Weapons, expert discussions of this topic took place in June 2007; at the Meeting of States Parties scheduled to take place in November 2007, a decision is expected to be taken on how to best address the humanitarian challenges posed by cluster munitions. In addition to discussions at the international level, an increasing number of countries are taking national action to ensure that their armed forces do not use or acquire cluster munitions that have unacceptable consequences in humanitarian terms. It is important for the Conference to recognize these efforts and encourage States to continue to work urgently to minimize the harm caused by cluster munitions.

6. National Implementation

The Conference should recall that it is vitally important for States to accede to all key international humanitarian law instruments. In addition, it should recall the obligations that States have to fulfil under these treaties (see Annex). The proposed resolution emphasizes the obligation of States to adopt all legislative, regulatory and practical measures that are necessary to incorporate international humanitarian law into domestic law and practice.

To this end, action should be taken at the national level in a wide variety of fields, for example by making it an offence under domestic criminal law to commit serious violations of international humanitarian law, by protecting the red cross, red crescent and red crystal emblems, by preparing the protection of cultural property in the event of armed conflict, and by adopting measures to prevent people from going missing as a consequence of war.

⁹ In 2006, the ICRC published *A Guide to the Legal Review of New Weapons, Means and Methods of Warfare – Measures to Implement Article 36 of Additional Protocol I of 1977* (www.icrc.org/Web/Eng/siteeng0.nsf/html/p0902) to promote the development of weapon review mechanisms and to assist States establishing them.

¹⁰ Agenda for Humanitarian Action, Final Goal 2.3.

¹¹ In June 2007, the ICRC published a practical guide entitled *Arms Transfer Decisions – Applying International Humanitarian Law Criteria* (www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/p0916?opendocument).

The effective role and increasing number of national committees and other bodies involved in advising and assisting national authorities in implementing, developing and spreading knowledge of international humanitarian law is acknowledged with satisfaction. As at 30 June 2007, 84 States had established such committees or similar bodies. States which have not yet formed national committees are invited to consider taking such a step.

7. Doctrine, Training and Education

It is beyond dispute that compliance by armed forces personnel with international humanitarian law cannot be achieved without proper training. This is not a matter of attending theoretical presentations; proper training requires that international humanitarian law be taken into account in military doctrine and procedures. Armed forces personnel at all echelons must be properly trained in the application of international humanitarian law so that they acquire both the necessary theoretical knowledge and the practical experience needed to comply with the law in the conduct of operations.

Because international humanitarian law provides that military commanders are responsible for the training of their personnel and for the orders they give to their subordinates, it is essential that commanders receive training in the application of international humanitarian law commensurate with their responsibility. It is particularly important that officers be trained to issue unequivocally legal orders. The selection, training and appointment of legal advisers, at the appropriate level, to assist the commanders both in the application of international humanitarian law in the conduct of operations and in the training of their personnel is very important.

Proper respect for international humanitarian law requires not only that those who must apply it receive proper training, but also that those likely to suffer the effects of military operations, i.e. the civilian population, are educated about it. Clearly, it would not be realistic to expect that everyone could know everything about international humanitarian law; choices concerning how much to teach, and to whom, have to be made. Nevertheless, owing to the combined efforts of national authorities, universities and other institutions of higher learning, National Societies, their International Federation, the ICRC and non-governmental organizations, it is possible to achieve satisfactory results. States that have not yet done so are encouraged to adopt educational programmes for young people presenting at least the basic concepts of international humanitarian law. The ICRC invites educational authorities to adopt the education modules Exploring Humanitarian Law (EHL),¹² and is pleased to note that, to date, some 70 States are working to integrate these modules into their education systems.

8. Ending Impunity

Enforcement is essential for making the law effective and credible. Without enforcement, there is no law, only the semblance of law. Past experience has clearly shown that impunity serves neither justice, nor reconciliation, nor victims' interests. Ending impunity is therefore essential if a society in conflict or recovering from conflict is to come to terms with past abuses committed against civilians and other victims of armed conflict and to prevent future abuses.

To enforce international humanitarian law and strengthen existing mechanisms, the proposed resolution stresses that it is particularly important that all States create a domestic legal framework for the investigation and prosecution of war crimes on the basis of universal jurisdiction and for the extradition of persons suspected of having committed war crimes.

¹² Visit the EHL virtual campus at www.ehl.icrc.org.

The proposed resolution also stresses the importance of visible, predictable and effective sanctions in order to ensure compliance with international humanitarian law and to deter future violations effectively. Sanctions play a key preventive role. Experience shows that the more visible they are and the more predictable their application, the more dissuasive they will be. They also make it possible to effectively punish those who have failed to obey the law. They therefore offer hierarchical superiors a means of enforcing orders and discipline and of showing that the whole chain of command is firm in defending its fundamental values.

Sanctions can be enforced through penal and disciplinary measures. While the former are doubtless necessary for serious violations, they must be backed up by effective disciplinary sanctions at all levels of the chain of command. These administrative measures, which are under the responsibility of the direct superior, offer two key advantages: they can be enforced rapidly and they are highly visible to the offender's peers. Their dissuasive effect is therefore immediate, preventing unacceptable behaviour from becoming tolerated or even accepted.

The proposed resolution acknowledges the essential contribution of the International Criminal Court to the emergence of a comprehensive and effective system of accountability for serious violations of international humanitarian law. As a result, it encourages States that have not yet done so to consider acceding to the Rome Statute of the International Criminal Court.

The proposed resolution also underlines the importance of international judicial cooperation among States as well as between States and international and "mixed" criminal courts and tribunals. States should exploit the full range of justice and reconciliation mechanisms, including national, international and "mixed" criminal courts and tribunals, and truth and reconciliation commissions. Not only do such mechanisms promote individual responsibility for serious violations of international humanitarian law, they also advance the cause of peace, truth, reconciliation and victims' rights.

The proposed resolution further encourages the use of fact-finding mechanisms, such as the International Fact-Finding Commission established under Article 90 of Additional Protocol I, in restoring respect for international humanitarian law.

Finally, the proposed resolution reminds States of the need to address victims' rights. Victims of serious violations of international humanitarian law should, as appropriate and in proportion to the gravity of the violation and the circumstances of each case, be provided with full and effective reparation, in accordance with international law.¹³ The reparation may take the form of restitution, compensation, rehabilitation, satisfaction, guarantees of non-repetition, or a combination thereof, depending on the nature of the injury and the circumstances of the violation. Properly addressing victims' rights goes a long way towards achieving the ultimate goal of international humanitarian law: the protection of the rights of victims of armed conflict, whoever and wherever they may be.

9. Guiding Questions for Commission B at the International Conference on the reaffirmation and implementation of international humanitarian law: preserving human life and dignity in armed conflict (Wednesday 28 November 2007, 9:30-13:00)

Guiding questions for Commission B will be posted on the webpages of the 30th International Conference by 31 October 2007.

(www.icrc.org, www.ifrc.org, www.rcstandcom.info)

Participants are invited to refer to these in preparing for the International Conference.

¹³ See Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN Doc. A/RES/60/147, 16 December 2005, Annex.

Annex. List of Main Treaties of International Humanitarian Law

I. Treaties on the Protection of Victims of War

- ∅ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention), 12 August 1949
- ∅ Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention), 12 August 1949
- ∅ Geneva Convention relative to the Treatment of Prisoners of War (Third Convention), 12 August 1949
- ∅ Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention), 12 August 1949
- ∅ Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977
 - Declaration under Article 90 of Protocol I, accepting the competence of the International Fact-Finding Commission
- ∅ Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977
- ∅ Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), 8 December 2005
- ∅ Convention on the Rights of the Child (in particular Article 38), 20 November 1989
- ∅ Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 25 May 2000

II. Treaties on the Protection of Cultural Property

- ∅ Convention for the Protection of Cultural Property in the Event of Armed Conflict, of 14 May 1954
 - Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict, 14 May 1954
 - Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, 26 March 1999

III. Treaties Restricting the Use or Prohibiting Certain Weapons or Methods of Warfare

- ∅ Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, 17 June 1925
- ∅ Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, 10 April 1972
- ∅ Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, 10 December 1976
- ∅ 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, 10 October 1980
 - Protocol on Non-Detectable Fragments (Protocol I), 10 October 1980
 - Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II), 10 October 1980
 - Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III), 10 October 1980
 - Protocol on Blinding Laser Weapons (Protocol IV), 13 October 1995
 - Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996 (Protocol II as amended)
 - Protocol on Explosive Remnants of War (Protocol V), 28 November 2003
 - Article 1 of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, as amended on 21 December 2001
- ∅ Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on their Destruction, 13 January 1993
- ∅ Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 18 September 1997

IV. Treaty on International Jurisdiction

- ∅ Rome Statute of the International Criminal Court, 17 July 1998