

ANNEXES

ANNEX 1: MODEL UNILATERAL DECLARATION

Armed groups have legal obligations under international humanitarian law (IHL) to protect the wounded and sick together with health-care personnel, facilities and transports in armed conflicts. To express their commitment to abide by their obligations, they may choose to issue a unilateral declaration. Unilateral declarations are also useful for informing group members of the rules they need to follow.

Unilateral declarations have been made by a variety of armed groups in recent decades. They can be communicated orally or in written form (e.g. in newspapers, or on the group's website or Facebook page).

The International Committee of the Red Cross (ICRC) stands ready to provide guidance and support to armed groups interested in developing a unilateral declaration. The text below represents a model and starting point.

Unilateral declarations are exclusively humanitarian in character. They do not affect the legal status of the armed groups concerned, nor do they undermine or replace their legal obligations.

UNILATERAL DECLARATION ON THE RESPECT AND PROTECTION OF THE WOUNDED AND SICK AND ON ACCESS TO HEALTH CARE

We acknowledge the need for all wounded and sick persons, i.e. those who require health care and refrain from any act of hostility, to have access to health care, and we are deeply concerned about the devastating impact of hindering such access.

We recognize that the provision of health care must be guided by the principles of humanity and impartiality.

We are convinced that we can play an important and positive role in improving the safe delivery of, and access to, health care and are resolved to do so.

We recognize that this declaration is no substitute for existing legal rules, including Article 3 common to the Geneva Conventions, customary international humanitarian law and, where applicable, Additional Protocol II to the Geneva Conventions.

In view of the above:

1. We hereby commit to the following general principles:

- a. respecting and protecting the wounded and sick, and actively supporting and facilitating their access to health care;
- b. respecting and protecting health-care personnel, facilities and medical transports, whether civilian or military, regardless of their affiliation;
- c. respecting the impartial, humanitarian character of health care;

- d. ensuring that health-care personnel, facilities and medical transports remain exclusively engaged in medical tasks;
- e. refraining from denying or disrupting health care as a military tactic;
- f. respecting the distinctive emblems of the red cross, red crescent and red crystal, and not using the distinctive emblems improperly;
- g. disseminating IHL and the terms of this declaration and ensuring that our members abide by them;
- h. abiding by our obligations and commitments regardless of the behaviour of the adversary.

2. We commit to respecting and protecting the wounded and sick. This includes:

- a. not attacking, harming or killing the wounded and sick;
- b. treating the wounded and sick humanely in all circumstances, even if they have engaged in prior military operations on behalf of any party to the conflict;
- c. searching for, collecting and caring for the wounded and sick without delay and without distinction, to the fullest extent practicable, whenever the security situation permits;
- d. allowing civilians and impartial humanitarian organizations to assist in this task;
- e. not preventing medical care, in particular medical supplies, from reaching the wounded and sick;
- f. taking all feasible measures to ensure that the wounded and sick are respected by others.

3. We commit to respecting and protecting medical transports. This includes:

- a. not attacking medical transports, even if they are not identified as such;
- b. allowing and facilitating the medical evacuation of the wounded and sick, including across front lines, to a location where they can receive adequate care;
- c. allowing unimpeded and fast passage to all vehicles dedicated to health care, even if they are not identified as such;
- d. not using medical transports for military purposes, such as transporting healthy fighters and weapons;
- e. taking all feasible measures to ensure that vehicles used for health care are respected by others.

4. We commit to respecting and protecting health-care facilities. This includes:

- a. not attacking health-care facilities exclusively performing medical functions, even if they are not identified as such;
- b. not attacking infrastructure essential for health-care delivery as long as it is not used for military purposes;
- c. not using health-care facilities for military purposes, such as establishing military posts or storing arms and ammunition;
- d. taking all feasible precautions, while planning and conducting military operations, to avoid incidentally damaging or destroying health-care facilities;
- e. taking all feasible precautions to spare health-care facilities from the effects of attack, including avoiding military operations near such facilities;
- f. not interfering with the work carried out in health-care facilities, a commitment that includes not taking supplies or material from health-care facilities and refraining from armed entry that disrupts the functioning of health-care facilities;
- g. facilitating the work carried out in health-care facilities.

5. We commit to respecting and protecting health-care personnel. This includes:

- a. not attacking, threatening or pressuring any health-care personnel providing impartial health care, even if they are not identified as such;
- b. respecting health-care personnel's obligation to treat all wounded and sick, without distinction on any grounds other than medical ones, including the wounded and sick associated with the adversary;
- c. not interfering with the work of health-care personnel;
- d. providing health-care personnel with all possible assistance in the accomplishment of their medical tasks;

- e. being aware of and promoting the ethical principles of health care and the obligations of health-care personnel under international and national law, and not punishing health-care personnel acting in accordance with their obligations;
- f. not compelling health-care personnel to carry out acts contrary to the ethical principles of health care;
- g. ensuring that our health-care personnel abide by the terms of this declaration and the ethical principles of health care.

6. We commit to informing the members of our group of the terms of this declaration and of IHL and ensuring they respect them. This includes:

- a. integrating the rules contained in this declaration in our doctrine, education and training;
- b. ensuring these rules are clearly translated into orders and directives;
- c. setting up an internal system to monitor compliance with this declaration and with the corresponding rules of IHL;
- d. applying sanctions, which are respectful of the individual's fundamental rights, to anyone in the group who does not abide by the rules contained in this declaration, and taking concrete measures to repair the damage done;
- e. widely and publicly disseminating the terms of this declaration, including, to the extent possible, to supporters of the group and to people living on any territory that may be controlled by the group.