

VI

**PROTOCOL ADDITIONAL
TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949,
AND RELATING TO THE PROTECTION
OF VICTIMS OF NON-INTERNATIONAL ARMED CONFLICTS
(PROTOCOL II), OF 8 JUNE 1977**

Part I 313

PART I

Section A

Article 1 Material field of application..... 314
Article 2 Personal field of application 314
Article 3 Non-intervention 314

PART II

Section B

Article 4 Fundamental guarantees..... 315
Article 5 Persons whose liberty has been restricted..... 316
Article 6 Penal prosecutions 317

PART III

Section C

Article 7 Protection and care 318
Article 8 Search 318
Article 9 Protection of medical and re

VI

PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949, AND RELATING TO THE PROTECTION OF VICTIMS OF NON-INTERNATIONAL ARMED CONFLICTS (PROTOCOL II), OF 8 JUNE 1977

PREAMBLE

The High Contracting Parties,

Recalling that the humanitarian principles enshrined in Article 3 common to the Geneva Conventions of 12 August 1949, constitute the foundation of respect for the human person in cases of armed conflict not of an international character,

Recalling furthermore that international instruments relating to human rights offer a basic protection to the human person,

Emphasizing the need to ensure a better protection for the victims of the armed conflicts,

Recalling that, in cases not covered by the law in force, the human person remains under the protection of the principles of humanity and the dictates of public conscience,

Have agreed on the following:

PART I

SCOPE OF THIS PROTOCOL

Article 1 — Material field of application

1. This Protocol, which develops and supplements Article 3 common to the Geneva Conventions of 12 August 1949 without modifying its existing conditions of application, shall apply to all armed conflicts which are not covered by Article 1 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) and which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol.
2. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts.

PART II

HUMANE TREATMENT

Article 4 — Fundamental guarantees

1. All persons who do not take a direct part or who have ceased to take part in hostilities, whether or not their liberty has been restricted, are entitled to respect for their person, honour and convictions and religious practices. They shall in all circumstances be treated humanely, without any adverse distinction. It is prohibited to order that there shall be no survivors.
2. Without prejudice to the generality of the foregoing, the following acts against the persons referred to in paragraph 1 are and shall remain prohibited at any time and in any place whatsoever:

Article 5 — Persons whose liberty has been restricted

1. In addition to the provisions of Article 4, the following provisions shall be respected as a minimum with regard to persons deprived of their liberty for reasons related to the armed conflict, whether they are interned or detained:
 - a) the wounded and the sick shall be treated in accordance with Article 7;
 - b) the persons referred to in this paragraph shall, to the same extent as the local civilian population, be provided with food and drinking water and be afforded safeguards as regards health and hygiene and protection against the rigours of the climate and the dangers of the armed conflict;
 - c) they shall be allowed to receive individual or collective relief;
 - d) they shall be allowed to practise their religion and, if requested and appropriate, to receive spiritual assistance from persons, such as chaplains, performing religious functions;
 - e) they shall, if made to work, have the benefit of working conditions and safeguards similar to those enjoyed by the local civilian population.
2. Those who are responsible for the internment or detention of the persons referred to in paragraph 1 shall also, within the limits of their capabilities, respect the following provisions relating to such persons:
 - a) except when men and women of a family are accommodated together, women shall be held in quarters separated from those of men and shall be under the immediate supervision of women;
 - b) they shall be allowed to send and receive letters and cards, the number of which may be limited by competent authority if it deems necessary;
 - c) places of internment and detention shall not be located close to the combat zone. The persons referred to in paragraph 1 shall be evacuated when the places where they are interned or detained become particularly exposed to danger arising out of the armed conflict, if their evacuation can be carried out under adequate conditions of safety;
 - d) they shall have the benefit of medical examinations;
 - e) their physical or mental health and integrity shall not be endangered by any unjustified act or omission. Accordingly, it is prohibited to subject the persons described in this Article to any medical procedure which is not indicated by the state of health of the person concerned, and which is not consistent with the generally accepted medical standards applied to free persons under similar medical circumstances.
3. Persons who are not covered by paragraph 1 but whose liberty has been restricted in any way whatsoever for reasons related to the armed conflict shall be treated humanely in accordance with Article 4 and with paragraphs 1 and d), and 2b) of this Article.

penalized in any way for refusing or failing to give information concerning the wounded and sick who are, or who have been, under his care.

Article 11 — Protection of medical units and transports

1. Medical units and transports shall be respected and protected at all times and shall not be the object of attack.
2. The protection to which medical units and transports are entitled shall not cease unless they are used to commit hostile acts, outside their humanitarian function.

for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works.

Article 15 — Protection of works and installations containing dangerous forces

Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population.

PART V

FINAL PROVISIONS

Article 19 — Dissemination

This Protocol shall be disseminated as widely as possible.

Article 20 — Signature

This Protocol shall be open for signature by the Parties to the Conventions six months before the signing of the Final Act and will remain open for a period of

Article 23

1. This Protocol shall enter into force when ratification or accession have been deposited.
2. For each Party to the Conventions thereafter ratifying or acceding to this Protocol, it shall enter into force six months after the deposit by such Party of its instrument of ratification or accession.

Article 24 — Amendment

1. Any High Contracting Party may propose amendments to this Protocol. The text of any proposed amendment shall be

Article 25 — Denunciation

1. In case a High Contracting Party should denounce this Protocol, the denunciation shall only take effect six months after receipt of the instrument of denunciation. If, however, on the expiry of six months, the denouncing Party is engaged in the situation referred to in Article 1, the denunciation shall not take effect before the end of the armed conflict. Persons who have been deprived of liberty, or whose liberty has been restricted, for reasons related to the conflict shall nevertheless continue to benefit from the provisions of this Protocol until their final release.
2. The denunciation shall be notified in writing to the depositary, which shall transmit it to all the High Contracting Parties.

Article 26 — Notifications

The depositary shall inform the High Contracting Parties as well as the Parties to 9-6(7i)4.5o65(ot05-1 [114.2955ol [2(9-17o4o).5-o-604.)-15048 cht