

115.

Na podlagi 1. točke 337. člena ustave Socialistične federativne republike Jugoslavije izdajam

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI DOPOLNILNEGA PROTOKOLA K ŽENEVSKIM KONVENCIJAM Z DNE 12. AVGUSTA 1949 O ZAŠČITI ŽRTEV MEDNARODNIH OBOROŽENIH SPOPADOV (PROTOKOL I) IN DOPOLNILNEGA PROTOKOLA K ŽENEVSKIM KONVENCIJAM Z DNE 12. AVGUSTA 1949 O ZAŠČITI ŽRTEV NEMEDNARODNIH OBOROŽENIH SPOPADOV (PROTOKOL II)

Razglša se zakon o ratifikaciji dopolnilnega protokola k ženevskim konvencijam z dne 12. avgusta 1949 in o zaščiti žrtev mednarodnih oboroženih spopadov (protokol I) in dopolnilnega protokola k ženevskim konvencijam z dne 12. avgusta 1949 o zaščiti žrtev nemednarodnih spopadov (protokol II), ki ga je sprejela Skupščina SFRJ na seji Zveznega zbora dne 26. decembra 1978.

PR št. 757.

Beograd, 26. decembra 1978.

Predsednik republike:

Josip Broz Tito s. r.Predsednik
Skupščine SFRJ:**Dragoslav Marković s. r.**

Z A K O N

O RATIFIKACIJI DOPOLNILNEGA PROTOKOLA K ŽENEVSKIM KONVENCIJAM Z DNE 12. AVGUSTA 1949 O ZAŠČITI ŽRTEV MEDNARODNIH OBOROŽENIH SPOPADOV (PROTOKOL I) IN DOPOLNILNEGA PROTOKOLA K ŽENEVSKIM KONVENCIJAM Z DNE 12. AVGUSTA 1949 O ZAŠČITI ŽRTEV MEDNARODNIH OBOROŽENIH SPOPADOV (PROTOKOL II)

1. člen

Ratificira se dopolnilni protokol k ženevskim konvencijam z dne 12. avgusta 1949 o zaščiti žrtev mednarodnih oboroženih spopadov (protokol I) s prilogama I in II, sprejet 10. julija 1977 v Ženevi, v angleškem, francoskem, ruskem, španskem, arabskem in kitajskem izvorniku.

Ratificira se dopolnilni protokol k ženevskim konvencijam z dne 12. avgusta 1949 o zaščiti žrtev nemednarodnih oboroženih spopadov (protokol II), sprejet 10. julija 1977 v Ženevi, v angleškem, francoskem, ruskem, španskem, arabskem in kitajskem izvorniku.

2. člen

Določbe dopolnilnega protokola k ženevskim konvencijam z dne 12. avgusta 1949 o zaščiti žrtev mednarodnih oboroženih spopadov (protokol I), ki se nanašajo na okupacijo,

se uporabljajo v skladu z 238. členom ustave Socialistične federativne republike Jugoslavije, po katerem nihče nima pravice priznati ali podpisati kapitulacije, niti sprejeti ali priznati okupacije Socialistične federativne republike Jugoslavije ali posameznega njenega dela.

3. člen

Besedilo dopolnilnega protokola k ženevskim konvencijam z dne 12. avgusta 1949 o zaščiti žrtev mednarodnih oboroženih spopadov (protokol I) in dopolnilnega protokola k ženevskim konvencijam z dne 12. avgusta 1949 o zaščiti žrtev nemednarodnih oboroženih spopadov (protokol II) se v angleškem izvorniku in v slovenskem prevodu glasi:

PROTOCOL ADDITIONAL

TO THE GENEVE CONVENTIONS OF 12 AUGUST 1949, AND RELATING THE PROTECTION OF VICTIMS OF INTERNATIONAL ARMED CONFLICTS (PROTOCOL I)

PREAMBLE

The High Contracting Parties,

Proclaiming their earnest wish to see peace prevail among peoples,

Recalling that every State has the duty, in conformity with the Charter of the United Nations, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Believing it necessary nevertheless to reaffirm and develop the provisions protecting the victims of armed conflicts and to supplement measures intended to reinforce their application,

Expressing their conviction that nothing in this Protocol or in the Geneva Conventions of 12 August 1949 can be construed as legitimizing or authorizing any act of aggression or any other use of force inconsistent with the Charter of the United Nations.

Reaffirming further that the provisions of the Geneva Conventions of 12 August 1949 and of this Protocol must be fully applied in all circumstances to all persons who are protected by those instruments, without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the Parties to the conflict,

Have agreed on the following:

PART I

GENERAL PROVISIONS

Article 1

General principles and scope of application

1. The High Contracting Parties undertake to respect and to ensure respect for this Protocol in all circumstances.

2. In cases not covered by this Protocol or by other international agreements, civilians and combatants remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience.

DOPOLNILNI PROTOKOL

K ŽENEVSKIM KONVENCIJAM Z DNE 12. AVGUSTA 1949 O ZAŠČITI ŽRTEV MEDNARODNIH OBOROŽENIH SPOPADOV (PROTOKOL I)

PREAMBULA

Visoke pogodbenice, ki

proklamirajo svojo iskreno željo, da bi mir zavladal med narodi,

opozarjajo, da se je v skladu z ustanovno listino Združenih narodov vsaka država v svojih mednarodnih odnosih dolžna vzdrževati groženj ali uporabe sile zoper suverenost, teritorialno neokrnjenost ali politično neodvisnost vsake države oziroma ravnati na kakršenkoli drug način, ki ni v skladu s cilji Združenih narodov,

verujejo, da je treba kljub temu znova uveljaviti in razviti določbe, ki ščitijo žrtve oboroženih spopadov, ter dopolniti ukrepe, s katerimi se krepi njihova uporaba,

izražajo svoje prepričanje, da nobena določba tega protokola ali ženevskih konvencij z dne 12. avgusta 1949 ne sme biti razlagana tako, da bi opravičevala ali odobravala katerikoli akt agresije ali siceršnjo uporabo sile, ki ni v skladu z listino Združenih narodov,

potrjujejo, da se morajo določbe ženevskih konvencij z dne 12. avgusta 1949 in tega protokola vseskozi uporabljati ob vseh priložnostih za vsakogar, ki je zaščiten s temi instrumenti, brez kakršnekoli diskriminacije, ki bi temeljila na naravi ali izvoru oboroženega spopada ali na cilju, ki so ga strani v spopadu postavile, ali ki se jim pripisuje,

so se zedinile o naslednjem:

I. DEL

SPLOŠNE DOLOČBE

1. člen

Splošna načela in področje uporabe

1. Visoke pogodbenice se zavezujejo spoštovati ta protokol in poskrbeti, da bo spoštovan ob vsaki priložnosti.

2. V primerih, ki niso določeni v tem protokolu ali drugih mednarodnih sporazumih, ostanejo civilne osebe in borci pod zaščito in učinkovanjem načel mednarodnega prava, ki izvirajo iz ustaljenih običajev, načela človečnosti in zahtev javne vesti.

3. This Protocol, which supplements the Geneva Conventions of 12 August 1949 for the protection of war victims, shall apply in the situations referred to in Article 2 common to those Conventions.

4. The situations referred to in the preceding paragraph include armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist régimes in the exercise of their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

Article 2

Definitions

For the purposes of this Protocol:

(a) "First Convention", "Second Convention", "Third Convention" and "Fourth Convention" mean, respectively, the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949; the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949; the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949; the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949; "the Conventions" means the four Geneva Conventions of 12 August 1949 for the protection of war victims;

(b) "rules of international law applicable in armed conflict" means the rules applicable in armed conflict set forth in international agreements to which the Parties to the conflict are Parties and the generally recognized principles and rules of international law which are applicable to armed conflict;

(c) "Protecting Power" means a neutral or other State not a Party to the conflict which has been designated by a Party to the conflict and accepted by the adverse Party and has agreed to carry out the functions assigned to a Protecting Power under the Conventions and this Protocol;

(d) "substitute" means an organization acting in place of a Protecting Power in accordance with Article 5.

Article 3

Beginning and end of application

Without prejudice to the provisions which are applicable at all times:

(a) the Conventions and this Protocol shall apply from the beginning of any situation referred to in Article 1 of this Protocol;

(b) the application of the Conventions and of this Protocol shall cease, in the territory of Parties to the conflict, on the general close of military operations and, in the case of occupied territories, on the termination of the occupation, except, in either circumstance, for those persons whose final release, repatriation or re-establishment takes place thereafter. These persons shall continue to benefit from the relevant provisions of the Conventions and of this Protocol until their final release, repatriation or re-establishment.

3. Ta protokol, s katerim se dopolnjujejo ženevske konvencije z dne 12. avgusta 1949 o zaščiti žrtev vojne, se uporablja v situacijah, določenih v 2. členu, ki so skupne za te konvencije.

4. S situacijami, določenimi v prejšnjem odstavku, so mišljeni oboroženi spopadi, v katerih se narodi borijo zoper kolonialno dominacijo in tujo okupacijo in zoper rasistične režime, opirajoč se na svojo pravico do lastne opredelitve, ki je bila potrjena v ustanovni listini Združenih narodov in deklaraciji o načelih mednarodnega prava, ki se tičejo prijateljskih odnosov in sodelovanja med državami v skladu z ustanovno listino Združenih narodov.

2. člen

Definicije

Za namene tega protokola:

a) so z izrazi »I. konvencija«, »II. konvencija«, »III. konvencija« in »IV. konvencija« mišljene po vrsti ženevska konvencija za zboljšanje usode ranjenecv in bolnikov v oboroženih silah v vojni z dne 12. avgusta 1949; ženevska konvencija za zboljšanje usode ranjenecv, bolnikov in brodolomcev oboroženih sil na morju z dne 12. avgusta 1949; ženevska konvencija o ravnanju z vojnimi ujetniki z dne 12. avgusta 1949; ženevska konvencija o zaščiti civilnih oseb med vojno z dne 12. avgusta 1949; z izrazom »konvencije« pa so mišljene štiri ženevske konvencije z dne 12. avgusta 1949 o zaščiti žrtev vojne;

b) z izrazom »pravila mednarodnega prava«, ki se uporabljajo v oboroženih spopadih« so mišljena pravila, ki jih vsebujejo mednarodni sporazumi, katerih podpisnice so strani v spopadu, ter načela in pravila mednarodnega prava, ki so splošno priznana in ki se uporabljajo v oboroženih spopadih;

c) z izrazom »sila zaščitnica« je mišljena nevtralna država ali druga država, ki ni stran v spopadu, katero je imenovala ena izmed strani v spopadu, nasprotna stran pa sprejela, in katera je pripravljena opravljati funkcije, dodeljene sili zaščitnici po določbah konvencij in tega protokola;

d) z izrazom »substitut« je mišljena organizacija, ki nadomestuje silo zaščitnico v skladu s 5. členom tega protokola.

3. člen

Začetek in prenehanje uporabe

Brez škode za določbe, ki se uporabljajo vselej:

a) se uporabljajo konvencije in ta protokol od začetka vsake situacije, ki je določena v 1. členu tega protokola;

b) preneha uporaba konvencije in tega protokola na ozemlju strani v spopadu, ko se nasploh končajo vojaške operacije, če gre za okupirana ozemlja, pa po prenehanju okupacije, izvzemši v obeh primerih kategorije oseb, katerih končna osvoboditev, repatriacija ali nastanitev nastopi pozneje. Za te osebe se bodo nadalje uporabljale ustrezne določbe konvencij in tega protokola vse do njihove popolne osvoboditve, repatriacije ali nastanitve.

Article 4

Legal status of the Parties to the conflict

The application of the Conventions and of this Protocol, as well as the conclusion of the agreements provided for therein, shall not affect the legal status of the Parties to the conflict. Neither the occupation of a territory nor the application of the Conventions and this Protocol shall affect the legal status of the territory in question.

Article 5

Appointment of Protecting Powers and of their substitute

1. It is the duty of the Parties to a conflict from the beginning of that conflict to secure the supervision and implementation of the Conventions and of this Protocol by the application of the system of Protecting Powers, including inter alia the designation and acceptance of those Powers, in accordance with the following paragraphs. Protecting Powers shall have the duty of safeguarding the interests of the Parties to the conflict.

2. From the beginning of a situation referred to in Article 1, each Party to the conflict shall without delay designate a Protecting Power for the purpose of applying the Conventions and this Protocol and shall, likewise without delay and for the same purpose, permit the activities of a Protecting Power which has been accepted by it as such after designation by the adverse Party.

3. If a Protecting Power has not been designated or accepted from the beginning of a situation referred to in Article 1, the International Committee of the Red Cross, without prejudice to the right of any other impartial humanitarian organization to do likewise, shall offer its good offices to the Parties to the conflict with a view to the designation without delay of a Protecting Power to which the Parties to the conflict consent. For that purpose it may, inter alia, ask each Party to provide it with a list of at least five States which that Party considers acceptable to act as Protecting Power on its behalf in relation to an adverse Party, and ask each adverse Party to provide a list of at least five States which it would accept as the Protecting Power of the first Party; these lists shall be communicated to the Committee within two weeks after the receipt of the request; it shall compare them and seek the agreement of any proposed State named on both lists.

4. If, despite the foregoing, there is no Protecting Power, the Parties to the conflict shall accept without delay an offer which may be made by the International Committee of the Red Cross or by any other organization which offers all guarantees of impartiality and efficacy, after due consultations with the said Parties and taking into account the result of these consultations with the said Parties and taking into account the result of these consultations, to act as a substitute. The functioning of such a substitute is subject to the consent of the Parties to the conflict; every effort shall be made by the Parties to the conflict to facilitate the operations of the substitute in the performance of its tasks under the Conventions and this Protocol.

5. In accordance with Article 4, the designation and acceptance of Protecting Powers for the purpose of applying the Conventions and this Protocol shall not affect the legal status of the Parties to the conflict or of any territory, including occupied territory.

4. člen

Pravni status strani v spopadu

Uporaba konvencij in tega protokola, kot tudi sklenitev sporazumov, predvidenih v teh instrumentih, ne bo učinkovala na pravni status strani v spopadu. Niti okupacija kakega ozemlja, niti uporaba konvencij in tega protokola ne bosta vplivali na pravni status ozemlja, za katero gre.

5. člen

Določitev sil zaščitnic in njihovih substitutov

1. Dolžnost strani v spopadu je, da od začetka spopada zagotovijo spoštovanje in uporabo konvencij in tega protokola s sistemom sil zaščitnic, včevši zlasti določitev in sprejetje teh sil v skladu z nižje navedenimi odstavki. Sile zaščitnice bodo zavezane ščititi interese strani v spopadu.

2. Od začetka situacije, navedene v 1. členu, bo vsaka stran v spopadu brez odlašanja določila silo zaščitnico za uporabo konvencij in tega protokola ter v ta namen prav tako brez odlašanja dovolila delovanje sile zaščitnice, ki jo je določila nasprotna stran in jo je kot takšno tudi sama sprejela.

3. Če posamezna sila zaščitnica ni bila določena ali sprejeta od začetka situacije iz 1. člena, ponudi mednarodni komite Rdečega križa, brez škode za pravico vsake druge nepristranske humanitarne organizacije, da stori isto, stranem v spopadu svoje dobre usluge, da se brez odlašanja določi sila zaščitnica, ki bi bila sprejemljiva za strani v spopadu. V ta namen lahko med drugim zahteva od vsake strani, naj mu predloži seznam najmanj petih držav, katere šteje za sprejemljive, da bi v njenem imenu delovale kot sila zaščitnica pred nasprotno stranjo, in zahteva od vsake nasprotne strani, naj predloži seznam najmanj petih držav, ki bi jih sprejela kot silo zaščitnico druge strani; ta seznama bosta sporočena komiteju v dveh tednih od dneva prejema zahteve; komite ju bo primerjal in zahteval soglasje vsake države, ki je imenovana v obeh seznamih.

4. Če kljub zgoraj rečenemu ni sile zaščitnice, bodo strani v spopadu brez odlašanja sprejele ponudbo mednarodnega komiteja Rdečega križa ali kakšne druge organizacije, ki po ustreznih konzultacijah z njimi in ob upoštevanju rezultatov teh konzultacij, nudi vsa jamstva, da bo kot substitut deloval nepristransko in učinkovito. Za opravljanje njegovih funkcij kot substituta je potrebno soglasje strani v spopadu; strani v spopadu bodo ukrenile vse, da bi olajšale substitutu delo pri opravljanju njegovih nalog v skladu s konvencijami in tem protokolom.

5. V skladu s 4. členom ne bosta določitev in sprejetje sil zaščitnic za uporabo konvencij in tega protokola vplivala na pravni status strani v spopadu niti katerikoli ozemlja, včevši okupirano ozemlje.

6. The maintenance of diplomatic relations between Parties to the conflict or the entrusting of the protection of a Party's interests and those of its nationals to a third State in accordance with the rules of international law relating to diplomatic relations is no obstacle to the designation of Protecting Powers for the purpose of applying the Conventions and this Protocol.

7. Any subsequent mention in this Protocol of a Protecting Power includes also a substitute.

Article 6

Qualified persons

1. The High Contracting Parties shall, also in peacetime, endeavour, with the assistance of the national Red Cross (Red Crescent, Red Lion and Sun) Societies, to train qualified personnel to facilitate the application of the Conventions and of this Protocol, and in particular the activities of the Protecting Powers.

2. The recruitment and training of such personnel are within domestic jurisdiction.

3. The International Committee of the Red Cross shall hold at the disposal of the High Contracting Parties the lists of persons so trained which the High Contracting Parties may have established and may have transmitted to it for that purpose.

4. The conditions governing the employment of such personnel outside the national territory shall, in each case, be the subject of special agreements between the Parties concerned.

Article 7

Meetings

The depositary of this Protocol shall convene a meeting of the High Contracting Parties, at the request of one or more of the said Parties and upon the approval of the majority of the said Parties, to consider general problems concerning the application of the Conventions and of the Protocol.

PART II

WOUNDED, SICK AND SHIPWRECKED

Section I

GENERAL PROTECTION

Article 8

Terminology

For the purposes of this Protocol:

(a) "wounded" and "sick" mean persons, whether military or civilian, who, because of trauma, disease or other physical or mental disorder or disability, are in need of medical assistance or care and who refrain from any act of hostility. These terms also cover maternity cases, new-born babies and other persons who may be in need of immediate medical assistance or care, such as the infirm or expectant mothers, and who refrain from any act of hostility;

6. Vzdrževanje diplomatskih odnosov med stranmi v spopadu ali dejstvo, da je zaščita interesov posamezne strani in njenih državljanov v skladu s pravili mednarodnega prava, ki se nanašajo na diplomatske odnose, poverjena kakšni tretji državi, ni ovira za določitev sil zaščitnic za uporabo konvencij in tega protokola.

7. Kjerkoli je v nadaljnjem besedilu tega protokola omenjena sila zaščitnica, se to nanaša tudi na substitut.

6. člen

Kvalificirano osebje

1. Visoke pogodbenice si bodo tudi v miru prizadevale, da s pomočjo nacionalnih društev Rdečega križa (Rdečega polmeseca, Rdečega leva in sonca) izučijo kvalificirano osebje, da bi olajšale uporabo konvencij in tega protokola, zlasti pa delo sil zaščitnic.

2. Rekrutiranje in pouk takšnega osebja je v domači pristojnosti.

3. Mednarodni komite Rdečega križa bo dal visokim pogodbenicam na razpolago sezname tako izučenega osebja, ki ga visoke pogodbenice lahko določijo ali mu pošljejo v ta namen.

4. Pogoji za uporabo takšnega osebja izven nacionalnega ozemlja bodo v vsakem posamičnem primeru predmet posebnih sporazumov med zainteresiranimi stranmi.

7. člen

Sestanki

Depozitar tega protokola bo sklical sestanek visokih pogodbenic na zahtevo ene ali več omenjenih pogodbenic in z odobritvijo njihove večine, da bi obravnavale splošne probleme v zvezi z uporabo konvencij in protokola.

II. DEL

RANJENCI, BOLNIKI IN BRODOLOMCI

I. oddelek

SPLOŠNA ZAŠČITA

8. člen

Terminologija

Za namene tega protokola:

(a) so z izrazom »ranjenci« in »bolniki« mišljene osebe, bodisi vojaške ali civilne, ki jim je zaradi poškodbe, bolezni ali drugih telesnih ali duševnih motenj ali težav potrebna zdravniška pomoč ali nega in ki se vzdržujejo slehernega sovražnega dejanja. S tema izrazoma so mišljene tudi porodnice, novorojenčki in druge osebe, ki jim je potrebna neposredna zdravniška pomoč ali nega, kot so onemogli ali nosečnice, in ki se vzdržujejo slehernega sovražnega dejanja;

(b) "shipwrecked" means 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, shall continue to be considered shipwrecked during their rescue until they acquire another status under the Convention or this Protocol;

(c) "medical personnel" means those persons assigned, by a Party to the conflict, exclusively to the medical purposes enumerated under sub-paragraph (e) or to the administration of medical units or to the operation or administration of medical transports. Such assignments may be either permanent or temporary. The term includes:

(i) medical personnel of a Party to the conflict, whether military or civilian, including those described in the First and Second Conventions, and those assigned to civil defence organizations;

(ii) medical personnel of national Red Cross (Red Crescent, Red Lion and Sun) Societies and other national voluntary aid societies duly recognized and authorized by a Party to the conflict;

(iii) medical personnel of medical units or medical transports described in Article 9, paragraph 2;

(d) "religious personnel" means military or civilian persons, such as chaplains, who are exclusively engaged in the work of their ministry and attached:

(i) to the armed forces of a Party to the conflict;

(ii) to medical units or medical transports of a Party to the conflict;

(iii) to medical units or medical transports described in Article 9, paragraph 2; or

to civil defence organizations of a Party to the

(iv) to civil defence organizations of a Party to the conflict.

The attachment of religious personnel may be either permanent or temporary, and the relevant provisions mentioned under sub-paragraph (k) apply to them;

(e) "medical units" means establishments and other units, whether military or civilian, 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. The term includes, for example, hospitals and other similar units, blood transfusion centres, preventive medicine centres and institutes, medical depots and the medical and pharmaceutical stores of such units. Medical units may be fixed or mobile, permanent or temporary;

(f) "medical transportation" means the conveyance by land, water or air of the wounded, sick, shipwrecked, medical personnel, religious personnel, medical equipment or medical supplies protected by the Conventions and by this Protocol;

(g) "medical transports" means any means of transportation, whether military or civilian, permanent or temporary, assigned exclusively to medical transportation and under the control of a competent authority of a Party to the conflict;

(b) z izrazom »brodolomci« so mišljene osebe, bodisi vojaške ali civilne, ki so v nevarnosti na morju ali drugih vodah kot posledici nesreče, ki je prizadela njih ali ladjo ali letalo, na katerem so, in ki se vzdržujejo slehernega sovražnega dejanja. Te osebe se bodo ob pogoju, da se še naprej vzdržujejo slehernega sovražnega dejanja, šteje za brodolomce tudi med reševanjem vse dotle, dokler ne pridobijo na podlagi konvencij ali tega protokola kakšnega drugega statusa;

(c) s »sanitnim osebjem« so mišljene osebe, ki jih je posamezna stran v spopadu določila izključno za sanitetne naloge, našete v točki (e), ali za upravljanje sanitetnih enot ali za izvedbo ali upravljanje sanitetnih transportov. Takšna razporeditev je lahko stalna ali začasna. Izraz obsega:

(i) sanitetno osebje posamezne strani v spopadu, bodisi vojaško ali civilno, všteti tisto, ki je navedeno v I. in II. konvenciji, in tisto, ki je dodeljeno organizacijam civilne zaščite;

(ii) sanitetno osebje nacionalnih društev Rdečega križa (Rdečega polmeseca, Rdečega leva in sonca) in drugih nacionalnih prostovoljnih društev za pomoč, ki jih je na ustrezen način priznala in pooblastila posamezna stran v spopadu;

(iii) sanitetno osebje sanitetnih enot ali sanitetnih transportov, navedenih v drugem odstavku 9. člena;

(d) z izrazom »versko osebje« so mišljene vojaške ali civilne osebe, kot so kaplani, ki se ukvarjajo izključno z duhovniško službo in ki so dodeljeni:

(i) oboroženim silam posamezne strani v spopadu;

(ii) sanitetnim enotam ali sanitetnim transportom posamezne strani v spopadu;

(iii) sanitetnim enotam ali sanitetnim transportom, navedenim v drugem odstavku 9. člena, ali

(iv) organizacijam civilne zaščite posamezne strani v spopadu.

Versko osebje je lahko dodeljeno za stalno ali začasno in zanj veljajo ustrezne določbe točke (k);

(e) z izrazom »sanitetne enote« so mišljeni ustanove in druge enote, bodisi vojaške ali civilne, organizirane v sanitetne namene, se pravi, za to, da iščejo, zbirajo in prevažajo ranjence, bolnike ali brodolomce, da jim določajo diagnozo ali jih zdravijo, kakor tudi izkazujejo prvo pomoč, ali da preprečujejo bolezni. Izraz obsega, na primer, bolnišnice in druge podobne enote, centre za transfuzijo krvi, centre za preventivno medicino in institute, sanitetna skladišča in depoje sanitetnega in farmacevtskega materiala teh enot. Sanitetne enote so lahko nepremične ali premične, stalne ali začasne;

(f) z izrazom »sanitetni transport« je mišljeno prenašanje s konvencijami in tem protokolom zaščitnih ranjencev, bolnikov, brodolomcev, sanitetnega osebja, verskega osebja, sanitetne opreme ali sanitetnega materiala po kopnem, vodi ali v zraku;

(g) z izrazom »sredstvo sanitetnega transporta« je mišljeno vsako transportno sredstvo, bodisi vojaško ali civilno, stalno ali začasno, ki je dodeljeno izključno za sanitetni transport in ki je pod kontrolo pristojnih organov posamezne strani v spopadu;

(h) "medical vehicles" means any medical transports by land;

(i) "medical ships and craft" means any medical transports by water;

(j) "medical aircraft" means any medical transports by air;

(k) "permanent medical personnel", "permanent medical units" and "permanent medical transports" mean those assigned exclusively to medical purposes for an indeterminate period. "Temporary medical personnel", "temporary medical units" and "temporary medical transports" mean those devoted exclusively to medical purposes for limited periods during the whole of such periods. Unless otherwise specified, the terms "medical personnel", "medical units" and "medical transports" cover both permanent and temporary categories;

(l) "distinctive emblem" means the distinctive emblem of the red cross, red crescent or red lion and sun on a white ground when used for the protection of medical units and transports, or medical and religious personnel, equipment or supplies;

(m) "distinctive signal" means any signal or message specified for the identification exclusively of medical units or transports in Chapter III of Annex I to this Protocol.

Article 9

Field of application

1. This Part, the provisions of which are intended to ameliorate the condition of the wounded, sick and shipwrecked, shall apply to all those affected by a situation referred to in Article 1, without any adverse distinction founded on 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.

2. The relevant provisions of Articles 27 and 32 of the First Convention shall apply to permanent medical units and transports (other than hospital ships, to which Article 25 of the Second Convention applies) and their personnel made available to a Party to the conflict for humanitarian purposes:

(a) by a neutral or other State which is not a Party to that conflict;

(b) by a recognized and authorized aid society of such a State;

(c) by an impartial international organization.

Article 10

Protection and care

1. All the wounded, sick shipwrecked, to whichever Party they belong, shall be respected and protected.

(h) z izrazom »sanitetno vozilo« je mišljeno vsako sredstvo za sanitetni transport po kopnem;

(i) z izrazom »sanitetna ladja ali plovilo« je mišljeno vsako sredstvo za sanitetni transport po vodi;

(j) z izrazom »sanitetno letalo« je mišljeno vsako sredstvo za sanitetni transport po zraku;

(k) s »stalnim sanitetnim osebjem«, »stalnimi sanitetnimi enotami« in »stalnimi sredstvi sanitetnega transporta« so mišljeni tisti, ki so določeni izključno za sanitetne namene za nedoločen čas. »Začasno sanitetno osebje«, »začasne sanitetne enote« in »začasna sredstva sanitetnega transporta« so tisti, ki so začasno namenjeni izključno za sanitetne namene, dokler traja ta čas. Če ni drugače določeno, so z izrazi »sanitetno osebje«, »sanitetne enote« in »sredstva sanitetnega transporta« mišljeni osebje, enote in sredstva za transport, tako stalni, kakor tudi začasni;

(l) z izrazom »razpoznavno znamenje« je mišljeno razpoznavno znamenje Rdečega križa, Rdečega polmeseča ali Rdečega leva in sonca na belem polju, kadar se uporablja za zaščito sanitetnih enot in transportov ali sanitetnega in verskega osebja, opreme in materiala;

(m) z izrazom »razpoznavni signal« so mišljeni signali ali sporočila, namenjeni izključno za identifikacijo sanitetnih enot ali transportov; določeni so v tretjem poglavju priloge I k temu protokolu.

9. člen

Področje uporabe

1. Ta del, katerega določbe imajo namen izboljšati usodo ranjencev, bolnikov in brodolomcev, se uporablja za vse, ki so v situaciji, navedeni v 1. členu, brez kakršnekoli diskriminacije, temelječe na rasi, barvi kože, spolu, jeziku, veroizpovedi ali prepričanju, političnem ali drugem mnenju, nacionalnem in socialnem poreklu, bogastvu, rojstvu ali drugem statusu, ali na kateremkoli drugem podobnem kriteriju.

2. Ustrezne določbe 27. in 32. člena I. konvencije se uporabljajo za stalne sanitetne enote in sredstva sanitetnega transporta (razen bolniških ladij, za katere se uporablja 25. člen II. konvencije) in za njihovo osebje, ki ga je iz humanitarnih razlogov dala na razpolago stran v spopadu:

(a) nevtralna ali druga država, ki ni stran v spopadu;

(b) priznано in pooblaščenо društvo takšne države za pomoč;

(c) nepristranska mednarodna humanitarna organizacija.

10. člen

Zaščita in nega

1. Vsi ranjenci, bolniki in brodolomci, ki pripadajo katerikoli strani, bodo spoštovani in ščiteni.

2. In all circumstances they shall be treated humanely and shall receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition. There shall be no distinction among them founded on any grounds other than medical ones.

Article 11

Protection of persons

1. The physical or mental health and integrity of persons who are in the power of the adverse Party or who are interned, detained or otherwise deprived of liberty as a result of a situation referred to in Article 1 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 generally accepted medical standards which would be applied under similar medical circumstances to persons who are nationals of the Party conducting the procedure and who are in no way deprived of liberty.

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

(a) physical mutilations;

(b) medical or scientific experiments;

(c) removal of tissue or organs for transplantation, except where these acts are justified in conformity with the conditions provided for in paragraph 1.

3. Exceptions to the prohibition in paragraph 2 (c) may be made only in the case of donations of blood for transfusion or of skin for grafting, provided that they are given voluntarily and without any coercion or inducement, and then only for therapeutic purposes, under conditions consistent with generally accepted medical standards and controls designed for the benefit of both the donor and the recipient.

4. Any wilful act or omission which seriously endangers the physical or mental health or integrity of any person who is in the power of a Party other than the one on which he depends and which either violates any of the prohibitions in paragraphs 1 and 2 or fails to comply with the requirements of paragraph 3 shall be a grave breach of this Protocol.

5. The persons described in paragraph 1 have the right to refuse any surgical operation. In case of refusal, medical personnel shall endeavour to obtain a written statement to that effect, signed or acknowledged by the patient.

6. Each Party to the conflict shall keep a medical record for every donation of blood for transfusion or skin for grafting by persons referred to in paragraph 1, if that donation is made under the responsibility of that Party. In addition, each Party to the conflict shall endeavour to keep a record of all medical procedures undertaken with respect to any person who is interned, detained or otherwise deprived of liberty as a result of a situation referred to in Article 1. These records shall be available at all times for inspection by the Protecting Power.

Article 12

Protection of medical units

1. Medical units shall be respected and protected at all times and shall not be the object of attack.

2. Ob vsaki priložnosti; se bo z njimi ravnalo humano in dobili bodo v največji možni meri in v najkrajšem možnem času medicinsko nego in pomoč, ki jo terja njihovo stanje. Ne bo se delala med njimi razlika, ki bi temeljila na katerikoli drugih kriterijih, razen medicinskih.

11. člen

Zaščita oseb

1. Telesno ali duševno zdravje in integriteta oseb, ki so v rokah nasprotne strani, ali ki so internirane, zadržane v priporu ali jim kako drugače vzeta prostost kot posledica situacije, omenjene v 1. členu, ne bosta ogrožena s kakršnimkoli neopravičenim dejanjem ali opustitvijo. Prepovedano je torej osebe, omenjene v tem členu, podvreči kakršnemukoli medicinskemu postopku, ki ne bi bil motiviran z njihovim zdravstvenim stanjem in ne bi bil v skladu s splošno priznanimi medicinskimi standardi, katere bi stran, ki izvaja postopek, v podobnih medicinskih okoliščinah uporabila nad osebami, ki so njeni državljani in ki jim na noben način ni vzeta prostost.

2. Zlasti so na omenjenih osebah, tudi če bi v to privolile, prepovedani:

(a) telesno pohabljanje;

(b) medicinski in znanstveni eksperimenti;

(c) odvzem tkiva ali organov za transplantacijo, razen če so takšna dejanja opravičena v skladu s pogoji, ki so določeni v prvem odstavku.

3. Izjeme od prepovedi iz drugega odstavka pod (c) so dovoljene le v primeru, ko se daje kri za transfuzijo ali koža za presaditev; pogoj pa je, da je to prostovoljno in brez kakršnekoli prisile ali napeljevanja, in tudi tedaj samo v terapevtske namene, pod pogoji, ki so v skladu s splošno priznanimi medicinskimi standardi, in pod kontrolo ter v korist tako dajalca, kakor tudi prejemnika.

4. Vsako namerno dejanje ali opustitev, ki resno ogroža telesno ali duševno zdravje ali integriteto katerekoli osebe, ki je v rokah kake druge strani, ne pa tiste, od katere je odvisna, in s katerim se kršijo prepovedi iz prvega in drugega odstavka ali se ne spoštujejo pogoji iz tretjega odstavka, pomeni hudo kršitev tega protokola.

5. Osebe, omenjene v prvem odstavku, so upravičene zavrniti vsak kirurški poseg. V primeru zavrnitve si bo sanitetno osebje prizadevalo dobiti o tem pisмено izjavo, ki jo je podpisal ali priznal pacient.

6. Vsaka stran v spopadu bo vodila medicinsko evidenco o vsakem primeru, ko so osebe iz prvega odstavka dale kri za transfuzijo ali kožo za presaditev, če je bilo to storjeno pod njeno odgovornostjo. Poleg tega si bo vsaka stran v spopadu prizadevala voditi evidenco o vseh medicinskih postopkih nad vsako osebo, ki je bila internirana, priprta ali ji je bila kako drugače vzeta prostost kot posledica situacije iz 1. člena. Ta evidenca bo ob vsakem času dostopna sili zaščitnici zaradi nadzorstva.

12. člen

Zaščita sanitetnih enot

1. Sanitetne enote bodo spoštovane in zaščitene ob vsakem času in ne bodo predmet napada.

2. Paragraph 1 shall apply to civilian medical units, provided that they:

- (a) belong to one of the Parties to the conflict;
- (b) are recognized and authorized by the competent authority of one of the Parties to the conflict; or
- (c) are authorized in conformity with Article 9, paragraph 2, of this Protocol or Article 27 of the First Convention.

3. The Parties to the conflict are invited to notify each other of the location of their fixed medical units. The absence of such notification shall not exempt any of the Parties from the obligation to comply with the provisions of paragraph 1.

4. Under no circumstances shall medical units be used in an attempt to shield military objectives from attack. Whenever possible, the Parties to the conflict shall ensure that medical units are so sited that attacks against military objectives do not imperil their safety.

Article 13

Discontinuance of protection of civilian medical units

1. The protection to which civilian medical units are entitled shall not cease unless they are used to commit, outside their humanitarian function, acts harmful to the enemy. Protection may, however, cease only after a warning has been given setting, whenever appropriate, a reasonable time-limit, and after such warning has remained unheeded.

2. The following shall not be considered as acts harmful to the enemy:

- (a) that the personnel of the unit are equipped with light individual weapons for their own defence or for that of the wounded and sick in their charge;
- (b) that the unit is guarded by a picket or by sentries or by an escort;
- (c) that small-arms and ammunition taken from the wounded and sick, and not yet handed to the proper service, are found in the units;
- (d) that members of the armed force or other combatants are in the unit for medical reasons.

Article 14

Limitations on requisition of civilian medical units

1. The Occupying Power has the duty to ensure that the medical needs of the civilian population in occupied territory continue to be satisfied.

2. The Occupying Power shall not, therefore, requisition civilian medical units, their equipment, their matériel or the service of their personnel, so long as these resources are necessary for the provision of adequate medical services for the civilian population and for the continuing medical care of any wounded and sick already under treatment.

3. Provided that the general rule in paragraph 2 continues to be observed, the Occupying Power may requisition the said resources, subject to the following particular conditions:

- (a) that the resources are necessary for the adequate and immediate medical treatment of the wounded and sick members of the armed forces of the Occupying Power or of prisoners of war;
- (b) that the requisition continues only while such necessity exists; and

2. Prvi odstavek se uporabi za civilne sanitetne enote pod pogojem:

- (a) da pripadajo eni izmed strani v spopadu;
- (b) da jih je priznal in pooblastil pristojni organ ene izmed strani v spopadu in
- (c) da so pooblaščen v skladu z drugim odstavkom 9. člena tega protokola ali 27. členom I. konvencije.

3. Strani v spopadu so pozvane, da druga drugi sporočijo položaj svojih nepremičnih sanitetnih enot. Pomanjkanje takšnega sporočila ne oprošča nobene strani obveznosti, da ravna v skladu z določbami prvega odstavka.

4. Sanitetne enote ne bodo pod nobenimi pogoji uporabljene, da bi se z njimi skušali zaščititi vojaški objekti pred napadom. Kadarkoli bo to mogoče, bodo strani v spopadu zagotovile, da bodo sanitetne enote postavljene tako, da napadi na vojaške objekte ne ogrozijo njihove varnosti.

13. člen

Prenehanje zaščite civilnih sanitetnih enot

1. Zaščita, do katere imajo pravico civilne sanitetne enote, lahko preneha le, če so bile te enote izven svoje humanitarne funkcije uporabljene za dejanja, ki so škodljiva za sovražnika. Vendar sme zaščita prenehati šele po opominu, v katerem je, kadarkoli je to primereno, določen umesten rok in ko ta rok poteče brez učinka.

2. Ne bodo se štela kot škodljiva za sovražnika naslednja dejanja:

- (a) da je osebje enote oskrbljeno z lahkim osebnim orožjem za lastno obrambo ali za obrambo ranjencev in bolnikov, za katere skrbi;
- (b) da enoto čuva patrolja, straža ali oboroženo spremstvo;
- (c) da je pri enoti lahko orožje in strelivo, ki je vzeto ranjencem in bolnikom in še ni izročeno pristojni službi;
- (d) da so pripadniki oboroženih sil ali drugi borci v enoti iz medicinskih razlogov.

14. člen

Omejitev rekvizicije civilnih sanitetnih enot

1. Okupacijska sila je dolžna zagotoviti na okupiranih ozemljih, da se nadalje uspešno zadovoljujejo medicinske potrebe civilnega prebivalstva.

2. Okupacijska sila torej ne sme rekvirirati civilnih sanitetnih enot, njihove opreme, materiala in osebja vse dotelej, dokler so ta sredstva in osebje potrebni za medicinske storitve civilnemu prebivalstvu in za stalno nego in zdravljenje ranjencev in bolnikov, ki so pri njih na zdravljenju.

3. Okupacijska sila sme rekvirirati zgoraj omenjena sredstva in osebje s pogojem, da še naprej spoštuje splošne predpise, določene v drugem odstavku, in da se ravna po tehle posebnih pogojih:

- (a) da so sredstva potrebna za neposredno in ustrezno medicinsko pomoč ranjencem in bolnikom oboroženih sil okupacijske sile ali vojnim ujetnikom;
- (b) da omeji rekvizicijo samo na čas, dokler je podana takšna potreba, in

(c) that immediate arrangements are made to ensure that the medical needs of the civilian population, as well as those of any wounded and sick under treatment who are affected by the requisition, continue to be satisfied.

Article 15

Protection of civilian medical and religious personnel

1. Civilian medical personnel shall be respected and protected.

2. If needed, all available help shall be afforded to civilian medical personnel in an area where civilian medical services are disrupted by reason of combat activity.

3. The Occupying Power shall afford civilian medical personnel in occupied territories every assistance to enable them to perform, to the best of their ability, their humanitarian functions. The Occupying Power may not require that, in the performance of those functions, such personnel shall give priority to the treatment of any person except on medical grounds. They shall not be compelled to carry out tasks which are not compatible with their humanitarian mission.

4. Civilian medical personnel shall have access to any place where their services are essential, subject to such supervisory and safety measures as the relevant Party to the conflict may deem necessary.

5. Civilian religious personnel shall be respected and protected. The provisions of the Conventions and of this Protocol concerning the protection and identification of medical personnel shall apply equally to such persons.

Article 16

General protection of medical duties

1. Under no circumstances shall any person be punished for carrying out medical activities compatible with medical ethics, regardless of the person benefiting therefrom.

2. Persons engaged in medical activities shall not be compelled to perform acts or to carry out work contrary to the rules of medical ethics or to other medical rules designed for the benefit of the wounded and sick or to the provisions of the Conventions or of this Protocol, or to refrain from performing acts or from carrying out work required by those rules and provisions.

3. No person engaged in medical activities shall be compelled to give to anyone belonging either to an adverse Party, or to his own Party except as required by the law of the latter Party, any information concerning the wounded and sick who are, or who have been, under his care, if such information would, in his opinion, prove harmful to the patients concerned or to their families. Regulations for the compulsory notification of communicable diseases shall, however, be respected.

(c) da hkrati stori potrebne ukrepe, s katerimi zagotovi, da je nadalje zagotovljeno zadovoljevanje medicinskih potreb civilnega prebivalstva, kakor tudi tistih ranjencev in bolnikov na zdravljenju, ki bi bili z rekvizicijo prizadeti.

15. člen

Zaščita civilnega sanitetnega in verskega osebja

1. Civilno sanitetno osebje mora biti spoštovano in zaščiteno.

2. V primeru potrebe je treba civilnemu sanitetnemu osebju izkazati vsako možno pomoč na tistih področjih, na katerih bi bila sanitetna služba zaradi vojnih učinkov dezorganizirana.

3. Okupacijska sila bo izkazala civilnemu sanitetnemu osebju na okupiranih ozemljih vsako pomoč, da bi mu bilo omogočeno čim boljše izpolnjevanje njegovih humanitarnih nalog. Okupacijska sila ne sme od tega osebja zahtevati, da bi pri opravljanju svoje dolžnosti komurkoli dajalo prednost, razen če tega ne narekujejo medicinski razlogi. Ne sme ga prisiljevati h kakršnekoli delu, ki bi bilo v nasprotju z njegovim humanitarnim poklicem.

4. Civilno sanitetno osebje bo imelo dostop tja, kjer so njegove storitve nujne, stran v spopadu pa pravico do kontrolnih in varnostnih ukrepov, za katere šteje, da so nujni.

5. Civilno versko osebje mora biti spoštovano in zaščiteno. Določbe konvencij in tega protokola, ki se nanašajo na zaščito in zaznamovanje sanitetnega osebja, se bodo uporabljale tudi za to osebje.

16. člen

Splošna zaščita medicinskega poklica

1. Nihče ne sme biti kaznovan zaradi opravljanja kakšne medicinske dolžnosti, ki je v skladu z medicinsko etiko, ne glede na razmere, v katerih se opravlja, in na osebe, katerim se izkazuje.

2. Osebje, ki se ukvarja s kakšnim medicinskim delom, ne sme biti prisiljeno, da bi opravljalo delo in izpolnjevalo naloge, ki so v nasprotju s pravili medicinske etike ali drugimi medicinskimi predpisi, ki ščitijo ranjence in bolnike, ali z določbami konvencij ali tega protokola, in se ne sme odreči opravljanju del, ki so določena s omenjenimi pravili in predpisi.

3. Nihče, ki opravlja kakšno medicinsko dolžnost, ne sme biti prisiljen, da bi dajal komurkoli, bodisi da pripada nasprotni strani ali njegovi lastni, podatke o ranjencih in bolnikih, ki jih zdravi ali jih je zdravil, razen v primerih, ki jih določajo zakoni njegove države — če bi utegnili imeti takšni podatki po njegovi oceni škodljive posledice za ranjence in bolnike ali za njihove družine. Kljub temu pa se morajo spoštovati predpisi, ki urejajo obvezno prijavljanje nalezljivih bolezni.

Article 17

Role of the civilian population and of aid societies

1. The civilian population shall respect the wounded, sick and shipwrecked, even if they belong to the adverse Party, and shall commit no act of violence against them. The civilian population and aid societies, such as national Red Cross (Red Crescent, Red Lion and Sun) Societies, shall be permitted, even on their own initiative, to collect and care for the wounded, sick and shipwrecked, even in invaded or occupied areas. No one shall be harmed, prosecuted, convicted or punished for such humanitarian acts.

2. The Parties to the conflict may appeal to the civilian population and the aid societies referred to in paragraph 1 to collect and care for the wounded, sick and shipwrecked, and to search for the dead and report their location; they shall grant both protection and the necessary facilities to those who respond to this appeal. If the adverse Party gains or regains control of the area, that Party also shall afford the same protection and facilities for so long as they are needed.

Article 18

Identification

1. Each Party to the conflict shall endeavour to ensure that medical and religious personnel and medical units and transports are identifiable.

2. Each Party to the conflict shall also endeavour to adopt and to implement methods and procedures which will make it possible to recognize medical units and transports which use the distinctive emblem and distinctive signals.

3. In occupied territory and in areas where fighting is taking place or is likely to take place, civilian medical personnel and civilian religious personnel should be recognizable by the distinctive emblem and identity card certifying their status.

4. With the consent the competent authority, medical units and transports shall be marked by the distinctive emblem. The ships and craft referred to in Article 22 of this Protocol shall be marked in accordance with the provisions of the Second Convention.

5. In addition to the distinctive emblem, a Party to the conflict may, as provided in Chapter III of Annex I to this Protocol, authorize the use of distinctive signals to identify medical units and transport. Exceptionally, in the special cases covered in that Chapter, medical transports may use distinctive signals without displaying the distinctive emblem.

6. The application of the provisions of paragraphs 1 to 5 of this Article is governed by Chapters I to III of Annex I to this Protocol. Signals designated in Chapter III of the Annex for the exclusive use of medical units and transports shall not, except as provided therein, be used for any purpose other than to identify the medical units and transports specified in that Chapter.

17. člen

Vloga civilnega prebivalstva in društev za pomoč

1. Civilno prebivalstvo je dolžno spoštovati ranjence, bolnike in brodolomce, celo tedaj, če pripadajo nasprotni strani, in ne sme nad njimi storiti nasilnega dejanja. Civilno prebivalstvo in društva za pomoč, kot so nacionalna društva Rdečega križa (Rdečega polmeseca in Rdečega leva in sonca) so pooblaščen, celo na zasedenih in okupiranih ozemljih, zbirati ranjence, bolnike in brodolomce in skrbeti zanje, celo na lastno pobudo. Nikogar ni dovoljeno vznemirjati, preganjati, obsojati ali kaznovati zaradi takšnih humanih dejanj.

2. Strani v spopadu se lahko obrnejo na civilno prebivalstvo in društva za pomoč, omenjena v prvem odstavku, da zbirajo ranjence, bolnike in brodolomce in skrbijo zanje, in celo, da iščejo mrtve in dajejo podatke o kraju, kjer so; tistim, ki se temu odzovejo bodo izkazovale zaščito in potrebne olajšave. Kadar nasprotna stran zavzame ali znova vzpostavi kontrolo nad zadevnim območjem, je dolžna to zaščito in olajšave še naprej zagotavljati vse dotlej, dokler so potrebne.

18. člen

Identifikacija

1. Vsaka stran v spopadu si mora prizadevati, da bodo sanitetno in versko osebje, kot tudi sanitetne enote in sanitetna transportna sredstva zaznamovani.

2. Vsaka stran v spopadu si mora prav tako prizadevati, da sprejme in v praksi uporablja metode in postopke, ki bodo omogočili, da bodo sanitetne enote in sredstva sanitetnega transporta zaznamovani z razpoznavnim znamenjem in razpoznavnim signalom.

3. Na okupiranih ozemljih in v conah, v katerih potekajo boji ali kjer bodo verjetno potekali, se civilno sanitetno osebje in civilno versko osebje razpoznavata praviloma po razpoznavnem znamenju in posebni osebni izkaznici, s katerima potrjujeta svoj status.

4. V soglasju s pristojnim organom bodo sanitetne enote in sredstva sanitetnega transporta zaznamovani z razpoznavnim znamenjem. Ladje in manjša plovila, navedena v 2. členu tega protokola, se zaznamujejo v skladu z določbami II. konvencije.

5. Razen razpoznavnega znamenja lahko dovoli stran v spopadu v smislu III. poglavja priloge I k temu protokolu tudi uporabo drugih razpoznavnih signalov, da bi omogočila zaznavanje sanitetnih enot in sredstev sanitetnega transporta. V posebnih primerih, ki so določeni v navedenem poglavju, smejo sredstva sanitetnega transporta izjemoma uporabljati razpoznavne signale, ne da bi imela razpoznavno znamenje.

6. Uporaba določb prvega do petega odstavka je urejena v predpisih I. do III. poglavja priloge I k temu protokolu. Signali, opisani v III. poglavju priloge in namenjeni izključno za uporabo po sanitetnih enotah in sredstvih sanitetnega transporta, smejo biti uporabljeni samo tako, kot je določeno v omenjenem poglavju, t.j., da bi se omogočila njihova identifikacija.

7. This Article does not authorize any wider use of the distinctive emblem in peacetime than is prescribed in Article 44 of the First Convention.

8. The provisions of the Conventions and of this Protocol relating to supervision of the use of the distinctive emblem and to the prevention and repression of any misuse thereof shall be applicable to distinctive signals.

Article 19

Neutral and other States not Parties to the conflict

Neutral and other States not Parties to the conflict shall apply the relevant provisions of this Protocol to persons protected by this Part who may be received or interned within their territory, and to any dead of the Parties to that conflict whom they may find.

Article 20

Prohibition of reprisals

Reprisals against the persons and objects protected by this Part are prohibited.

Section II

MEDICAL TRANSPORTATION

Article 21

Medical vehicles

Medical vehicles shall be respected and protected in the same way as mobile medical units under the Conventions and this Protocol.

Article 22

Hospital ships and coastal rescue craft

1. The provisions of the Conventions relating to:

- (a) vessels described in Articles 22, 24, 25 and 27 of the Second Convention,
- (b) their lifeboats and small craft,
- (c) their personnel and crews, and
- (d) the wounded, sick and shipwrecked on board,

shall also apply where these vessels carry civilian wounded, sick and shipwrecked who do not belong to any of the categories mentioned in Article 13 of the Second Convention. Such civilians shall not, however, be subject to surrender to any Party which is not their own, or to capture at sea. If they find themselves in the power of a Party to the conflict other than their own they shall be covered by the Fourth Convention and by this Protocol.

2. The protection provided by the Conventions to vessels described in Article 25 of the Second Convention shall extend to hospital ships made available for humanitarian purposes to a Party to the conflict:

7. S tem členom se ne dovoljuje, da bi se razpoznavno znamenje v miru uporabljajo širše, kot je določeno v 44. členu I. konvencije.

8. Določbe konvencij in tega protokola, ki se nanašajo na kontrolo nad uporabo razpoznavnega znamenja in na preprečevanje in zatiranje njegove zlorabe, se bodo uporabljale tudi za razpoznavne signale.

19. člen

Nevtralne države in druge države, ki niso strani v spopadu

Nevtralne države in druge države, ki niso strani v spopadu, bodo uporabljale ustrezne določbe tega protokola za osebe, ki so s protokolom zaščitene in ki utegnejo biti sprejete ali internirane na njihovem ozemlju, kot tudi za mrtve, ki so pripadali stranem v tem spopadu, če jih same najdejo.

20. člen

Prepoved represalij

Prepovedane so represalije proti osebju in dobrinam, ki so zaščiteni s tem delom protokola.

II. oddelek

SANITETNI TRANSPORTI

21. člen

Sanitetna vozila

Sanitetna vozila morajo biti spoštovana in zaščitena na način, ki ga konvencije in ta protokol določajo za premične sanitetne enote.

22. člen

Bolniške ladje in manjša obalna plovila za reševanje

1. Določbe konvencij, ki se nanašajo:

- (a) na ladje, navedene v 22., 24., 25. in 27. členu II. konvencije;
- (b) na njihove rešilne čolne in manjša plovila;
- (c) na njihovo osebje in opremo;
- (d) na ranjence, bolnike in brodolomce, ki so na njih, se bodo enako uporabljale, dokler te ladje, njihovi rešilni čolni ali manjša plovila prevažajo civilne ranjence, bolnike in brodolomce, ki ne pripadajo nobeni izmed kategorij, omenjenih v 13. členu II. konvencije. Poleg tega, ne smejo biti ti civili izročeni nobeni tuji državi, niti ujeti na morju. Če se znajdejo v rokah kakšne strani v spopadu, ki ni njihova, se bosta zanje uporabljala IV. konvencija in ta protokol.

2. Zaščita, ki se s konvencijami zagotavlja ladjam, navedenim v 25. členu II. konvencije, se nanaša tudi na bolniške ladje, ki jih je eni izmed strani v spopadu dala na razpolago v humanitarne namene:

(a) by a neutral or other State which is not a Party to that conflict; or

(b) by an impartial international humanitarian organization, provided that, in either case, the requirements set out in that Article are complied with.

3. Small craft described in Article 27 of the Second Convention shall be protected even if the notification envisaged by that Article has not been made. The Parties to the conflict are, nevertheless, invited to inform each other of any details of such craft which will facilitate their identification and recognition.

Article 23

Other medical ships and craft

1. Medical ships and craft other than those referred to in Article 22 of this Protocol and Article 38 of the Second Convention shall, whether at sea or in other waters, be respected and protected in the same way as mobile medical units under the Conventions and this Protocol. Since this protection can only be effective if they can be identified and recognized as medical ships or craft, such vessels should be marked with the distinctive emblem and as far as possible comply with the second paragraph of Article 43 of the Second Convention.

2. The ships and craft referred to in paragraph 1 shall remain subject to the laws of war. Any warship on the surface able immediately to enforce its command may order them to stop, order them off, or make them take a certain course, and they shall obey every such command. Such ships and craft may not in any other way be diverted from their medical mission so long as they are needed for the wounded, sick and shipwrecked on board.

3. The protection provided in paragraph 1 shall cease only under the conditions set out in Article 34 and 35 of the Second Convention. A clear refusal to obey a command given in accordance with paragraph 2 shall be an act harmful to the enemy under Article 34 of the Second Convention.

4. A Party to the conflict may notify any adverse Party as far in advance of sailing as possible of the name, description, expected time of sailing, course and estimated speed of the medical ship or craft, particularly in the case of ships of over 2,000 gross tons, and may provide any other information which would facilitate identification and recognition. The adverse Party shall acknowledge receipt of such information.

5. The provisions of Article 37 of the Second Convention shall apply to medical and religious personnel in such ships and craft.

6. The provisions of the Second Convention shall apply to the wounded, sick and shipwrecked belonging to the categories referred to in Article 13 of the Second Convention and in Article 44 of this Protocol who may be on board such medical ships and craft. Wounded, sick and shipwrecked civilians who do not belong to any of the categories mentioned in Article 13 of the Second Convention shall not be subject, at sea, either

(a) posamezna nevtralna država ali država, ki ni stran v spopadu, ali

(b) posamezna nepristranska mednarodna organizacija humanitarnega značaja, s pogojem, da se v obeh primerih spoštujejo pogoji, predpisani v omenjenem členu.

3. Manjša plovila, navedena v 27. členu II. konvencije, uživajo zaščito celo v primerih, ko ni bila opravljena notifikacija, določena z omenjenim členom. Strani v spopadu so pozvane, da se ne glede na to med seboj obveščajo o vseh posameznostih, ki se nanašajo na ta manjša plovila in ki bodo omogočile, da se lažje identifikacijo in razpoznajo.

23. člen

Druge sanitetne ladje in manjša plovila

1. Sanitetne ladje in manjša plovila, razen tistih, ki so navedena v 22. členu tega protokola in 38. členu II. konvencije, se morajo na morju ali v drugih vodah spoštovati in zaščititi na način, ki je v konvencijah in tem protokolu določen za premične sanitetne enote. Učinkovita zaščita teh plovilnih objektov je možna le, če jih je mogoče identificirati in razpoznati kot sanitetne ladje in manjša plovila, zaradi česar morajo biti tudi take ladje in plovila zaznamovani z razpoznavnim znamenjem in čim bolj prilagojeni določbam drugega odstavka 43. člena II. konvencije.

2. Za ladje in manjša plovila, navedena v prvem odstavku, velja vojno pravo. Vsaka vojna ladja, ki plove po površini in ima možnost zagotoviti, da se njen ukaz takoj izvrši, sme ukazati ladjam in manjšim plovilom, da se ustavijo, da se oddaljijo ali spremenijo določeno smer, le-ta pa so dolžna pokoriti se vsakemu ukazu te vrste. Tem plovilom se ne sme na noben drug način onemogočiti, da bi izvršila svoje sanitetne naloge vse dotelej, dokler je to potrebno ranjencem, bolnikom in brodolomcem, ki so na njih.

3. Zaščita, določena v prvem odstavku, more prenehati samo ob pogojih, ki so določeni v 34. in 35. členu II. konvencije. Odkrita zavrnitev, da bi se pokorile dobljenemu ukazu v skladu z drugim odstavkom, pomeni dejanje, ki je škodljivo za sovražnika, v smislu 34. člena II. konvencije.

4. Stran v spopadu bo po možnosti čimprej poslala nasprotni strani pred odhodom sporočilo: o imenu, karakteristikah, predvideni uri odhoda, smeri gibanja in približni hitrosti sanitetne ladje ali plovila, zlasti če gre za ladjo večje tonaže nad 2.000 bruto registrskih ton: poslati pa mora tudi vse druge podatke, ki bi olajšali identifikacijo in razpoznavanje. Nasprotna stran je dolžna potrditi prejem teh podatkov.

5. Določbe 37. člena II. konvencije se uporabljajo tudi za sanitetno in versko osebje, ki je na teh ladjah in manjših plovilih.

6. Ustrezne določbe II. konvencije se uporabljajo za ranjence, bolnike in brodolomce, ki pripadajo kategorijam iz 13. člena II. konvencije in 44. člena tega protokola in so na teh sanitetnih ladjah in plovilih. Za civilne ranjence, bolnike in brodolomce, ki ne pripadajo nobeni kategoriji iz 13. člena II. konvencije, ni nujno, če so na morju, da bi bili izročeni kakšni tuji državi in niso dolžni zapustiti ladje ali plovila; če pa se znaj-

to surrender to any Party which is their own, or to removal from such ships or craft; if they find themselves in the power of a Party to the conflict other than their own, they shall be covered by the Fourth Convention and by this Protocol.

Article 24

Protection of medical aircraft

Medical aircraft shall be respected and protected, subject to the provisions of this Part.

Article 25

Medical aircraft in areas not controlled by an adverse Party

In and over land areas physically controlled by friendly forces, or in and over sea areas not physically controlled by an adverse Party, the respect and protection of medical aircraft of a Party to the conflict is not dependent on any agreement with an adverse Party. For greater safety, however, a Party to the conflict operating its medical aircraft in these areas may notify the adverse Party, as provided in Article 29, in particular when such aircraft are making flights bringing them within range of surface-to-air weapons systems of the adverse Party.

Article 26

Medical aircraft in contact or similar zones

1. In and over those parts of the contact zone which are physically controlled by friendly forces and in and over those areas the physical control of which is not clearly established, protection for medical aircraft can be fully effective only by prior agreement between the competent military authorities of the Parties to the conflict, as provided for in Article 29. Although, in the absence of such an agreement, medical aircraft operate at their own risk, they shall nevertheless be respected after they have been recognized as such.

2. "Contact zone" means 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.

Article 27

Medical aircraft in areas controlled by an adverse Party

1. The medical aircraft of a Party to the conflict shall continue to be protected while flying over land or sea areas physically controlled by an adverse Party, provided that prior agreement to such flights has been obtained from the competent authority of that adverse Party.

2. A medical aircraft which flies over an area physically controlled by an adverse Party without, or in deviation from the terms of, an agreement provided for in paragraph 1, either through navigational error or because of an emergency affecting the safety of the flight, shall make every effort to identify itself and to

dejo v rokah strani v spopadu, ki ni njihova, veljata zanje IV. konvencija in ta protokol.

24. člen

Zaščita sanitetnih letal

Sanitetna letala morajo biti spoštovana in zaščitenjena v skladu s predpisi tega dela.

25. člen

Sanitetna letala v conah, ki jih ne kontrolira nasprotna stran

V conah na kopnem, v katerih imajo dejansko oblast prijateljske sile, ali v morskih conah, v katerih nasprotna stran nima dejanske oblasti, kot tudi v njihovem zračnem prostoru, nista spoštovanje in zaščita sanitetnih letal posamezne strani v spopadu odvisna od sporazuma z nasprotno stranjo. Da bi povečala njihovo varnost, pa lahko stran v spopadu, ki na tak način uporablja sanitetna letala v teh conah, pošlje nasprotni strani sporočilo, ki je določeno v 29. členu, zlasti, če ta letala med letom pridejo v domet sistema orožja zemlja-zrak nasprotne strani.

26. člen

Sanitetna letala v conah dotika ali podobnih conah

1. V delih cone dotika, v katerih imajo dejansko oblast prijateljske sile, nato v conah, v katerih ni jasno izražena nikogaršnja prevlada, kakor tudi v ustreznem zračnem prostoru, more biti zaščita sanitetnih letal popolnoma uspešna samo, če je poprej med pristojnimi vojaškimi oblastvi strani v spopadu dosežen sporazum, kot je to določeno v 29. členu. Če takšnega sporazuma ni, bodo letala sanitetna letala na lastno tveganje; sanitetna letala pa morajo biti kljub temu spoštovana, če so prepoznana za takšna.

2. Z izrazom »cona dotika« je mišljena vsaka kopenska cona, v kateri so določeni deli nasprotnih sil v medsebojnem dotiku, zlasti pa tam, kjer so izpostavljeni direktnemu streljanju z zemlje.

27. člen

Sanitetna letala v conah, v katerih ima prevlado nasprotna stran

1. Sanitetna letala strani v spopadu bodo zaščitenjena tudi med letenjem nad kopenskimi ali morskimi conami v dejanski oblasti nasprotne strani, s pogojem, da so za takšen let poprej dobila soglasje pristojnih oblastev te nasprotne strani.

2. Sanitetno letalo, ki leti nad cono, nad katero ima dejansko oblast nasprotna stran, nima pa soglasja iz prvega odstavka ali je takšno soglasje prekršilo zaradi pogrška v navigaciji ali nenadnega ogrožanja varnosti leta, je dolžno storiti vse, kar je v njegovi moči, da bi bilo identificirano, ter o tem obvestiti nasprotno stran.

inform the adverse Party of the circumstances. As soon as such medical aircraft has been recognized by the adverse Party, that Party shall make all reasonable efforts to give the order to land or to alight on water, referred to in Article 30, paragraph 1, or to take other measures to safeguard its own interests, and, in either case, to allow the aircraft time for compliance, before resorting to an attack against the aircraft.

Article 28

Restrictions on operations of medical aircraft

1. The Parties to the conflict are prohibited from using their medical aircraft to attempt to acquire any military advantage over an adverse Party. The presence of medical aircraft shall not be used in an attempt to render military objectives immune from attack.

2. Medical aircraft shall not be used to collect or transmit intelligence data and shall not carry any equipment intended for such purposes. They are prohibited from carrying any persons or cargo not included within the definition in Article 8, sub-paragraph (f). The carrying on board of the personal effects of the occupants or of equipment intended solely to facilitate navigation, communication or identification shall not be considered as prohibited.

3. Medical aircraft shall not carry any armament except small-arms and ammunition taken from the wounded, sick and shipwrecked on board and not yet handed to the proper service, and such light individual weapons as may be necessary to enable the medical personnel on board to defend themselves and the wounded, sick and shipwrecked in their charge.

4. While carrying out the flights referred to in Articles 26 and 27, medical aircraft shall not, except by prior agreement with the adverse Party, be used to search for the wounded, sick and shipwrecked.

Article 29

Notifications and agreements concerning medical aircraft

1. Notifications under Article 25, or requests for prior agreement under Articles 26, 27, 28 (paragraph 4), or 31 shall state the proposed number of medical aircraft, their flight plans and means of identification, and shall be understood to mean that every flight will be carried out in compliance with Article 28.

2. A Party which receives a notification given under Article 25 shall at once acknowledge receipt of such notification.

3. A Party which receives a request for prior agreement under Articles 26, 27, 28 (paragraph 4), or 31 shall, as rapidly as possible, notify the requesting Party:

- (a) that the request is agreed to;
- (b) that the request is denied; or
- (c) of reasonable alternative proposals to the request. It may also propose a prohibition or restriction of other flights in the area during the time involved. If the Party which submitted the request accepts the alternative proposals, it shall notify the other Party of such acceptance.

Brž ko nasprotna stran prepozna takšno sanitetno letalo, mora ukreniti vse, kar je umestno, da mu v smislu prvega odstavka 30. člena ukaže, naj pristane na zemljo ali na morje, ali pa stori druge ukrepe, da zaščiti lastne interese, in da da v obeh primerih letalu čas, da izvrši ukaz, preden se loti napada nanj.

28. člen

Omejitev uporabe sanitetnih letal

1. Stranem v spopadu je prepovedano, da bi svoja sanitetna letala uporabljale v poskusu, da bi dosegle vojaško prednost nad nasprotno stranjo. Navzočnost sanitetnih letal se ne sme uporabiti, da bi se z njimi skušali zaščititi vojaški objekti pred napadom.

2. Sanitetna letala se ne smejo uporabljati za zbiranje ali prenos podatkov obveščevalnega značaja in ne smejo prenašati materiala, ki je namenjen tem ciljem. Prepovedano jim je prevažati osebje ali tovore, ki niso zajeti v šestem odstavku 8. člena. Prevoz osebne opreme tistih, ki so v njih, ali materiala, ki je namenjen izključno, da se olajšajo navigacija, zveza ali identifikacija, s temi letali, se ne bo štel za prepovedanega.

3. Sanitetna letala smejo prevažati samo malokalibrsko orožje in strelivo, vzeto ranjencem, bolnikom in brodolomcem, ki so v njih in še niso izročeni pristojni službi, kakor tudi lahko osebno orožje, ki je potrebno sanitetnemu osebju za osebno obrambo in obrambo ranjencev, bolnikov in brodolomcev, za katere skrbi.

4. Med leti, določenimi v 26. in 27. členu se ne smejo sanitetna letala uporabljati za iskanje ranjencev, bolnikov in brodolomcev, razen če ni to določeno s poprejšnjim sporazumom z nasprotno stranjo.

29. člen

Sporočila in sporazumi v zvezi s sanitetnimi letali

1. Sporočila iz 25. člena, ali zahteve za poprejšnji sporazum iz 26., 27. in 28. člena (četrti odstavek) ali 31. člena, morajo vsebovati: nameravano število sanitetnih letal, plan leta in sredstva za zaznavanje; šteje se, da sporočila in zahteve pomenijo, da bo vsak let opravljen v skladu z določbami 28. člena.

2. Stran, ki prejme sporočilo, predpisano s 25. členom, mora brez odlašanja potrditi prejem.

3. Stran, ki prejme zahtevo za sklenitev poprejšnjega sporazuma v smislu kateregakoli izmed členov 26, 27, 28 (četrti odstavek) ali 31, je dolžna čimprej obvestiti stran, ki je poslala zahtevo:

- (a) da se strinja z zahtevo;
- (b) da zavrača zahtevo, ali
- (c) da predlaga opravičeno spremenitev zahteve. Prav tako lahko predlaga prepoved ali omejitev drugih letov v tej coni za določen čas. Če se stran, ki je poslala zahtevo, strinja z nasprotnimi predlogi, je dolžna obvestiti drugo stran o svoji privolitvi.

4. The Parties shall take the necessary measures to ensure that notifications and agreements can be made rapidly.

5. The Parties shall also take the necessary measures to disseminate rapidly the substance of any such notifications and agreements to the military units concerned and shall instruct those units, regarding the means of identification that will be used by the medical aircraft in question.

Article 30

Landing and inspection of medical aircraft

1. Medical aircraft flying over areas which are physically controlled by an adverse Party, or over areas the physical control of which is not clearly established, may be ordered to land or to alight on water, as appropriate, to permit inspection in accordance with the following paragraphs. Medical aircraft shall obey any such order.

2. If such an aircraft lands or alights on water, whether ordered to do so or for other reasons, it may be subjected to inspection solely to determine the matters to in paragraphs 3 and 4. Any such inspection shall be commenced without delay and shall be conducted expeditiously. The inspecting Party shall not require the wounded and sick to be removed from the aircraft unless their removal is essential for the inspection. That Party shall in any event ensure that the condition of the wounded and sick is not adversely affected by the inspection or by the removal.

3. If the inspection discloses that the aircraft:

(a) is a medical aircraft within the meaning of Article 8, sub-paragraph (j),

(b) is not in violation of the conditions prescribed in Article 28, and

(c) has not flown without or in breach of a prior agreement where such agreement is required, the aircraft and those of its occupants who belong to the adverse Party or to a neutral or other State not a Party to the conflicts shall be authorized to continue the flight without delay.

4. If the inspection discloses that the aircraft:

(a) is not a medical aircraft within the meaning of Article 8, sub-paragraph (j),

(b) is in violation of the conditions prescribed in Article 28, or

(c) has flown without or in breach of a prior agreement where such agreement is required, the aircraft may be seized. Its occupants shall be treated in conformity with the relevant provisions of the Conventions and of this Protocol. Any aircraft seized which had been assigned as a permanent medical aircraft may be used thereafter only as a medical aircraft.

Article 31

Neutral or other States not Parties to the conflict

1. Except by prior agreement, medical aircraft shall not fly over or land in the territory of a neutral or other State not a Party to the conflict. However, with

4. Strani bodo storile, kar je potrebno, da bosta omogočena učinkovito pošiljanje sporočil in sklepanje sporazumov.

5. Prav tako bodo strani storile, kar bo potrebno, da bo vsebina teh sporočil in sporazumov učinkovito posredovana zainteresiranim vojaškim enotam in da bodo hitro seznanjene s sredstvi za zaznamovanje, ki jih bodo uporabljala sanitetna letala, za katera gre.

30. člen

Pristajanje in pregled sanitetnih letal

1. Sanitetna letala, ki letijo nad conami, nad katerimi ima dejansko oblast nasprotna stran, ali nad conami, nad katerimi nihče nima dejanske oblasti, smejo biti primorana, da pristanejo na zemljo ali na vodo, odvisno od tega, nad katerim prostorom letijo, za pregled, ki je določen v naslednjih odstavkih. Sanitetna letala so dolžna pokoriti se vsakemu pozivu te vrste.

2. Če sanitetno letalo pristane na zemljo ali na vodo na poziv ali iz drugih vzrokov, sme biti pregledano samo, da se preveri podatki, navedeni v tretjem in četrtem odstavku. Pregled mora biti takojšen in biti hitro končan. Stran, ki opravi pregled, ne sme zahtevati, da bi bili ranjenci in bolniki izkrcani iz letala, razen če je izkrcanje nujno zaradi pregleda. Zagotoviti mora, da ta pregled ali izkrcanje ne poslabšata stanja ranjencev in bolnikov.

3. Če se s pregledom ugotovi:

(a) da je letalo sanitetno v smislu desetega odstavka 8. člena;

(b) da ne ravna v nasprotju s pogoji, ki so predpisani v 28. členu, in

(c) da ni vzletelo brez predhodnega sporazuma ali da ni prekršilo prethodnega sporazuma, če se zahteva, bo letalo pooblašeno, da brez zadrževanja nadaljuje svoj let skupaj s tistimi, ki jih prevozi, bodisi da pripadajo nasprotni strani, bodisi nevtralni državi ali kakšni državi, ki ni stran v spopadu.

4. Če se s pregledom ugotovi:

(a) da letalo ni sanitetno v smislu desetega odstavka 8. člena;

(b) da ravna v nasprotju s pogoji, ki so predpisani v 28. členu, ali

(c) da je vzletelo brez poprejšnjega sporazuma ali da je prekršilo poprejšnje soglasje, če se zahteva, sme biti letalo zaplenjeno. Z vsemi, ki jih je vozilo, se bo ravnilo v skladu z ustreznimi določbami konvencij in tega protokola. Če je bilo letalo ob zaplembi spremenjeno v stalno sanitetno letalo, se sme pozneje uporabljati samo kot sanitetno letalo.

31. člen

Nevtralne države in druge države, ki niso strani v spopadu

1. Sanitetnim letalom ni dovoljeno, da bi letela nad ozemljem nevtralne države ali druge države, ki ni stran v spopadu, niti nanj pristala, razen če ni to predvideno

such an agreement, they shall be respected throughout their flight and also for the duration of any calls in the territory.

Nevertheless they shall obey any summons to land or to alight on water, as appropriate.

2. Should a medical aircraft, in the absence of an agreement or in deviation from the terms of an agreement, fly over the territory of a neutral of other State not a Party to the conflict, either through navigational error or because of an emergency affecting the safety of the flight, it shall make every effort to give notice of the flight and to identify itself. As soon as such medical aircraft is recognized, that State shall make all reasonable efforts to give the order to land or to alight on water referred to in Article 30, paragraph 1, or to take other measures to safeguard its own interests, and, in either case, to allow the aircraft time for compliance, before resorting to an attack against the aircraft.

3. If a medical aircraft, either by agreement or in the circumstances mentioned in paragraph 2, lands or alights on water in the territory of a neutral or other State not Party to the conflict, whether ordered to do so or for other reasons, the aircraft shall be subject to inspection for the purposes of determining whether it is in fact a medical aircraft. The inspection shall be commenced without delay and shall be conducted expeditiously. The inspecting Party shall not require the wounded and sick of the Party operating the aircraft to be removed from it unless their removal is essential for the inspection. The inspecting Party shall in any event ensure that the condition of the wounded and sick is not adversely affected by the inspection or the removal. If the inspection discloses that the aircraft is in fact a medical aircraft, the aircraft with its occupants, other than those who must be detained in accordance with the rules of international law applicable in armed conflict, shall be allowed to resume its flight, and reasonable facilities shall be given for the continuation of the flight. If the inspection discloses that the aircraft is not a medical aircraft, it shall be seized and the occupants treated in accordance with paragraph 4.

4. The wounded, sick and shipwrecked disembarked, otherwise than temporarily, from a medical aircraft with the consent of the local authorities in the territory of a neutral or other State not a Party to the conflict shall, unless agreed otherwise between that State and the Parties to the conflict, be detained by that State where so required by the rules of international law applicable in armed conflict, in such a manner that they cannot again take part the hostilities. The cost of hospital treatment and internment shall be borne by the State to which those persons belong.

5. Neutral or other States not Parties to the conflict shall apply any conditions and restrictions on the passage of medical aircraft over, or on the landing of medical aircraft in, their territory equally to all Parties to the conflict.

s poprejšnjim sporazumom. Če pa je takšen sporazum sklenjen, morajo biti ta letala spoštovana ves čas, ko letijo, kakor tudi pri morebitnem pristajanju na to ozemlje. Prav tako se morajo ta letala pokoriti vsakemu pozivu, da pristanejo na zemljo ali na vodo, odvisno od tega, nad katerim prostorom letijo.

2. Sanitetno letalo, ki nad ozemljem nevtralne države ali druge države, ki ni stran v spopadu, leti bodisi zaradi pogoška v smeri letenja, bodisi iz nujnega razloga, ki se nanaša na varnost poleta — pa ni sporazuma ali pa pri tem krši določbe sporazuma — si mora prizadevati, da sporoči svoj let in da omogoči identifikacijo. Brž ko ta država prepozna takšno sanitetno letalo, mora storiti vse umestno, da izda ukaz, naj pristane na zemljo ali na vodo, kakor je to določeno v prvem odstavku 30. člena, ali pa storiti druge ukrepe, da zaščiti svoje interese oziroma da letalu dovolj časa, da pristane na zemljo ali na vodo, preden se loti napada nanj.

3. Če sanitetno letalo v skladu s sporazumom ali ob pogojih iz drugega odstavka, na poziv ali iz drugih razlogov pristane na zemljo ali na vodo na ozemlju nevtralne države ali druge države, ki ni stran v spopadu, sme biti pregledano, da se ugotovi, ali gre res za sanitetno letalo. Pregled mora biti takojšen in biti hitro končan. Stran, ki opravi pregled, ne sme zahtevati, da bi bili ranjenci in bolniki, ki pripadajo strani, ki uporablja letalo, izkrcani iz letala, razen če je izkrcanje nujno zaradi pregleda. Na vsak način si mora prizadevati, da se s pregledom ali izkrcanjem ne poslabša stanje ranjencev in bolnikov. Če se s pregledom ugotovi, da gre res za sanitetno letalo, bo letalo pooblaščen, da skupaj s tistimi, ki jih prevozi, izvzemši tiste, ki morajo biti po predpisih mednarodnega vojnega prava, ki se uporablja v oboroženih spopadih, zadržani, nadaljuje let in bo uživalo vse ustrezne olajšave. Če se s pregledom ugotovi, da to letalo ni sanitetno, bo zaplenjeno, s tistimi, ki jih prevozi, pa se bo ravnalo po določbah iz četrtega odstavka.

4. Izvzemši tiste, ki so izkrcani začasno, bo ranjence, bolnike in brodolomce, izkrcane iz sanitetnega letala s privolitvijo krajevnih oblasti na ozemlju nevtralne države ali druge države, ki ni stran v spopadu — če ni med njo in stranmi v spopadu drugače dogovorjeno — ta država zadržala, če predpisi mednarodnega vojnega prava, ki se uporabljajo v oboroženih spopadih, to zahtevajo, na tak način, da se jim onemogoči, da bi se znova udeležili sovražnosti. Stroški zdravljenja in internacije gredo v breme države, ki ji te osebe pripadajo.

5. Nevtralne države ali druge države, ki niso strani v spopadu, bodo za vse strani v spopadu enako uporabljale pogoje in morebitne omejitve, ki se nanašajo na preletanje sanitetnih letal čez njihovo ozemlje ali na njihovo pristajanje.

Section III**MISSING AND DEAD PERSONS****Article 32****General principle**

In the implementation of this Section, the activities of the High Contracting Parties, of the Parties to the conflict and of the international humanitarian organizations mentioned in the Conventions and in this Protocol shall be prompted mainly by the right of families to know the fate of their relatives.

Article 33**Missing persons**

1. As soon as circumstances permit, and at the latest from the end of active hostilities, each Party to the conflict shall search for the persons who have been reported missing by an adverse Party. Such adverse Party shall transmit all relevant information concerning such persons in order to facilitate such searches.

2. In order to facilitate the gathering of information pursuant to the preceding paragraph, each Party to the conflict shall, with respect to persons who would not receive more favourable consideration under the Conventions and this Protocol:

(a) record the information specified in Article 138 of the Fourth Convention in respect of such persons who have been detained, imprisoned or otherwise held in captivity for more than two weeks as a result of hostilities or occupation, or who have died during any period of detention;

(b) to the fullest extent possible, facilitate and, if need be, carry out the search for and the recording of information concerning such persons if they have died in other circumstances as a result of hostilities or occupation.

3. Information concerning persons reported missing pursuant to paragraph 1 and requests for such information shall be transmitted either directly or through the Protecting Power or the Central Tracing Agency of the International Committee of the Red Cross or national Red Cross (Red Crescent, Red Lion and Sun) Societies. Where the information is not transmitted through the International Committee of the Red Cross and its Central Tracing Agency, each Party to the conflict shall ensure that such information is also supplied to the Central Tracing Agency.

4. The Parties to the conflict shall endeavour to agree on arrangements for teams to search for, identify and recover the dead from battlefield areas, including arrangements, if appropriate, for such teams to be accompanied by personnel of the adverse Party while carrying out these missions in areas controlled by the adverse Party. Personnel of such teams shall be respected and protected while exclusively carrying out these duties.

Article 34**Remains of deceased**

1. The remains of persons who have died for reasons related to occupation or in detention resulting

III. oddelek**POGREŠANE IN UMRLE OSEBE****32. člen****Splošno načelo**

Pri uporabi tega oddelka temelji dejavnost visokih pogodbenic, strani v spopadu in mednarodnih humanitarnih organizacij, navedenih v konvencijah in v tem protokolu, predvsem na pravici družin, da zvedo za usodo svojih članov.

33. člen**Pogrešane osebe**

1. Brž ko okoliščine to dopuščajo, najpozneje pa po prenehanju aktivnih sovražnosti, mora vsaka stran v spopadu iskati osebe, za katere je nasprotna stran objavila, da jih pogreša. Omenjena nasprotna stran mora poslati o teh osebah vse koristne podatke, da olajša njihovo iskanje.

2. Da olajša zbiranje podatkov iz prejšnjega odstavka za osebe, ki po konvencijah in tem protokolu ne bi uživale ugodnejšega tretmaja, mora vsaka stran v spopadu:

(a) zbrati podatke, določene v 138. členu IV. konvencije o tistih osebah, ki so bile priprte, prijete ali jim je bila kako drugače vzeta prostost za več kot dva tedna zaradi sovražnosti ali okupacije, kakor tudi o tistih, ki so umrle v zaporu;

(b) olajšati z vsakim možnim ukrepom in se, če je potrebno, tudi sama lotiti iskanja ter evidentirati podatke o tistih osebah, ki so umrle v drugih okoliščinah zaradi sovražnosti ali okupacije.

3. Podatke o osebah, katerih pogrešitev je bila objavljena na podlagi prvega odstavka, in zahteve, ki se nanašajo na te podatke, je treba poslati bodisi neposredno, bodisi po sili zaščitnici, centralni poizvedovalni agenciji mednarodnega komiteja Rdečega križa ali nacionalnih društev Rdečega križa (Rdečega polmeseca in Rdečega leva in sonca). Kadar se ti podatki ne pošiljajo po mednarodnem komiteju Rdečega križa in njegovi centralni poizvedovalni agenciji, uredi vsaka stran v spopadu, da jih pošlje tudi centralni poizvedovalni agenciji.

4. Strani v spopadu si bodo prizadevale sporazumeti se o določbah glede pravic in dolžnosti ekip za poizvedovanje, identifikacijo in odstranjevanje mrtvih z bojišč; s temi določbami je lahko določeno, da sme osebe nasprotne strani po potrebi spremljati ekipe, kadar le-te opravljajo svoje naloge v conah, ki so pod kontrolo omenjene nasprotne strani. Osebe teh ekip bo uživalo zaščito in spoštovanje, kadar se ukvarja izključno s temi nalogami.

34. člen**Posmrtni ostanki umrlih oseb**

1. Posmrtni ostanki oseb, ki so umrle iz razlogov v zvezi z okupacijo, ali med zaporom, do katerega je pri-

from occupation or hostilities and those of persons not nationals of the country in which they have died as a result of hostilities shall be respected, and the gravesites of all such persons shall be respected, maintained and marked as provided for in Article 130 of the Fourth Convention, where their remains or gravesites would not receive more favourable consideration under the Conventions and this Protocol.

2. As soon as circumstances and the relations between the adverse Parties permit, the High Contracting Parties in whose territories graves and, as the case may be, other locations of the remains of persons who have died as a result of hostilities or during occupation or in detention are situated, shall conclude agreements in order:

(a) to facilitate access to the gravesites by relatives of the deceased and by representatives of official graves registration services and to regulate the practical arrangements for such access;

(b) to protect and maintain such gravesites permanently;

(c) to facilitate the return of the remains of the deceased and of personal effects to the home country upon its request or, unless that country objects, upon the request of the next of kin.

3. In the absence of the agreements provided for in paragraph 2(b) or (c) and if the home country of such deceased is not willing to arrange at its expense for the maintenance of such gravesites, the High Contracting Party in whose territory the gravesites are situated may offer to facilitate the return of the remains of the deceased to the home country. Where such an offer has not been accepted the High Contracting Party may, after the expiry of five years from the date of the offer and upon due notice to the home country, adopt the arrangements laid down in its own laws relating to cemeteries and graves.

4. A High Contracting Party in whose territory the gravesites referred to in this Article are situated shall be permitted to exhume the remains only:

(a) in accordance with paragraphs 2(c) and 3, or

(b) where exhumation is a matter of overriding public necessity, including cases of medical and investigative necessity, in which case the High Contracting Party shall at all times respect the remains, and shall give notice to the home country of its intention to exhume the remains together with details of the intended place of reinterment.

PART III

METHODS AND MEANS OF WARFARE COMBATANT AND PRISONER-OF-WAR STATUS

Section I

METHODS AND MEANS OF WARFARE

Article 35

Basic rules

1. In any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited.

šlo zaradi okupacije ali sovražnosti, kakor tudi tistih oseb, ki niso bile državljani države, v kateri so umrle zaradi sovražnosti, morajo biti spoštovani, njihovi grobovi pa morajo biti spoštovani, lepo vzdrževani in zaznamovani tako, kot je določeno v 130. členu IV. konvencije, vse dotlej, dokler njihovih posmrtnih ostanki ali grobovi ne dobijo v smislu konvencije in tega protokola ugodnejšega tretmaja.

2. Kadar okoliščine in odnosi med nasprotnimi stranmi dopuščajo, morajo visoke pogodbenice, na ozemlju katerih so grobovi, po potrebi pa tudi drugi kraji, kjer so posmrtni ostanki oseb, umrlih zaradi sovražnosti, med okupacijo ali v zaporu, skleniti spoznave:

(a) da se družinskim članom umrlih oseb in uradnim predstavnikom službe za grobove olajša dostop h grobovom in izdajo praktični predpisi v zvezi s takšnim dostopom;

(b) da se zagotovita nenehna zaščita teh grobov in njihovo redno vzdrževanje;

(c) da se olajša vrnitev posmrtnih ostankov umrlih oseb in njihovih osebnih stvari državi izvora na njeno zahtevo ali zahtevo družine, če država temu ne nasprotuje.

3. Če ni sporazuma iz drugega odstavka pod (b) ali (c), in če država izvora teh umrlih oseb ni pripravljena zagotoviti rednega vzdrževanja teh grobov na lastne stroške, lahko visoka pogodbenica, na območju katere so grobovi, ponudi, da bo olajšala vrnitev posmrtnih ostankov državi izvora. Če takšna ponudba ne bi bila sprejeta v petih letih od dneva, ko je bila dana, lahko visoka pogodbenica o tem po predpisih obvesti državo izvora, nato pa uporabi določbe, ki so predpisane v njeni zakonodaji o pokopališčih in grobovih.

4. Visoka pogodbenica, na območju katere so grobovi, omenjeni v tem členu, je upravičena izkopati posmrtno ostanke edinole:

(a) v pogojih, navedenih v drugem odstavku pod (c) in tretjem odstavku ali

(b) kadar terjajo izkop javne koristi, pri čemer je mišljena potreba iz sanitarnih razlogov ali razlogov preiskave; v tem primeru mora visoka pogodbenica vselej s spoštovanjem ravnati s posmrtnimi ostanki umrlih in obvestiti državo izvora o tem, da jih namerava izkopati, in jo pri tem natančno obvestiti o predvidenem kraju kjer bodo ponovno pokopani.

III. DEL

METODE IN SREDSTVA VOJSKOVANJA STATUS BORCEV IN VOJNIH UJETNIKOV

I. oddelek

METODE IN SREDSTVA VOJSKOVANJA

35. člen

Temeljna pravila

1. V nobenem oboroženem spopadu ni pravica strani v spopadu, da izbira metode in sredstva vojskovanja, neomejena.

2. It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.

3. It is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment.

Article 36

New weapons

In the study, development, acquisition or adoption of a new weapon, means or method of warfare, a High Contracting Party is under an obligation to determine whether its employment would, in some or all circumstances, be prohibited by this Protocol or by any other rule of international law applicable to the High Contracting Party.

Article 37

Prohibition of perfidy

1. 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 that 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, shall constitute perfidy. The following acts are examples of perfidy:

- (a) the feigning of an intent to negotiate under a flag of truce or of a surrender;
- (b) the feigning of an incapacitation by wounds or sickness;
- (c) the feigning civilian, non-combatant status; and
- (d) the feigning of protected status by the use of signs, emblems or uniforms of the United Nations or of neutral or other States not Parties to the conflict.

2. Ruses of war are not prohibited. Such ruses are acts which are intended to mislead an adversary or to induce him to act recklessly but which infringe no rule of international law applicable in armed conflict and which are not perfidious because they do not invite the confidence of an adversary with respect to protection under that law. The following are examples of such ruses: the use of camouflage, decoys, mock operations and misinformation.

Article 38

Recognized emblems

1. It is prohibited to make improper use of the distinctive emblem of the red cross, red crescent or red lion and sun or of other emblems, signs or signals provided for by the Conventions or by this Protocol. It is also prohibited to misuse deliberately in an armed conflict other internationally recognized protective emblems, signs or signals, including the flag of truce, and the protective emblem of cultural property.

2. It is prohibited to make use of the distinctive emblem of the United Nations, except as authorized by that Organization.

2. Prepovedano je uporabljati takšno orožje, izstrelke in material ter metode vojskovanja, ki povzročajo odvečne poškodbe ali nepotrebno trpljenje.

3. Prepovedano je uporabljati takšne metode ali sredstva vojskovanja, ki so namenjena za obsežne, dolgotrajne in resne okvare naravnega okolja ali jih je od njih mogoče pričakovati.

36. člen

Novo orožje

Pri proučevanju, izpopolnjevanju, nabavljanju ali sprejemanju novega orožja, sredstev ali metod vojskovanja mora visoka pogodbenica določiti, ali bo njih uporaba v nekaterih ali v vseh pogojih prepovedana s tem protokolom ali s kakšnim drugim pravilom mednarodnega prava, ki se uporablja za visoko pogodbenico.

37. člen

Prepoved perfidnega ravnanja

1. Prepovedano je nasprotnika ubiti, raniti ali ujeti, poslužujoč se pri tem perfidnih ravnanj. Dejanja, s katerimi se nasprotniku vlije zaupanje, da ga navede k verovanju, da ima po pravilih mednarodnega prava, ki se uporablja v oboroženem spopadu, pravico do zaščite ali da jo je po njih dolžan sprejeti, z namenom, da se to zaupanje izda, pomenijo perfidna ravnanja. Naslednja dejanja so primeri perfidnega ravnanja:

- (a) pretvaranje nekoga, da se namerava pogajati pod zastavo premirja ali vdaje;
- (b) pretvaranje nekoga, da je nesposoben zaradi ran ali bolezni;
- (c) pretvaranje nekoga, da je civil, da ima status neborca; in
- (d) pretvaranje nekoga, da ima zaščiteni status, pri čemer uporablja znake, znamenja ali uniformo Združenih narodov ali nevtralnih in drugih držav, ki niso strani v spopadu.

2. Vojne zvijače niso prepovedane. Takšne zvijače so dejanja, katerih namen je preslepiti nasprotnika ali ga navesti, da se obnaša brezskrbno, katera pa ne kršijo nobenega pravila mednarodnega prava, ki se uporablja v oboroženem spopadu, in niso perfidna, ker nasprotniku ne vlivajo zaupanja glede zaščite po omenjenem pravu. Primeri takšnih vojnih zvijač so: uporaba kamuflaže, vab, navidezne operacije in napačne informacije.

38. člen

Priznana znamenja

1. Prepovedano je neupravičeno uporabljati razpoznavno znamenje Rdečega križa, Rdečega polmeseca ali Rdečega leva in sonca ali druga znamenja, znake ali signale, določene s konvencijami ali s tem protokolom. Prav tako je v oboroženem spopadu prepovedano namenoma zlorabljati druga mednarodno priznana zaščitna znamenja, znake ali signale, vštveši tudi zastavo premirja in zaščitno znamenje kulturnih dobrin.

2. Prepovedano je uporabljati razpoznavno znamenje Združenih narodov, razen tako, kot je to dovolila omenjena organizacija.

Article 39

Emblems of nationality

1. It is prohibited to make use in an armed conflict of the flags or military emblems, insignia or uniforms of neutral or other States not Parties to the conflict.

2. It is prohibited to make use of the flags or military emblems, insignia or uniforms of adverse Parties while engaging in attacks or in order to shield, favour, protect or impede military operations.

3. Nothing in this Article or in Article 37, paragraph 1 (d), shall affect the existing generally recognized rules of international law applicable to espionage or to the use of flags in the conduct of armed conflict at sea.

Article 40

Quarter

It is prohibited to order that there shall be no survivors, to threaten an adversary therewith or to conduct hostilities on this basis.

Article 41

Safeguard of an enemy hors de combat

1. A person who is recognized or who, in the circumstances, should be recognized to be hors de combat shall not be made the object of attack.

2. A person 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 therefore is incapable of defending himself; provided that in any of these cases he abstains from any hostile act and does not attempt to escape.

3. When persons entitled to protection as prisoners of war have fallen into the power of an adverse Party under unusual conditions of combat which prevent their evacuation as provided for in Part III, Section I, of the Third Convention, they shall be released and all feasible precautions shall be taken to ensure their safety.

Article 42

Occupants of aircraft

1. No person parachuting from an aircraft in distress shall be made the object of attack during his descent.

2. Upon reaching the ground in territory controlled by an adverse Party, a person who has parachuted from an aircraft in distress shall be given an opportunity to surrender before being made the object of attack, unless it is apparent that he is engaging in a hostile act.

3. Airborne troops are not protected by this Article.

39. člen

Nacionalna znamenja

1. Prepovedano je v oboroženem spopadu uporabljati zastave ali vojaška znamenja, označbe ali uniforme nevtralnih oziroma drugih držav, ki niso strani v spopadu.

2. Prepovedano je med napadom oziroma z namenom, da se branijo, spodbudijo, zaščitijo ali ovirajo vojaške operacije, uporabljati zastave ali vojaška znamenja, označbe ali uniforme nasprotnih strani.

3. Nobena določba tega člena ali prvega odstavka 37. člena pod (d) ne vpliva na veljavna, splošno priznana pravila mednarodnega prava, ki se uporabljajo za vohunstvo, ali na uporabo zastav med oboroženim spopadom na morju.

40. člen

Prizanašanje

Prepovedano je ukazati, da ne sme biti preživelih, kakor tudi v tem smislu groziti nasprotniku ali na tej podlagi voditi sovražnosti.

41. člen

Zaščita sovražnika izven boja

1. Oseba, ki ji je oziroma mora biti v danih okoliščinah priznano, da je izven boja, ne sme biti napadena.

2. Oseba je izven boja:

(a) če je v rokah nasprotne strani;

(b) če je jasno izrazila, da se namerava vdati; ali

(c) če je v nezavesti ali sicer zaradi ran ali boleznih nesposobna in se torej ne more sama braniti, s pogojem, da se v vsakem takšnem primeru vzdržuje vsakega sovražnega dejanja in da ne skuša pobegniti.

3. Kadar so osebe, ki imajo pravico do zaščite kot vojni ujetniki, padle v roke nasprotne strani ob nenavadnih okoliščinah bitke, zaradi katerih je onemogočena njihova evakuacija, določena v III. delu I. oddelka III. konvencije, jih je treba izpustiti na prostost in storiti vse praktično mogoče varnostne ukrepe, da bo zagotovljena njihova varnost.

42. člen

Osebe, ki so v letalu

1. Nihče, ki skoči s padalom iz letala v stiski, ne sme biti napaden, dokler se spušča.

2. Ko se spusti na zemljo na ozemlju, ki ga kontrolira nasprotna stran, bo imela oseba, ki se je spustila s padalom iz letala v stiski, možnost se vdati, preden postane tarča napada, če ni očitno, da se pripravlja za sovražno dejanje.

3. Zračno-desantne enote, ki se prevažajo z letalom, niso zaščitene s tem členom.

Section II**COMBATANT AND PRISONER-OF-WAR STATUS****Article 43****Armed forces**

1. 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 force shall be subject to an internal disciplinary system which, inter alia, shall enforce compliance with the rules of international law applicable in armed conflict.

2. Members of the armed force of a Party to a conflict (other than medical personnel and chaplains covered by Article 33 of the Third Convention) are combatants, that is to say, they have the right to participate directly in hostilities.

3. Whenever a Party to a conflict incorporates a paramilitary or armed law enforcement agency into its armed forces it shall so notify the other Parties to the conflict.

Article 44**Combatants and prisoners of war**

1. Any combatant, as defined in Article 43, who falls into the power of an adverse Party shall be a prisoner of war.

2. While all combatants are obliged to comply with the rules of international law applicable in armed conflict, violations of these rules shall not deprive a combatant of his right to be a combatant or, if he falls into the power of an adverse Party, of his right to be a prisoner of war, except as provided in paragraphs 3 and 4.

3. In order to promote the protection of the civilian population from the effects of hostilities, combatants are obliged to distinguish themselves from the civilian population while they are engaged in an attack or in a military operation preparatory to an attack. Recognizing, however, that there are situations in armed conflicts where, owing to the nature of the hostilities an armed combatant cannot so distinguish himself, he shall retain his status as a combatant, provided that, in such situations, he carries his arms openly:

(a) during each military engagement, and

(b) during such time as is visible to the adversary while he is engaged in a military deployment preceding the launching of an attack in which he is to participate.

Acts which comply with the requirements of this paragraph shall not be considered as perfidious within the meaning of Article 37, paragraph 1 (c).

4. A combatant who falls into the power of an adverse Party while failing to meet the requirements set forth in the second sentence of paragraph 3 shall forfeit his right to be a prisoner of war, but he shall, nevertheless, be given protections equivalent in all respects to those accorded to prisoners of war the Third Convention and by this Protocol. This protection includes protections equivalent to those accorded to prisoners of war by the Third Convention in the case where such a person is tried and punished for any offences he has committed.

II. oddelek**STATUS BORCEV IN VOJNIH UJETNIKOV****43. člen****Oborožene sile**

1. Oborožene sile strani v spopadu so sestavljene iz vseh organiziranih oboroženih sil, skupin in enot pod poveljstvom, ki je omenjeni strani odgovorno za vodenje svojih podrejenih, celo tedaj, kadar jo zastopa vlada ali kakšno oblastvo, ki ga nasprotna stran ne priznava. Za takšne oborožene sile velja interni disciplinski sistem, s katerim je med drugim zagotovljeno spoštovanje pravil mednarodnega prava, ki se uporabljajo v oboroženih spopadih.

2. Pripadniki oboroženih sil strani v spopadu (razen medicinskega osebja in duhovnikov, zajetih s 33. členom III. konvencije) so borci, kar pomeni, da imajo pravico neposredno sodelovati v sovražnostih.

3. Kadarkoli stran v spopadu vključi med svoje oborožene sile pomožno vojaško organizacijo ali oboroženo službo za vzdrževanje reda, mora o tem obvestiti druge strani v spopadu.

44. člen**Borci in vojni ujetniki**

1. Sleherni borec v smislu 43. člena, ki pade v roke nasprotne strani, postane vojni ujetnik.

2. Čeprav se morajo vsi borci ravnati po pravilih mednarodnega prava, ki se uporabljajo v oboroženem spopadu, kršitev teh pravil ne jemlje borcu njegove pravice biti borec oziroma, če pade v roke nasprotni strani, pravice biti vojni ujetnik, razen v primerih iz tretjega in četrtega odstavka.

3. Da bi okrepili zaščito civilnega prebivalstva pred učinki sovražnosti, se morajo borci, dokler so angažirani v napadu ali v vojaški operaciji pri pripravi za napad, razlikovati od civilnega prebivalstva. Glede na to, da v oboroženih spopadih nastajajo situacije, v katerih se zaradi sovražnosti napada ne more razlikovati od civilnega prebivalstva, bo obdržal oboroženi borec svoj status borca s pogojem, da v takšnih situacijah javno nosi svoje orožje:

(a) pri katerikoli vojaški akciji, in

(b) v času, ko ga nasprotnik lahko vidi, dokler je angažiran v vojaški akciji pred napadom, v katerem bo sodeloval.

Dejanja, ki ustrezajo pogojem iz tega odstavka, se ne bodo štela za perfidna v smislu prvega odstavka 37. člena pod (c).

4. Borec, ki pade v roke nasprotne strani, bo izgubil v primeru, če prekrši zahteve, postavljene v drugem stavku tretjega odstavka, pravico biti vojni ujetnik, vendar bo kljub temu užival zaščito, ki je v vsakem pogledu enaka zaščiti, ki se izkazuje vojnim ujetnikom na podlagi III. konvencije in na podlagi tega protokola. Če mora takšna oseba pred sodišče in je obsojena zaradi kršitev, ki jih je storila, obsega ta zaščita zaščite, ki so enake tistim, ki se priznavajo vojnim ujetnikom po III. konvenciji.

5. Any combatant who falls into the power of an adverse Party while not engaged in an attack or in a military operation preparatory to an attack shall not war by virtue of his prior activities.

6. This Article is without prejudice to the right of any person to be a prisoner of war pursuant to Article 4 of the Third Convention.

7. This Article is not intended to change the generally accepted practice of States with respect to the wearing of the uniform by combatants assigned to the regular, uniformed armed units of a Party to the conflict.

8. In addition to the categories of persons mentioned in Article 13 of the First and Second Conventions, all members of the armed forces of a Party to the conflict, as defined in Article 43 of this Protocol, shall be entitled to protection under those Conventions if they are wounded or sick or, in the case of the Second Convention, shipwrecked at sea or in other waters.

Article 45

Protection of persons who have taken part in hostilities

1. A person who takes part in hostilities and falls into the power of an adverse Party shall be presumed to be a prisoner of war, and therefore shall be protected by the Third Convention, if he claims the status of prisoner of war, or if he appears to be entitled to such status, or if the Party on which he depends claims such status on his behalf by notification to the detaining Power or to the Protecting Power. Should any doubt arise as to whether any such person is entitled to the status of prisoner of war, he shall continue to have such status and, therefore, to be protected by the Third Convention and this Protocol until such time as his status has been determined by a competent tribunal.

2. If a person who has fallen into the power of an adverse Party is not held as a prisoner of war and is to be tried by that Party for an offence arising out of the hostilities, he shall have the right to assert his entitlement to prisoner-of-war status before a judicial tribunal and to have that question adjudicated. Whenever possible under the applicable procedure, this adjudication shall occur before the trial for the offence. The representatives of the Protecting Power shall be entitled to attend the proceedings in which that question is adjudicated, unless, exceptionally, the proceedings are held in camera in the interest of State security. In such a case the detaining Power shall advise the Protecting Power accordingly.

3. Any person who has taken part in hostilities, who is not entitled to prisoner-of-war status and who does not benefit from more favourable treatment in accordance with the Fourth Convention shall have the right at all times to the protection of Article 75 of this Protocol. In occupied territory, any such person, unless he is held as a spy, shall also be entitled, notwithstanding Article 5 of the Fourth Convention, to his rights of communication under that Convention.

Article 46

Spies

1. Notwithstanding any other provision of the Conventions or of this Protocol, any member of the armed forces of a Party to the conflict who falls into the power of an adverse Party while engaging in espionage shall not have the right to the status of prisoner of war and may be treated as a spy.

5. Sleherni borec, ki pade v roke nasprotne strani, ko ni angažiran v napadu ali vojaški operaciji pri pripravi za napad, ne bo izgubil svojih pravic biti borec in vojni ujetnik zaradi svojih prejšnjih aktivnosti.

6. Ta člen ne posega v nikogaršnjo pravico biti vojni ujetnik v skladu s 4. členom III. konvencije.

7. Namen tega člena ni, da bi spremenil splošno sprejeto prakso držav glede nošenja uniforme borcev, ki je predpisana za redne uniformirane oborožene enote strani v spopadu.

8. Poleg kategorij oseb, omenjenih v 13. členu I. in II. konvencije, imajo vsi pripadniki oboroženih sil strani v spopadu tako, kot je to določeno v 43. členu tega protokola, pravico do zaščite na podlagi obeh konvencij, če so ranjeni ali bolni, ali v primeru II. konvencije, če so doživeli brodolom na morju ali drugih vodah.

45. člen

Zaščita oseb, ki so sodelovale v sovražnostih

1. Za osebo, ki sodeluje v sovražnostih in pade v roke nasprotne strani, se domneva, da je vojni ujetnik in bo torej zaščiten s III. konvencijo, če zahteva status vojnega ujetnika ali če se zdi, da ima pravico do takšnega statusa, oziroma, če stran, ki ji pripada, zahteva takšen status v njenem imenu s sporočilom sili, v katere rokah je, ali sili zaščitnici. Če nastane kakršenkoli dvom, da ima ta oseba pravico do statusa vojnega ujetnika, bo imela še nadalje takšen status in bo torej zaščiten s III. konvencijo in s tem protokolom vse dotlej dokler njenega statusa ne določi pristojno sodišče.

2. Če se z osebo, ki je padla v roke nasprotne strani, ne ravna kot z vojnim ujetnikom, in če naj ji ta stran sodi zaradi kršitve, ki je posledica sovražnosti, bo ta oseba upravičena pred sodiščem braniti svojo pravico do statusa vojnega ujetnika in zahtevati, naj bo o tem vprašanju izrečena sodba. Kadarkoli je glede na uporabljeno proceduro to mogoče, je treba takšno sodbo izreči pred sojenjem zaradi kršitve. Predstavniki sile zaščitnice so upravičeni prisostvovati sodnemu postopku, na katerem se bo reševalo to vprašanje, razen če se postopek izjemoma, v interesu državne varnosti, vodi »in camera«. V takšnem primeru obvesti stran, ki ima v rokah takšno osebo, o tem silo zaščitnico.

3. Vsakdo, ki je sodeloval v sovražnostih, pa nima pravice do statusa vojnega ujetnika in ne uživa ugodnejšega tretmaja po IV. konvenciji, ima ves čas pravico do zaščite iz 75. člena tega protokola. Na okupiranem ozemlju ima vsaka takšna oseba, v kolikor ni prijeta zaradi tega, ker se šteje za vohuna, ne glede na določbe 5. člena IV. konvencije, tudi pravico do občevarstva na podlagi te konvencije.

46. člen

Vohuni

1. Ne glede na katerokoli drugo določbo konvencij ali tega protokola, nima noben pripadnik oboroženih sil strani v spopadu, ki pade v roke nasprotne strani, dokler je angažiran pri vohunjenju, pravice do statusa vojnega ujetnika in se sme z njim ravnati kot z vohunom.

2. A member of the armed forces of a Party to the conflict who, on behalf of that Party and in territory controlled by an adverse Party, gathers or attempts to gather information shall not be considered as engaging in espionage if, while so acting, he is in the uniform of his armed forces.

3. A member of the armed forces of a Party to the conflict who is a resident of territory occupied by an adverse Party and who, on behalf of the Party on which he depends, gathers or attempts to gather information of military value within that territory shall not be considered as engaging in espionage unless he does so through an act of false pretences or deliberately in a clandestine manner. Moreover, such a resident shall not lose his right to the status of prisoner of war and may not be treated as a spy unless he is captured while engaging in espionage.

4. A member of the armed forces of a Party to the conflict who is not a resident of territory occupied by an adverse Party and who has engaged in espionage in that territory shall not lose his right to the status of prisoner of war and may not be treated as a spy unless he is captured before he has rejoined the armed forces to which he belongs.

Article 47

Mercenaries

1. A mercenary shall not have the right to be a combatant or a prisoner of war.

2. A mercenary is any person who:

(a) is specially recruited locally or abroad in order to fight in an armed conflict;

(b) does, in fact, take a direct part in the hostilities;

(c) is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party;

(d) is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict;

(e) is not a member of the armed forces of a Party to the conflict; and

(f) has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces.

PART IV

CIVILIAN POPULATION

Section I

GENERAL PROTECTION AGAINST EFFECTS OF HOSTILITIES

Chapter I

BASIC RULE AND FIELD OF APPLICATION

Article 48

Basic rule

In order to ensure respect for and protection of the civilian population and civilian objects, the Parties

2. Za pripadnika oboroženih sil strani v spopadu, ki v njenem imenu na ozemlju, katero kontrolira nasprotna stran, zbira ali skuša zbirati obvestila, se ne bo štelo, da je angažiran pri vohunjenju, če je pri tem v uniformi svojih oboroženih sil.

3. Za pripadnika oboroženih sil strani v spopadu, ki prebiva na ozemlju, ki ga je okupirala nasprotna stran, in ki v imenu strani, kateri pripada, zbira ali skuša zbirati na tem ozemlju obvestila vojaškega pomena, se ne bo štelo, da se ukvarja z vohunjenjem, če tega ne dela tako, da se drugače predstavlja, ali zavestno in na tajen način. Takšna oseba nadalje ne bo izgubila pravice do statusa vojnega ujetnika in se z njo tudi ne bo

ravnalo kot z vohunom, če ni bila prijeta, dokler se je ukvarjala z vohunjenjem.

4. Pripadnik oboroženih sil strani v spopadu, ki ne prebiva na ozemlju, katero je okupirala nasprotna stran, in ki se na njem ukvarja z vohunjenjem, ne izgubi pravice do statusa vojnega ujetnika in se z njo ne sme ravnati kot z vohunom, če ni bil prijat, preden se je pridružil oboroženim silam, katerim pripada.

47. člen

Plačanci

1. Plačanec nima pravice biti borec ali vojni ujetnik.

2. Plačanec je vsakdo:

(a) ki je bil posebej rekrutiran, lokalno ali v tujini, za to, da bi se boril v oboroženem spopadu;

(b) ki dejansko neposredno sodeluje v sovražnostih;

(c) ki je motiviran, da sodeluje v sovražnostih, v glavnem zaradi želje po osebnih koristi in ki mu je od strani v spopadu ali v njenem imenu dejansko obljubljen znatno večje materialno plačilo od tistega, ki je obljubljen ali plačano borcem podobnega ranga ali funkcije v oboroženih silah omenjene strani;

(d) ki ni državljan strani v spopadu in tudi nima stalnega prebivališča na ozemlju, ki ga kontrolira stran v spopadu;

(e) ki ni pripadnik oboroženih sil strani v spopadu; in

(f) ki ga ni poslala po uradni dolžnosti kot pripadnika svojih oboroženih sil država, ki ni stran v spopadu.

IV. DEL

CIVILNO PREBIVALSTVO

I. oddelek

SPLOŠNA ZAŠČITA PRED UČINKI SOVRAŽNOSTI

I. poglavje

TEMELJNO PRAVILO IN PODROČJE UPORABE

48. člen

Temeljno pravilo

Da bi zagotovile spoštovanje in zaščito civilnega prebivalstva in civilnih objektov, morajo strani v spo-

to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.

Article 49

Definition of attacks and scope of application

1. "Attacks" means acts of violence against the adversary, whether in offence or in defence.

2. The provisions of this Protocol with respect to attacks apply to all attacks in whatever territory conducted, including the national territory belonging to a Party to the conflict but under the control of an adverse Party.

3. The provisions of this Section apply to any land, air or sea warfare which may affect the civilian population, individual civilians or civilian objects on land. They further apply to all attacks from the sea or from the air against objectives on land but do not otherwise affect the rules of international law applicable in armed conflict at sea or in the air.

4. The provisions of this Section are additional to the rules concerning humanitarian protection contained in the Fourth Convention, particularly in Part II thereof, and in other international agreements binding upon the High Contracting Parties, as well as to other rules of international law relating to the protection of civilians and civilian objects on land, at sea or in the air against the effects of hostilities.

Chapter II

CIVILIANS AND CIVILIAN POPULATION

Article 50

Definition of civilians and civilian population

1. A civilian is any person who does not belong to one of the categories of persons referred to in Article 4 A (1), (2), (3) and (6) of the Third Convention and in Article 43 of this Protocol. In case of doubt whether a person is a civilian, that person shall be considered to be a civilian.

2. The civilian population comprises all persons who are civilians.

3. 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.

Article 51

Protection of the civilian population

1. The civilian population and individual civilians shall enjoy general protection against dangers arising from military operations. To give effect to this protection, the following rules, which are additional to other applicable rules of international law, shall be observed in all circumstances.

2. The civilian population as such, as well as individual civilians, shall not be the object of attack.

padu vselej razločevati; civilno prebivalstvo od borcev ter civilne objekte od vojaških objektov, in v skladu s tem usmeriti svoje vojaške operacije le proti vojaškemu objektom.

49. člen

Definicija napadov in doseg uporabe

1. Z izrazom »napadi« so mišljena nasilna dejanja zoper nasprotnika, bodisi da so ofenzivna ali defenzivna.

2. Določbe tega protokola glede napadov se nanašajo na vse napade, ne glede na to, na katerem ozemlju se izvajajo, všteti nacionalno ozemlje, ki pripada strani v spopadu, vendar je pod kontrolo nasprotne strani.

3. Določbe tega oddelka se uporabljajo za kopensko, zračno ali pomorsko vojskovanje, ki utegne prizadeti civilno prebivalstvo, posameznike civile ali civilne objekte na kopnem. Nadalje se uporabljajo za vse napade z morja ali iz zraka na objekte na kopnem, ki pa sicer ne posegajo v pravila mednarodnega prava, katera se uporabljajo v oboroženih spopadih na morju ali v zraku.

4. Z določbami tega oddelka se dopolnjujejo pravila o humanitarni zaščiti, vsebovana v IV. konvenciji, zlasti še v njenem II. delu in v drugih mednarodnih sporazumih, ki zavezujejo visoke pogodbenice, kakor tudi druga pravila mednarodnega prava, ki se nanašajo na zaščito civilov ali civilnih objektov na kopnem, na morju ali v zraku pred sovražnikovimi učinki.

II. poglavje

CIVILI IN CIVILNO PREBIVALSTVO

50. člen

Definicija civilov in civilnega prebivalstva

1. Civil je vsakdo, ki ne pripada kateri izmed kategorij oseb, navedenih v členu 4 A (1), (2), (3) in (6) III. konvencije in v 43. členu tega protokola. V primeru dvoma, ali je nekdo civil, se bo ta oseba štela za civila.

2. S civilnim prebivalstvom so mišljene vse osebe, ki so civili.

3. S tem, da so med civilnim prebivalstvom navzoče osebe, ki niso zajete z definicijo civila, prebivalstvo ne izgubi svojega civilnega značaja.

51. člen

Zaščita civilnega prebivalstva

1. Civilno prebivalstvo in posamezni civili uživajo splošno zaščito pred nevarnostmi, ki izhajajo iz vojaških operacij. Da bi se izvedla ta zaščita, se bodo ob vsaki priložnosti poleg drugih uporabljivih pravil mednarodnega prava spoštovala tale dodatna pravila.

2. Civilno prebivalstvo kot takšno ter posamezni civili ne bodo predmet napadov. Prepovedana so dejanja

Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.

3. Civilians shall enjoy the protection afforded by this Section, unless and for such time as they take a direct part in hostilities.

4. Indiscriminate attacks are prohibited. Indiscriminate attacks are:

(a) those which are not directed at a specific military objective;

(b) those which employ a method or means of combat which cannot be directed at a specific military objective; or

(c) those which employ a method or means of combat the effects of which cannot be limited as required by this Protocol;

and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.

5. Among others, the following types of attacks are to be considered as indiscriminate:

(a) an attack by bombardment by any methods or means 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; and

(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 concrete and direct military advantage anticipated.

6. Attacks against the civilian population or civilians by way of reprisals are prohibited.

7. The presence or movements of the civilian population or individual civilians shall not be used to render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attacks or to shield, favour or impede military operations. The Parties to the conflict shall not direct the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attacks or to shield military operations.

8. Any violation of these prohibitions shall not release the Parties to the conflict from their legal obligations with respect to the civilian population and civilians, including the obligation to take the precautionary measures provided for in Article 57.

Chapter III

CIVILIAN OBJECTS

Article 52

General protection of civilian objects

1. Civilian objects shall not be the object of attack or of reprisals. Civilian objects are all objects which are not military objectives as defined in paragraph 2.

2. Attacks shall be limited strictly to military objectives. In so far as objects are concerned, military

ali grožnje z nasiljem, ki jim je glavni namen širjenje strahu med civilnim prebivalstvom.

3. Civilni bodo uživali zaščito, ki je določena v tem oddelku, če se ne udeležujejo neposredno sovražnosti oziroma dokler se jih neposredno ne udeležujejo.

4. Prepovedani so napadi, za katere niso bili izbrani cilji. Napadi, za katere niso bili izbrani cilji, so:

(a) napadi, ki niso usmerjeni na določen vojaški objekt;

(b) napadi, pri katerih se uporablja metoda ali bojno sredstvo, ki ne more biti usmerjena na določen vojaški objekt; ali

(c) napadi, pri katerih se uporablja metoda ali bojno sredstvo, ki njegovega učinka ni mogoče omejiti tako, kot je to določeno v tem protokolu;

in so, torej napadi v vsakem takem primeru takšne narave, da brez razlike zadenejo vojaške objekte ter civile in civilne objekte.

5. Za napade, za katere niso bili izbrani cilji, se štejejo med drugim tele vrste napadov:

(a) bombni napad s katerokoli metodo ali sredstvi, s katerimi se vrsta jasno določenih in različnih vojaških objektov v kakšnem mestu, vasi ali drugi coni, v kateri je podobna koncentracija civilov in civilnih objektov, tretira kot en sam vojaški objekt; in

(b) napad, od katerega je mogoče pričakovati, da bo povzročil naključne izgube življenj, poškodbe civilov in škode na civilnih objektih ali eno in drugo, ki bi bile v primerjavi s pričakovano konkretno in neposredno vojaško prednostjo nesorazmerno velike.

6. Napadi na civilno prebivalstvo ali civile z represalijami so prepovedani.

7. Navzočnost ali preselitev civilnega prebivalstva ali posameznih civilov ne bodo uporabljeni za to, da se določene točke ali območja izvzamejo od vojaških operacij, zlasti ne, da se skušajo zaščititi ali ščitijo vojaški objekti pred napadi ali da se ščitijo, favorizirajo ali otežujejo vojaške operacije. Strani v spopadu ne bodo usmerjale preselitve civilnega prebivalstva ali posameznih civilov tako, da bi skušale zaščititi vojaške objekte pred napadi ali da bi ščitile vojaške operacije.

8. Nobena kršitev teh prepovedi ne odvezuje strani v spopadu njihovih pravnih obveznosti glede civilnega prebivalstva in civilov, vštevši tudi obveznih varnostnih ukrepov, ki so določeni v 57. členu.

III. poglavje

CIVILNI OBJEKTI

52. člen

Splošna zaščita civilnih objektov

1. Civilni objekti ne smejo biti predmet napadov ali represalij. Civilni objekti so vsi objekti, ki niso vojaški objekti, definirani v drugem odstavku.

2. Napadi morajo biti strogo omejeni na vojaške objekte. Kar se tiče objektov, so vojaški objekti ome-

objectives are limited to those objects which by their nature, location purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

3. In case of doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used.

Article 53

Protection of cultural objects and of places worship

Without prejudice to the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, and of other relevant international instruments, it is prohibited:

(a) to commit any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples;

(b) to use such objects in support of the military effort;

(c) to make such objects the object reprisals.

Article 54

Protection of objects indispensable to the survival of the civilian population

1. Starvation of civilians as a method of warfare is prohibited.

2. It is 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, for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party, whatever the motive, whether in order to starve out civilians, to cause them to move away, or for any other motive.

3. The prohibitions in paragraph 2 shall not apply to such of the objects covered by it as are used by an adverse Party:

(a) as sustenance solely for the members of its armed forces; or

(b) if not as sustenance, them in direct support of military action, provided, however, that in no event shall actions against these objects be taken which may be expected to leave the civilian population with such inadequate food or water as to cause its starvation or force its movement.

4. These objects shall not be made the object of reprisals.

5. In recognition of the vital requirements of any Party to the conflict in the defence of its national territory against invasion, derogation from the prohibitions contained in paragraph 2 may be made by a Party to the conflict within such territory under its own control where required by imperative military necessity.

jeni na tiste, ki po svoji naravi, lokaciji, namenu ali uporabi učinkovito prispevajo k vojaški akciji in katerih popolno ali delno uničenje, zavzemanje ali nevtralizacija ustvarja v razmerah, ki takrat vladajo, določeno vojaško prednost.

3. Če je podan dvom, ali se posamezen objekt, ki služi navadno civilnim namenom, kot je svetišče, hiša ali drugo prebivališče ali šola, uporablja tako, da učinkovito prispeva k vojaški akciji, se bo štelo, da se ne uporablja tako.

53. člen

Zaščita kulturnih objektov in svetišč

Brez škode za določbe haaške konvencije za zaščito kulturnih dobrin ob oboroženem spopadu z dne 14. maja 1954 in na določbe drugih ustreznih mednarodnih instrumentov, je prepovedano:

(a) storiti kakršnokoli sovražno dejanje, ki je naperjeno proti zgodovinskim spomenikom, umetniškim delom ali svetiščem, ki so kulturna ali duhovna dediščina naroda;

(b) uporabiti takšne objekte za pomoč vojaškim akcijam;

(c) da bi bili takšni objekti predmet represalij.

54. člen

Zaščita objektov, ki so nujni za obstanek civilnega prebivalstva

1. Izčrpanje prebivalstva z gladovanjem kot metoda vojskovanja je prepovedano.

2. Prepovedano je napasti, uničiti, odstraniti ali onesposobiti objekte, ki so neobhodni, da bi civilno prebivalstvo preživel, kot so živila, kmetijska območja za pridelovanje hrane, žetev, živa živina, napeljave za pitno vodo ter njene zaloge in namakalne naprave, z izrecnim namenom, da se to vzame civilnemu prebivalstvu ali nasprotni strani zaradi vrednosti, ki jo imajo ti objekti za njun obstanek, ne glede na motiv, bodisi da bi se prebivalstvo izčrpalo z gladovanjem ali prisililo, da se izseli, bodisi iz kakšnega drugega motiva.

3. Prepovedi iz drugega odstavka se ne bodo uporabljale za tiste objekte, ki jih nasprotna stran uporablja:

(a) zgolj za vzdrževanje pripadnikov svojih oboroženih sil; ali

(b) če ne za vzdrževanje, pa za neposredno pomoč vojaški akciji, pač pa s pogojem, da proti navedenim objektom v nobenem primeru ne bodo storjene akcije, za katere je mogoče pričakovati, da bo civilno prebivalstvo zaradi njih ostalo brez ustrezne hrane ali vode, kar bi povzročilo njegovo gladovanje ali ga prisililo, da se seli.

4. Ti objekti ne smejo biti predmet represalij.

5. Glede na vitalne potrebe katerekoli strani v spopadu pri obrambi nacionalnega ozemlja pred invazijo, je lahko odmik od prepovedi, navedenih v drugem odstavku, dovoljen strani v spopadu na takšnem ozemlju, ki je pod njeno kontrolo, če to zahtevajo imperativne vojaške potrebe.

Article 55

Protection of the natural environment

1. Care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population.

2. Attacks against the natural environment by way of reprisals are prohibited.

Article 56

Protection of works and installations containing dangerous forces

1. 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. Other military objectives located at or in the vicinity of these works or installations shall not be made the object of attack if such attack may cause the release of dangerous forces from the works or installations and consequent severe losses among the civilian population.

2. The special protection against attack provided by paragraph 1 shall cease:

(a) for a dam or a dyke only if it is used for other than its normal function and in regular, significant and direct support of military operations and if such attack is the only feasible way to terminate such support;

(b) for a nuclear electrical generating station only if it provides electric power in regular, significant and direct support of military operations and if such attack is the only feasible way to terminate such support;

(c) for other military objectives located at or in the vicinity of these works or installations only if they are used in regular, significant and direct support of military operations and if such attack is the only feasible way to terminate such support.

3. In all cases, the civilian population and individual civilians shall remain entitled to all the protection accorded them by international law, including the protection of the precautionary measures provided for in Article 57. If the protection ceases and any of the works, installations or military objectives mentioned in paragraph 1 is attacked, all practical precautions shall be taken to avoid the release of the dangerous forces.

4. It is prohibited to make any of the works, installations or military objectives mentioned in paragraph 1 the object of reprisals.

5. The Parties to the conflict shall endeavour to avoid locating any military objectives in the vicinity of defending the protected works or installations from the works or installations mentioned in paragraph 1. Nevertheless, installations erected for the sole purpose attack are permissible and shall not themselves be made the object of attack provided that they are not

55. člen

Zaščita naravnega okolja

1. Med vojskovanjem se mora posvetiti pozornost temu, da se naravno okolje zaščiti pred obsežnimi, dolgotrajnimi in resnimi škodami. Ta zaščita obsega tudi prepoved metod ali sredstev vojskovanja, katerih namen je oziroma od katerih je mogoče pričakovati, da bodo povzročila naravnemu okolju takšno škodo, da bo škodovalo zdravju ali obstanku prebivalstva.

2. Napadi na naravno okolje z represalijami so prepovedani.

56. člen

Zaščita zgradb in napeljav, v katerih so nevarne sile

1. Zgradbe ali napeljave, v katerih so nevarne sile, t.j. jezovi, nasipi in jedrske elektrarne za pridobivanje energije, ne bodo predmet napadov, in sicer niti tam, kjer so to vojaški objekti, če bi takšen napad utegnil povzročiti sprostitve nevarnih sil in torej tudi velike izgube med civilnim prebivalstvom. Drugi vojaški objekti, ki so ob takšnih zgradbah ali napeljavah oziroma v njihovi bližini, ne smejo biti predmet napada, če bi takšen napad utegnil povzročiti, da se iz zgradb ali napeljav sprostijo nevarne sile, in pripeljati do hudih izgub med civilnim prebivalstvom.

2. Posebna zaščita pred napadi, določena v prvem odstavku, preneha:

(a) kadar gre za jezove ali nasipe, le, če se uporabljajo za kakšen drug, ne pa svoj normalen namen in kot redna pomembna in neposredna podpora vojaškim operacijam, in če je tak napad edino možni način, da se taka podpora prepreči;

(b) kadar gre za jedrsko centralo za pridobivanje električne energije, le, če daje ta z oskrbovanjem z električno energijo redno, pomembno in neposredno podporo vojaškim operacijam in če je tak napad edino možni način, da se taka podpora prepreči;

(c) kadar gre za druge vojaške objekte, ki so pri teh zgradbah ali napeljavah ali v njihovi bližini, le, če se uporabljajo kot redna pomembna in neposredna podpora vojaškim operacijam in če je tak napad edino možni način, da se taka podpora prepreči.

3. Civilno prebivalstvo in posamezni civili bodo v vseh primerih še nadalje imeli vso zaščito po mednarodnem pravu, včevši tudi zaščito z varnostnimi ukrepi, določenimi v 57. členu. Če zaščita preneha in če so nekatere izmed zgradb, napeljav ali vojaških objektov, navedenih v prvem odstavku, napadene, je treba storiti vse praktične varnostne ukrepe, da ne pride do sprostitve nevarnih sil.

4. Prepovedano je, da bi katerakoli zgradba, napeljava ali vojaški objekt, navedeni v prvem odstavku, bili predmet represalij.

5. Strani v spopadu si bodo prizadevale, da ne bodo postavljale vojaških objektov v bližini zgradb ali napeljav, navedenih v prvem odstavku. Vendar so napeljave, ki so postavljene zgolj zaradi obrambe zaščiteneh zgradb ali napeljav pred napadi, dovoljene in same ne bodo predmet napadov, s pogojem, da se ne uporabljajo v sovražne namene, razen za obrambne akcije, ki

used in hostilities except for defensive actions necessary to respond to attacks against the protected works or installations and that their armament is limited to weapons capable only of repelling hostile action against the protected works or installations.

6. The High Contracting Parties and the Parties to the conflict are urged to conclude further agreements among themselves to provide additional protection for objects containing dangerous forces.

7. In order to facilitate the identification of the objects protected by this Article, the Parties to the conflict may mark them with a special sign consisting of a group of three bright orange circles placed on the same axis, as specified in Article 16 of Annex I to this Protocol. The absence of such marking in no way relieves any Party to the conflict of its obligations under this Article.

Chapter IV

PRECAUTIONARY MEASURES

Article 57

Precautions in attack

1. In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects.

2. With respect to attacks, the following precautions shall be taken:

(a) those who plan or decide upon an attack shall:

(i) do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects and are not subject to special protection but are military objectives within the meaning of paragraph 2 of Article 52 and that it is not prohibited by the provisions of this Protocol to attack them;

(ii) 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;

(iii) refrain from deciding to launch any 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 concrete and direct military advantage anticipated;

(b) an attack shall be cancelled or suspended if it becomes apparent that the objective is not a military one or is subject to special protection or that the attack 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 concrete and direct military advantage anticipated.

(c) effective advance warning shall be given of attacks which may affect the civilian population, unless circumstances do not permit.

3. When a choice is possible between several military objectives for obtaining a similar military advantage, the objective to be selected shall be that the attack on which may be expected to cause the least danger to civilian lives and to civilian objects.

so potrebne kot odgovor na napade na zaščitene zgradbe ali napeljave, in da je njihova oboroženost omejena na orožje, ki omogoča le, da se odbije sovražna akcija proti zaščitenim zgradbam ali napeljavam.

6. Visoke pogodbenice in strani v spopadu se pozivajo, naj sklenejo med seboj še druge sporazume, da bi zagotovile dodatno zaščito objektov, v katerih so nevarne sile.

7. Da bi se olajšala identifikacija objektov, zaščitnih s tem členom, jih strani v spopadu lahko označijo s posebnim znakom, ki ga sestavlja skupina treh svetlo oranžnih krogov, ležečih na isti osi, kot je določeno v 16. členu priloge I k temu protokolu. Pomanjkanje takšnega znaka v nobenem primeru ne odvzema strani v spopadu njenih obveznosti iz tega člena.

IV. poglavje

VARNOSTNI UKREPI

57. člen

Previdnost pri napadu

1. Pri izvajanju vojaških operacij se mora nenehno paziti na to, da se prizanese civilnemu prebivalstvu, civilom in civilnim objektom.

2. V zvezi z napadi morajo biti storjeni tile ukrepi:

(a) tisti, ki planirajo napad ali odločajo o njem, morajo:

(i) storiti vse, kar je mogoče, da preverijo, ali objekti, ki jih bodo napadli, niso ne civilni in ne civilni objekti, ter da niso zajeti s posebno zaščito, temveč da so vojaški objekti v smislu drugega odstavka 52. člena, in da jih po določbah tega protokola ni prepovedano napasti;

(ii) storiti pri izbiri sredstev in metod napada vse možne varnostne ukrepe, da bi se izognili naključnim izgubam življenj civilov, poškodbam civilov in škodam na civilnih objektih, vsekakor pa jih omejiti na minimum;

(iii) se vzdržati odločitve, da se krene v katerikoli napad, od katerega je mogoče pričakovati, da bo povzročil naključne izgube življenj civilov, poškodbe civilov, škode na civilnih objektih ali njihovo kombinacijo, ki bi bile v primerjavi s pričakovano konkretno in neposredno vojaško prednostjo nesorazmerno velike;

(b) napad je treba opustiti ali prekiniti, če postane jasno, da ne gre za vojaški cilj ali da zanj velja posebna zaščita, ali da je mogoče pričakovati, da bo povzročil naključne izgube življenj civilov in njihove poškodbe, škode, na civilnih objektih ali njihovo kombinacijo, ki bi bile v primerjavi s pričakovano konkretno in neposredno vojaško prednostjo nesorazmerno velike;

(c) dati učinkovito vnaprejšnje opozorilo o napadu, ki utegne ogroziti civilno prebivalstvo, razen če okoliščine tega ne dopuščajo.

3. Kadar je mogoče izbirati med več vojaškimi objekti, pri tem pa doseči podobno vojaško prednost, bo izbran tisti objekt, pri katerem je pričakovati, da bo napad povzročil najmanjšo nevarnost za življenje civilov in civilne objekte.

4. In the conduct of military operations at sea or in the air, each Party to the conflict shall, in conformity with its rights and duties under the rules of international law applicable in armed conflict, take all reasonable precautions to avoid losses of civilian lives and damage to civilian objects.

5. No provision of this Article may be construed as authorizing any attacks against the civilian population, civilians or civilian objects.

Article 58

Precautions against the effects of attacks

The Parties to the conflict shall, to the maximum extent feasible:

(a) without prejudice to Article 49 of the Fourth Convention, endeavour to remove the civilian population, individual civilians and civilian objects under their control from the vicinity of military objectives:

(b) avoid locating military objectives within or near densely populated areas;

(c) take the other necessary precautions to protect the civilian population, individual civilians and civilian objects under their control against the dangers resulting from military operations.

Chapter V

LOCALITIES AND ZONES UNDER SPECIAL PROTECTION

Article 59

Non-defended localities

1. It is prohibited for the Parties to the conflict to attack, by any means whatsoever, nondefended localities.

2. The appropriate authorities of a Party to the conflict may declare as a non-defended locality any inhabited place near or in a zone where armed forces are in contact which is open for occupation by an adverse Party. Such a locality shall fulfil the following conditions:

(a) all combatants, as well as mobile weapons and mobile military equipment must have been evacuated;

(b) no hostile use shall be made of fixed military installations or establishments;

(c) no acts of hostility shall be committed by the authorities or by the population; and

(d) no activities in support of military operations shall be undertaken.

3. The presence, in this locality, of persons specially protected under the Conventions and this Protocol, and of police forces retained for the sole purpose of maintaining law and order, is not contrary to the conditions laid down in paragraph 2.

4. The declaration made under paragraph 2 shall be addressed to the adverse Party and shall define and describe, as precisely as possible, the limits of the non-defended locality. The Party to the conflict to which the declaration is addressed shall acknowledge its receipt and shall treat the locality as a non-defended locality unless the conditions laid down in paragraph 2 are not in fact fulfilled, in which event

4. Pri vodenju vojaških operacij na morju ali v zraku mora vsaka stran v spopadu v skladu s svojimi pravicami in dolžnostmi po pravilih mednarodnega prava, ki se uporabljajo v oboroženem spopadu, storiti vse umestne varnostne ukrepe, da se izognejo izgubam življenj civilov ter škodam na civilnih objektih.

5. Nobene določbe tega člena ni dovoljeno razlagati tako, da dovoljuje kakršenkoli napad na civilno prebivalstvo, civile ali civilne objekte.

58. člen

Varnostni ukrepi proti posledicam napadov

Strani v spopadu so v največji možni meri dolžne:

(a) da si ne glede na določbe 49. člena IV. konvencije prizadevajo preseliti civilno prebivalstvo, posamezne civile in civilne objekte pod njihovo upravo iz okolice vojaških objektov;

(b) izogibati se lociranju vojaških objektov v gosto naseljenih območjih ali njihovi bližini;

(c) storiti druge potrebne varnostne ukrepe, da zaščitijo civilno prebivalstvo, posamezne civile in civilne objekte pod njihovo upravo pred nevarnostmi, ki so posledica vojaških operacij.

V. poglavje

KRAJI IN CONE POD POSEBNO ZAŠČITO

59. člen

Nebranjeni kraji

1. Stranem v spopadu je prepovedano s katerimikoli sredstvi napadati nebranjene kraje.

2. Ustrezna oblastva strani v spopadu lahko razglasijo za nebranjen kraj vsak naseljen kraj blizu cone ali v coni, kjer so se spoprijele oborožene sile, ki je dostopen za okupacijo po nasprotni strani. Takšen kraj mora izpolnjevati tele pogoje:

(a) vsi borci ter premično orožje in premična vojaška oprema morajo biti evakuirani;

(b) nepremične vojaške instalacije ali ustanove se ne smejo uporabljati za sovražnosti;

(c) oblastva ali prebivalstvo ne smejo storiti nobene sovražnega dejanja;

(d) storiti se ne smejo nobene akcije, ki bi podpirale vojaške operacije.

3. Navzočnost oseb, ki so posebej zaščitene s konvencijami in tem protokolom, ter policijskih sil, zadržanih izključno zato, da bi varovale zakon in red, v takšnem kraju ni v nasprotju s pogoji, ki so postavljeni v drugem odstavku.

4. Izjava, dana na podlagi drugega odstavka, se pošlje nasprotni strani in v njej morajo biti definirane in čim natančneje opisane meje nebranjenega kraja. Stran v spopadu, ki ji je poslana izjava, mora potrditi prejem in ta kraj tretirati kot nebranjen, razen če pogoji, postavljeni v drugem odstavku, dejansko niso izpolnjeni; v tem primeru mora takoj obvestiti stran, ki je dala izjavo. Celó v primeru, če pogoji, postavljeni v

it shall immediately so inform the Party making the declaration. Even if the conditions laid down in paragraph 2 are not fulfilled, the locality shall continue to enjoy the protection provided by the other provisions of this Protocol and the other rules of international law applicable in armed conflict.

5. The Parties to the conflict may agree on the establishment of non-defended localities even if such localities do not fulfil the conditions laid down in paragraph 2. The agreement should define and describe, as precisely as possible, the limits of the non-defended locality; if necessary, it may lay down the methods of supervision.

6. The Party which is in control of a locality governed by such an agreement shall mark it, so far as possible, by such signs as may be agreed upon with the other Party, which shall be displayed where they are clearly visible, especially on its perimeter and limits and on highways.

7. A locality loses its status as a non-defended locality when it ceases to fulfil the conditions laid down in paragraph 2 or in the agreement referred to in paragraph 5. In such an eventuality, the locality shall continue to enjoy the protection provided by the other provisions of this protocol and the other rules of international law applicable in armed conflict.

Article 60

Demilitarized zones

1. It is prohibited for the Parties to the conflict to extend their military operations to zones on which they have conferred by agreement the status of demilitarized zone, if such extension is contrary to the terms of this agreement.

2. The agreement shall be an express agreement, may be concluded verbally or in writing, either directly or through a Protecting Power or any impartial humanitarian organization, and may consist of reciprocal and concordant declarations. The agreement may be concluded in peacetime, as well as after the outbreak of hostilities, and should define and describe, as precisely as possible, the limits of the demilitarized zone and, if necessary, lay down the methods of supervision.

3. The subject of such an agreement shall normally be any zone which fulfils the following conditions:

(a) all combatants, as well as mobile weapons and mobile military equipment, must have been evacuated;

(b) no hostile use shall be made of fixed military installations or establishments;

(c) no acts of hostility shall be committed by the authorities or by the population; and

(d) any activity linked to the military effort must have ceased.

The Parties to the conflict shall agree upon the interpretation to be given to the condition laid down in sub-paragraph (d) and upon persons to be admitted to the demilitarized zone other than those mentioned in paragraph 4.

4. The presence, in this zone, of persons specially protected under the Conventions and this Protocol, and of police forces retained for the sole purpose of maintaining law and order, is not contrary to the conditions laid down in paragraph 3.

drugem odstavku, niso izpolnjeni, mora kraj še nadalje uživati zaščito, določeno z drugimi določbami tega protokola in drugimi pravili mednarodnega prava, ki se uporabljajo v oboroženem spopadu.

5. Strani v spopadu se lahko dogovorijo o uvedbi nebranih krajev celo tedaj, če takšni kraji ne izpolnjujejo pogojev, postavljenih v drugem odstavku. S sporazumom je treba definirati in čim natančneje opisati meje nebranih krajev; če je potrebno, se lahko določi tudi način nadzorstva.

6. Stran, ki kontrolira kraj, ki je predmet takšnega sporazuma, ga mora, kolikor je največ mogoče, označiti s takšnimi znaki, s katerimi se bo lahko strinjala druga stran in ki jih je treba postaviti tam, kjer so jasno vidni zlasti na njegovih perimetrih in mejah in na avtomobilskih cestah.

7. Kraj izgubi svoj status nebranih krajev, ko preneha izpolnjevati pogoje, postavljene v drugem odstavku, ali po sporazumu, kot je navedeno v petem odstavku. V tem primeru bo kraj užíval še nadalje zaščito, določeno z drugimi določbami tega protokola in drugimi pravili mednarodnega prava, ki se uporabljajo v oboroženem spopadu.

60. člen

Demilitarizirane cone

1. Stranem v spopadu je prepovedano, da bi svoje vojaške operacije razširile na cone, o katerih so se s sporazumom dogovorile, da imajo status demilitarizirane cone, če je to v nasprotju z določbami omenjenega sporazuma.

2. Sporazum mora biti izrecen, skleniti ga je mogoče ustno ali pismeno, neposredno ali po sili zaščitnici ali katerikoli nepristranski humanitarni organizaciji in je lahko sestavljen iz vzajemnih in soglasnih izjav. Sporazum je lahko sklenjen v miru, kakor tudi po izbruhu sovražnosti; v njem morajo biti definirane in po možnosti čim natančneje opisane meje demilitarizirane cone, po potrebi pa določen tudi način nadzorstva.

3. Predmet takšnega sporazuma bo navadno sleherni cone, ki izpolnjuje te pogoje:

(a) vsi borci ter premično orožje in premična vojaška oprema morajo biti evakuirani;

(b) nobene nepremične vojaške instalacije ali ustanove se ne smejo uporabljati za sovražnosti;

(c) oblastva ali prebivalstvo ne smejo storiti nobenega sovražnega dejanja; in

(d) sleherni dejavnost, ki je povezana z vojaškimi napori, mora prenehati.

Strani v spopadu se bodo sporazumele o razlagi pogoja, postavljenega v točki (d), in o osebah, ki smejo biti sprejete v demilitarizirano cono, poleg tistih, ki so navedene v četrtem odstavku.

4. Navzočnost oseb, ki so posebej zaščitene s konvencijami in s tem protokolom, in policijskih sil, zadržanih izključno zato, da bi varovale zakon in red v tej coni, ni v nasprotju s pogoji, ki so postavljeni v tretjem odstavku.

5. The Party which is in control of such a zone shall mark it, so far as possible, by such signs as may be agreed upon with the other Party, which shall be displayed where they are clearly visible, especially on its perimeter and limits and on highways.

6. If the fighting draws near to a demilitarized zone, and if the Parties to the conflict have so agreed, none of them may use the zone for purposes related to the conduct of military operations or unilaterally revoke its status.

7. If one of the Parties to the conflict commits a material breach of the provisions of paragraphs 3 or 6, the other Party shall be released from its obligations under the agreement conferring upon the zone the status of demilitarized zone. In such an eventuality, the zone loses its status but shall continue to enjoy the protection provided by the other provisions of this Protocol and the other rules of international law applicable in armed conflict.

Chapter VI CIVIL DEFENCE

Article 61

Definitions and scope

For the purposes of this Protocol:

(a) "civil defence" means the performance of some or all of the undermentioned humanitarian tasks intended to protect the civilian population against the dangers and to help it to recover from the immediate effects, of hostilities or disasters and also to provide the conditions necessary for its survival. These tasks are:

- (i) warning;
- (ii) evacuation;
- (iii) management of shelters;
- (iv) management of blackout measures;
- (v) rescue;
- (vi) medical services, including first aid, and religious assistance;
- (vii) fire-fighting;
- (viii) detection and marking of danger areas;
- (ix) decontamination and similar protective measures;
- (x) provision of emergency accommodation and supplies;
- (xi) emergency assistance in the restoration and maintenance of order in distressed areas;
- (xii) emergency repair of indispensable public utilities;
- (xiii) emergency disposal of the dead;
- (xiv) assistance in the preservation of objects essential for survival;
- (xv) complementary activities necessary to carry out any of the tasks mentioned above, including, but not limited to, planning and organization;

(b) "civil defence organizations" means those establishments and other units which are organized or authorized by the competent authorities of a Party to the conflict to perform any of the tasks mentioned under sub-paragraph (a), and which are assigned and devoted exclusively to such tasks;

5. Stran, ki takšno cono kontrolira, jo mora, kolikor je največ mogoče, zaznamovati s takšnimi znaki, s katerimi se bo lahko strinjala druga stran, in ki jih je treba postaviti tam, kjer so jasno vidna, zlasti na njenih perimetrih in mejah in na avtomobilskih cestah.

6. Če se boj približa demilitarizirani coni in če se strani v spopadu tako sporazumejo, je ne sme nobena od njih uporabiti za namene, ki so povezani z vojaškimi operacijami, ali njen status enostransko izreči za neveljavnega.

7. Če posamezna stran v spopadu materialno prekrši določbe tretjega ali šestega odstavka, bo druga stran prosta svojih obveznosti iz sporazuma, s katerim se daje coni status demilitarizirane cone. V takšnem primeru izgubi cona svoj status, vendar bo še nadalje uživala zaščito, določeno z drugimi določbami tega protokola in drugimi pravili mednarodnega prava, ki se uporabljajo v oboroženem spopadu.

VI. poglavje CIVILNA ZAŠČITA

61. člen

Definicije in področje uporabe

Po tem protokolu:

(a) so z izrazom »civilna zaščita« mišljena izvršitev nekaterih ali vseh spodaj navedenih humanitarnih dejavnosti z namenom, da se civilno prebivalstvo zaščiti pred nevarnostmi od sovražnosti ali nesreče in da se mu pomaga, da si opomore od njihovega neposrednega učinka, kakor tudi da se zagotovijo pogoji, ki so potrebni za njegov obstanek. Te naloge so:

- (i) alarmna služba;
- (ii) evakuacija;
- (iii) dajanje na razpolago in organiziranje zaklonišč;
- (iv) ukrepi za zatemnitev;
- (v) reševanje;
- (vi) sanitetna služba, všteti tudi prvo pomoč in versko pomoč;
- (vii) protipožarna obramba;
- (viii) odkrivanje in zaznavanje nevarnih con;
- (ix) dekontaminacija in drugi podobni zaščitni ukrepi;
- (x) omogočanje zasilne nastanitve in preskrbe;
- (xi) nujna pomoč pri vzpostavljanju in vzdrževanju reda v prizadetih conah;
- (xii) zasilno vzpostavljanje nujno potrebnih javnih služb;
- (xiii) zasilen pokop mrličev;
- (xiv) pomoč pri ohranitvi dobrin, ki so bistvene za obstanek;
- (xv) dopolnilne dejavnosti, ki so potrebne za izpolnitev katerekoli zgoraj navedenih nalog, všteti planiranje in organizacijo, vendar ne omejujoč se nanju;

(b) z izrazom »organizacije civilne zaščite« mišljene tiste ustanove in druge enote, ki jih je pristojni organ strani v spopadu organiziral ali pooblastil, da opravljajo katerokoli od nalog, navedenih pod (a), in ki so izključno namenjene za takšne naloge in se zanje uporabljajo;

(c) "personnel" of civil defence organizations means those persons assigned by a Party to the conflict exclusively to the performance of the tasks mentioned under sub-paragraph (a), including personnel assigned by the competent authority of that Party exclusively to the administration of these organizations;

(d) "matériel" of civil defence organizations means equipment, supplies and transports used by these organizations for the performance of the tasks mentioned under subparagraph (a).

Article 62

General protection

1. Civilian civil defence organizations and their personnel shall be respected and protected, subject to the provisions of this Protocol, particularly the provisions of this Section. They shall be entitled to perform their civil defence tasks except in case of imperative military necessity.

2. The provisions of paragraph 1 shall also apply to civilians who, although not members of civilian civil defence organizations, respond to an appeal from the competent authorities and perform civil defence tasks under their control.

3. Buildings and matériel used for civil defence purposes and shelters provided for the civilian population are covered by Article 52. Objects used for civil defence purposes may not be destroyed or diverted from their proper use except by the Party to which they belong.

Article 63

Civil defence in occupied territories

1. In occupied territories, civilian civil defence organizations shall receive from the authorities the facilities necessary for the performance of their tasks. In no circumstances shall their personnel be compelled to perform activities which would interfere with the proper performance of these tasks. The Occupying Power shall not change the structure or personnel of such organizations in any way which might jeopardize the efficient performance of their mission. These organizations shall not be required to give priority to the nationals or interests of that Power.

2. The Occupying Power shall not compel, coerce or induce civilian civil defence organizations to perform their tasks in any manner prejudicial to the interests of the civilian population.

3. The Occupying Power may disarm civil defence personnel for reasons of security.

4. The Occupying Power shall neither divert from their proper use nor requisition buildings or matériel belonging to or used by civil defence organizations if such diversion or requisition would be harmful to the civilian population.

5. Provided that the general rule in paragraph 4 continues to be observed, the Occupying Power may requisition or divert these resources, subject to the following particular conditions:

(a) that the buildings or matériel are necessary for other needs of the civilian population; and

(b) that the requisition or diversion continues only while such necessity exists.

(c) z izrazom »osebje« organizacij civilne zaščite so mišljene osebe, ki jih je stran v spopadu določila izključno za opravljanje nalog, navedenih pod (a), všteti osebje, ki ga je pristojni organ omenjene strani določil izključno za upravljanje omenjenih organizacij;

(d) z izrazom »material« organizacij civilne zaščite so mišljene oprema, preskrba in prevozna sredstva, ki jih te organizacije uporabljajo za naloge, navedene pod (a).

62. člen

Splošna zaščita

1. Civilne organizacije civilne zaščite in njihovo osebje bodo spoštovani in zaščiteni v skladu s določbami tega protokola, zlasti z določbami tega oddelka. Razen v primeru imperativnih vojaških potreb so upravičene opravljati naloge civilne zaščite.

2. Določbe prvega odstavka se uporabljajo tudi za civile, ki se kljub temu, da niso člani organizacij civilne zaščite, odzovejo vabilu pristojnih oblastev in opravljajo naloge civilne zaščite pod njihovo kontrolo.

3. Zgradbe in material, ki se uporabljajo za cilje civilne zaščite, in zaklonišča, namenjena za civilno prebivalstvo, so zajeti z 52. členom. Predmetov, ki se uporabljajo za cilje civilne zaščite, ni dovoljeno uničiti ali jih izvzeti od njihovega namena, razen če tega ne stori stran, ki ji pripadajo.

63. člen

Civilna zaščita na okupiranih ozemljih

1. Organizacije civilne zaščite na okupiranih ozemljih bodo dobile od oblastev olajšave, ki so jim potrebne za opravljanje njihovih nalog. Njihovo osebje ne bo pod nobenimi okoliščinami prisiljeno opravljati dejavnosti, ki bi ovirale pravilno opravljanje omenjenih nalog. Okupacijska sila ne sme spremeniti strukture ali osebja teh organizacij na način, ki bi utegnil ogroziti učinkovito opravljanje njihove misije. Od takšnih organizacij se ne bo zahtevalo, da bi dajale prednost državljanom ali interesom omenjene sile.

2. Okupacijska sila ne sme priganjati, siliti ali navajati civilnih organizacij civilne zaščite, da bi svoje naloge opravljale na katerikoli način, ki bi škodoval interesom civilnega prebivalstva.

3. Okupacijska sila sme razorožiti osebje civilne zaščite iz varnostnih razlogov.

4. Okupacijska sila ne sme odvrniti stavb ali materiala, ki pripada organizacijam civilne zaščite ali ki jih le te uporabljajo, od pravilne uporabe, niti jih rekvirirati, če bi takšna odvrnitev ali rekvizicija škodovali civilnemu prebivalstvu.

5. Okupacijska sila sme rekvirirati ali spremeniti namen takšnih sredstev s pogojem, da se spoštuje splošno pravilo iz četrtega odstavka in da sta izpolnjena tale posebna pogoja:

(a) da so zgradbe ali material nujni za druge potrebe civilnega prebivalstva;

(b) da traje rekvizicija ali sprememba namena le, dokler obstaja takšna potreba.

6. The Occupying Power shall neither divert nor requisition shelters provided for the use of the civilian population or needed by such population.

Article 64

Civilian civil defence organizations of neutral or other States not Parties to the conflict and international co-ordinating organizations

1. Articles 62, 63, 65 and 66 shall also apply to the personnel and matériel of civilian civil defence organizations of neutral or other States not Parties to the conflict which perform civil defence tasks mentioned in Article 61 in the territory of a Party to the conflict, with the consent and under the control of that Party. Notification of such assistance shall be given as soon as possible to any adverse Party concerned. In no circumstances shall this activity be deemed to be an interference in the conflict. This activity should, however, be performed with due regard to the security interests of the Parties to the conflict concerned.

2. The Parties to the conflict receiving the assistance referred to in paragraph 1 and the High Contracting Parties granting it should facilitate international co-ordination of such civil defence actions when appropriate. In such cases the relevant international organizations are covered by the provisions of this Chapter.

3. In occupied territories, the Occupying Power may only exclude or restrict the activities of civilian civil defence organizations of neutral or other States not Parties to the conflict and of international co-ordinating organizations if it can ensure the adequate performance of civil defence tasks from its own resources or those of the occupied territory.

Article 65

Cessation of protection

1. The protection to which civilian civil defence organizations, their personnel, buildings, shelters and matériel are entitled shall not cease unless they commit or are used to commit, outside their proper tasks, acts harmful to the enemy. Protection may, however, cease only after a warning has been given setting, whenever appropriate, a reasonable time-limit, and after such warning has remained unheeded.

2. The following shall not be considered as acts harmful to the enemy:

(a) that civil defence tasks are carried out under the direction or control of military authorities;

(b) that civilian civil defence personnel co-operate with military personnel in the performance of civil defence tasks, or that some military personnel are attached to civilian civil defence organizations;

(c) that the performance of civil defence tasks may incidentally benefit military victims, particularly those who are hors de combat.

3. It shall also not be considered as an act harmful to the enemy that civilian civil defence personnel bear light individual weapons for the purpose of maintaining order or for self-defence. However, in areas where land fighting is taking place or is likely to take place, the Parties to the conflict shall undertake the appropriate measures to limit these weapons to handguns, such as pistols or revolvers, in order to assist in

6. Okupacijska sila ne sme spremeniti namena niti rekvirirati zaklonišč, ki so namenjena civilnemu prebivalstvu ali za njegove potrebe.

64. člen

Civilne organizacije civilne zaščite nevtralnih ali drugih držav, ki niso strani v spopadu, in mednarodnih koordinacijskih organizacij

1. Členi 62, 63, 65 in 66 se uporabljajo tudi za osebe in material civilnih organizacij civilne zaščite nevtralnih in drugih držav, ki niso strani v spopadu, katere opravljajo na ozemlju posamezne strani v spopadu naloge civilne zaščite, navedene v 61. členu, z njenim soglasjem in pod njeno kontrolo. Takšno pomoč je treba po možnosti čim prej sporočiti zainteresirani nasprotni strani. Pod nobenimi okoliščinami se takšna dejavnost ne bo štela za vmešavanje v spopad, pač pa se bo opravljala tako, da bodo v polni meri upoštevani interesi varnosti zainteresiranih strani v spopadu.

2. Strani v spopadu, ki prejemajo pomoč, o kateri se govori v prvem odstavku, in visoke pogodbenice, ki jo izkazujejo, bodo olajšale mednarodno koordinacijo takšnih akcij civilne zaščite, kadar so za to razlogi. V tem primeru se določbe tega poglavja uporabljajo za ustrezne mednarodne organizacije.

3. Okupacijska sila sme na okupiranih ozemljih izključiti ali omejiti dejavnosti civilnih organizacij civilne zaščite nevtralnih ali drugih držav, ki niso strani v spopadu, ter mednarodnih koordinacijskih organizacij samo, če lahko s tem zagotovi ustrezno opravljanje nalog civilne zaščite iz lastnih sredstev ali iz sredstev okupiranega ozemlja.

65. člen

Prenehanje zaščite

1. Zaščita, do katere imajo pravico civilne organizacije civilne zaščite, njihovo osebje, zgradbe, zaklonišča in material, more prenehati le, če se storijo ali za to uporabijo sovražniku škodljiva dejanja, ki so izven meja njihovih nalog. Toda zaščita more prenehati samo po opominu, v katerem je vselej, kadar je to mogoče, postavljen umesten rok, in šele potem, ko ostane tak opomin brez učinka.

2. Ne bo se štelo za dejanje, ki je škodljivo za sovražnika:

(a) če se naloge civilne zaščite opravljajo pod upravo ali pod kontrolo vojaških oblasti;

(b) če civilno osebje civilne zaščite sodeluje pri opravljanju nalog civilne zaščite z vojaškim osebjem, ali če so vojaške osebe dodane organizacijam civilne zaščite;

(c) če lahko opravljanje nalog civilne zaščite mimogrede koristi vojaškim žrtvam, zlasti tistim, ki so izven boja.

3. Prav tako se ne bo štelo za dejanje, ki je škodljivo za sovražnika, če nosi civilno osebje civilne zaščite lahko osebno orožje za vzdrževanje reda ali za samoobrambo. Na območjih, na katerih poteka kopenski boj ali kjer je pričakovati, da bo do takšnega boja prišlo, pa storijo strani v spopadu ustrezne ukrepe, da omejijo takšno orožje na ročno, kot so pištole in revolverji, da bi s tem pomagale, da se osebje

distinguishing between civil defence personnel and combatants. Although civil defence personnel bear other light individual weapons in such areas, they shall nevertheless be respected and protected as soon as they have been recognized as such.

4. The formation of civilian civil defence organizations along military lines, and compulsory service in them, shall also not deprive them of the protection conferred by this Chapter.

Article 66

Identification

1. Each Party to the conflict shall endeavour to ensure that its civil defence organizations, their personnel, buildings and matériel, are identifiable while they are exclusively devoted to the performance of civil defence tasks. Shelters provided for the civilian population should be similarly identifiable.

2. Each Party to the conflict shall also endeavour to adopt and implement methods and procedures which will make it possible to recognize civilian shelters as well as civil defence personnel, buildings and matériel on which the international distinctive sign of civil defence is displayed.

3. In occupied territories and in areas where fighting is taking place or is likely to take place, civilian civil defence personnel should be recognizable by the international distinctive sign of civil defence and by an identity card certifying their status.

4. The international distinctive sign of civil defence is an equilateral blue triangle on an orange ground when used for the protection of civil defence organizations, their personnel, buildings and matériel and for civilian shelters.

5. In addition to the distinctive sign, Parties to the conflict may agree upon the use of distinctive signals for civil defence identification purposes.

6. The application of the provisions of paragraphs 1 to 4 is governed by Chapter V of Annex I to this Protocol.

7. In time of peace, the sign described in paragraph 4 may, with the consent of the competent national authorities, be used for civil defence identification purposes.

8. The High Contracting Parties and the Parties to the conflict shall take the measures necessary to supervise the display of the international distinctive sign of civil defence and to prevent and repress any misuse thereof.

9. The identification of civil defence medical and religious personnel, medical units and medical transports is also governed by Article 18.

Article 67

Members of the armed forces and military units assigned to civil defence organizations

1. Members of the armed forces and military units assigned to civil defence organizations shall be respected and protected, provided that:

(a) such personnel and such units are permanently assigned and exclusively devoted to the performance of any of the tasks mentioned in Article 61;

(b) if so assigned, such personnel do not perform any other military duties during the conflict;

civilne zaščite razlikuje od borcev. Čeprav nosi osebje civilne zaščite v teh conah drugačno lahko osebno orožje, bo vendarle spoštovano in zaščiteno, brž ko bo kot takšno spoznano.

4. Dejstvo, da so civilne organizacije civilne zaščite organizirane po vojaškem zgledu in je služba v njih obvezna, jim ne odvzema zaščite, ki jo daje to poglavje.

66. člen

Identifikacija

1. Vsaka stran v spopadu si bo prizadevala zagotoviti, da bo njene organizacije civilne zaščite, njihovo osebje, zgradbe in material mogoče identificirati, dokler so izključno angažirani za opravljanje nalog civilne zaščite. Podobno se bodo identificirala zaklonišča, ki so zagotovljena za civilno prebivalstvo.

2. Vsaka stran v spopadu si bo prizadevala sprejeti in uporabljati takšne metode in postopke, ki bodo omogočili tudi razpoznavanje civilnih zaklonišč in osebja, zgradb in materiala civilne zaščite, ki imajo mednarodni razpoznavni znak civilne zaščite.

3. Na okupiranih ozemljih ter na območjih, na katerih so boji ali jih je pričakovati, bo civilno osebje civilne zaščite identificirano na podlagi mednarodnega razpoznavnega znaka civilne zaščite in na podlagi osebne izkaznice, ki potrjuje njegov status.

4. Mednarodni razpoznavni znak civilne zaščite je enakokraki moder trikotnik na oranžnem polju, če se le-ta uporablja za zaščito organizacij civilne zaščite, njihovega osebja, zgradb in materiala ter za civilna zaklonišča.

5. Poleg razpoznavnega znaka se strani v spopadu lahko sporazumeje glede uporabe razpoznavnih signalov, ki rabijo za identifikacijo civilne zaščite.

6. Uporaba določb prvega, drugega, tretjega in četrtega odstavka je urejena v V. poglavju priloge I k temu protokolu.

7. V miru bo znak, opisan v četrtem odstavku, s soglasjem pristojnih nacionalnih oblasti uporabljen za identificiranje civilne zaščite.

8. Visoke pogodbenice in strani v spopadu bodo sprejele ukrepe, ki so potrebni za kontrolo uporabe mednarodnega razpoznavnega znaka civilne zaščite ali za preprečitev in izkorenitev sleherne njegove zlorabe.

9. Identifikacija sanitetnega in verskega osebja civilne zaščite, sanitetnih enot in sanitetnih transportov je urejena v 18. členu.

67. člen

Pripadniki oboroženih sil in vojaške enote, dodeljeni organizacijam civilne zaščite

1. Pripadniki oboroženih sil in vojaške enote, dodeljeni organizacijam civilne zaščite, bodo spoštovani in zaščiteni pod pogojem:

(a) da so takšno osebje in takšne enote za stalno določeni in se izključno ukvarjajo s katerokoli izmed nalog, navedenih v 61. členu;

(b) da takšno osebje, če je tako določeno, ob spopadu ne opravlja nobene druge vojaške dolžnosti;

(c) such personnel are clearly distinguishable from the other members of the armed forces by prominently displaying the international distinctive sign of civil defence, which shall be as large as appropriate, and such personnel are provided with the identity card referred to in Chapter V of Annex I to this Protocol certifying their status;

(d) such personnel and such units are equipped with light individual weapons for the purpose of maintaining order or for self-defence. The provisions of Article 65, paragraph 3 shall also apply in this case;

(e) such personnel do not participate directly in hostilities, and do not commit, or are not used to commit, outside their civil defence tasks, acts harmful to the adverse Party;

(f) such personnel and such units perform their civil defence tasks only within the national territory of their party.

The non-observance of the conditions stated in (e) above by any member of the armed forces who is bound by the conditions prescribed in (a) and (b) above is prohibited.

2. Military personnel serving within civil defence organizations shall, if they fall into the power of an adverse Party, be prisoners of war. In occupied territory they may, but only in the interest of the civilian population of that territory, be employed on civil defence tasks in so far as the need arises, provided however that, if such work is dangerous, they volunteer for such tasks.

3. The buildings and major items of equipment and transports of military units assigned to civil defence organizations shall be clearly marked with the international distinctive sign of civil defence. This distinctive sign shall be as large as appropriate.

4. The matériel and buildings of military units permanently assigned to civil defence organizations and exclusively devoted to the performance of civil defence tasks shall, if they fall into the hands of an adverse Party, remain subject to the laws of war. They may not be diverted from their civil defence purpose so long as they are required for the performance of civil defence tasks, except in case of imperative military necessity, unless previous arrangements have been made for adequate provision for the needs of the civilian population.

Section II

RELIEF IN FAVOUR OF THE CIVILIAN POPULATION

Article 68

Field of application

The provisions of this Section apply to the civilian population as defined in this Protocol and are supplementary to Articles 23, 55, 59, 60, 61 and 62 and other relevant provisions of the Fourth Convention.

Article 69

Basic needs in occupied territories

1. In addition to the duties specified in Article 55 of the Fourth Convention concerning food and medical supplies, the Occupying Power shall, to the fullest extent of the means available to it and without any

(c) da se takšno osebje jasno razlikuje od drugih pripadnikov oboroženih sil s tem, da ima dobro viden mednarodni razpoznavni znak civilne zaščite, ki mora biti glede na okoliščine čim večji, in da ima takšno osebje osebno izkaznico, ki je določena v V. poglavju priloge I k temu protokolu, s katero se potrjuje njegov status;

(d) da so takšno osebje in takšne enote opremljeni le z lahkim osebnim orožjem za vzdrževanje reda in samoobrambo. V takšnem primeru se uporablja tudi določba tretjega odstavka 65. člena;

(e) da takšno osebje ne sodeluje neposredno v sovražnostih in da izven svojih nalog civilne zaščite ne opravlja ali se ne uporablja za opravljanje dejanj, ki bi škodovala nasprotni strani;

(f) da takšno osebje in takšne enote opravljajo svoje naloge civilne zaščite samo na nacionalnem ozemlju svoje strani. Prepovedano je, da katerikoli pripadnik oboroženih sil, za katerega so pogoji, predpisani pod (a) in (b), obvezni, ne bi spoštoval pogojev, navedenih pod (e).

2. Vojaške osebe, ki služijo v organizacijah civilne zaščite, postanejo vojni ujetniki, če padejo v roke nasprotne strani. Na okupiranih ozemljih jih je dovoljeno zgolj v interesu civilnega prebivalstva omenjenega ozemlja uporabiti za naloge civilne zaščite, če je to potrebno, vendar s pogojem, da se za takšne naloge prostovoljno prijavijo, v kolikor je takšno delo nevarno.

3. Zgradbe in večji deli opreme ter transportna sredstva vojaških enot, dodeljenih enotam civilne zaščite, bodo razločno zaznamovani z mednarodnim razpoznavnim znakom civilne zaščite. Ta znak naj bo čim večji.

4. Za material in zgradbe vojaških enot, ki so stalno dodeljene organizacijam civilne zaščite in so izključno namenjene za opravljanje nalog civilne zaščite, ostanejo v primeru, če padejo v roke nasprotne strani, v veljavi zakoni vojne. Njihovega namena glede uporabe za cilje civilne zaščite ni dovoljeno spremeniti, dokler je to potrebno za opravljanje nalog civilne zaščite, razen če gre za imperativne vojaške potrebe in če so bili poprej storjeni ukrepi, da bi bile ustrezno zadovoljene potrebe civilnega prebivalstva.

II. oddelek

POMOČ V KORIST CIVILNEGA PREBIVALSTVA

68. člen

Področje uporabe

Določbe tega oddelka se uporabljajo za civilno prebivalstvo, kot je definirano v tem protokolu, in pomenijo dopolnitev 23., 55., 59., 60., 61. in 62. člena ter drugih ustreznih določb IV. konvencije.

69. člen

Osnovne potrebe na okupiranih ozemljih

1. Poleg dolžnosti, ki so specificirane v 55. členu IV. konvencije in se nanašajo na preskrbovanje s hrano in z zdravili, bo okupacijska sila v polnem obsegu s sredstvi, ki jih ima na razpolago, in brez kakršnegakoli so-

adrese distinction, also ensure the provision of clothing, bedding, means of shelter, other supplies essential to the survival of the civilian population of the occupied territory and objects necessary for religious worship.

2. Relief actions for the benefit of the civilian population of occupied territories are governed by Articles 59, 60, 61, 62, 108, 109, 110 and 111 of the Fourth Convention, and by Article 71 of this Protocol, and shall be implemented without delay.

Article 70

Relief actions

1. If the civilian population of any territory under the control of a Party to the conflict, other than occupied territory, is not adequately provided with the supplies mentioned in Article 69, relief actions which are humanitarian and impartial in character and conducted without any adverse distinction shall be undertaken, subject to the agreement of the Parties concerned in such relief actions. Offers of such relief shall not be regarded as interference in the armed conflict or as unfriendly acts. In the distribution of relief consignments, priority shall be given to those persons, such as children, expectant mothers, maternity cases and nursing mothers, who, under the Fourth Convention or under this Protocol, are to be accorded privileged treatment or special protection.

2. The Parties to the conflict and each High Contracting Party shall allow and facilitate rapid and unimpeded passage of all relief consignments, equipment and personnel provided in accordance with this Section, even if such assistance is destined for the civilian population of the adverse Party.

3. The Parties to the conflict and each High Contracting Party which allows the passage of relief consignments, equipment and personnel in accordance with paragraph 2:

(a) shall have the right to prescribe the technical arrangements, including search, under which such passage is permitted;

(b) may make such permission conditional on the distribution of this assistance being made under the local supervision of a Protecting Power;

(c) shall, in no way whatsoever, divert relief consignments from the purpose for which they are intended nor delay their forwarding, except in cases of urgent necessity in the interest of the civilian population concerned.

4. The Parties to the conflict shall protect relief consignments and facilitate their rapid distribution.

5. The Parties to the conflict and each High Contracting Party concerned shall encourage and facilitate effective international co-ordination of the relief actions referred to in paragraph 1.

Article 71

Personnel participating in relief actions

1. Where necessary, relief personnel may form part of the assistance provided in any relief action, in particular for the transportation and distribution of relief consignments; the participation of such personnel shall be subject to the approval of the Party in whose territory they will carry out their duties.

vražnega razlikovanja, zagotovila tudi preskrbovanje z obleko, posteljnino, s sredstvi za zaklanjanje in z drugimi oskrbovalnimi predmeti, ki so potrebni za obstanek civilnega prebivalstva na okupiranem ozemlju, in s predmeti, ki so potrebni za verske obrede.

2. Akcije pomoči v korist civilnega prebivalstva na okupiranih ozemljih so urejene z 59., 60., 61., 62., 108., 109., 110. in 111. členom IV. konvencije ter z 71. členom tega protokola, in se izvedejo brez odlašanja.

70. člen

Akcije pomoči

1. Če civilno prebivalstvo na kateremkoli ozemlju, ki je pod kontrolo strani v spopadu, razen na okupiranem ozemlju, ni ustrezno preskrbljeno z materialom in živili, kot je navedeno v 69. členu, bodo izvedene akcije pomoči, ki so humanitarnega in nepristranskega značaja in se izvajajo brez kakršnegakoli sovražnega razlikovanja, s pridržkom sporazuma med stranmi, ki so za takšne akcije pomoči zainteresirane. Ponudbe za takšno pomoč se ne bodo štele za vmešavanje v oboroženi spopad ali za sovražno dejanje. Ob razdeljevanju pošiljk pomoči se bo prednost dajala takim osebam, kot so otroci, nosečnice, porodnice in doječe matere, ki morajo po IV. konvenciji ali po tem protokolu imeti privilegirani tretma ali posebno zaščito.

2. Strani v spopadu in vsaka visoka pogodbenica bo dovolila in olajšala hiter in neoviran prehod vseh pošiljk pomoči, opreme in osebja, kot je določeno v tem oddelku, in sicer celo tedaj, ko je takšna pomoč namenjena civilnemu prebivalstvu nasprotne strani.

3. Strani v spopadu in vsaka visoka pogodbenica, ki dovoli prehod pošiljk pomoči, opreme in osebja v skladu z drugim odstavkom:

(a) imajo pravico predpisati tehnične aranžmaje, v številni pregled, s katerimi je takšen prehod dovoljen;

(b) lahko vežejo dovolitev na pogoj, da bo pomoč razdeljena pod lokalnim nadzorstvom sile zaščitnice;

(c) ne bodo nikakor preusmerile pošiljk pomoči od cilja, kateremu so namenjene, in jih tudi ne bodo zadrževale, razen če v primerih nujne potrebe v interesu civilnega prebivalstva, ki je prizadeto.

4. Strani v spopadu bodo ščitile pošiljke pomoči in olajševale njihovo takojšnjo razdelitev.

5. Strani v spopadu in vsaka visoka pogodbenica, za katere gre, bodo spodbujale in olajševale učinkovito mednarodno koordinacijo akcij za pomoč, o katerih se govori v prvem odstavku.

71. člen

Osebje, ki sodeluje v akcijah pomoči

1. Tam, kjer je to potrebno, lahko pomeni osebje, ki izkazuje pomoč, del pomoči, ki se izkazuje s sleherno akcijo pomoči, zlasti pri transportu in razdelitvi pomoči; sodelovanje takšnega osebja je pogojeno s soglasjem strani, na ozemlju katere bo osebje izvrševalo svoje dolžnosti.

2. Such personnel shall be respected and protected.

3. Each Party in receipt of relief consignments shall, to the fullest extent practicable, assist the relief personnel referred to in paragraph 1 in carrying out their relief mission. Only in case of imperative military necessity may the activities of the relief personnel be limited or their movements temporarily restricted.

4. Under no circumstances may relief personnel exceed the terms of their mission under this Protocol. In particular they shall take account of the security requirements of the Party in whose territory they are carrying out their duties. The mission of any of the personnel who do not respect these conditions may be terminated.

Section III

TREATMENT OF PERSONS IN THE POWER OF A PARTY TO THE CONFLICT

Chapter I

FIELD OF APPLICATION AND PROTECTION OF PERSONS AND OBJECTS

Article 72

Field of application

The provisions of this Section are additional to the rules concerning humanitarian protection of civilians and civilian objects in the power of a Party to the conflict contained in the Fourth Convention, particularly Parts I and III thereof, as well as to other applicable rules of international law relating to the protection of fundamental human rights during international armed conflict.

Article 73

Refuges and stateless persons

Persons who, before the beginning of hostilities, were considered as stateless persons or refugees under the relevant international instruments accepted by the Parties concerned or under the national legislation of the State of refuge or State of residence shall be protected persons within the meaning of Parts I and III of the Fourth Convention, in all circumstances and without any adverse distinction.

Article 74

Reunion of dispersed families

The High Contracting Parties and the Parties to the conflict shall facilitate in every possible way the reunion of families dispersed as a result of armed conflicts and shall encourage in particular the work of the humanitarian organizations engaged in this task in accordance with the provisions of the Conventions and of this Protocol and in conformity with their respective security regulations.

Article 75

Fundamental guarantees

1. In so far as they are affected by a situation referred to in Article I of the Protocol, persons who

2. Takšno osebe bo spoštovano in zaščiteno.

3. Sleherna stran, ki prejema pošiljke pomoči, bo v največjem praktično možnem obsegu pomagala osebju, ki izkazuje pomoč, navedenem v prvem odstavku, pri opravljanju njegove misije pomoči. Le v primeru imperativnih vojaških potreb sme biti dejavnost osebja za izkazovanje pomoči ali njegovo gibanje začasno omejena.

4. V nobenih okoliščinah ne sme osebe, ki izkazuje pomoč, prekoračiti meja svoje misije po tem protokolu. Zlasti mora imeti pred očmi varnostne zahteve strani, na ozemlju katere opravlja svoje dolžnosti. Misija člana osebja, ki ne spoštuje teh pogojev, se lahko prekine.

III. oddelek

RAVNANJE Z OSEBAMI, KI SO V ROKAH STRANI V SPOPADU

I. poglavje

PODROČJE UPORABE IN ZAŠČITA OSEB IN STVARI

72. člen

Področje uporabe

Določbe tega oddelka so dopolnitev pravil, ki se nanašajo na humanitarno zaščito civilov in civilnih predmetov, ki so v rokah strani v spopadu, navedenih v IV. konvenciji, zlasti v I. in III. delu, ter drugih uporabljivih pravil mednarodnega prava, ki se nanašajo na zaščito temeljnih človekovih pravic med mednarodnim oboroženim spopadom.

73. člen

Begunci in osebe brez državljanstva

Osebe, ki so se pred začetkom sovražnosti štele za osebe brez državljanstva ali za begunce v skladu z ustreznimi mednarodnimi instrumenti, ki so jih sprejele strani, za katere gre, ali v skladu z nacionalno zakonodajo države, v katero so pribežale, oziroma države, v kateri prebivajo, se štejejo v vseh okoliščinah in brez kakršnegakoli sovražnega razlikovanja za osebe pod zaščito v smislu I. in III. dela IV. konvencije

74. člen

Ponovno združenje razkropljenih družin

Visoke pogodbenice in strani v spopadu bodo na vsak možen način olajšale ponovno združenje družin, ki so se razkropile zaradi oboroženih spopadov, in spodbujale zlasti delovanje humanitarnih organizacij, ki so angažirane pri tej nalogi, v skladu s konvencijami in tem protokolom ter v skladu s svojimi predpisi o varnosti.

75. člen

Temeljne garancije

1. Če so prizadete s situacijo, opisano v 1. členu tega protokola, se bo z osebami, ki so v rokah strani v

are in the power of a Party to the conflict and who do not benefit from more favourable treatment under the Conventions or under this Protocol shall be treated humanely in all circumstances and shall enjoy, as a minimum, the protection provided by this Article 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. Each Party shall respect the person, honour, convictions and religious practices of all such persons.

2. The following acts are and shall remain prohibited at any time and in any place whatsoever, whether committed by civilian or by military agents:

(a) violence to the life, health, or physical or mental well-being of persons, in particular:

- (i) murder;
- (ii) torture of all kinds, whether physical or mental;
- (iii) corporal punishment; and
- (iv) mutilation;

(b) outrages upon personal dignity, in particular humiliating and degrading treatment, enforced prostitution and any form of indecent assault;

- (c) the taking of hostages;
- (d) collective punishment; and
- (e) threats commit any of the foregoing acts.

3. Any person arrested, detained or interned for actions related to the armed conflict shall be informed promptly, in a language he understands, of the reasons why these measures have been taken. Except in cases of arrest or detention for penal offences, such persons shall be released with the minimum delay possible and in any event as soon as the circumstances justifying the arrest detention or internment have ceased to exist.

4. No sentence may be passed and no penalty may be executed on a person found guilty of a penal offence related to the armed conflict except pursuant to a conviction pronounced by an impartial and regularly constituted court respecting the generally recognized principles of regular judicial procedure, which include the following:

(a) the procedure shall provide for an accused to be informed without delay of the particulars of the offence alleged against him and shall afford the accused before and during his trial all necessary rights and means of defence;

(b) no one shall be convicted of an offence except on the basis of individual penal responsibility;

(c) no one shall be accused or convicted of a criminal offence on account of any act or omission which did not constitute a criminal offence under the national or international law to which he was subject at the time when it was committed; nor shall a heavier penalty be imposed than that which was applicable at the time when the criminal offence was committed; if, after the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby;

(d) anyone charged with an offence is presumed innocent until proved guilty according to law;

(e) anyone charged with an offence shall have the right to be tried in his presence;

spopadu in ki v skladu s konvencijami ali tem protokolom ne uživajo ugodnejšega tretmaja, ravnalo humano v vseh razmerah; uživale bodo kot minimum zaščito, kot je določena s tem členom, brez vsakega sovražnega razlikovanja, ki bi temeljilo na rasi, barvi, spolu, jeziku, veri ali prepričanju, političnem ali drugem mišljenju, nacionalnem ali socialnem poreklu, bogastvu, rojstvu ali drugem statusu ali po kakršnemkoli drugem podobnem kriteriju. Vsaka stran bo spoštovala osebnost, čast, prepričanja in verske obrede vseh takšnih oseb.

2. Naslednja dejanja so in ostanejo prepovedana vselej in povsod, bodisi da so jih storili civilni ali vojaški predstavniki:

(a) nasilje nad življenjem, zdravjem ali telesnim ali duševnim blagostanjem ljudi, zlasti:

- (i) umor;
- (ii) vsakovrstno telesno ali duševno mučenje;
- (iii) telesna kazen in
- (iv) pohabljenje;

(b) žalitev človekovega dostojanstva, zlasti poniževalni postopek in degradiranje, prisilna prostitucija in vsakršna oblika nespodobnega napada;

- (c) jemanje talcev;
- (d) kolektivne kazni; in

(e) grožnje s katerimkoli zgoraj navedenimi dejanji.

3. Vsaka oseba, ki je prijeta, priprta ali internirana zaradi akcij v zvezi z oboroženim spopadom, bo takoj obveščena v jeziku, ki ga razume, o razlogih, zaradi katerih so bili omenjeni ukrepi storjeni. Razen v primerih, če so bile prijete ali priprte zaradi kaznivih dejanj, bodo takšne osebe čimprej izpuščene, vsekakor pa, brž ko prenehajo okoliščine, ki opravičujejo prijetje, pripor ali interniranje.

4. Izrek kakršnekoli sodbe in izvršitev kakršnekoli kazni nad osebo, za katero se ugotovi, da je kriva za kaznivo dejanje v zvezi z oboroženim spopadom, bosta možna samo na podlagi sodbe, ki jo je izrekli nepristransko in redno ustanovljeno sodišče, ki spoštuje splošno priznana načela rednega sodnega postopka, ki vključujejo naslednje:

(a) s postopkom bo zagotovljeno, da je obtoženec nemudoma obveščen o podrobnostih kršitve, ki jo je baje storil, in da dobi pred sojenjem in med sojenjem vse potrebne pravice in sredstva za zagovor;

(b) nihče ne bo spoznan za krivega za kršitev, razen na podlagi osebne kazenske odgovornosti;

(c) nihče ne bo obtožen ali obsojen za kaznivo dejanje zaradi kateregakoli dejanja ali opustitve, ki ni kaznivo dejanje po nacionalnem ali mednarodnem zakonu, ki je zanj veljal v trenutku, ko je storil dejanje; izrečena mu ne bo hujša kazen od kazni, ki je bila uporabna v času, ko je bilo kaznivo dejanje storjeno; če je bila po storitvi kršitve določena z zakonom milejša kazen, bo krivec tega deležen;

(d) vsakdo, ki je obtožen za kršitev, se šteje za nedolžnega, dokler se mu ne dokaže krivda v skladu z zakonom;

(e) vsakdo, ki je obtožen za kršitev, bo imel pravico biti navzoč na svojem sojenju;

(f) no one shall be compelled to testify against himself or to confess guilt;

(g) anyone charged with an offence shall have the right to examine or have examined the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(h) no one shall be prosecuted or punished by the same Party for an offence in respect of which a final judgement acquitting or convicting that person has been previously pronounced under the same law and judicial procedure;

(i) anyone prosecuted for an offence shall have the right to have the judgement pronounced publicly; and

(j) a convicted person shall be advised on conviction of his judicial and other remedies and of the time-limits within which they may be exercised.

5. Women whose liberty has been restricted for reasons related to the armed conflict shall be held in quarters separated from men's quarters. They shall be under the immediate supervision of women. Nevertheless, in cases where families are detained or interned, they shall, whenever possible, be held in the same place and accommodated as family units.

6. Persons who are arrested, detained or interned for reasons related to the armed conflict shall enjoy the protection provided by this Article until their final release, repatriation or re-establishment, even after the end of the armed conflict.

7. In order to avoid any doubt concerning the prosecution and trial of persons accused of war crimes or crimes against humanity, the following principles shall apply:

(a) persons who are accused of such crimes should be submitted for the purpose of prosecution and trial in accordance with the applicable rules of international law; and

(b) any such persons who do not benefit from more favourable treatment under the Conventions or this Protocol shall be accorded the treatment provided by this Article, whether or not the crimes of which they are accused constitute grave breaches of the Conventions or of this Protocol.

8. No provision of this Article may be construed as limiting or infringing any other more favourable provision granting greater protection, under any applicable rules of international law, to persons covered by paragraph 1.

Chapter II

MEASURES IN FAVOUR OF WOMEN AND CHILDREN

Article 76

Protection of women

1. Women shall be the object of special respect and shall be protected in particular against rape, forced prostitution and any other form of indecent assault.

2. Pregnant women and mothers having dependent infants who are arrested, detained or interned for reasons related to the armed conflict, shall have their cases considered with the utmost priority.

(f) nihče ne bo prisiljen pričevati zoper samega sebe ali priznati krivdo;

(g) vsakdo, ki je obtožen za kršitev, bo imel pravico zaslišati ali zahtevati, da se zaslišijo priče zoper njega, ter preskrbeti navzočnost in zaslišanje prič, ki pričajo v njegov prid, ob enakih pogojih kot priče zoper njega;

(h) nihče ne bo preganjan ali kaznovan od iste strani za kršitev, za katero je bila izrečena dokončna sodba, bodisi da je bil oproščen krivde, bodisi da je bil obsojen po istem zakonu in sodnem postopku;

(i) vsakdo, ki je preganjan za kršitev, bo imel pravico zahtevati, da se sodba javno objavi;

(j) kdor je obsojen, bo ob izreku sodbe obveščen o pravnih in drugih sredstvih ter o rokih, do katerih jih lahko uporabi.

5. Ženske, katerih prostost je omejena iz razlogov v zvezi z oboroženim spopadom, bodo zaprte v oddelkih, ki so ločeni od moških oddelkov, in bodo pod neposrednim nadzorstvom žensk. V primerih, ko so priprte ali internirane družine, pa bodo po možnosti zaprte na istem mestu in nastanjene kot družinske skupnosti.

6. Osebe, ki so prijete, priprte ali internirane iz razlogov v zvezi z oboroženim spopadom, bodo uživale zaščito, kot je določeno v tem členu, do končne izpustitve, repatriacije ali nastanitve, celo tudi po končanem oboroženem spopadu.

7. Da bi se izognili vsakemu dvomu v zvezi s pregonom in sojenjem obtoženih za vojne zločine ali zločine zoper človečnost, se bodo uporabljala tale načela:

(a) osebe, ki so obtožene za takšne zločine, bodo podvržene pregonu in sojenju v skladu z veljavnimi predpisi mednarodnega prava; in

(b) vse osebe, ki ne uživajo ugodnejšega tretmaja v skladu s konvencijami ali s tem protokolom, bodo imele pravico do tretmaja, ki je določen s tem členom, ne glede na to, ali pomenijo zločini, za katere so obtožene, hude kršitve konvencij ali tega protokla ali ne.

8. Nobene določbe tega člena ni mogoče razlagati tako, da omejuje ali krši katerekoli druge ugodnejše določbe, ki dajejo osebam iz prvega odstavka večjo zaščito po katerihkoli veljavnih pravilih mednarodnega prava.

II. poglavje

UKREPI V KORIST ŽENSK IN OTROK

76. člen

Zaščita žensk

1. Ženske bodo deležne posebnih obzirov in zaščitne zlasti pred posilstvom, prisilno prostitucijo in vsako drugo obliko nespodobnega napada.

2. Nosečnice in matere s majhnimi od njih odvisnimi otroki, ki so prijete, priprte ali internirane iz razlogov v zvezi z oboroženim spopadom, bodo uživale največjo prednost pri obravnavanju njihovih primerov.

3. To the maximum extent feasible, the Parties to the conflict shall endeavour to avoid the pronouncement of the death penalty on pregnant women or mothers having dependent infants, for an offence related to the armed conflict. The death penalty for such offences shall not be executed on such women.

Article 77

Protection of children

1. Children shall be the object of special respect and shall be protected against any form of indecent assault. The Parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason.

2. The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, the Parties to the conflict shall endeavour to give priority to those who are oldest.

3. If, in exceptional cases, despite the provisions of paragraph 2, children who have not attained the age of fifteen years take a direct part in hostilities and fall into the power of an adverse Party, they shall continue to benefit from the special protection accorded by this Article, whether or not they are prisoners of war.

4. If arrested, detained or interned for reasons related to the armed conflict, children shall be held in quarters separate from the quarters of adults, except where families are accommodated as family units as provided in Article 75, paragraph 5.

5. The death penalty for an offence related to the armed conflict shall not be executed on persons who had not attained the age of eighteen years at the time the offence was committed.

Article 78

Evacuation of children

1. No Party to the conflict shall arrange for the evacuation of children, other than its own nationals, to a foreign country except for a temporary evacuation where compelling reasons of the health or medical treatment of the children or, except in occupied territory, their safety, so require. Where the parents or legal guardians can be found, their written consent to such evacuation is required. If these persons cannot be found, the written consent to such evacuation of the persons who by law or custom are primarily responsible for the care of the children is required. Any such evacuation shall be supervised by the Protecting Power in agreement with the Parties concerned, namely, the Party arranging for the evacuation, the Party receiving the children and any Parties whose nationals are being evacuated. In each case, all Parties to the conflict shall take all feasible precautions to avoid endangering the evacuation.

3. Strani v spopadu si bodo v največji možni meri prizadevale, da ne bo nosečnicam ali materam z majhnimi otroki, ki so od njih odvisni, izrečena smrtna kazen za kršitve v zvezi z oboroženim spopadom. Smrtna kazen za take kršitve ne bo izvršena nad takšnimi ženskami.

77. člen

Zaščita otrok

1. Otroci bodo deležni posebnih obzirov in zaščiteni pred vsemi oblikami nespodobnega napada. Strani v spopadu bodo zanje skrbele in jim izkazovale pomoč, ki jim je potrebna, bodisi zaradi njihove mladosti ali iz drugih razlogov.

2. Strani v spopadu bodo storile vse, kar je mogoče, da otroci, ki niso dopolnili 15 let starosti, ne bodo sodelovali neposredno v sovražnostih, in se bodo zlasti vzdrževale, da jih rekrutirajo v svoje oborožene sile. Pri rekrutiranju oseb, ki so dopolnile 15 let pa še niso dopolnile 18 let starosti, si bodo strani v spopadu prizadevale, dajati prednost tistim, ki so starejše.

3. Če v izrednih primerih, ne glede na drugi odstavek, otroci, ki niso dopolnili 15 let starosti; neposredno sodelujejo v sovražnostih in se znajdejo v rokah nasprotni strani, bodo nadalje uživali zaščito, ki jo določa ta člen, ne glede na to, ali so vojni ujetniki ali ne.

4. Če bodo prijeti, priprti ali internirani iz razlogov v zvezi z oboroženim spopadom, bodo otroci v posebnih oddelkih, ločenih od oddelkov za odrasle, razen v primerih, kadar so družine nastanjene kot družinske skupnosti, kot je to določeno v petem odstavku 75. člena.

5. Smrtna kazen za kršitev v zvezi z oboroženim spopadom, se ne bo izvršila nad osebami, ki še niso dopolnile 18 let starosti v času, ko so storile kršitev.

78. člen

Evakuacija otrok

1. Nobena stran v spopadu ne bo evakuirala otrok v tujo državo, izvzemši svoje državljane, razen če gre za začasno evakuacijo, ko to terjajo zdravstveni razlogi ali zdravljenje otrok ali, izvzemši na okupiranem ozemlju, iz razlogov, ki so povezani z njihovo varnostjo. Tam kjer je starše ali zakonske skrbnike mogoče najti, bo za takšno evakuacijo potrebno njihovo pismeno soglasje. Če teh ni mogoče najti, bo potrebno za takšno evakuacijo pismeno soglasje oseb, ki so po zakonu ali običaju predvsem odgovorni za skrb o otrokih. Vsako takšno evakuacijo bo nadzorovala sila zaščitnica s soglasjem zainteresiranih strani, namreč strani, ki izvaja evakuacijo, strani, ki sprejma otroke, in vseh strani, katerih državljani bodo evakuirani. V vsakem primeru bodo vse strani v spopadu storile vse možne ukrepe previdnosti, da evakuacija ne bi bila kakorkoli ogrožena.

2. Whenever an evacuation occurs pursuant to paragraph 1, each child's education, including his religious and moral education as his parents desire, shall be provided while he is away with the greatest possible continuity.

3. With a view to facilitating the return to their families and country of children evacuated pursuant to this Article, the authorities of the Party arranging for the evacuation and, as appropriate, the authorities of the receiving country shall establish for each child a card with photographs, which they shall send to the Central Tracing Agency of the International Committee of the Red Cross. Each card shall bear, whenever possible, and whenever it involves no risk of harm to the child, the following information:

- (a) surname(s) of the child;
- (b) the child's first name(s);
- (c) the child's sex;
- (d) the place and date of birth (or, if that date is not known, the approximate age);
- (e) the father's full name;
- (f) the mother's full name and her maiden name;
- (g) the child's next-of-kin;
- (h) the child's nationality;
- (i) the child's native language, and any other languages he speaks;
- (j) the address of the child's family;
- (k) any identification number for the child;
- (l) the child's state of health;
- (m) the child's blood group;
- (n) any distinguishing features;
- (o) the date on which and the place where the child was found;
- (p) the date on which and the place from which the child left the country;
- (q) the child's religion, if any;
- (r) the child's present address in the receiving country;
- (s) should the child die before his return, the date, place and circumstances of death and place of interment.

Chapter III

JOURNALISTS

Article 79

Measures of protection for journalists

1. Journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians within the meaning of Article 50, paragraph 1.

2. They shall be protected as such under the Conventions and this Protocol, provided that they take no action adversely affecting their status as civilians, and without prejudice to the right of war correspondents accredited to the armed forces to the status provided for in Article 4 A (4) of the Third Convention.

3. They may obtain an identity card similar to the model in Annex II of this Protocol. This card, which shall be issued by the government of the State of which the journalist is a national or in whose territory he resides or in which the news medium employing him is located, shall attest to his status as a journalist.

2. Kadarkoli pride do evakuacije v skladu s prvim odstavkom, bo vsakemu otroku zagotovljena vzgoja, včevši tudi njegovo versko in moralno vzgojo, tako kot te starši želijo, z največjo možno kontinuiteto, dokler se otrok ne vrne.

3. Da bi olajšale vračanje otrok, evakuiranih v skladu s tem členom, njihovim družinam in v domovino, bodo oblastva strani, ki organizira evakuacijo, in če je to primerno, oblastva države, ki sprejema, uvedla za vsakega otroka karton s fotografijo, ki ga bodo poslala centralni poizvedovalni agenciji mednarodnega komiteja Rdečega križa. Kadarkoli bo to mogoče in kadar to ne bo povzročilo nobenega tveganja ali škode za otroka, bo vsak karton vseboval naslednje informacije:

- (a) priimek(-ki) otroka;
- (b) ime(-na) otroka;
- (c) spol otroka;
- (d) kraj in datum rojstva (ali če ta datum ni znan, približno starost);
- (e) popolno očetovo ime;
- (f) popolno materino ime in njen deklinski priimek;
- (g) otrokove najbližje sorodnike;
- (h) narodnost otroka;
- (i) materni jezik otroka in vse druge jezike, ki jih govori;
- (j) naslov otrokove družine;
- (k) katerokoli številko za identifikacijo otroka;
- (l) zdravstveno stanje otroka;
- (m) krvno skupino otroka;
- (n) vsako posebno znamenje;
- (o) datum, ko je bil, in kraj, kjer je bil otrok najden;
- (p) datum, ko je, in kraj, od koder je otrok zapustil državo;
- (q) veroizpoved otroka, če jo ima;
- (r) sedanji naslov otroka v državi, ki ga je sprejela;
- (s) v primeru smrti otroka pred njegovo vrnitvijo, datum, kraj in okoliščine smrti in kraj pokopa.

III. poglavje

ČASNIKARJI

79. člen

Ukrepi za zaščito časnikarjev

1. Časnikarji, ki so angažirani na nevarnih poklicnih dolžnostih na območjih oboroženega spopada, se bodo šteli za civile v smislu prvega odstavka 50. člena

2. Zaščiteni bodo po konvencijah in tem protokolu, s pogojem, da ne storijo ničesar, kar bi škodovalo njihovemu statusu civila, in brez vpliva na pravico vojnih dopisnikov, akreditiranih pri oboroženih silah, do uživanja statusa, ki je predviden v 4. členu pod A (4) III. konvencije.

3. Dobijo lahko osebno izkaznico, ki je podobna obrazcu v prilogi II tega protokola. Ta izkaznica, ki jo bo izdala vlada države, katere državljan je časnikar ali na ozemlju katere prebiva ali v kateri je časopisna agencija, pri kateri je zaposlen, bo dokaz njegovega statusa kot časnikarja.

PART V**EXECUTION OF THE CONVENTIONS AND OF THIS
PROTOCOL****Section I****GENERAL PROVISIONS****Article 80****Measures for execution**

1. The High Contracting Parties and the Parties to the conflict shall without delay take all necessary measures for the execution of their obligations under the Conventions and this Protocol.

2. The High Contracting Parties and the Parties to the conflict shall give orders and instructions to ensure observance of the Conventions and this Protocol, and shall supervise their execution.

Article 81**Activities of the Red Cross and other humanitarian organizations**

1. The Parties to the conflict shall grant to the International Committee of the Red Cross all facilities within their power so as to enable it to carry out the humanitarian functions assigned to it by the Conventions and this Protocol in order to ensure protection and assistance to the victims of conflicts; the International Committee of the Red Cross may also carry out any other humanitarian activities in favour of these victims, subject to the consent of the Parties to the conflict concerned.

2. The Parties to the conflict shall grant to their respective Red Cross (Red Crescent, Red Lion and Sun) organizations the facilities necessary for carrying out their humanitarian activities in favour of the victims of the conflict, in accordance with the provisions of the Conventions and this Protocol and the fundamental principles of the Red Cross as formulated by the International Conference of the Red Cross.

3. The High Contracting Parties and the Parties to the conflict shall facilitate in every possible way the assistance which Red Cross (Red Crescent, Red Lion and Sun) organizations and the League of Red Cross Societies extend to the victims of conflicts in accordance with the provisions of the Conventions and this Protocol and with the fundamental principles of the Red Cross as formulated by the International Conferences of the Red Cross.

4. The High Contracting Parties and the Parties to the conflict shall, as far as possible, make facilities similar to those mentioned in paragraphs 2 and 3 available to the other humanitarian organizations referred to in the Conventions and this Protocol which are duly authorized by the respective Parties to the conflict and which perform their humanitarian activities in accordance with the provisions of the Conventions and this Protocol.

Article 82**Legal advisers in armed forces**

The High Contracting Parties at all times, and the Parties to the conflict in time of armed conflict, shall ensure that legal advisers are available, when

V. DEL**IZVRŠEVANJE KONVENCIJ IN TEGA PROTOKOLA****I. oddelek****SPLOŠNE DOLOČBE****80. člen****Ukrepi za izvrševanje**

1. Visoke pogodbenice in strani v spopadu bodo brez odlašanja ukrenile vse, kar je potrebno za izpolnjevanje njihovih obveznosti po konvencijah in tem protokolu.

2. Visoke pogodbenice in strani v spopadu bodo izdale ukaze in navodila, da zagotovijo spoštovanje konvencij in tega protokola, ter nadzorovale njihovo izvrševanje.

81. člen**Delovanje Rdečega križa in drugih humanitarnih organizacij**

1. Strani v spopadu bodo dale v mejah svojih pooblastil mednarodnemu komiteju Rdečega križa vse olajšave, da bi mu omogočile izvrševati humanitarne funkcije, ki so mu zaupane po konvencijah in tem protokolu za zagotovitev zaščite in pomoči žrtvam spopada; mednarodni komite Rdečega križa lahko izvaja tudi vse druge humanitarne akcije v prid teh žrtev, če dobi za to soglasje zadevnih strani v spopadu.

2. Strani v spopadu bodo dale svojim ustreznim organizacijam Rdečega križa (Rdečega polmeseca, Rdečega leva in sonca) olajšave, ki so potrebne za izvrševanje njihovih humanitarnih aktivnosti v prid žrtev spopada v skladu z določbami konvencij in tega protokola ter s temeljnimi načeli Rdečega križa, izraženimi na mednarodnih konferencah Rdečega križa.

3. Visoke pogodbenice in strani v spopadu bodo na vse mogoče načine olajšale pomoč, ki jo organizacije Rdečega križa (Rdečega polmeseca, Rdečega leva in sonca) ter liga društev Rdečega križa izkazujejo žrtvam spopada v skladu z določbami konvencij in tega protokola ter s temeljnimi načeli Rdečega križa, izraženimi na mednarodnih konferencah Rdečega križa.

4. Visoke pogodbenice in strani v spopadu bodo dale po možnosti olajšave, podobne olajšavam, navedenim v drugem in tretjem odstavku, drugim humanitarnim organizacijam, ki so omenjene v konvencijah in tem protokolu in pravilno pooblašene od ustreznih strani v spopadu, ki opravljajo svoje humanitarne aktivnosti v skladu z določbami konvencij in tega protokola.

82. člen**Pravni svetovalci v oboroženih silah**

Visoke pogodbenice bodo ob vsakem času, strani v spopadu pa med oboroženim spopadom zagotovile, da bodo pravni svetovalci na razpolago, kadar bo to pot-

necessary, to advise military commanders at the appropriate level on the application of the Conventions and this Protocol and on the appropriate instruction to be given to the armed forces on this subject.

Article 83

Dissemination

1. The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate the Conventions and this Protocol as widely as possible in their respective countries and, in particular, to include the study thereof in their programmes of military instruction and to encourage the study thereof by the civilian population, so that those instruments may become known to the armed forces and to the civilian population.

2. Any military or civilian authorities who, in time of armed conflict, assume responsibilities in respect of the application of the Conventions and this Protocol shall be fully acquainted with the text thereof.

Article 84

Rules of application

The High Contracting Parties shall communicate to one another, as soon as possible, through the depositary and, as appropriate, through the Protecting Powers, their official translations of this Protocol, as well as the laws and regulations which they may adopt to ensure its application.

Section II

REPRESSION OF BREACHES OF THE CONVENTIONS AND OF THIS PROTOCOL

Article 85

Repression of breaches of this Protocol

1. The provisions of the Conventions relating to the repression of breaches and grave breaches, supplemented by this Section, shall apply to the repression of breaches and grave breaches of this Protocol.

2. Acts described as grave breaches in the Conventions are grave breaches of this Protocol if committed against persons in the power of an adverse Party protected by Articles 44, 45 and 73 of this Protocol, or against the wounded, sick shipwrecked of the adverse Party who are protected by this Protocol, or against those medical or religious personnel, medical units or medical transports which are under the control of the adverse Party and are protected by this Protocol.

3. In addition to the grave breaches defined in Article 11, the following acts shall be regarded as grave breaches of this Protocol, when committed wilfully, in violation of the relevant provisions of this Protocol, and causing death or serious injury to body or health:

(a) making the civilian population or individual civilians the object of attack;

(b) launching an indiscriminate attack affecting the civilian population or civilian objects in the knowledge that such attack will cause excessive loss of life,

rebno, da svetujejo vojaškim poveljnikom na ustreznih ravni glede uporabe konvencij in tega protokola ter glede ustreznih navodil, ki jih je treba dati oboroženim silam o tem vprašanju.

83. člen

Obveščanje

1. Visoke pogodbenice prevzemajo nase, da bodo tako v miru kot tudi med oboroženim spopadom seznanjale s konvencijami in s tem protokolom čim več ljudi v svojih državah, zlasti pa da bodo njihovo proučevanje vključile v svoje programe vojaškega pouka, ter spodbujale njihovo proučevanje med civilnim prebivalstvom, da bi ti instrumenti postali znani oboroženim silam in civilnemu prebivalstvu.

2. Vsa vojaška in civilna oblastva, ki ob oboroženem spopadu prevzemajo odgovornost glede uporabe konvencij in tega protokola, bodo v celoti seznanjene z njihovim besedilom.

84. člen

Predpisi o uporabi

Visoke pogodbenice bodo druga drugi čimprej poslale po depozitarju in, če bo to primerno, po silah zaščitnicah svoje uradne prevode tega protokola, kakor tudi morebitnih svojih zakonov in pravilnikov za zagotovitev njegove uporabe.

II. oddelek

ODVRAČANJE KRŠITEV KONVENCIJ IN TEGA PROTOKOLA

85. člen

Odvračanje kršitev tega protokola

1. Za odvrčanje kršitev in hudih kršitev tega protokola se bodo uporabljale določbe konvencij, ki se nanašajo na zatiranje kršitev in hudih kršitev, dopolnjene s tem oddelkom.

2. Dejanja, opisana kot hude kršitve konvencij, so hude kršitve tega protokola, če so bile storjene proti osebam, ki so v rokah nasprotne strani in ki jih ščitijo 44., 45. in 73. člen tega protokola, ali proti ranjencem, bolnikom in brodolomcem nasprotne strani, ki jih ščiti ta protokol, ali proti tistemu medicinskemu ali verskemu osebju, sanitetnim enotam ali sanitetnim transportom, ki so pod kontrolo nasprotne strani in jih ščiti ta protokol.

3. Poleg hudih kršitev, ki so definirane v 11. členu, se bodo štela za hude kršitve tega protokola naslednja dejanja, če so bila storjena namenoma s kršenjem ustreznih določb tega protokola in so povzročila smrt ali resne telesne ali zdravstvene poškodbe:

(a) napad na civilno prebivalstvo ali posamezne civilne osebe;

(b) izvršitev napada brez izbire cilja, ki prizadene civilno prebivalstvo ali civilne objekte, z vednostjo, da bo takšen napad povzročil čezmerne izgube življenj, po-

injury to civilians or damage to civilian objects, as defined in Article 57, paragraph 2 (a) (iii);

(c) launching an attack against works or installations containing dangerous forces in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects, as defined in Article 57, paragraph 2 (a) (iii);

(d) making non-defended localities and demilitarized zones the object of attack;

(e) making a person the object of attack in the knowledge that he is hors de combat;

(f) the perfidious use, in violation of Article 37, of the distinctive emblem of the red cross, red crescent or red lion and sun or of other protective signs recognized by the Conventions or this Protocol.

4. In addition to the grave breaches defined in the preceding paragraphs and in the Conventions, the following shall be regarded as grave breaches of this Protocol, when committed wilfully and in violation of the Conventions or the Protocol:

(a) the transfer by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory, in violation of Article 49 of the Fourth Convention;

(b) unjustifiable delay in the repatriation of prisoners of war or civilians;

(c) practices of apartheid and other inhuman and degrading practices involving outrages upon personal dignity, based on racial discrimination;

(d) making the clearly recognized historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples and to which special protection has been given by special arrangement, for example, within the framework of a competent international organization, the object of attack, causing as a result extensive destruction thereof, where there is no evidence of the violation by the adverse Party of Article 53, subparagraph (b), and when such historic monuments, works of art and places of worship are not located in the immediate proximity of military objectives;

(e) depriving a person protected by the Conventions or referred to in paragraph 2 of this Article of the rights of fair and regular trial.

5. Without prejudice to the application of the Conventions and of this Protocol, grave breaches of these instruments shall be regarded as war crimes.

Article 86

Failure to act

1. The High Contracting Parties and the Parties to the conflict shall repress grave breaches, and take measures necessary to suppress all other breaches, of the Conventions or of this Protocol which result from a failure to act when under a duty to do so.

2. The fact that a breach of the Conventions or of this Protocol 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.

škodbe civilov ali škode na civilnih objektih, definiranih v drugem odstavku 57. člena pod (a) (iii);

(c) izvršitev napada na zgradbe ali napeljave, v katerih so nevarne sile, z vednostjo, da bo takšen napad povzročil čezmerne izgube življenj, poškodbe civilov ali škode na civilnih objektih, definiranih v drugem odstavku 57. člena pod (a) (iii);

(d) jemanje nebranih mest in demilitarizirane cone za predmet napada;

(e) jemanje oseb za predmet napada z vednostjo, da so »izven boja«;

(f) perfidna uporaba razpoznavnega znamenja Rdečega križa, Rdečega polmeseca, Rdečega leva in sonca ali drugih zaščitnih znakov, ki so priznani v konvencijah ali tem protokolu, v nasprotju s 37. členom.

4. Poleg hudih kršitev, ki so definirane v prejšnjih odstavkih in v konvencijah, se bodo štela za hude kršitve tega protokola naslednja dejanja, če so bila storjena namenoma in s kršenjem konvencij ali protokola;

(a) preselitev delov lastnega civilnega prebivalstva po okupacijski sili na ozemlje, ki ga okupira, ali deportiranje ali razselitev vsega ali dela prebivalstva z okupiranega ozemlja znotraj ali izven tega ozemlja v nasprotju z 49. členom IV. konvencije;

(b) neopravičeno odlašanje repatriacije vojnih ujetnikov ali civilov;

(c) izvajanje apartheida in drugih nečloveških in poniževalnih postopkov, ki žalijo osebno dostojanstvo, na podlagi rasne diskriminacije;

(d) jemanje jasno vidnih zgodovinskih spomenikov, umetniških del ali mest za verske obrede, ki pomenijo kulturno ali duhovno dediščino naroda in jim je dana posebna zaščita po specialnih aranžmajih, na primer v okviru pristojne mednarodne organizacije, za predmet napada, kar ima za posledico njihovo razdejanje v velikih razsežnostih, tam, kjer ni dokazov o kršitvi 53. člena pod (b) po nasprotni strani, in takšni zgodovinski spomeniki, umetniška dela in mesta za verske obrede niso locirani v neposredni bližini vojaških ciljev;

(e) odvzem pravic do pravičnega in rednega sojenja osebam, ki so zaščitene po konvencijah ali se nanje naša drugi odstavek tega člena.

5. Brez škode za uporabo konvencij in tega protokola se bodo hude kršitve teh instrumentov štela za vojne zločine.

86. člen

Opustitev ukrepov

1. Visoke pogodbenice in strani v spopadu bodo odvracale hude kršitve in nastopale s potrebnimi ukrepi za odvrnitev vseh drugih kršitev konvencij ali tega protokola, ki so rezultat njihove opustitve, kadar bi jih po dolžnosti morale storiti.

2. Dejstvo, da je kršitev konvencije ali tega protokola storil kakšen podrejeni, ne odvezuje njegovih nadrejenih kazenske ali disciplinske odgovornosti glede na primer, če so vedeli ali imeli informacije, ki so jim v tedanjih okoliščinah omogočale sklepati, da je storil ali da bo storil takšno kršitev, in če niso v mejah svoje moči storili vsega, da preprečijo ali odvrnejo kršitev.

Article 87

Duty of commanders

1. The High Contracting Parties and the Parties to the conflict shall require military commanders, with respect to members of the armed forces under their command and other persons under their control, to prevent and, where necessary, to suppress and to report to competent authorities breaches of the Conventions and of this Protocol.

2. In order to prevent and suppress breaches, High Contracting Parties and Parties to the conflict shall require that, commensurate with their level of responsibility, commanders ensure that members of the armed forces under their command are aware of their obligations under the Conventions and this Protocol.

3. The High Contracting Parties and Parties to the conflict shall require any commander who is aware that subordinates or other persons under his control are going to commit or have committed a breach of the Conventions or of this Protocol, to initiate such steps as are necessary to prevent such violations of the Conventions or this Protocol, and, where appropriate, to initiate disciplinary or penal action against violators thereof.

Article 88

Mutual assistance in criminal matters

1. The High Contracting Parties shall afford one another the greatest measure of assistance in connexion with criminal proceedings brought in respect of grave breaches of the Conventions or of this Protocol.

2. Subject to the rights and obligations established in the Conventions and in Article 85, paragraph 1. of this Protocol, and when circumstances permit, the High Contracting Parties shall co-operate in the matter of extradition. They shall give due consideration to the request of the State in whose territory the alleged offence has occurred.

3. The law of the High Contracting Party requested shall apply in all cases. The provisions of the preceding paragraphs shall not, however, affect the obligations arising from the provisions of any other treaty of a bilateral or multilateral nature which governs or will govern the whole or part of the subject of mutual assistance in criminal matters.

Article 89

Co-operation

In situations of serious violations of the Conventions or of this Protocol, the High Contracting Parties undertake to act, jointly or individually, in co-operation with the United Nations and in conformity with the United Nations Charter.

Article 90

International Fact-Finding Commission

1. (a) An International Fact-Finding Commission (hereinafter referred to as "the Commission") consisting of fifteen members of high moral standing and acknowledged impartiality shall be established.

87. člen

Dolžnost poveljnikov

1. Visoke pogodbenice in strani v spopadu bodo naložile vojaškim poveljnikom glede pripadnikov oboroženih sil pod njihovim poveljstvom in drugih oseb pod njihovo kontrolo, da preprečijo in tam, kjer je potrebno, odvrnejo kršitve konvencij in tega protokola ter da o tem obvestijo pristojne oblasti.

2. Da bi se preprečile in odvrnile kršitve, bodo visoke pogodbenice in strani v spopadu naložile poveljnikom, da v sorazmerju z njihovo odgovornostjo zagotovijo, da so pripadniki oboroženih sil pod njihovim poveljstvom seznanjeni s svojimi obveznostmi po konvencijah in tem protokolu.

3. Visoke pogodbenice in strani v spopadu bodo naložile vsakemu poveljniku, kateremu je znano, da bodo njegovi podrejeni ali druge osebe pod njegovo kontrolo prekršile konvencije ali ta protokol, da ukrene vse potrebno, da se prepreči takšna kršitev, in da začne disciplinski ali kazenski postopek proti storilcem, če je bila storjena takšna kršitev.

88. člen

Medsebojna pravna pomoč v kazenskih stvareh

1. Visoke pogodbenice bodo druga drugi v največji možni meri izkazovale pomoč v zvezi s kazenskimi in sodnimi postopki, ki se nanašajo na hude kršitve konvencij ali tega protokola.

2. Ob spoštovanju pravic in obveznosti, določenih s konvencijami in prvim odstavkom 85. člena tega protokola, bodo visoke pogodbenice, če to okoliščine dopuščajo, sodelovale glede ekstradicije. Dolžno pozornost bodo posvetile prošnji države, na ozemlju katere je bila storjena kršitev.

3. Pravo zaprosene visoke pogodbenice se bo uporabljalo v vseh primerih. Določbe prejšnjih odstavkov pa ne bodo vplivale na obveznosti, ki izvirajo iz določb katerekoli druge dvostranske ali večstranske pogodbe, ki ureja ali bo urejala v celoti ali deloma medsebojno pravno pomoč v kazenskih stvareh.

89. člen

Sodelovanje

V situacijah, ko gre za hude kršitve konvencij ali tega protokola, prevzemajo visoke pogodbenice nase obveznost, da bodo delovale skupaj ali posamično v sodelovanju z Združenimi narodi in v skladu z ustavno listino Združenih narodov.

90. člen

Mednarodna komisija za ugotavljanje dejanskega stanja

1. (a) Ustanovljena bo mednarodna komisija za ugotavljanje dejanskega stanja (v nadaljnjem besedilu: komisija), ki bo imela 15 članov visokega moralnega ugleda in priznane nepristranskosti.

(b) When not less than twenty High Contracting Parties have agreed to accept the competence of the Commission pursuant to paragraph 2, the depositary shall then, and at intervals of five years thereafter, convene a meeting of representatives of those High Contracting Parties for the purpose of electing the members of the Commission. At the meeting, the representatives shall elect the members of the Commission by secret ballot from a list of persons to which each of those High Contracting Parties may nominate one person.

(c) The members of the Commission shall serve in their personal capacity and shall hold office until the election of new members at the ensuing meeting.

(d) At the election, the High Contracting Parties shall ensure that the persons to be elected to the Commission individually possess the qualifications required and that, in the Commission as a whole, equitable geographical representation is assured.

(e) In the case of a casual vacancy, the Commission itself shall fill the vacancy, having due regard to the provisions of the preceding sub-paragraphs.

(f) The depositary shall make available to the Commission the necessary administrative facilities for the performance of its functions.

2. (a) The High Contracting Parties may at the time of signing, ratifying or acceding to the Protocol, or at any other subsequent time, declare that they recognize ipso facto and without special agreement, in relation to any other High Contracting Party accepting the same obligation, the competence of the Commission to enquire into allegations by such other Party, as authorized by this Article.

(b) The declarations referred to above shall be deposited with the depositary, which shall transmit copies thereof to the High Contracting Parties.

(c) The Commission shall be competent to:

(i) enquire into any facts alleged to be a grave breach as defined in the Conventions and this Protocol or other serious violation of the Conventions or of this Protocol;

(ii) facilitate, through its good offices, the restoration of an attitude of respect for the Conventions and this Protocol.

(d) In other situations, the Commission shall institute an enquiry at the request of a Party to the conflict only with the consent of the other Party or Parties concerned.

(e) Subject to the foregoing provisions of this paragraph, the provisions of Article 52 of the First Convention, Article 53 of the Second Convention, Article 132 of the Third Convention and Article 149 of the Fourth Convention shall continue to apply to any alleged violation of the Conventions and shall extend to any alleged violation of this Protocol.

3. (a) Unless otherwise agreed by the Parties concerned, all enquiries shall be undertaken by a Chamber consisting of seven members appointed as follows:

(i) five members of the Commission, not nationals of any Party to the conflict, appointed by the President of the Commission on the basis of equitable representation of the geographical areas, after consultation with the Parties to the conflict;

(ii) two ad hoc members, not nationals of any Party to the conflict, one to be appointed by each side.

(b) Kadar se najmanj dvajset visokih pogodbenic zedini sprejeti pristojnost komisije v skladu z drugim odstavkom, bo depozitar takrat in nato v presledkih petih let sklical sestanek njihovih predstavnikov, da izvolijo člane komisije. Na sestanku bodo predstavniki volili člane komisije s tajnim glasovanjem s seznama oseb, na katerega lahko vsaka teh visokih pogodbenic imenuje po eno osebo.

(c) Člani komisije bodo služili osebno in ostali njeni člani do izvolitve novih članov na naslednjem sestanku.

(d) Pri volitvah bodo visoke pogodbenice zagotovile, da bodo osebe, ki bodo izvoljene v komisijo, imele vsaka zahtevane kvalifikacije in da bo v komisiji kot celoti zagotovljena pravična geografska zastopnost.

(e) Če se nepričakovano izprazni kakšno mesto, ga bo komisija sama popolnila in pri tem posvetila vso pozornost določbam prejšnjih podtočk.

(f) Depozitar bo dal komisiji na razpolago potrebne administrativne olajšave za opravljanje njenih funkcij.

2.(a) Visoke pogodbenice lahko ob podpisu, ratifikaciji ali pristopu k protokolu ali kadarkoli pozneje izjavijo, da priznavajo ipso facto in brez posebnega sporazuma glede na katerokoli drugo visoko pogodbenico, ki sprejema enako obveznost, pristojnost komisije, da preizkuša navedbe takšne druge strani, kot jo za to pooblašča ta člen.

(b) Izjave, ki so zgoraj navedene, bodo deponirane pri depozitarju, ki pošlje njihove kopije visokim pogodbenicam.

(c) Komisija bo pristojna:

(i) raziskovati vsa dejstva, za katera se trdi, da pomenijo hude kršitve, definirane v konvencijah in tem protokolu, ali druge resne kršitve konvencije ali tega protokola;

(ii) olajševati s svojimi dobrimi uslugami ponovno spoštovanje konvencij in tega protokola.

(d) V drugih situacijah bo komisija začela preiskavo na zahtevo strani v spopadu samo s soglasjem druge strani ali strani, za katere gre.

(e) Pod pogojem zgoraj navedenih določb tega odstavka se bodo določbe 52. člena I. konvencije, 53. člena II. konvencije, 132. člena III. konvencije in 149. člena IV. konvencije še naprej uporabljale za vsako domnevano kršitev konvencij in bodo razširjene na vsako domnevano kršitev tega protokola.

3. (a) Če se zainteresirane strani ne dogovorijo drugače, začne vse preiskave zbornica, ki jo sestavlja 7 članov, kateri se imenujejo takole:

(i) pet članov komisije, ki niso državljani nobene strani v spopadu, in jih postavlja predsednik komisije po načelu pravične zastopnosti geografskih območij po posvetovanju s stranmi v spopadu;

(ii) dva ad hoc člana, ki nista državljana nobene strani v spopadu, pri čemer vsaka stran imenuje po enega.

(b) Upon receipt of the request for an enquiry, the President of the Commission shall specify an appropriate time-limit for setting up a Chamber. If any ad hoc member has not been appointed within the time-limit, the President shall immediately appoint such additional member or members of the Commission as may be necessary to complete the membership of the Chamber.

4. (a) The Chamber set up under paragraph 3 to undertake an enquiry shall invite the Parties to the conflict to assist it and to present evidence. The Chamber may also seek such other evidence as it deems appropriate and may carry out an investigation of the situation in loco.

(b) All evidence shall be fully disclosed to the Parties, which shall have right to comment on it to the Commission.

(c) Each Party shall have the right to challenge such evidence.

5. (a) The Commission shall submit to the Parties a report on the findings of fact of the Chamber, with such recommendations as it may deem appropriate.

(b) If the Chamber is unable to secure sufficient evidence for factual and impartial findings, the Commission shall state the reasons for that inability.

(c) The Commission shall not report its findings publicly, unless all the Parties to the conflict have requested the Commission to do so.

6. The Commission shall establish its own rules, including rules for the presidency of the Commission and the presidency of the Chamber. Those rules shall ensure that the functions of the President of the Commission are exercised at all times and that, in the case of an enquiry, they are exercised by a person who is not a national of a Party to the conflict.

7. The administrative expenses of the Commission shall be met by contributions from the High Contracting Parties which made declarations under paragraph 2, and by voluntary contributions. The Party or Parties to the conflict requesting an enquiry shall advance the necessary funds for expenses incurred by a Chamber and shall be reimbursed by the Party or Parties against which the allegations are made to the extent of fifty per cent of the costs of the Chamber. Where there are counterallegations before the Chamber each side shall advance fifty per cent of the necessary funds.

Article 91

Responsibility

A Party to the conflict which violates the provisions of the Conventions or of this Protocol shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.

PART VI

FINAL PROVISIONS

Article 92

Signature

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

(b) Po prejemu prošnje za preiskavo, bo določil predsednik komisije ustrezen rok za sestavo zbornice. Če katerikoli ad hoc član ni imenovan v danem roku, bo predsednik takoj imenoval takšnega dodatnega člana ali člane komisije, kolikor jih bo potrebnih, da se dopolni število članov zbornice.

4. (a) Da bi začela preiskavo, bo povabila zbornica, ki je ustanovljena v skladu s tretjim odstavkom, strani v spopadu, naj ji pomagajo in predložijo dokaze. Zbornica lahko zahteva tudi vse druge dokaze, za katere meni, da so primerni, in lahko preiskuje situacijo na samem kraju.

(b) Vsi dokazi bodo v celoti sporočeni stranem, ki imajo pravico dati komisiji o tem svoje pripombe.

(c) Vsaka stran bo imela pravico izpodbijati takšne dokaze.

5. (a) Komisija bo predložila stranem poročilo o izidu preiskave zbornice s priporočili, ki bodo po njenem mnenju primerna.

(b) Če zbornica ni v stanju zagotoviti dovolj dokazov za dejanske in nepristranske ugotovitve, bo navedla razloge, zaradi katerih to ni bilo mogoče.

(c) Komisija ne bo javno objavila svojih ugotovitev, če je niso vse strani v spopadu prosile, naj to stori.

6. Komisija bo predpisala svoja lastna pravila, v številni pravila za predsedstvo komisije in predsedstvo zbornice. S temi pravili bo zagotovila, da se funkcije predsednika komisije izvršujejo ob vsakem času in da jih v primeru preiskave opravlja oseba, ki ni državljan ene izmed strani v spopadu.

7. Administrativni stroški komisije bodo kriti s prispevki visokih pogodbenic, ki so dale izjavo po drugem odstavku, in s prostovoljnimi prispevki. Stran ali strani v spopadu, ki prosijo za preiskavo, bodo dale potrebne akontacije za kritje stroškov zbornice, ki jim jih bo nadomestila stran ali strani, proti katerim so bile vložene obtožbe, in sicer v višini 50% stroškov zbornice. Če so pri zbornici vložene nasprotno obtožbe, bo vsaka stran položila akontacijo 50% potrebnega zneska.

91. člen

Odgovornost

Stran v spopadu, ki prekrši določbe konvencij ali tega protokola, bo odvisno od primera dolžna plačati odškodnino. Odgovorna bo za vsa dejanja, ki jih storijo osebe, katere so v njenih oboroženih silah.

VI. DEL

KONČNE DOLOČBE

92. člen

Podpis

Ta protokol bo odprt za podpis udeleženkam konvencij šest mesecev po podpisu sklepne akta in bo ostal odprt 12 mesecev.

Article 93

Ratification

This Protocol shall be ratified as soon as possible. The instruments of ratification shall be deposited with the Swiss Federal Council, depositary of the Conventions.

Article 94

Accession

This Protocol shall be open for accession by any Party to the Conventions which has not signed it. The instruments of accession shall be deposited with the depositary.

Article 95

Entry into force

1. This Protocol shall enter into force six months after two instruments of 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 96

Treaty relations upon entry into force of this Protocol

1. When the Parties to the Conventions are also Parties to this Protocol, the Conventions shall apply as supplemented by this Protocol.

2. When one of the Parties to the conflict is not bound by this Protocol, the Parties to the Protocol shall remain bound by it in their mutual relations. They shall furthermore be bound by this Protocol in relation to each of the Parties which are not bound by it, if the latter accepts and applies the provisions thereof.

3. The authority representing a people engaged against a High Contracting Party in an armed conflict of the type referred to in Article 1, paragraph 4, may undertake to apply the Conventions and this Protocol in relation to that conflict by means of a unilateral declaration addressed to the depositary. Such declaration shall, upon its receipt by the depositary, have in relation to that conflict the following effects:

(a) the Conventions and this Protocol are brought into force for the said authority as a Party to the conflict with immediate effect;

(b) the said authority assumes the same rights and obligations as those which have been assumed by a High Contracting Party to the Conventions and this Protocol; and

(c) the Conventions and this Protocol are equally binding upon all Parties to the conflict.

Article 97

Amendment

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

93. člen

Ratifikacija

Ta protokol bo ratificiran čimprej. Ratifikacijske listine se deponirajo pri Švicarskem federalnem svetu, ki je depozitar konvencij.

94. člen

Pristop

Ta protokol bo odprt za pristop vsaki udeleženki konvencij, ki ga ni podpisala. Listine o pristopu bodo deponirane pri depozitarju.

95. člen

Uveljavitev

1. Ta protokol bo začel veljati po šestih mesecih od deponiranja dveh listin o ratifikaciji ali pristopu.

2. Za vsako udeleženko konvencij, ki po tem ratificira ta protokol ali k njemu pristopi, bo začel protokol veljati po šestih mesecih od deponiranja njenih listin o ratifikaciji ali pristopu.

96. člen

Pogodbena razmerja po uveljavitvi tega protokola

1. Če so udeleženke konvencij hkrati udeleženke tega protokola, se bodo konvencije uporabljale tako, kot so dopolnjene s tem protokolom.

2. Kadar kakšno izmed strani v spopadu ne veže ta protokol, bodo ostale udeleženke protokola vezane z njim v njihovih medsebojnih razmerjih. Ostale bodo vezane z njim še naprej glede na vsako od njih, ki niso vezane z njim, če te druge sprejmejo in uporabljajo njegove določbe.

3. Oblastvo, ki predstavlja narod, angažiran proti visoki pogodbenici v oboroženem spopadu, ki je po značaju takšen, kot je navedeno v četrtem odstavku 1. člena, lahko prevzame obveznost, da bo uporabljalo konvencije in ta protokol glede na navedeni spopad, z enostransko izjavo, ki jo pošlje depozitarju. Takšna izjava bo imela, potem ko jo prejme depozitar, naslednji učinek glede tega spopada:

(a) konvencije in ta protokol začnejo veljati za omenjeno oblastvo kot stran v spopadu s trenutnim učinkom;

(b) omenjeno oblastvo prevzema enake pravice in obveznosti, kot jih je prevzela visoka pogodbenica po konvencijah in tem protokolu; in

(c) konvencije in ta protokol so enako obvezni za vse strani v spopadu.

97. člen

Amandma

1. Vsaka visoka pogodbenica lahko predlaga amandmaje k temu protokolu. Besedilo vsakega predlaganega amandmaja bo poslano depozitarju, ki bo odločil po

which shall decide, after consultation with all the High Contracting Parties and the International Committee of the Red Cross, whether a conference should be convened to consider the proposed amendment.

2. The depositary shall invite to that conference all the High Contracting Parties as well as the Parties to the Conventions, whether or not they are signatories of this Protocol.

Article 98

Revision of Annex I

1. Not later than four years after the entry into force of this Protocol and thereafter at intervals of not less than four years, the International Committee of the Red Cross shall consult the High Contracting Parties concerning Annex I to this Protocol and, if it considers it necessary, may propose a meeting of technical experts to review Annex I and to propose such amendments to it as may appear to be desirable. Unless, within six months of the communication of a proposal for such a meeting to the High Contracting Parties, one third of them object, the International Committee of the Red Cross shall convene the meeting, inviting also observers of appropriate international organizations. Such a meeting shall also be convened by the International Committee of the Red Cross at any time at the request of one third of the High Contracting Parties.

2. The depositary shall convene a conference of the High Contracting Parties and the Parties to the Conventions to consider amendments proposed by the meeting of technical experts if, after that meeting, the International Committee of the Red Cross or one third of the High Contracting Parties so request.

3. Amendments to Annex I may be adopted at such a conference by a two-thirds majority of the High Contracting Parties present and voting.

4. The depositary shall communicate any amendment so adopted to the High Contracting Parties and to the Parties to the Conventions. The amendment shall be considered to have been accepted at the end of a period of one year after it has been so communicated, unless within that period a declaration of non-acceptance of the amendment has been communicated to the depositary by not less than one third of the High Contracting Parties.

5. An amendment considered to have been accepted in accordance with paragraph 4 shall enter into force three months after its acceptance for all High Contracting Parties other than those which have made a declaration of non-acceptance in accordance with that paragraph. Any Party making such a declaration may at any time withdraw it and amendment shall then enter into force for that Party three months thereafter.

6. The depositary shall notify the High Contracting Parties and the Parties to the Conventions of the entry into force of any amendment, of the Parties bound thereby, of the date of its entry into force in relation to each Party, of declarations of non-acceptance made in accordance with paragraph 4, and of withdrawals of such declarations.

Article 99

Denunciation

1. In case a High Contracting Party should denounce this Protocol the denunciation shall only take

posvetovanju z vsemi visokimi pogodbenicami in mednarodnim komitejem Rdečega križa, ali je treba sklicati konferenco za obravnavanje predlaganega amandmaja.

2. Depozitar bo povabil na to konferenco vse visoke pogodbenice kot udeleženske konvencij, bodisi da so podpisnice tega protokola ali ne.

98. člen

Revizija priloge I

1. Najpozneje štiri leta po uveljavitvi tega protokola, nato pa najmanj v štiriletnih presledkih se bo mednarodni komite Rdečega križa posvetoval z visokimi pogodbenicami o prilogi I k temu protokolu in lahko po potrebi predlaga sestanek tehničnih strokovnjakov, da obravnavajo prilogo I in predlagajo takšne amandmaje k prilogi, kakršni bodo morda zaželeni. Če v šestih mesecih od objave predloga za takšen sestanek tretjina visokih pogodbenic ne ugovarja, bo sklical mednarodni komite Rdečega križa sestanek in povabil tudi opazovalce ustreznih mednarodnih organizacij. Takšen sestanek skliče mednarodni komite Rdečega križa vselej tudi, če to zahteva tretjina visokih pogodbenic.

2. Depozitar bo sklical konferenco visokih pogodbenic in udeleženk konvencij, da bi obravnavale amandmaje, predlagane na sestanku tehničnih strokovnjakov, če po tem sestanku mednarodni komite Rdečega križa ali tretjina visokih pogodbenic to zahtevata.

3. Amandmaji k prilogi I so lahko sprejeti na takšni konferenci z večino glasov dveh tretjin visokih pogodbenic, ki so navzoče in glasujejo.

4. Vsak, na takšen način sprejeti amandma bo depozitar sporočil visokim pogodbenicam in udeleženkam konvencij. Štelo se bo, da je amandma sprejet, ko poteče eno leto, odkar ga je depozitar sporočil, če mu ni v tem obdobju najmanj tretjina visokih pogodbenic poslala izjave, da ne sprejemajo amandmaja.

5. Amandma, ki se v skladu s četrtnim odstavkom šteje za sprejetega, začne veljati po treh mesecih od njegovega sprejetja za vse visoke pogodbenice, razen za tiste, ki so dale v skladu z omenjenim odstavkom izjavo, da ga ne sprejemajo. Vsaka pogodbenica, ki je dala takšno izjavo, jo lahko vselej prekliče, amandma pa začne v tem primeru zanjo veljati po treh mesecih.

6. Depozitar bo obvestil visoke pogodbenice in udeleženske konvencij o uveljavitvi vsakega takšnega amandmaja, o straneh ki jih veže, o datumu njegove uveljavitve za vsako stran, o izjavah, danih v skladu s četrtnim odstavkom, da se amandma ne sprejema, in o preklicu takšnih izjav.

99. člen

Odpoved

1. Če kakšna visoka pogodbenica odpove ta protokol, začne odpoved veljati šele leto dni po prejemu li-

effect one year after receipt of the instrument of denunciation. If, however, on the expiry of that year the denouncing Party is engaged in one of the situations referred to in Article 1, the denunciation shall not take effect before the end of the armed conflict or occupation and not, in any case, before operations connected with the final release, repatriation or re-establishment of the persons protected by the Conventions or this Protocol have been terminated.

2. The denunciation shall be notified in writing to the depositary, which shall transmit it to all the High Contracting Parties.

3. The denunciation shall have effect only in respect of the denouncing Party.

4. Any denunciation under paragraph 1 shall not affect the obligations already incurred, by reason of the armed conflict, under this Protocol by such denouncing Party in respect of any act committed before this denunciation becomes effective.

Article 100

Notifications

The depositary shall inform the High Contracting Parties as well as the Parties to the Conventions, whether or not they are signatories of this Protocol, of:

(a) signatures affixed to this Protocol and the deposit of instruments of ratification and accession under Articles 93 and 94;

(b) the date of entry into force of this Protocol under Article 95;

(c) communications and declarations received under Article 84, 90 and 97;

(d) declarations received under Article 96, paragraph 3, which shall be communicated by the quickest methods; and

(e) denunciations under Article 99.

Article 101

Registration

1. After its entry into force, this Protocol shall be transmitted by the depositary to the Secretariat of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

2. The depositary shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to this Protocol.

Article 102

Authentic texts

The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the depositary, which shall transmit certified true copies thereof to all the Parties to the Conventions.

stine o odpovedi. Če pa je po izteku tega leta stran, ki je dala odpoved, angažirana v kakšni situaciji iz 1. člena, ne bo odpoved učinkovala pred koncem oboroženega spopada ali okupacije, v nobenem primeru pa ne prej, preden se končajo operacije v zvezi z dokončno osvoboditvijo, repatriacijo ali ponovno nastanitvijo oseb, ki jih ščitijo konvencije ali ta protokol.

2. Odpoved bo sporočena pismeno depozitarju, ki jo posreduje vsem visokim pogodbenicam.

3. Odpoved bo učinkovala samo za stran, ki jo je dala.

4. Nobena odpoved v skladu s prvim odstavkom ne bo vplivala na obveznosti, ki jih je zaradi oboroženega spopada ustrezno temu protokolu že prevzela stran, ki je dala odpoved, v zvezi s katerikoli dejanjem, storjenim, preden je ta odpoved začela veljati.

100. člen

Sporočila

Depozitar bo sporočil visokim pogodbenicam in udeleženkam konvencij, bodisi da so podpisnice tega protokola ali ne:

(a) podpise na tem protokolu in deponiranje listin o ratifikaciji in pristopu v skladu s 93. in 94. členom;

(b) datum uveljavitve tega protokola v skladu s 95. členom;

(c) obvestila in izjave, sprejete v skladu s 84., 90. in 97. členom;

(d) izjave, prejete v skladu s tretjim odstavkom 96. člena, ki bodo posredovane naprej po najhitrejši poti;

(e) odpoved v skladu z 99. členom.

101. člen

Registracija

1. Po uveljavitvi protokola, ga bo depozitar posredoval tajništvu Združenih narodov, da ga registrira in objavi, v skladu s 102. členom ustanovne listine Združenih narodov.

2. Depozitar bo obvestil tajništvo Združenih narodov tudi o vseh ratifikacijah, pristopih in odpovedih, ki jih je prejel v zvezi s tem protokolom.

102. člen

Verodostojnost besedil

Izvirnik tega protokola, katerega besedila v arabskem, kitajskem, angleškem, francoskem, ruskem in španskem jeziku so enako veljavna, bo deponiran pri depozitarju, ki bo poslal njegove overjene izvode vsem udeleženkam konvencij.

ANNEX I

REGULATIONS CONCERNING IDENTIFICATION

Chapter I

IDENTITY CARDS

Article 1

Identity card for permanent civilian medical and religious personnel

1. The identity card for permanent civilian medical and religious personnel referred to in Article 18, paragraph 3, of the Protocol should:

- (a) bear the distinctive emblem and be of such size that it can be carried in the pocket;
- (b) be as durable as practicable;
- (c) be worded in the national or official language (and may in addition be worded in other languages);
- (d) mention the name, the date of birth (or, if that date is not available, the age at the time of issue) and the identity number, if any, of the holder;
- (e) state in what capacity the holder is entitled to the protection of the Conventions and of the Protocol;
- (f) bear the photograph of the holder as well as his signature or his thumbprint, or both;
- (g) bear the stamp and signature of the competent authority;
- (h) state the date of issue and date expiry of the card.

2. The identity card shall be uniform throughout the territory of each High Contracting Party and, as far as possible, of the same type for all Parties to the conflict. The Parties to the conflict may be guided by the single-language model shown in Figure 1. At the outbreak of hostilities, they shall transmit to each other a specimen of the model they are using, if such model differs from that shown in Figure 1. The identity card shall be made out, if possible, in duplicate, one copy being kept by the issuing authority, which should maintain of the cards which it has issued.

3. In no circumstances may permanent civilian medical and religious personnel be deprived of their identity cards. In the event of the loss of a card, they shall be entitled to obtain a duplicate copy.

Article 2

Identity card for temporary civilian medical and religious personnel

1. The identity card for temporary civilian medical and religious personnel should, whenever possible, be similar to that provided for in Article 1 of these Regulations. The Parties to the conflict may be guided by the model shown in Figure 1.

2. When circumstances preclude the provision of temporary civilian medical and religious personnel of identity cards similar to those described in Article 1 of these Regulations, the said personnel may be provided with a certificate signed by the competent authority certifying that the person to whom it is issued is assigned to duty as temporary personnel and stating, if possible, the duration of such assignment and his right to wear the distinctive emblem. The certificate should mention the holder's name and date of birth (or if that date is not available, his age at the time when the certificate was issued), his function and identity number, if any. It shall bear his signature or his thumbprint, or both.

PRILOGA I

PRAVILNIK O IDENTIFIKACIJI

I. poglavje

OSEBNE IZKAZNICE

1. člen

Osebna izkaznica za stalno civilno sanitetno in versko osebje

1. Osebna izkaznica za stalno civilno sanitetno in versko osebje, ki je omenjeno v tretjem odstavku 18. člena protokola, mora:

- (a) vsebovati razpoznavno znamenje in biti tolikšne velikosti, da jo je mogoče nositi v žepu;
- (b) biti po možnosti čim trajnejša;
- (c) biti napisana v nacionalnem ali uradnem jeziku (poleg tega pa lahko tudi v drugih jezikih);
- (d) vsebovati ime, datum rojstva (ali, če ta datum ni na razpolago, starost ob izdaji) ter morebitno številko identitete imetnika;
- (e) biti navedeno v kakšni lastnosti uživa imetnik zaščito po konvencijah in protokolu;
- (f) vsebovati fotografijo imetnika ter njegov podpis ali palčni odtis ali oboje;
- (g) imeti pečat in podpis pristojnega organa;
- (h) imeti datum njene izdaje in datum izteka njene veljavnosti.

2. Osebna izkaznica bo enotna za vse ozemlje vsake visoke pogodbenice in, če je mogoče, istega tipa za vse strani v spopadu. Strani v spopadu lahko vzamejo za vzorec obrazec v enem jeziku, prikazan na sliki 1. Ob izbruhu sovražnosti, bodo poslale druga drugi vzorec obrazca, ki ga uporabljajo, če se ta obrazec razlikuje od obrazca, ki je prikazan na sliki 1. Osebna izkaznica bo izdana po možnosti v duplikatu. En izvod bo zadržal organ, ki izkaznico izda in ki bo kontroliral izkaznice, ki jih je izdal.

3. Stalnemu civilnemu sanitetnemu in verskemu osebju ne more biti v nobenem primeru odvzeta njihova osebna izkaznica. Če izgubijo izkaznico, imajo člani tega osebja pravico do duplikata.

2. člen

Osebna izkaznica za začasno civilno sanitetno in versko osebje

1. Osebna izkaznica za začasno civilno sanitetno in versko osebje mora po možnosti biti podobna tisti, ki je določena v 1. členu tega pravilnika. Strani v spopadu lahko vzamejo za vzorec obrazec, prikazan na sliki 1.

2. Ko okoliščine onemogočijo, da bi začasno civilno sanitetno in versko osebje dobilo osebne izkaznice, podobne tistim, ki so opisane v 1. členu tega pravilnika, lahko dobi omenjeno osebje potrdilo s podpisom pristojnih organov, s katerim se potrjuje, da je oseba, ki ji je bilo potrdilo izdano, določena za dolžnost kot član začasnega osebja, in v katerem sta po možnosti navedena čas, kolikor traja ta naloga, in njegova pravica, da nosi razpoznavno znamenje. V potrdilu je treba navesti imetnikovo ime in datum rojstva (če ta datum ni na razpolago, pa starost ob izdaji potrdila), njegovo funkcijo in morebitno številko identitete. V potrdilu naj bo tudi imetnikov podpis ali palčev odtis ali oboje.

FRONT



(SPACE RESERVED FOR THE NAME OF THE COUNTRY AND AUTHORITY ISSUING THIS CARD)



IDENTITY CARD

PERMANENT CIVILIAN RELIGIOUS PERSONNEL
FOR TEMPORARY MEDICAL RELIGIOUS

NAME

.....

DATE OF BIRTH (OR AGE)

IDENTITY No. (IF ANY)

THE HOLDER OF THIS CARD IS PROTECTED BY THE GENEVA CONVENTIONS OF 12 AUGUST 1949 AND BY THE PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949, AND RELATING TO THE PROTECTION OF VICTIMS OF INTERNATIONAL ARMED CONFLICTS (PROTOCOL I) IN HIS CAPACITY AS

DATE OF ISSUE NO. OF CARD

DATE OF EXPIRY SIGNATURE OF ISSUING AUTHORITY

REVERSE SID

HEIGHT.....

EYES

HAIR.....

OTHER DISTINGUISHING MARKS OR INFORMATION:

.....
.....
.....
.....

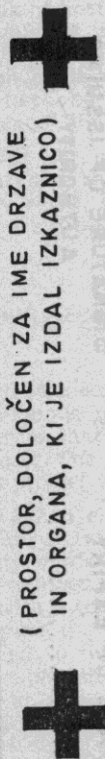
PHOTO OF HOLDER

SIGNATURE OF HOLDER OR THUMBPRINT OR BOTH

STAMP

FIG. 1: MODEL OF IDENTITY CARD (FORMAT: 74 mm X 105mm)

SPREDNJA STRAN



(PROSTOR, DOLOČEN ZA IME DRZAVE
IN ORGANA, KI JE IZDAL IZKAZNICO)

OSEBNA IZKAZNICA

ZA STALNO SANITETNO OSEBJE
CIVILNO VERSKO
ZAČASNO

IME

DATUM ROJSTVA (ALI STAROST)

MOREBITNA ŠTEVILKA IDENTITETA

IMETNIK TE IZKAZNICE JE ZAŠČITEN PO ŽENEVSKIH
KONVENCIJAH Z DNE 12. AVGUSTA 1949 IN PO DOPOL-
NILNEM PROTOKOLU K ŽENEVSKIM KONVENCIJAM
Z DNE 12 AVGUSTA 1949, KI SE NANAŠA NA ZAŠČITO
ŽRTEV MEDNARODNIH OBOROŽENIH SPOPADOV (I. PRO-
TOKOL) KOT

DATUM IZDAJE

ŠTEVILKA IZKAZNICE

DATUM IZTEKA VELJAVNOSTI

PODPIS ORGANA, KI IZDAJA
IZKAZNICO

HRBTNA STRAN

VIŠINA

BARVA OČI

BARVA LAS

DRUGA OSEBNA ZNAMENJA ALI OPOMBE:

.....
.....
.....

FOTOGRAFIJA IMETNIKA

PEČAT

PODPIS IMETNIKA ALI
PALČNI ODTIS ALI OBOJE

SLIKA 1: OBRAZEC ZA OSEBNO IZKAZNICO
(FORMAT: 74 mm X 105 mm)

Chapter II

THE DISTINCTIVE EMBLEM

Article 3

Shape and nature

1. The distinctive emblem (red on a white ground) shall be as large as appropriate under the circumstances. For the shapes of the cross, the crescent or the lion and sun, the High Contracting Parties may be guided by the models shown in Figure 2.

2. At night or when visibility is reduced, the distinctive emblem may be lighted or illuminated: it may also be made of materials rendering it recognizable by technical means of detection.

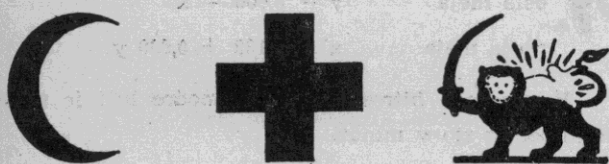


Fig. 2: Distinctive emblems in red on a white ground

Article 4

Use

1. The distinctive emblem shall, whenever possible, be displayed on a flat surface or on flags visible from as many directions and from as far away as possible.

2. Subject to the instructions of the competent authority, medical and religious personnel carrying out their duties in the battle area shall, as far as possible, wear headgear and clothing bearing the distinctive emblem.

Chapter III

DISTINCTIVE SIGNALS

Article 5

Optional Use

1. Subject to the provisions of Article 6 of these Regulations, the signals specified in this Chapter for exclusive use by medical units and transports shall not be used for any other purpose. The use of all signals referred to in this Chapter is optional.

2. Temporary medical aircraft which cannot, either for lack of time or because of their characteristics, be marked with the distinctive emblem, may use the distinctive signals authorized in this Chapter. The best method of effective identification and recognition

II. poglavje

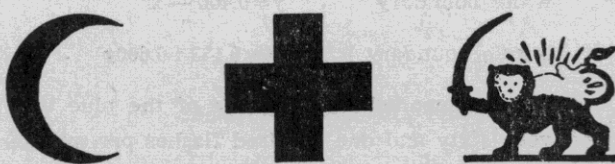
RAZPOZNAVNO ZNAMENJE

3. člen

Oblika in vrsta

1. Razpoznavno znamenje (rdeče na belem polju) bo tako veliko, kot bo to primerno v danih okoliščinah. Za oblike križa, polmeseca ali leva in sonca, lahko vzamejo visoke pogodbenice za zgled vzorec, prikazan na sliki 2.

2. Ponoči ali ob zmanjšani vidljivosti lahko razpoznavno znamenje sveti ali je lahko osvetljeno; izdelano je lahko tudi iz materilov, ki omogočajo njegovo razpoznavanje s tehničnimi sredstvi za odkrivanje.



Slika 2: Razpoznavna znamenja rdeče barve na belem polju

4. člen

Uporaba

1. Razpoznavno znamenje bo po možnosti postavljeno na ravni površini ali na zastavah, ki bodo vidne iz čim več smeri in iz čim večje oddaljenosti.

2. Po navodilih, ki jih bodo dale pristojna oblastva, bo nosilo sanitetno in versko osebje, ki opravlja svoje dolžnosti na bojiščih, če bo le mogoče, kapo in obleko z razpoznavnim znamenjem.

III. poglavje

RAZPOZNAVNI SIGNALI

5. člen

Neobvezna uporaba

1. S pogojem iz 6. člena tega pravilnika se signali, specificirani v tem poglavju za izključno uporabo sanitetnih enot in sanitetnih transportnih sredstev, ne bodo uporabljali za noben drug namen. Uporaba signalov, navedenih v tem poglavju, ni obvezna.

2. Začasna sanitetna letala, ki jih zaradi pomanjkanja časa ali zaradi njihovih značilnosti, ni mogoče zaznamovati z razpoznavnim znamenjem, smejo uporabljati v tem poglavju dovoljene razpoznavne signale. Najboljša metoda za učinkovito zaznamovanje in razpo-

of medical aircraft is, however, the use of a visual signal, either the distinctive emblem or the light signal specified in Article 6, or both, supplemented by the other signals referred to in Articles 7 and 8 of these Regulations.

Article 6

Light signal

1. The light signal, consisting of a flashing blue light, is established for the use of medical aircraft to signal their identity. No other aircraft shall use this signal. The recommended blue colour is obtained by using, as trichromatic co-ordinates:

green boundary $y = 0.065 + 0.805x$

white boundary $y = 0.400 - x$

purple boundary $x = 0.133 + 0.600y$

The recommended flashing rate of the blue light is between sixty and one hundred flashes per minute.

2. Medical aircraft should be equipped with such lights as may be necessary to make the light signal visible in as many directions as possible.

3. In the absence of a special agreement between the Parties to the conflict reserving the use of flashing blue lights for the identification of medical vehicles and ships and craft, the use of such signals for other vehicles or ships is not prohibited.

Article 7

Radio signal

1. The radio signal shall consist of a radiotelephonic or radiotelegraphic message preceded by a distinctive priority signal to be designated and approved by a World Administrative Radio Conference of the International Telecommunication Union. It shall be transmitted three times before the call sign of the medical transport involved. This message shall be transmitted in English at appropriate intervals on a frequency or frequencies specified pursuant to paragraph 3. The use of the priority signal shall be restricted exclusively to medical units and transports.

2. The radio message preceded by the distinctive priority signal mentioned in paragraph 1 shall convey the following data:

- (a) call sign of the medical transport;
- (b) position of the medical transport;
- (c) number and type of medical transports;
- (d) intended route;

znavanje sanitetnih letal je uporaba vizualnega signala, bodisi razpoznavnega znamenja ali svetlobnega signala, specificiranega v 6. členu, ali enega in drugega, dopolnjenega z drugimi signali, tako kot je navedeno v 7. in 8. členu tega pravilnika.

6. člen

Svetlobni signal

1. Svetlobni signal, ki sestoji iz utripajoče modre luči, je uveden, da ga uporabljajo sanitetna letala za signaliziranje svoje identitete. Tega signala ne bo uporabljalo nobeno drugo letalo. Priporočena modra barva se dobi z uporabo trikromatskih koordinat:

zelena meja $y = 0.065 + 0.805 x$

bela meja $y = 0.400 - x$

rdeča meja $x = 0.133 + 0,600 y$

Priporočena hitrost utripov modre luči je med šestdeset in sto v minuti.

2. Sanitetna letala morajo biti opremljena s takšnimi lučmi, kakršne utegnejo biti potrebne, da bi bil svetlobni signal viden iz čim več smeri.

3. Če med stranmi v spopadu ni posebnega sporazuma, po katerem bi bila uporaba utripajoče modre luči rezervirana za zaznamovanje sanitetnih vozil, bolniških ladij in manjših sanitetnih plovil, uporaba takšnih signalov na drugih vozilih ali ladjah ni prepovedana.

7. člen

Radijski signal

1. Radijski signal bo sestavljen iz radiotelefonskega ali radiotelegrafskega sporočila, pred katerim bo dan značilen prioritetni signal, ki ga bo določila in dovolila svetovna administrativna radijska konferenca Mednarodne unije za telekomunikacije. Ta signal se bo oddajal trikrat pred klicnim znakom zadevnega sanitetnega transportnega sredstva. To sporočilo se bo oddajalo v angleščini v ustreznih presledkih na frekvenci ali frekvencah, specificiranih v skladu s tretjim odstavkom. Uporaba prioritetnega signala bo omejena izključno na sanitetne enote in transporte.

2. V radijskem sporočilu, pred katerim bo dan značilen prioritetni signal, navedenemu v prvem odstavku, se bodo sporočali tile podatki:

- (a) klicni znak za sanitetno transportno sredstvo;
- (b) položaj sanitetnega transportnega sredstva;
- (c) številka in tip sanitetnih transportnih sredstev;
- (d) nameravana smer gibanja;

(e) estimated time en route and of departure and arrival, as appropriate;

(f) any other information such as flight altitude, radio frequencies guarded, languages and secondary surveillance radar modes and codes.

3. In order to facilitate the communications referred to in paragraphs 1 and 2, as well as the communications referred to in Articles 22, 23, 25, 26, 27, 28, 29, 30 and 31 of the Protocol, the High Contracting Parties, the Parties to a conflict, or one of the Parties to a conflict, acting in agreement or alone, may designate, in accordance with the Table of Frequency Allocations in the Radio Regulations annexed to the International Telecommunication Convention, and publish selected national frequencies to be used by them for such communications. These frequencies shall be notified to the International Telecommunication Union in accordance with procedures to be approved by a World Administrative Radio Conference.

Article 8

Electronic identification

1. The Secondary Surveillance Radar (SSR) system, as specified in Annex 10 to the Chicago Convention on International Civil Aviation of 7 December 1944, as amended from time to time, may be used to identify and to follow the course of medical aircraft. The SSR mode and code to be reserved for the exclusive use of medical aircraft shall be established by the High Contracting Parties, the Parties to a conflict, or one of the Parties to a conflict, acting in agreement or alone, in accordance with procedures to be recommended by the International Civil Aviation Organization.

2. Parties to a conflict may, by special agreement between them, establish for their use a similar electronic system for the identification of medical vehicles, and medical ships and craft.

Chapter IV

COMMUNICATIONS

Article 9

Radiocommunications

The priority signal provided for in Article 7 of these Regulations may precede appropriate radiocommunications by medical units and transports in the application of the procedures carried out under Articles 22, 23, 25, 26, 27, 28, 29, 30 and 31 of the Protocol.

Article 10

Use of international codes

Medical units and transports may also use the codes and signals laid down by the International

(e) ocena, koliko časa bo sredstvo na poti, ter čas odhoda ter prihoda ustrezno primeru;

(f) vse druge informacije, kot so višina leta, zadržane radijske frekvence, jeziki, načini in šifre sekundarnega opazovalnega radarja.

3. Da bi bile olajšane komunikacije, navedene v prvem in drugem odstavku, ter komunikacije, navedene v 22., 23., 25., 26., 27., 28., 29., 30. in 31. členu protokola, lahko določijo in objavijo visoke pogodbenice, strani v spopadu ali ena izmed strani v spopadu, sporazumno ali posamič v skladu s tabelo razdelitve frekvenc iz pravilnika o radiokomunikacijah, ki je priložen k Mednarodni konvenciji o telekomunikacijah, izbrane nacionalne frekvence, ki jih bodo uporabljale za takšne komunikacije. O teh frekvencah bo obveščena Mednarodna unija za telekomunikacije po postopku, ki ga odobri svetovna administrativna radijska konferenca.

8. člen

Elektronska identifikacija

1. Sistem sekundarnega opazovalnega radarja (SSR), specifikiran v prilogi 10 k čikaški konvenciji o mednarodnem civilnem letalstvu z dne 7. decembra 1944, z občasnimi izboljšavami, se lahko uporablja za zaznavanje in spremljanje smeri sanitetnega letala. Način in šifre SSR, ki bodo rezervirane izključno za sanitetna letala, bodo uvedle visoke pogodbenice, strani v spopadu ali ena izmed strani v spopadu sporazumno ali posamič po postopku, ki ga bo priporočila Mednarodna organizacija za civilno letalstvo.

2. Strani v spopadu lahko uvedejo s posebnim medsebojnim sporazumom za svojo uporabo podoben elektronski sistem za identifikacijo sanitetnih vozil, bolniških ladij in manjših plovil za reševanje.

IV. poglavje

KOMUNIKACIJE

9. člen

Radijske komunikacije

Prioritetni signal, določen v 7. členu tega pravilnika, je lahko dan pred ustreznimi radijskimi komunikacijami sanitetnih enot in sanitetnih transportov za izvedbo postopkov, določenih v 22., 23., 25., 26., 27., 28., 29., 30. in 31. členu protokola.

10. člen

Uporaba mednarodnih šifer

Sanitetne enote in sanitetni transporti lahko uporabljajo tudi šifre in signale, ki so jih določile Med-

Telecommunication Union, the International Civil Aviation Organization and the Inter Governmental Maritime Consultative Organization. These codes and signals shall be used in accordance with the standards, practices and procedures established by these Organizations.

Article 11

Other means of communication

When two-way radiocommunication is not possible, the signals provided for in the International Code of Signals adopted by the Inter-Governmental Maritime Consultative Organization or in the appropriate Annex to the Chicago Convention on International Civil Aviation of 7 December 1944, as amended from time to time, may be used.

Article 12

Flight plans

The agreements and notifications relating to flight plans provided for in Article 29 of the Protocol shall as far as possible be formulated in accordance with procedures laid down by the International Civil Aviation Organization.

Article 13

Signals and procedures for the interception of medical aircraft

In an intercepting aircraft is used to verify the identity of a medical aircraft in flight or to require it to land in accordance with Articles 30 and 31 of the Protocol, the standard visual and radio interception procedures prescribed by Annex 2 to the Chicago Convention on International Civil Aviation of 7 December 1944, as amended from time to time, should be used by the intercepting and the medical aircraft.

Chapter V

CIVIL DEFENCE

Article 14

Identity card

1. The identity card of the civil defence personnel provided for in Article 66, paragraph 3, of the Protocol is governed by the relevant provisions of Article 1 of these Regulations.

2. The identity card for civil defence personnel may follow the model shown in Figure 3.

3. If civil defence personnel are permitted to carry light individual weapons, an entry to that effect should be made on the card mentioned.

narodna unija za telekomunikacije, Mednarodna organizacija za civilno letalstvo in Mednarodna pomorska konzultativna organizacija. Te šifre in signali se bodo uporabljali v skladu s standardi, prakso in postopkom, ki so jih uvedle te organizacije.

11. člen

Druga komunikacijska sredstva

Kadar ni možna dvosmerna radijska komunikacija, se lahko uporabljajo signali, določeni v mednarodnem kodeksu signalov, ki ga je sprejela Mednarodna pomorska konzultativna organizacija, ali v ustrezni prilogi k čikaški konvenciji o mednarodnem civilnem letalstvu z dne 7. decembra 1944 z občasnimi spremembami.

12. člen

Načrti poletov

Sporazumi in notifikacije iz 29. člena tega protokola, ki se nanašajo na načrte, bodo formulirani čimbolj v skladu s postopkom, ki ga je predpisala Mednarodna organizacija za civilno letalstvo.

13. člen

Signali in postopki za prestrezanje sanitetnih letal

Če se uporablja letalo za prestrezanje zato, da bi preverilo identiteto sanitetnega letala v letu ali da bi zahtevalo od njega, naj pristane, v skladu s 30. in 31. členom protokola, bosta letalo za prestrezanje in sanitetno letalo uporabila standardne vizualne in radijske postopke za prestrezanje tako, kot je določeno v prilogi 2 k čikaški konvenciji o mednarodnem civilnem letalstvu z dne 7. decembra 1944 z občasnimi spremembami.

V. poglavje

CIVILNA ZAŠČITA

14. člen

Osebna izkaznica

1. Osebna izkaznica za osebe civilne zaščite, določena v tretjem odstavku 66. člena protokola, je urejena z ustreznimi določbami 1. člena tega pravilnika.

2. Osebna izkaznica za osebe civilne zaščite je lahko izdelana po vzorcu, ki je prikazan na sliki 3.

3. Če je osebi civilne zaščite dovoljeno, da sme nositi lahko osebno orožje, je treba to v osebni izkaznici omeniti.

REVERSE SIDE

HEIGHT	EYES	HAIR
OTHER DISTINGUISHING MARKS OR INFORMATION: WEAPONS		
PHOTO OF HOLDER		
STAMP		SIGNATURE OF HOLDER OR THUMBPRINT OR BOTH

FRONT

(SPACE RESERVED FOR THE NAME OF THE COUNTRY AND AUTHORITY ISSUING THIS CARD)

IDENTITY CARD

FOR CIVIL DEFENCE PERSONNEL

NAME

DATE OF BIRTH (OR AGE)

IDENTITY NO. (IF ANY)

THE HOLDER OF THIS CARD IS PROTECTED BY THE GENEVA CONVENTIONS OF 12 AUGUST 1949 AND BY THE PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949, AND RELATING TO THE PROTECTION OF VICTIMS OF INTERNATIONAL ARMED CONFLICTS (PROTOCOL I) IN HIS CAPACITY AS

DATE OF ISSUE NO. OF CARD

SIGNATURE OF ISSUING AUTHORITY

DATE OF EXPIRY


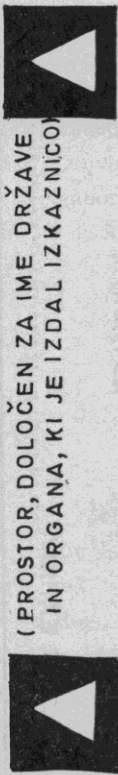


FIG. 3: MODEL OF IDENTITY CARD FOR CIVIL DEFENCE PERSONNEL (FORMAT: 74 mm X 105 mm)

SPREDNJA STRAN



(PROSTOR, DOLOČEN ZA IME DRŽAVE
IN ORGANA, KI JE IZDAL IZKAZNICO)

OSEBNA IZKAZNICA

ZA OSEBE CIVILNE ZAŠČITE

IME

.....

DATUM ROJSTVA (ALI STAROST)

MOREBITNA ŠTEVILKA IDENTITETE

IMETNIK TE IZKAZNICE JE ZAŠČITEN PO ŽENEVSKIH KON-
VENCIJAH Z DNE 12. AVGUSTA 1949 IN PO DOPOLNILNEM
PROTOKOLU K ŽENEVSKIM KONVENCIJAM Z DNE 12. AV-
GUSTA 1949, KI SE NANAŠA NA ZAŠČITO ŽRTEV MEDNA-
RODNIH OBOROŽENIH SPOPADOV (I. PROTOKOL), KOT

.....

.....

DATUM IZDAJE ŠTEVILKA IZKAZNICE.....

DATUM IZTEKA VELJAVNOSTI PODPIS ORGANA, KI IZ-
DAJA IZKAZNICO

.....

HRBTNA STRAN

VIŠINA BARVA OČI BARVA LAS

DRUGA POSEBNA ZNAMENJA ALI OPOMBE:

.....

.....

OROŽJE

FOTOGRAFIJA IMETNIKA

BRIGADO DE HONDAS

PEČAT

PODPIS IMETNIKA ALI
PALČNI ODTIS ALI OBOJE

SLIKA 3: OBRAZEC ZA OSEBNO IZKAZNICO ZA OSEBE CIVILNE ZAŠČITE

(FORMAT: 74 mm X 105 mm)

Article 15

International distinctive sign

1. The international distinctive sign of civil defence provided for in Article 66, paragraph 4, of the Protocol is an equilateral blue triangle on an orange ground. A model is shown in Figure 4:



Fig. 4: Blue triangle on an orange ground

2. It is recommended that:

- (a) if the blue triangle is on a flag or armlet or tabard, the ground to the triangle be the orange flag, armlet or tabard;
- (b) one of the angles of the triangle be pointed vertically upwards;
- (c) no angle of the triangle touch the edge of the orange ground.

3. The international distinctive sign shall be as appropriate under the circumstances. The distinctive sign shall, whenever possible, be displayed on flat surfaces or on flags visible from as many directions and from as far away as possible. Subject to the instructions of the competent authority, civil defence personnel shall, as far as possible, wear headgear and clothing bearing the international distinctive sign. At night or when visibility is reduced, the sign may be lighted or illuminated; it may also be made of materials rendering it recognizable by technical means of detection.

Chapter VI

WORKS AND INSTALLATIONS CONTAINING DANGEROUS FORCES

Article 16

International special sign

1. The international special sign for works and installations containing dangerous forces, as provided for in Article 56, paragraph 7, of the Protocol, shall be a group of three bright orange circles of equal size, placed on the same axis, the distance between each circle being one radius, in accordance with Figure 5 illustrated below.

2. The sign shall be as large as appropriate under the circumstances. When displayed over an extended surface it may be repeated as often as appropriate under the circumstances. It shall, whenever possible, be displayed on flat surfaces or on flags so as to be visible from as many directions and from as far away as possible.

3. On a flag, the distance between the outer limits of the sign and the adjacent sides of the flag shall be one radius of a circle. The flag shall be rectangular and shall have a white ground.

4. At night or when visibility is reduced, the sign may be lighted or illuminated. It may also be made of materials rendering it recognizable by technical means of detection.



Fig. 5: International special sign for works and installations containing dangerous forces

15. člen

Mednarodni razpoznavni znak

1. Mednarodni razpoznavni znak civilne zaščite predviden v četrtem odstavku 66. člena protokola, je enakokrak moder trikotnik na oranžnem polju. Obrazec je prikazan na sliki 4:



Slika 4: Moder trikotnik na oranžnem polju

2. Priporoča se:

- (a) če je moder trikotnik na zastavi ali rokavnem traku ali površniku, naj bo polje trikotnika oranžna zastava, rokavni trak ali površnik;
- (b) naj bo eden izmed kotov trikotnika usmerjen navpično navzgor;
- (c) naj se noben kot trikotnika ne dotika roba oranžnega polja.

3. Mednarodni razpoznavni znak mora biti tako velik, da ustreza okoliščinam. Razpoznavni znak bo po možnosti na ravnih površinah ali na zastavah, da je viden iz čim več smeri in iz čim večje oddaljenosti. Po navodilih pristojnih oblasti, bo nosilo osebje civilne zaščite, če je le mogoče, kape in obleke z mednarodnim razpoznavnim znakom. Ponoči ali ob zmanjšani vidljivosti, lahko znak sveti ali je lahko osvetljen. Izdelan je lahko tudi iz materialov, ki omogočajo razpoznavanje s tehničnimi sredstvi za odkrivanje.

VI. poglavje

ZGRADBE IN NAPELJAVE, V KATERIH SO NEVARNE SILE

16. člen

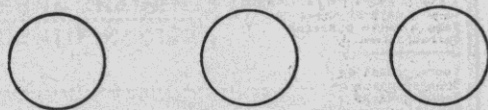
Poseben mednarodni znak

1. Poseben mednarodni znak za zgradbe in napeljave, v katerih so nevarne sile, določen v sedmem odstavku 56. člena protokola, bo skupina teh enako velikih svetlooranžnih krogov, ležečih na isti osi, oddaljenih drug od drugega za njihov polmer, kot kaže spodnja slika 5.

2. Znak bo tolikšen, da ustreza okoliščinam. Če bo postavljen na kakšni vzdolžni površini, je lahko ponovljen tolikokrat, da to ustreza okoliščinam. Po možnosti bo na ravnih površinah ali na zastavah, da je viden iz čim več smeri in iz čim večje oddaljenosti.

3. Na zastavi bo oddaljenost med zunanji robovi znaka in zunanji stranmi zastave enaka polmeru kroga. Zastava bo pravokotna in bo imela belo polje.

4. Ponoči ali ob zmanjšani vidljivosti lahko znak sveti ali je lahko osvetljen. Izdelan je lahko iz materialov, ki omogočajo razpoznavanje s tehničnimi sredstvi za odkrivanje.



Slika 5: Poseben mednarodni znak za zgradbe in napeljave, v katerih so nevarne sile

ANNEX II

IDENTITY CARD FOR JOURNALISTS ON DANGEROUS PROFESSIONAL MISSIONS

FRONT

<p>NOTICE</p> <p>This identity card is issued to journalists on dangerous professional missions in areas of armed conflicts. The holder is entitled to be treated as a civilian under the Geneva Conventions of 12 August 1949, and their Additional Protocol I. The card must be carried at all times by the bearer. If he is detained, he shall at once hand it to the Detaining Authorities, to assist in his identification.</p> <p>ملحوظة</p> <p>تصرف هذه البطاقة للمصحفين الكلتين بمهمات خطيرة في مناطق النزاعات المسلحة وبحق لمأحيها أن يعامل معاملة الشخص المدني وتقتل تنازلات جنيف الدولية ويجب أن يحتفظ صاحب البطاقة بها دوماً وإذا اعتقل فيجب أن يسلمها فوراً إلى سلطة الاعتقال لتساعد على تحديد هويته .</p> <p>NOTA</p> <p>La presente tarjeta de identidad se expide a los periodistas en misión profesional peligrosa en zonas de conflictos armados. Su titular tiene derecho a ser tratado como persona civil conforme a los Convenios de Ginebra del 12 de agosto de 1949 y de su Protocolo adicional I. La tarjeta debe llevarla el titular consigo, en todo momento. En caso de ser detenido, la entregará inmediatamente a las autoridades que lo detengan a fin de facilitar su identificación.</p> <p>AVIS</p> <p>La présente carte d'identité est délivrée aux journalistes en mission professionnelle périlleuse dans des zones de conflit armé. Le porteur a le droit d'être traité comme une personne civile aux termes des Conventions de Genève du 12 août 1949 et de leur Protocole additionnel I. La carte doit être portée en tout temps par son titulaire. Si celui-ci est arrêté, il la remettra immédiatement aux autorités qui le retiennent afin qu'elles puissent l'identifier.</p> <p>ПРИМЕЧАНИЕ</p> <p>Настоящее удостоверение выдается журналистам, находящимся в опасных профессиональных командировках в районах вооруженного конфликта. Его обладатель имеет право на обращение с ним как с гражданским лицом в соответствии с Женевскими Конвенциями от 12 августа 1949 г. и Дополнительным Протоколом I к ним. Владелец настоящего удостоверения должен постоянно иметь его при себе. В случае задержания он немедленно вручает его задерживающим властям для содействия установлению его личности.</p>	<p>(Name of country issuing this card) (اسم القطر الصادر لهذه البطاقة) (Nombre del país que expide esta tarjeta) (Nom du pays qui a délivré cette carte)</p> <p>IDENTITY CARD FOR JOURNALISTS ON DANGEROUS PROFESSIONAL MISSIONS</p> <p>بطاقة الهوية الخاصة بالمصحفين الكلتين بمهمات خطيرة</p> <p>TARJETA DE IDENTIDAD DE PERIODISTA EN MISION PELIGROSA</p> <p>CARTE D'IDENTITE DE JOURNALISTE EN MISSION PERILLEUSE</p> <p>УДОСЛОВЕРЕНИЕ КУРНАЛИСТА, НАХОДЯЩЕГОСЯ В ОПАСНОЙ КОМАНДИРОВКЕ</p>
--	--

REVERSE SIDE

<p>Issued by (competent authority) (صدرت من (السلطة المختصة)</p> <p>Expuesta por (autoridad competente) Délivrée par (autorité compétente) Выдано (компетентными властями)</p> <p>Photograph of bearer (صورة صاحب البطاقة)</p> <p>Fotografia del titular Photographie du porteur Фотография предъявителя</p> <p>(Official seal imprint) (الختم الرسمي)</p> <p>(Sello oficial) (Timbre de l'autorité délivrant la carte) (Официальный печат)</p> <p>(Signature of bearer) (توقيع صاحب البطاقة)</p> <p>(Firma del titular) (Signature du porteur) (Подпись владельца)</p> <p>Name اسم الشخصية</p> <p>Apellidos فاميليا</p> <p>Nombre الاسم</p> <p>Prénoms الاسم الأول</p> <p>Sex, Nationality جنس و تاريخ الميلاد</p> <p>Place & date of birth مكان وتاريخ الميلاد</p> <p>Lugar y fecha de nacimiento Lieu & date de naissance Дата и место рождения</p> <p>Correspondent of مراسل</p> <p>Correspondent de Correspondant de Korrespondent المتمسك</p> <p>Specific occupation المهنة المحددة</p> <p>Categoría profesional Categorie professionnelle Под категория</p> <p>Valid for ينتهي العمل بتاريخ</p> <p>Valido por Durée de validité Действительно</p>	<p>Height الطول</p> <p>Estatura Taille Рост</p> <p>Weight الوزن</p> <p>Peso Poids Вес</p> <p>Blood type نمط الدم</p> <p>Grupo sanguíneo Groupe sanguin Группа крови</p> <p>Religion (optional) (اختياري) الديانة</p> <p>Religion (optativo) Religion (facultatif) Религия (факультативно)</p> <p>Fingerprints (optional) (اختياري) البصمات</p> <p>Huellas dactilares (optativo) Empreintes digitales (facultatif) Отпечатки пальцев (факультативно)</p> <p>(Left forefinger) (السبابة اليسرى)</p> <p>(Dedo índice izquierdo) (Index gauche) (Исвая указательный палец)</p> <p>Eyes العيان</p> <p>Ojos Yeux Глаза</p> <p>Hair الشعر</p> <p>Cabello Cheveux Волосы</p> <p>Rh factor عامل التجلط</p> <p>Factor Kh Facteur Rh Rh- фактор</p> <p>(Right forefinger) (السبابة اليمنى)</p> <p>(Dedo índice derecho) (Index droite) (Правый указательный палец)</p> <p>Special parts of identification العلامات المميزة للتعريف</p> <p>Signes particuliers Signes particuliers Особые признаки</p>
--	--

PRILOGA II
 OSEBNA IZKAZNICA ZA ČASNIKARJE
 NA NEVARNIH POKLICNIH DOLŽNOSTIH

SPREDNJA STRAN

<p style="text-align: center;">OBVESTILO</p> <p>TA OSEBNA IZKAZNICA SE IZDA ČASNIKARJEM NA NEVARNIH POKLICNIH DOLŽNOSTIH NA OBMOČJIH OBOROŽENIH SPOPADOV. IMETNIK IZKAZNICE IMA PRAVICO, DA SE Z NJIM RAVNA KOT S CIVILNO OSEBO PO ŽENEVSKIH KONVENCIJAH Z DNE 12. AVGUSTA 1949 IN NJIHOVEM DOPOLNILNEM PROTOKOLU I. IMETNIK MORA NOSITI IZKAZNICO VEDNO S SEBOJ. ČE JE PRIPRT, MORA IZKAZNICO TAKOJ IZROČITI OBLASTVOM, KI SO GA PRIPRE, DA BI OLAJŠAL SVOJO IDENTIFIKACIJO</p>	<p style="text-align: center;">..... (IME DRŽAVE, KI IZDAJA TO IZKAZNICO)</p> <p style="text-align: center;">OSEBNA IZKAZNICA ZA ČASNIKARJE NA NEVARNIH POKLICNIH DOLŽNOSTI</p>
---	---

HRBTNA STRAN

<p>IZDANO (NAVESTI PRISTOJNO OBLASTVO) </p> <p style="text-align: center;">FOTOGRAFIJA IMETNIKA</p> <p style="text-align: center;">KRAJ </p> <p style="text-align: center;">DATUM </p> <p>URADNI PEČAT (PODPIS IMETNIKA)</p> <p>PRIIMEK </p> <p>IME </p> <p>KRAJ IN DATUM ROJSTVA.....</p> <p>DOPISNIK.....</p> <p>POKLICNA KATEGORIJA </p> <p>VELJAVNOST IZKAZNICE </p>	<p>VIŠINA..... BARVA OČI.....</p> <p>TEŽA..... BARVA LAS.....</p> <p>KRVNA SKUPINA..... RH FAKTOR.....</p> <p>VERA (NI OBVEZNO).....</p> <p>PRSTNI ODTIS (NI OBVEZNO)</p> <p>(LEVI KAZALEC) (DESNI KAZALEC)</p> <p>POSEBNA ZNAMENJA ZA IDENTIFIKACIJO</p> <p>.....</p> <p>.....</p>
---	---

PROTOCOL ADDITIONAL

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

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 those 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 the 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.

Article 2**Personal field of application**

1. This Protocol shall be applied without any adverse distinction founded on 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 (hereinafter referred to as adverse distinction founded on race, colour, sex, language "adverse distinction") to all persons affected by an armed conflict as defined in Article 1.

DOPOLNILNI PROTOKOL

K ŽENEVSKIM KONVENCIJAM Z DNE 12. AVGUSTA 1949 O ZAŠČITI ŽRTEV NEMEDNARODNIH OBOROŽENIH SPOPADOV (PROTOKOL II)

PREAMBULA

Visoke pogodbenice, ki

opozarjajo, da so humanitarna načela iz 3. člena, ki je skupen za ženevske konvencije z dne 12. avgusta 1949, podlaga za spoštovanje človekove osebnosti v primerih oboroženega spopada, ki ni mednarodnega značaja,

nadalje opozarjajo, da zagotavljajo mednarodni instrumenti, ki se nanašajo na človekove pravice, osnovno zaščito človekove osebnosti,

poudarjajo, da je treba zagotoviti boljšo zaščito žrtev teh oboroženih spopadov,

somnjinjajo, da ostane v primerih, ki niso zajeti z veljavnim pravom, človekova osebnost pod zaščito načel humanosti in zapovedmi javne vesti,

so se zedinile o naslednjem:

I. DEL**PODROČJE TEGA PROTOKOLA****1. člen****Materialno področje uporabe**

1. Ta protokol, s katerim se razvija in dopolnjuje 3. člen, ki je skupen za Ženevske konvencije z dne 12. avgusta 1949, ne da bi spreminjal njegove veljavne pogoje za uporabo, se bo uporabljal za vse oborožene spopade, ki niso zajeti s 1. členom dopolnilnega protokola k ženevskim konvencijam z dne 12. avgusta 1949 o zaščiti žrtev mednarodnih oboroženih spopadov (I. protokol), na ozemlju visoke pogodbenice med njenimi oboroženimi silami in odpadniškimi oboroženimi silami ali drugimi organiziranimi oboroženimi skupinami, ki pod odgovornim poveljstvom opravljajo takšno kontrolo nad delom njenega ozemlja, ki jim omogoča nenehne in usmerjene vojaške operacije in uporabo tega protokola.

2. Ta protokol se ne bo uporabljal za situacije pri notranjih nemirih in napetostih, kot so upori, izolirani ali sporadični akti nasilja in drugi akti podobne narave, ker to niso oboroženi spopadi.

2. člen**Osebnostno področje uporabe**

1. Ta protokol se bo uporabljal brez kakršnekoli diskriminacije, ki bi temeljila na rasi, barvi kože, spolu, jeziku, veroizpovedi ali prepričanju, političnem ali drugem mišljenju, nacionalnem ali socialnem poreklu, bogastvu, rojstvu ali drugem statusu ali na kateremkoli drugem podobnem kriteriju (v nadaljnjem besedilu: »diskriminacija«), za vse osebe, ki so prizadete v oboroženem spopadu, kot je definiran v 1. členu.

2. At the end of the armed conflict, all the persons who have been deprived of their liberty of whose liberty has been restricted for reasons related to such conflict, as well as those deprived of their liberty or whose liberty is restricted after the conflict for the same reasons, shall enjoy the protection of Articles 5 and 6 until the end of such deprivation or restriction of liberty.

Article 3

Non-intervention

1. Nothing in this Protocol shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.

2. Nothing in this Protocol shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs.

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 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 any place whatsoever:

- (a) violence to the life health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;
- (b) collective punishments;
- (c) taking of hostages;
- (d) acts of terrorism;
- (e) outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;
- (f) slavery and the slave trade in all their forms;
- (g) pillage;
- (h) threats to commit any of the foregoing acts.

3. Children shall be provided with the care and aid they require, and in particular:

- (a) they shall receive education, including religious and moral education, in keeping with the wishes of their parents or, in the absence of parents, of those responsible for their care;

2. Na koncu oboroženega spopada bodo osebe, ki jim je bila odvzeta ali jim je bila omejena prostost iz razlogov v zvezi s takšnim spopadom, kakor tudi osebe, ki jim je bila prostost vzeta ali jim je bila omejena po spopadu iz istih razlogov, uživale zaščito v skladu s 5. in 6. členom, dokler ne preneha odvzem ali omejitev prostosti.

3. člen

Nevmešavanje

1. Ni se mogoče sklicevati na nobeno določbo iz tega protokola, da bi se ogrozila suverenost države ali odgovornost vlade, da z vsemi zakonitimi sredstvi ohrani ali ponovno vzpostavi zakon in red v državi ali da brani nacionalno enotnost in teritorialno neokrnjenost države.

2. Ni se mogoče sklicevati na nobeno določbo iz tega protokola kot opravičilo za direktno ali indirektno vmešavanje iz kateregakoli razloga v oboroženi spopad ali v notranje ali zunanje zadeve visoke pogodbenice, na katere ozemlju je prišlo do tega spopada.

II. DEL

HUMANO RAVNANJE

4. člen

Temeljne garancije

1. Vse osebe, ki niso direktno udeležene ali ki so prenehale biti udeležene v sovražnostih, imajo ne glede na to, ali je bila njihova prostost omejena ali ne, pravico, da se spoštujejo njihova osebnost, čast in prepričanje ter versko prepričanje. Ob vsaki priložnosti se bo z njimi ravnalo humano brez kakršnekoli diskriminacije. Prepovedano je ukazovati, da ne sme biti preživelih.

2. Brez škode za načelni značaj zgoraj omenjenih določb, so in ostanejo vselej in povsod prepovedana naslednja dejanja zoper osebe, omenjene v prvem odstavku:

- (a) nasilje nad življenjem, zdravjem in telesnim in duševnim blagostanjem ljudi, zlasti umor ter okrutno ravnanje, kot so mučenje, pohabljanje ali katerakoli oblika telesne kazni;
- (b) kolektivne kazni;
- (c) jemanje talcev;
- (d) akti terorizma;
- (e) žalitev človekovega dostojanstva, zlasti poniževalno ravnanje in degradiranje, posilstvo, prisilna prostitucija in vsaka oblika nespodobnega napada;
- (f) suženjstvo in trgovina s sužnji v vseh oblikah;
- (g) ropanje;
- (h) grožnje z izvršitvijo kateregakoli izmed zgoraj omenjenih dejanj.

3. Otrokom bosta izkazovani nega in pomoč, ki jim je potrebna, zlasti pa:

- (a) jim bo zagotovljena vzgoja, včevši versko in moralno vzgojo, upoštevajoč želje njihovih staršev, ali v primeru odsotnosti staršev želje oseb, ki so odgovorne za skrb o njih;

(b) all appropriate steps shall be taken to facilitate the reunion of families temporarily separated;

(c) children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities;

(d) the special protection provided by this Article to children who have not attained the age of fifteen years shall remain applicable to them if they take a direct part in hostilities despite the provisions of sub-paragraph (c) and are captured;

(e) measures shall be taken, if necessary, and whenever possible with the consent of their parents who by law or custom are primarily responsible for their care, to remove children temporarily from the area in which hostilities are taking place to a safer area within the country and ensure that they are accompanied by persons responsible for their safety and well-being.

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 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;

(b) storjeni bodo vsi ustrezni koraki, da se olajša ponovno zbiranje družin, ki so bile začasno razkrojljene;

(c) otroci, ki niso dopolnili 15 let starosti, ne bodo rekrutirani v oborožene sile ali skupine in jim tudi ne bo dovoljeno, da bi sodelovali v sovražnostih;

(d) posebna zaščita, ki jo določa ta člen za otroke, ki niso dopolnili 15 let starosti, se bo uporabljala za nje tudi, če bi bili kljub določbi pod (c) direktno udeleženi v sovražnostih in bili ujeti;

(e) če bo potrebno, bodo sprejeti ukrepi, kadarkoli bo to mogoče s privolitvijo njihovih staršev ali oseb, ki so po zakonu ali običaju predvsem odgovorne za skrb o njih, da se otroci začasno odvedejo z območja, na katerem so izbruhnile sovražnosti, na varnejše območje v notranjosti države, zagotovljeno pa bo tudi, da bodo otroke spremljale osebe, ki so odgovorne za njihovo varnost in blagostanje.

5. člen

Osebe, ki je bila njihova prostost omejena

1. Poleg določb 4. člena se bodo glede oseb, ki jim je bila prostost vzeta iz razlogov v zvezi z oboroženim spopadom, bodisi da so bile internirane ali priprte, spoštovale kot minimum te določbe:

(a) z ranjenci in bolniki se bo ravnalo v skladu s 7. členom;

(b) osebe, o katerih govori ta odstavek, bodo preiskrbovane s hrano in pitno vodo v enakem obsegu kot lokalno civilno prebivalstvo, zavarovane pa bodo v zdravstvenem in higienskem pogledu ter proti surovi klimi in nevarnostim oboroženih spopadov;

(c) dovoljeno jim bo prejemanje individualne ali kolektivne pomoči;

(d) dovoljeni jim bodo njihovi verski obredi in, če bodo zahtevali in bo to primerno, prejemanje duhovne pomoči od oseb, kot so kaplani, ki opravljajo verske funkcije;

(e) če bodo prisiljene delati, jim bodo zagotovljeni podobni delovni pogoji in varstvo, kot jih ima lokalno civilno prebivalstvo.

2. Tisti, ki so odgovorni za interniranje ali pripor oseb, omenjenih v prvem odstavku, bodo v mejah svojih možnosti spoštovali naslednje določbe, ki se nanašajo na takšne osebe:

(a) žene bodo v posebnih oddelkih, ločenih od moških obdelkov, in pod neposrednim nadzorstvom žensk, razen če sta moški in ženska iz ene družine nastanjena skupaj;

(b) dovoljeno jim bo pošiljati in sprejemati pisma in dopisnice, katerih število lahko pristojna oblastva omejijo, če menijo, da je to potrebno;

(c) kraji za interniranje in pripor ne bodo blizu bojne cone. Osebe, o katerih govori prvi odstavek, bodo evakuirane, ko postanejo kraji, kjer so internirane, ali priprte, izpostavljeni nevarnosti oboroženega spopada, če je njihova evakuacija možna v sorazmerno varnih razmerah;

(d) omogočeni jim bodo zdravniški pregledi;

(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 (a), (c) and (d), and 2 (b) of this Article.

4. If it is decided to release persons deprived of their liberty, necessary measures to ensure their safety shall be taken by those so deciding.

Article 6

Penal prosecutions

1. This Article applies to the prosecution and punishment of criminal offences related to the armed conflict.

2. No sentence shall be passed and no penalty shall be executed on a person found guilty of an offence except pursuant to a conviction pronounced by a court offering the essential guarantees of independence and impartiality. In particular:

(a) the procedure shall provide for an accused to be informed without delay of the particulars of the offence alleged against him and shall afford the accused before and during his trial all necessary rights and means of defence;

(b) no one shall be convicted of an offence except on the basis of individual penal responsibility;

(c) no one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under the law, at the time when it was committed; nor shall a heavier penalty be imposed than that which was applicable at the time when the criminal offence was committed; if, after the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby;

(d) anyone charged with an offence is presumed innocent until proved guilty according to law;

(e) anyone charged with an offence shall have the right to be tried in his presence;

(f) no one shall be compelled to testify against himself or to confess guilt.

3. A convicted person shall be advised on conviction of his judicial and other remedies and of the time-limits within which they may be exercised.

4. The death penalty shall not be pronounced on persons who were under the age of eighteen years at the time of the offence and shall not be carried out on pregnant women or mothers of young children.

5. At the end of hostilities, the authorities in power shall endeavour to grant the broadest possible amnesty to persons who have participated in the armed conflict, or those deprived of their liberty for reasons related to the armed conflict, whether they are interned or detained.

(e) njihovo telesno in duševno zdravje in integriteta ne bosta ogrožena z nobenim neopravičenim dejanjem ali opustitvijo. V skladu s tem je prepovedano podvreči v tem členu omenjene osebe kakršnemu-koli medicinskemu postopku, ki ga ne zahteva zdravstveno stanje zadevne osebe in ki ni v skladu s splošno priznanimi medicinskimi standardi, ki veljajo za ljudi na prostosti v podobnih medicinskih okoliščinah.

3. Z osebami, ki niso zajete s prvim odstavkom, vendar je bila njihova prostost v zvezi z oboroženim spopadom na kakršenkoli način omejena, se bo ravnalo na human način v skladu s 4. členom in prvim odstavkom pod (a), (c) in (d) ter drugim odstavkom pod (b) tega člena.

4. Če se sklene izpustiti osebe, ki jim je bila vzeta prostost, bodo tisti, ki tako sklenejo, dolžni storiti ukrepe, da zagotovijo njihovo varnost.

6. člen

Kazenski pregon

1. Ta člen se uporablja za pregon in kaznovanje za kazniva dejanja v zvezi z oboroženim spopadom.

2. Izreči kakršnokoli sodbo in izvršiti kakršnokoli kazen nad osebo, za katero se ugotovi, da je kriva za kršitev, je dovoljeno samo na podlagi sodbe, ki jo je izreklo sodišče, ki daje osnovne garancije o neodvisnosti in nepristanskosti. Zlasti:

(a) bo s postopkom zagotovljeno, da bo obtoženi brez odlašanja obveščen o podrobnostih kršitve, ki jo je baje storil, in mu bodo pred sojenjem in med njim zagotovljene vse potrebne pravice in sredstva za zagovor;

(b) nihče ne bo spoznan za krivega za kršitev, razen na podlagi osebne kazenske odgovornosti;

(c) nihče ne bo spoznan za krivega za katerokoli kaznivo dejanje zaradi kateregakoli dejanja ali opustitve, ki tedaj, ko je bilo storjeno, ni pomenilo po zakonu kaznivega dejanja, niti bo izrečena hujša kazen od tiste, ki je bila uporabljiva v času, ko je bilo kaznivo dejanje storjeno; če je po storitvi kršitve z zakonom predpisana milejša kazen, bo krivec tega deležen;

(d) vsakdo, ki je obtožen za kršitev, se šteje za nedolžnega, dokler se mu ne dokaže krivda v skladu z zakonom;

(e) vsakdo, ki je obtožen za kršitev, bo imel pravico, da se mu sodi v njegovi navzočnosti;

(f) nihče ne bo prisiljen pričevati zoper samega sebe ali priznati krivdo.

3. Oseba, ki je obsojena, bo ob izdaji sodbe obveščena o pravnih in drugih sredstvih ter o rokih, v katerih lahko ta sredstva uporabi.

4. Smrtna kazen ne bo izrečena osebami, ki takrat, ko so storile kršitev, še niso dopolnile 18 let starosti, in ne bo izvršena nad nosečnicami ali materami z majhnimi otroki.

5. Po končanih sovražnostih si bodo oblasti prizadevala v največji možni meri amnestirati osebe, ki so sodelovale v oboroženem spopadu, ali tiste, ki jim je bila iz razlogov v zvezi z oboroženim spopadom vzeta prostost, bodisi so bile internirane ali priprte.

PART III**WOUNDED, SICK AND SHIPWRECKED****Article 7****Protection and care**

1. All the wounded, sick and shipwrecked, whether or not they have taken part in the armed conflict, shall be respected and protected.

2. In all circumstances they shall be treated humanely and shall receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition. There shall be no distinction among them founded on any grounds other than medical ones.

Article 8**Search**

Whenever circumstances permit, and particularly after an engagement, all possible measures shall be taken, without delay, to search for and collect the wounded, sick and shipwrecked, to protect them against pillage and ill-treatment, to ensure their adequate care, and to search for the dead, prevent their being despoiled, and decently dispose of them.

Article 9**Protection of medical and religious personnel**

1. Medical and religious personnel shall be respected and protected and be granted all available help for the performance of their duties. They shall not be compelled to carry out tasks which are not compatible with their humanitarian mission.

2. In the performance of their duties medical personnel may not be required to give priority to any person except on medical grounds.

Article 10**General protection of medical duties**

1. Under no circumstances shall any person be punished for having carried out medical activities compatible with medical ethics, regardless of the person benefiting therefrom.

2. Persons engaged in medical activities shall neither be compelled to perform acts or to carry out work contrary to, nor be compelled to refrain from acts required by, the rules of medical ethics or other rules designed for the benefit of the wounded and sick, or this Protocol.

3. The professional obligations of persons engaged in medical activities regarding information which they may acquire concerning the wounded and sick under their care shall, subject to national law, be respected.

4. Subject to national law, no person engaged in medical activities may be 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.

III. DEL**RANJENCI, BOLNIKI IN BRODOLOMCI****7. člen****Zaščita in nega**

1. Vsi ranjenci, bolniki in brodolomci, bodisi da so sodelovali v oboroženem spopadu ali ne, bodo spoštovani in zaščiteni.

2. Ob vsaki priložnosti se bo z njimi ravnalo humano in bodo dobili v najkrajšem možnem času vso možno medicinsko nego in pomoč, ki jo terjajo njihovo stanje. Ne bo se delala med njimi nobena razlika, ki bi temeljila na kateremkoli drugem kriteriju razen na medicinskem.

8. člen**Iskanje**

Kadarkoli bodo to razmere dopuščale, zlasti pa po spopadu, bodo storjeni brez odlašanja vsi možni ukrepi, da se poiščejo in zberejo ranjenci, bolniki in brodolomci, da se zaščitijo pred ropom in grdim ravnanjem, jim zagotovi ustrezna nega, ter da se poiščejo mrtvi, prepreči njihovo oropanje in primerno odstranijo.

9. člen**Zaščita sanitetnega in verskega osebja**

1. Sanitetno in versko osebje bo spoštovano in zaščiteni in bo dobilo vso razpoložljivo pomoč pri opravljanju svojih dolžnosti. To osebje ne bo primorano opravljati dolžnosti, ki niso v skladu z njegovo humanitarno misijo.

2. Od sanitetnega osebja ni mogoče zahtevati, da pri opravljanju njegove dolžnosti prednost katerikoli osebi, razen na podlagi medicinskega kriterija.

10. člen**Splošna zaščita medicinskih dolžnosti**

1. Pod nobenimi pogoji ne bo nihče kaznovan za opravljanje dolžnosti medicinskega značaja, ki so v skladu z medicinsko etiko, ne glede na osebo, ki je tega deležna.

2. Osebe, ki so angažirane v medicinskih aktivnostih, ne bodo primorane opravljati dela, ki bi bila v nasprotju s pravili medicinske etike ali z drugimi predpisi, niti se vzdrževati del, ki jih zahtevajo ta pravila ali predpisi, ki so določeni v prid ranjencem in bolnikom ali v nasprotju s tem protokolom.

3. Poklicne obveznosti oseb, ki so angažirane pri medicinskih aktivnostih, glede informacij, ki jih lahko priskrbijo o ranjencih in bolnikih, ki jih zdravijo, bodo spoštovane s pridržkom nacionalnega zakona.

4. S pridržkom nacionalnega zakona ne more biti nihče, ki je angažiran pri medicinskih aktivnostih, kakorkoli kaznovan zato, ker je ali ni odklonil dati informacije, ki se nanašajo na ranjence in bolnike, ki jih zdravi ali jih je zdravil.

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 not cease unless they are used to commit hostile acts, outside their humanitarian function. Protection may, however, cease only after a warning has been given setting, whenever appropriate, a reasonable time-limit, and after such warning has remained unheeded.

Article 12

The distinctive emblem

Under the direction of the competent authority concerned, the distinctive emblem of the red cross, red crescent or red lion and sun on a white ground shall be displayed by medical and religious personnel and medical units, and on medical transports. It shall be respected in all circumstances. It shall not be used improperly.

PART IV**CIVILIAN POPULATION**

Article 13

Protection of the civilian population

1. The civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations. To give effect to this protection, the following rules shall be observed in all circumstances.

2. The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.

3. Civilians shall enjoy the protection afforded by this Part, unless and for such time as they take a direct part in hostilities.

Article 14

Protection of objects indispensable to the survival of the civilian population

Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, 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.

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

11. člen

Zaščita sanitetnih enot in transportov

1. Sanitetne enote in transporti bodo spoštovani in zaščiteni v vsakem času in ne bodo predmet napada.

2. Zaščita, do katere imajo pravico sanitetne enote in transporti, ne bo prenehala, če bodo ti transporti uporabljeni za sovražna dejanja izven njihove humanitarne funkcije. Zaščita pa lahko preneha šele po opominu, v katerem se po možnosti določi razumen rok, ko ta rok izteče brez učinka.

12. člen

Razpoznavno znamenje

Pod nadzorstvom zadevnega pristojnega oblastva bodo sanitetno in versko osebje ter sanitetne enote in sanitetni transporti opremljeni z razpoznavnim znamenjem Rdečega križa, Rdečega polmeseca ali Rdečega leva in sonca na belem polju. To znamenje bo spoštovano v vseh okoliščinah in ne bo uporabljeno v nasprotju s pravili.

IV. DEL**CIVILNO PREBIVALSTVO**

13. člen

Zaščita civilnega prebivalstva

1. Civilno prebivalstvo in posamezni civili bodo uživali splošno zaščito pred nevarnostmi, ki izvirajo iz vojaških operacij. Da bi bila ta zaščita učinkovita, bodo v vseh okoliščinah spoštovana tale pravila.

2. Civilno prebivalstvo kot takšno ter posamezniki civili ne bodo predmet napada. Prepovedana so dejanja ali grožnje z nasiljem, katerih glavni cilj je širjenje strahu med civilnim prebivalstvom.

3. Civili bodo uživali v tem delu določeno zaščito, če niso in dokler niso neposredno udeleženi v sovražnostih.

14. člen

Zaščita objektov, ki so nujni za obstanek civilnega prebivalstva

Prepovedano je izčrpavati prebivalstvo z gladovanjem kot metodo vojskovanja. V tem smislu je prepovedano napasti, uničiti, odstraniti ali onesposobiti objekte, ki so neobhodni, da bi civilno prebivalstvo preživel, kot so živila, kmetijska območja za pridelovanje hrane, žetev, živa živina, napeljave za pitno vodo in njene rezerve ter namakalne naprave.

15. člen

Zaščita zgradb in napeljav, v katerih so nevarne sile

Zgradbe ali napeljave, v katerih so nevarne sile, t.j. jezovi, nasipi in jedrske elektrarne, ne bodo predmet napada, in sicer niti tam, kjer so to vojaški objekti,

where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population.

Article 16

Protection of cultural objects and of places of worship

Without prejudice to the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, it is prohibited to commit any acts of hostility directed against historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples, and to use them in support of the military effort.

Article 17

Prohibition of forced movement of civilians

1. 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 reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.

2. Civilians shall not be compelled to leave their own territory for reasons connected with the conflict.

Article 18

Relief societies and relief actions

1. Relief societies located in the territory of the High Contracting Party, such as Red Cross (Red Crescent, Red Lion and Sun) organizations, may offer their services for the performance of their traditional functions in relation to the victims of the armed conflict. The civilian population may, even on its own initiative, offer to collect and care for the wounded, sick and shipwrecked.

2. If the civilian population is suffering undue hardship owing to a lack of the supplies essential for its survival, such as foodstuffs and medical supplies, relief actions for the civilian population which are of an exclusively humanitarian and impartial nature and which are conducted without any adverse distinction shall be undertaken subject to the consent of the High Contracting Party concerned.

PART V

FINAL PROVISIONS

Article 19

Dissemination

This Protocol shall be disseminated as widely as possible.

če bi takšen napad utegnil povzročiti sprostitve nevarnih sil in torej tudi velike izgube med civilnim prebivalstvom.

16. člen

Zaščita kulturnih objektov in svetišč

Brez škode za določbe haaške konvencije za zaščito kulturnih dobrin v primeru oboroženega spopada z dne 14. maja 1954, je prepovedano izvršiti katerakoli sovražna dejanja, ki so naperjena proti zgodovinskim spomenikom, umetniškim delom ali svetiščem, ki so kulturna ali duhovna dediščina naroda, ter jih uporabljati za pomoč vojaškim akcijam.

17. člen

Prepoved prisilne preselitve civilov

1. Preselitev civilnega prebivalstva iz razlogov v zvezi s spopadom ne bo odredjena, če tega ne zahteva varnost civilov, za katere gre, ali imperativni vojaški razlogi. Če je takšna preselitev potrebna, bodo storjeni vsi potrebni ukrepi, da bi civilno prebivalstvo moglo biti sprejeto v zadovoljivih razmerah glede nastanitve, higiene, zaščite zdravja, varnosti in prehrane.

2. Civili ne bodo primorani zapustiti svoje ozemlje iz razlogov v zvezi s spopadom.

18. člen

Društva za pomoč in akcije pomoči

1. Društva za pomoč, ki so na ozemlju visoke pogodbenice, kot so organizacije Rdečega križa (Rdečega polmeseca, Rdečega leva in sonca) lahko ponudijo pomoč za izvršitev svojih tradicionalnih funkcij v zvezi z žrtvami oboroženega spopada. Civilno prebivalstvo lahko tudi na lastno pobudo ponudi, da bo zbiralo in negovalo ranjence, bolnike in brodolomce.

2. Če je civilno prebivalstvo izpostavljeno neopravičenemu trpljenju zaradi pomanjkanja stvari, ki so neobhodne za obstanek, kot so hrana in zdravila, bo z akcijami pomoči, ki so izključno humanitarnega in nepristranskega značaja in se izvajajo brez diskriminacije, izkazana pomoč civilnemu prebivalstvu, s pogojem, da se s tem strinjajo visoke pogodbenice, za katere gre.

V. DEL

KONČNE DOLOČBE

19. člen

Seznanjanje

Seznanjanje s tem protokolom bo izvedeno na čim širši podlagi.

Article 20

Signature

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

Article 21

Ratification

This Protocol shall be ratified as soon as possible. The instruments of ratification shall be deposited with the Swiss Federal Council, depositary of the Conventions.

Article 22

Accession

This Protocol shall be open for accession by any Party to the Conventions which has not signed it. The instruments of accession shall be deposited with the depositary.

Article 23

Entry into force

1. This Protocol shall enter into force six months after two instruments of 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 communicated the depositary which shall decide, after consultation with all the High Contracting Parties and the International Committee of the Red Cross, whether a conference should be convened to consider the proposed amendment.

2. The depositary shall invite to that conference all the High Contracting Parties as well as the Parties to the Conventions, whether or not they are signatories of this Protocol.

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.

20. člen

Podpis

Ta protokol bo odprt za podpis udeleženkam konvencij šest mesecev po podpisu sklepnega akta in bo ostal v ta namen odprt 12 mesecev.

21. člen

Ratifikacija

Ta protokol bo ratificiran čimprej. Ratifikacijske listine se deponirajo pri Švicarskem federalnem svetu, ki je depozitar konvencij.

22. člen

Pristop

Ta protokol bo odprt za pristop vsaki udeleženci konvencij, ki ga ni podpisala. Listine o pristopu se deponirajo pri depozitarju.

23. člen

Uveljavitev

1. Ta protokol bo začel veljati po šestih mesecih od deponiranja dveh listin o ratifikaciji ali pristopu.

2. Za vsako stran, ki je udeleženka konvencij in ki po tem ratificira ta protokol ali mu pristopi, bo začel protokol veljati po šestih mesecih od deponiranja njenih listin o ratifikaciji ali pristopu.

24. člen

Amandma

1. Vsaka visoka pogodbenica lahko predlaga amandmaje k temu protokolu. Besedilo vsakega predlaganega amandmaja bo poslano depozitarju, ki bo odločil po posvetovanju z vsemi visokimi pogodbenicami in mednarodnim komitejem Rdečega križa, ali je treba sklicati konferenco za obravnavanje predlaganega amandmaja.

2. Depozitar bo povabil na to konferenco vse visoke pogodbenice ter udeleženke konvencij bodisi da so podpisnice tega protokola ali ne.

25. člen

Odpoved

1. Če kakšna visoka pogodbenica odpove ta protokol, začne odpoved veljati šele šest mesecev po prejemu listine o odpovedi. Če pa je po izteku šestih mesecev stran, ki je dala odpoved, angažirana v kakšni situaciji iz 1. člena, ne bo odpoved učinkovala pred koncem oboroženega spopada. Osebe, ki jim je bila vzeta prostost ali je bila njihova prostost omejena iz razlogov v zvezi s spopadom, bodo še nadalje deležne določb tega protokola vse do svoje končne osvoboditve.

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 the Conventions, whether or not they are signatories of this Protocol, of:

(a) signatures affixed to this Protocol and the deposit of instruments of ratification and accession under Articles 21 and 22;

(b) the date of entry into force of this Protocol under Article 23; and

(c) communications and declarations received under Article 24.

Article 27

Registration

1. After its entry into force, this Protocol shall be transmitted by the depositary to the Secretariat of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

2. The depositary shall also inform the Secretariat of the United Nations of all ratifications and accessions received by it with respect to this Protocol.

Article 28

Authentic texts

The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic shall be deposited with the depositary, which shall transmit certified true copies thereof to all the Parties to the Conventions.

2. Odpoved bo pisмено sporočena depozitarju, ki jo posreduje vsem visokim pogodbenicam.

26. člen

Sporočila

Depozitar bo sporočal visokim pogodbenicam ter udeleženkam konvencij, bodisi da so podpisnice tega protokola ali ne:

(a) podpise, ki so na tem protokolu, ter deponiranje listin o ratifikaciji in pristopu v skladu z 21. in 22. členom;

(b) datum uveljavitve tega protokola, v skladu s 23. členom; ter

(c) sporočila in izjave, prejete v skladu s 24. členom.

27. člen

Registracija

1. Po uveljavitvi protokola ga bo depozitar poslal tajništvu Združenih narodov, da ga registrira in objavi v skladu s 102. členom ustanovne listine Združenih narodov.

2. Depozitar bo obveščal tajništvo Združenih narodov o vseh ratifikacijah in pristopih, ki jih je prejel v zvezi s tem protokolom.

28. člen

Veljavnost besedil

Izvirnik tega protokola, katerega besedila so v arabskem, kitajskem, angleškem, francoskem, ruskem in španskem jeziku, so enako veljavna, bo deponiran pri depozitarju, ki bo poslal njegove overjene izvode vsem udeleženkam konvencij.

4. člen

Ta zakon začne veljati osmi dan po objavi v »Uradnem listu SFRJ«.