

## MISCELLANEOUS

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### APPLICATION OF THE FOURTH GENEVA CONVENTION

*The ICRC has received from the German Red Cross in the Federal Republic the text of regulations issued by the Ministry of Health for the implementation in the Federal Republic of Germany of Articles 18 to 20 of the Geneva Convention of August 12, 1949, relative to the protection of civilian persons in time of war. As these regulations are a practical step in the application of this Convention, the International Review believes readers will be interested in the text thereof, which we have had translated.*

#### A. PROTECTION OF CIVILIAN HOSPITALS

##### I. Establishments entitled to Protection

Civilian hospitals shall be granted the protection provided for in Article 18, par. 1, of the IVth Geneva Convention of August 12, 1949 (Bundesgesetzbl. II, 1954, pp. 781, 917 ff). According to that Article a civilian hospital is an establishment intended for the reception, care and hospital treatment of wounded, sick or infirm civilians and maternity cases, and organized to that effect. The size of the hospital and number of beds is irrelevant. The hospital may consist of one or several buildings or may be confined to only a part or parts of a building. A hospital includes the staff quarters near or adjoining it as well as the technical installations necessary for its operation. All arrangements must be made to ensure that treatment is given and supervised by qualified personnel.

Every temporary hospital shall be deemed to be a civilian hospital. Homes for children, the aged, the disabled, the blind, the deaf and dumb, and similar establishments, are considered to be civilian hospitals only if they are staffed by nurses.

##### II. Official Recognition

State recognition implies that a hospital is of civilian status and is not used for purposes harmful to an enemy. Recognition merely

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takes the form of a declaration. The civilian status of a hospital and, consequently, the protection provided for in Article 18, par. 1, are therefore acknowledged, subject to the conditions stipulated and applicable even when official recognition has not yet been granted. Hospitals are entitled to such recognition when they fulfil the requisite conditions.

### 1. *Conditions*

Official recognition shall be granted by the " Land " authorities to a hospital when it :

- a) conforms to the requirements indicated in the first paragraph of section A,
- b) contains no installation or object which may be used for acts contrary to the hospital's humanitarian mission and harmful to an enemy. Acts harmful to an enemy are those which either facilitate military operations against an enemy or hinder an enemy's military operations, but measures taken for the protection and supply of the civilian population as well as the facts mentioned in the second paragraph of Article 19 of the IVth Geneva Convention shall not be so construed. Consequently, the following shall not be considered harmful to an enemy : the reception, treatment and nursing of wounded or sick persons to whom the Ist, IInd or IIIrd Geneva Convention apply ; the presence of small arms and ammunition taken from such persons but not yet handed to the proper service.

### 2. *Form and content of recognition*

Official recognition shall be notified in a document conforming to appendix 1 of these regulations. The document shall contain the name and address of the hospital and its manager and shall bear the seal of the competent authority.

Upon issuance of the document, the hospital manager shall be warned in writing that it must be kept in the hospital and presented for control at any time ; in addition he shall notify the relevant authorities of any facts which might give rise to the repeal of the recognition.

### 3. *Repeal*

Official recognition shall be repealed if, when it was granted, the hospital did not comply with the conditions laid down in the first paragraph of section A hereof or if the hospital ceases to comply with them and the manager does not within a reasonable time arrange for the hospital to resume compliance.

## III. State authorization to display the protective sign

### 1. *Conditions*

The protective sign is a red cross on a white ground (article 38 of the 1st Geneva Convention of August 12, 1949 ; Bundesgesetzbl. II, 1954, p. 781). This sign may only be displayed on a recognized civilian hospital and only with the special authorization of the State.

The authority concerned, in accordance with its terms of reference, shall exercise discretion in the granting of such authorization. Decisions in this respect shall be the result of careful deliberation in order to avoid any vitiation of the protective sign. The " Wehrbereichskommando " (local military command) shall be informed when a hospital is granted recognition.

### 2. *Form and content of authorization*

Authorization to display the protective sign shall be contained in a document conforming to the specimen appended hereto as annex 2. Upon delivery of this document the manager of the hospital shall be notified in writing of the following conditions :

- a) The protective sign shall be displayed on the roof, at the front and at the back of the building as well as at the main entrances. If this is not possible the sign shall be placed elsewhere in such a manner as to be clearly visible from all sides. If the hospital comprises several buildings, each of them shall be so marked. The protective sign should be visible from afar. When the hospital consists of one or several storeys of a building whereof the remainder is used for other purposes, the protective sign

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may not be affixed very prominently except at the entrance to the hospital. In addition preparation should be made to replace any obliterated or destroyed protective signs with temporary markings.

- b) Full preparation must be made for rapid display of markings. The competent authority will decide when markings are to be displayed. If there is reason to fear that the area in which the hospital is located may become occupied territory or a combat zone, markings shall be displayed without instructions from the competent authority if these cannot be obtained in good time. Occupied territory is territory which has fallen into enemy hands. A combat zone is any territory where military operations on land or preparations therefor take place. Enemy parachute landings may transform a hitherto unoccupied area into a combat zone.
- c) In accordance with appendix No. 2 of these directives, the hospital manager shall keep the authorization to display the protective sign in the hospital itself, in order to be able to produce it at any time. He shall notify the competent authority of any facts which may be relevant to the continuance of the authorization.
- d) The hospital manager shall ensure that the hospital staff are instructed in the essential provisions of the IVth Geneva Convention and, in particular, in their rights and obligations under the terms thereof. When the authorization is granted its repeal at any time shall be stipulated.

### 3. *Repeal of the authorization*

The official authorization shall be repealed if the conditions specified in III/1 above were not fulfilled at the time when it was granted, or the hospital ceases to comply with them, or when the conditions specified in III/2 above have been contravened without due remedy within a reasonable time.

The authorization may be cancelled for other reasons in the public interest.

**B. PROTECTION OF CIVILIAN HOSPITAL PERSONNEL****I. Definition**

The personnel of a civilian hospital comprises persons engaged solely for the operation and administration of the hospital (permanent and temporary staff).

**1. *Permanent Personnel***

The permanent personnel consists of persons regularly and solely engaged in the operation and administration of the hospital or in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases, and who for those purposes are subject to hospital discipline. In particular, the permanent personnel includes the doctors, nurses and members of religious orders attached to the hospital, the administrative personnel, nursing assistants, technical staff and persons working in the laboratories, kitchens, laundries, etc. On the other hand, permanent personnel does not include persons employed in auxiliary undertakings servicing the hospital, such as agricultural enterprises.

**2. *Temporary Staff***

Temporary staff comprises persons who temporarily or as a secondary occupation are engaged in the operation or administration of the hospital or in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases, and who for those purposes are subject to hospital discipline. This staff category includes doctors who have a practice of their own apart from their work at the hospital, hourly paid nursing staff, members of religious orders who have ecclesiastical duties other than those they perform in the hospital, as well as technical personnel who also work elsewhere than in the hospital. Persons in auxiliary undertakings servicing the hospital are not included in the hospital temporary staff.

## II. Duration of Protection

Permanent civilian hospital personnel are entitled to the protection provided for in article 20. Temporary personnel are protected only during the discharge of their duties at the hospital. Any person committing acts harmful to an enemy forfeits the right to protection.

## III. Identification of Personnel

### 1. *Identity Card*

An identity card conforming to appendix 3 of these regulations shall be supplied to both permanent and temporary staff. It shall show to which category the holder belongs. It shall be printed in the Latin alphabet in indelible ink or colour. It shall show only such information as is specified and shall bear in indelible ink the seal of the competent authority.

The photograph (or photomat) on the card should be recent and a true likeness of the bearer, shown bare-headed and about half-way between full-face and profile so that one ear is visible. The size of the photograph shall be not smaller than 38 mm × 52 mm and not larger than 45 mm × 60 mm. The photographs of female nurses may show them wearing their regulation uniform bonnet. The photograph shall be fixed to the card by at least two eyelets in diagonally opposite corners. The official seal must be stamped in such a manner that half overlaps the photograph. Photographs already bearing an official stamp or part thereof shall not be acceptable. Identity cards for personnel working in hospital shall be made out immediately and retained in the hospital in a manner precluding any abuse and permitting immediate distribution to the staff at any time on orders from the competent authority. Persons ceasing to be employed at the hospital shall delivered their identity cards to the competent authority for destruction.

If there is reason to fear that the area in which the hospital is located might become occupied or a combat zone, the competent authority shall give instructions for the identity cards to be distributed to the personnel ; this can be done even without orders from the competent authority if circumstances prevent them being received in good time.

The bearer shall constantly carry his identity card on his person, even when not on duty at the hospital.

## 2. *Armlet*

Hospital staff shall wear an armlet bearing the red cross on white ground (Article 38 of the Ist Geneva Convention of August 12, 1949, Bundesgesetzbl. II, 1954, p. 781). The armlet shall be water-resistant and shall bear the official stamp of the competent "Land" authority, which shall issue to the hospital one armlet for every staff member entitled to the protection of Article 20. The hospital shall keep the armlets so that they may be distributed to the personnel at any time. These armlets shall be issued to the staff at the same time as the identity cards.

The armlet shall be worn on the left arm and only on duty. It may be worn on the way between the hospital and home, but only by permanent staff.

### *List of Personnel*

The hospital management shall keep an up-to-date list of permanent and temporary staff. This list shall be available for consultation in the hospital at all times.

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## PROGRESS IN ORTHOPAEDICS

*The review Monde Combattant (Paris, Nos. 149-150) has published an interesting article on a prosthesis which has recently been realized. This concerns a hand with electronic fingers which seems to be a real advance in the field of artificial limbs. We therefore think it to be of interest to reproduce below Mr. Branko Kolovic's article, which has appeared in the World Veterans Federation's publication.*

In spite of recent scientific progress, among the major problems remaining unsolved are the restoration of sight to the blind, and the full substitution of a hand. As the eye, the human hand is such a delicate, beautiful and artful mechanism, that so far all attempts to imitate nature have failed. The problem has been attracting researchers and experts all over the world, but no completely adequate substitute has yet been found. The movements of all prosthetic