

# M I S C E L L A N E O U S

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## RESPECT OF HUMAN RIGHTS IN TIME OF ARMED CONFLICT

Last month we published the text of resolution 2677 (XXV) adopted in December 1970 by the United Nations General Assembly and dealing with the respect of human rights in armed conflict. Apart from that resolution of a general nature, the Assembly adopted four others which were more specific. We think their reproduction here will be of interest:

### *RESOLUTION 2673 (XXV)*

The General Assembly,

Recalling *its resolution 2444 (XXIII) of 19 December 1968, in which it invited the Secretary-General, in consultation with the International Committee of the Red Cross and other appropriate international organizations, to study:*

*(a) Steps which could be taken to secure the better application of existing humanitarian international conventions and rules in all armed conflicts,*

*(b) The need for additional humanitarian international conventions or for other appropriate legal instruments to ensure the better protection of civilians, prisoners and combatants in all armed conflicts,*

Recalling also *the fundamental principle that a distinction must be made at all times between combatants and persons not taking part in the hostilities,*

Considering that it is essential for the United Nations to obtain complete information concerning armed conflicts and that journalists, whatever their nationality, have an important role to play in that regard,

Noting with regret that journalists engaged in missions in areas where an armed conflict is taking place sometimes suffer as a result of their professional duty, which is to inform world public opinion objectively,

Bearing in mind the appeal made by the Secretary-General on 30 September 1970 on behalf of missing journalists,

Recognizing that certain types of protection can be granted to journalists under :

(a) Article 4 of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949,

(b) Article 13 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949,

(c) Article 13 of the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949,

(d) Article 4 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

Being aware, however, that these provisions do not cover some categories of journalists engaged in dangerous missions and do not correspond to their present needs,

Convinced of the need for an additional humanitarian international instrument to ensure the better protection of journalists engaged in dangerous missions, particularly in areas where an armed conflict is taking place,

1. Expresses its grave concern about the fate of press correspondents carrying out dangerous missions;

2. Expresses its deepest regret that some of those correspondents have paid with their lives for their conscientious approach to their missions;

## MISCELLANEOUS

3. Invites *all States and all authorities parties to an armed conflict to respect and apply in all circumstances the provisions of the Geneva Conventions of 12 August 1949 in so far as they are applicable, in particular, to war correspondents who accompany armed forces but are not actually a part of them;*

4. Invites *the Economic and Social Council to request the Commission on Human Rights to consider at its next session the possibility of preparing a draft international agreement ensuring the protection of journalists engaged in dangerous missions and providing, inter alia, for the creation of a universally recognized and guaranteed identification document;*

5. Invites *the Commission on Human Rights to consider this question as a matter of priority at its twenty-seventh session in order that a draft international agreement may be adopted as soon as possible by the General Assembly or by some other appropriate international body;*

6. Requests *the Secretary-General, in consultation with the International Committee of the Red Cross and other appropriate international organizations, to submit a report on this question to the General Assembly at its twenty-sixth session;*

7. Decides *to give the highest priority to the consideration of this question at its twenty-sixth session.*

### RESOLUTION 2674 (XXV)

The General Assembly,

Recalling *its resolutions 2444 (XXIII) of 19 December 1968 and 2597 (XXIV) of 16 December 1969 and noting resolution XXIII adopted by the International Conference on Human Rights held at Teheran in 1968,*

Referring *to resolution XIII and to the other pertinent resolutions on human rights in armed conflicts adopted at the twenty-first International Conference of the Red Cross, held at Istanbul in 1969,*

Expressing *its deep concern in connexion with the fact that wars unleashed in violation of the Charter of the United Nations in several*

*parts of the world lead to incalculable disasters and suffering among civilians,*

Having considered with appreciation the Secretary-General's report on respect for human rights in armed conflicts,<sup>1</sup>

1. Solemnly reaffirms that, in order effectively to guarantee human rights, all States should devote their efforts to averting the unleashing of aggressive wars and armed conflicts that violate the Charter of the United Nations and the provisions of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations;

2. Condemns the actions of countries which, in flagrant violation of the Charter, continue to conduct aggressive wars and defy the generally accepted principles of the Geneva Protocol of 1925 and the Geneva Conventions of 1949;

3. Considers that the principles of the Geneva Protocol of 1925 and the Geneva Conventions of 1949 should be strictly observed by all States and that States violating these international instruments should be condemned and held responsible to the world community;

4. Affirms that the participants in resistance movements and the freedom fighters in southern Africa and territories under colonial and alien domination and foreign occupation, struggling for their liberation and self-determination, should be treated, in case of their arrest, as prisoners of war in accordance with the principles of the Hague Convention of 1907 and the Geneva Conventions of 1949;

5. Considers that air bombardments of civilian populations and the use of asphyxiating, poisonous or other gases and of all analogous liquids, materials and devices, as well as bacteriological (biological) weapons, constitute a flagrant violation of the Hague Convention of 1907, the Geneva Protocol of 1925 and the Geneva Conventions of 1949;

6. Recognizes the necessity of developing additional international instruments providing for the protection of civilian populations and freedom fighters against colonial and foreign domination as well as against racist régimes.

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<sup>1</sup> A/8052.

RESOLUTION 2675 (XXV)

The General Assembly,

Noting that in the present century the international community has accepted an increased role and new responsibilities for the alleviation of human suffering in any form and in particular during armed conflicts,

Recalling that to this end a series of international instruments has been adopted, including the four Geneva Conventions of 1949,

Recalling further its resolution 2444 (XXIII) of 19 December 1968 on respect for human rights in armed conflicts,

Bearing in mind the need for measures to ensure the better protection of human rights in armed conflicts of all types,

Noting with appreciation the work that is being undertaken in this respect by the International Committee of the Red Cross,

Noting with appreciation the reports of the Secretary-General on respect for human rights in armed conflicts,<sup>1</sup>

Convinced that civilian populations are in special need of increased protection in time of armed conflicts,

Recognizing the importance of the strict application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

Affirms the following basic principles for the protection of civilian populations in armed conflicts, without prejudice to their future elaboration within the framework of progressive development of the international law of armed conflict:

1. Fundamental human rights, as accepted in international law and laid down in international instruments, continue to apply fully in situations of armed conflict.

2. In the conduct of military operations during armed conflicts, a distinction must be made at all times between persons actively taking part in the hostilities and civilian populations.

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<sup>1</sup> A/7720, A/8052.

3. *In the conduct of military operations, every effort should be made to spare civilian populations from the ravages of war, and all necessary precautions should be taken to avoid injury, loss or damage to civilian populations.*

4. *Civilian populations as such should not be the object of military operations.*

5. *Dwellings and other installations that are used only by civilian populations should not be the object of military operations.*

6. *Places or areas designated for the sole protection of civilians, such as hospital zones or similar refuges, should not be the object of military operations.*

7. *Civilian populations, or individual members thereof, should not be the object of reprisals, forcible transfers or other assaults on their integrity.*

8. *The provision of international relief to civilian populations is in conformity with the humanitarian principles of the Charter of the United Nations, the Universal Declaration of Human Rights and other international instruments in the field of human rights. The Declaration of Principles for International Humanitarian Relief to the Civil Population in Disaster Situations, as laid down in resolution XXVI, adopted by the twenty-first International Conference of the Red Cross, shall apply in situations of armed conflict, and all parties to a conflict should make every effort to facilitate this application.*

RESOLUTION 2676 (XXV)

The General Assembly,

*Recalling that the Preamble of the Charter of the United Nations affirms faith in the dignity and worth of the human person,*

*Recalling that the United Nations has as one of its purposes the achievement of international co-operation in solving international problems of a humanitarian character and the promotion of respect for human rights,*

MISCELLANEOUS

Reiterating the obligation of Member States for the urgent termination of all armed aggression as envisaged in Articles 1 and 2 of the Charter and in other relevant documents of the United Nations,

Noting the obligation of Member States under the Charter to promote universal respect for, and observance of, human rights,

Recalling resolutions 2444 (XXIII) of 19 December 1968 and 2597 (XXIV) of 16 December 1969 in which it requested the Secretary-General in consultation with the International Committee of the Red Cross, to continue to study, inter alia:

(a) Steps which could be taken to secure the better application of existing humanitarian international conventions and rules in all armed conflicts,

(b) The need for additional humanitarian international conventions or for other appropriate legal instruments to ensure the better protection of civilians, prisoners and combatants in all armed conflicts,

Believing, therefore, that the treatment accorded to victims of war and armed aggression is a concern of the United Nations,

Noting resolution XI, adopted by the twenty-first International Conference of the Red Cross, held at Istanbul in 1969, calling upon all parties to the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949, to ensure that all persons entitled to prisoner-of-war status are treated humanely and given the fullest measure of protection prescribed by the Convention, and that all parties involved in an armed conflict, no matter how it is characterized, provide free access to prisoners of war and to all places of their detention by a protecting Power or by the International Committee of the Red Cross,

Considering that the direct repatriation of seriously wounded and seriously sick prisoners of war and the repatriation or internment in a neutral country of prisoners of war who have undergone a long period of captivity constitute important aspects of human rights as advanced and preserved under the Geneva Convention of 1949 and the Charter of the United Nations,

1. Calls upon all parties to any armed conflict to comply with the terms and provisions of the Geneva Convention relative to the Treat-

*ment of Prisoners of War, of 12 August 1949, so as to ensure the humane treatment of all persons entitled to the protection of the Convention and, inter alia, to permit regular inspection, in accordance with the Convention, of all places of detention of prisoners of war by a protecting Power or humanitarian organization such as the International Committee of the Red Cross;*

2. *Endorses the continuing efforts of the International Committee of the Red Cross to secure the effective application of the Geneva Convention of 1949;*

3. *Requests the Secretary-General to exert all efforts to obtain humane treatment for prisoners of war, especially for the victims of armed aggression and colonial suppression;*

4. *Urges compliance with article 109 of the Geneva Convention of 1949, which requires the repatriation of seriously wounded and seriously sick prisoners of war and which provides for agreements with a view to the direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity;*

5. *Urges that combatants in all armed conflicts not covered by article 4 of the Geneva Convention of 1949 be accorded the same humane treatment defined by the principles of international law applied to prisoners of war;*

6. *Urges strict compliance with the provisions of the existing international instruments concerning human rights in armed conflicts, and urges those States which have not yet done so to ratify or accede to the relevant instruments in order to facilitate in all aspects the protection of the victims of armed conflicts.*