

## FUNDAMENTAL RULES OF HUMANITARIAN LAW APPLICABLE IN ARMED CONFLICTS

At the October 1975 meeting of the Council of Delegates of the National Red Cross Societies in Geneva, Professor H. Haug, President of the Swiss Red Cross and Vice-President of the League, had proposed that a declaration should be drawn up, setting out in a condensed form the fundamental rules of humanitarian law, and rendering the lofty ideas underlying humanitarian law clearly discernible and easily understandable.

His suggestion was based on the fact that the forthcoming adoption of the Protocols additional to the Geneva Conventions would increase the total number of provisions to some six hundred articles, many of which were somewhat involved. He stressed the need for knowledge of humanitarian law to be widely disseminated and considered that a digest of this kind would constitute a useful instrument for achieving such dissemination.

Mr. Haug's suggestion was seconded by several delegations and, although it was not made the subject of a resolution by the Council of Delegates, yet it was clear that it responded to a general wish. The ICRC representative said that the ICRC was prepared to study the proposal.

Accordingly, to meet this wish, a small working group, composed of a number of experts from the ICRC, League and National Societies, drafted a project which was subsequently discussed at the Round Table of the San Remo International Institute of Humanitarian Law in 1977. The resulting draft is submitted herewith to the general public.

The "fundamental rules of humanitarian law applicable in armed conflicts" state in a condensed form the very essence of international humanitarian law applicable in armed conflicts. The greatest care has been made to keep the text simple and concise. Whenever possible, the exact wording of the Conventions and of the Protocols has been employed.

This text does not possess the authority of an international legal instrument, nor is it in any way intended to take the place of existing treaties. Its only purpose is to facilitate the dissemination of knowledge of international humanitarian law.

The ICRC and League submit to the National Societies this text, which will serve to instruct all those whose function it is, at various levels, to put humanitarian law in practice, and also those who will be called upon to avail themselves of it or to confer its benefits on their fellow-men.

## Fundamental rules of humanitarian law applicable in armed conflicts

1. Persons *hors de combat* and those who do not take a direct part in hostilities are entitled to respect for their lives and physical and moral integrity. They shall in all circumstances be protected and treated humanely without any adverse distinction.
2. It is forbidden to kill or injure an enemy who surrenders or who is *hors de combat*.
3. The wounded and sick shall be collected and cared for by the party to the conflict which has them in its power. Protection also covers medical personnel, establishments, transports and *matériel*. The emblem of the red cross (red crescent, red lion and sun) is the sign of such protection and must be respected.
4. Captured combatants and civilians under the authority of an adverse party are entitled to respect for their lives, dignity, personal rights and convictions. They shall be protected against all acts of violence and reprisals. They shall have the right to correspond with their families and to receive relief.
5. Everyone shall be entitled to benefit from fundamental judicial guarantees. No one shall be held responsible for an act he has not committed. No one shall be subjected to physical or mental torture, corporal punishment or cruel or degrading treatment.

6. Parties to a conflict and members of their armed forces do not have an unlimited choice of methods and means of warfare. It is prohibited to employ weapons or methods of warfare of a nature to cause unnecessary losses or excessive suffering.
  7. Parties to a conflict shall at all times distinguish between the civilian population and combatants in order to spare civilian population and property. Neither the civilian population as such nor civilian persons shall be the object of attack. Attacks shall be directed solely against military objectives.
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