

# International Humanitarian and Refugee Law

## Geneva Convention Relative to the Protection of Civilian Persons in Times of War

**Summary:** This Convention was drafted in response to the atrocities committed in WWII, and this instrument contains a short part concerning the general **protection of populations against certain consequences of war** (Part II), leaving aside the problem of the limitation of the use of weapons. The great bulk of the Convention (Part III - Articles 27-141) puts forth the regulations governing **the status and treatment of protected persons**; these provisions distinguish between the situation of **foreigners** on the territory of one of the parties to the conflict and that of **civilians in occupied territory**. The Convention does not invalidate the provisions of the Hague Regulations of 1907 on the same subjects but is supplementary to them (see Article 154 of the Convention).

**Part I.** General Provisions and application to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them, and all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

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Access status [here](#).

Access full text [here](#).

Non-combatants and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- violence to life and person, murder of all kinds, mutilation, cruel treatment and torture;
- taking of hostages;
- outrages upon personal dignity, in particular humiliating and degrading treatment;
- the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

The wounded and sick shall be collected and cared for. The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention. The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

**Article 4** Persons protected: those who find themselves in a case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.

Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are.

**Article 5** Where protected person is definitely suspected of or engaged in activities hostile to the security of the State: spies; subversion; hostilities; trial and rights.

**Article 6** Application start and duration

**Article 7** Other special agreements

**Article 8** Renunciation prohibited

**Article 9** Cooperation and under the scrutiny of the Protecting Powers

**Article 10** Humanitarian activities by impartial humanitarian organizations

**Article 11** Entrusting duties of Protecting Powers to an international organization

**Article 12** Protecting Powers to settle disagreements.

## **Part II. General Protection of Populations Against Certain Consequences of War**

**Article 13** The provisions of Part II cover the whole of the populations of the countries in conflict, without any adverse distinction based, in particular, on race, nationality, religion or political opinion, and are intended to alleviate the sufferings caused by war.

**Article 14** Hospital and safety zones and localities in occupied areas.

**Article 15** Establishing neutral zones

**Article 16** The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect; killed and wounded persons.

**Article 17** Local agreements for removal of non-combatants

**Article 18** Civilian hospitals may in no circumstances be the object of attack; regulations.

**Article 19** Duration of protection for civilian hospitals

**Article 20** Hospital personnel entitled to respect

**Article 21** Transfer of the wounded, sick and civilians: boat and convoy

**Article 22** Transfer of wounded, sick and civilians: Aircraft

**Article 23** Free passage of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary, and for essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases; exceptions.

**Article 24** The Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own

resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition.

The Parties to the conflict shall facilitate the reception of such children in a neutral country for the duration of the conflict with the consent of the Protecting Power, if any, and under due safeguards for the observance of the principles stated in the first paragraph.

They shall, furthermore, endeavour to arrange for all children under twelve to be identified by the wearing of identity discs, or by some other means.

**Article 25** Personal correspondence to family

**Article 26** Reunification of families

### **Part III. Status and Treatment of Protected Persons**

**Section I.** Provisions common to the territories of the parties to the conflict and to occupied territories

**Article 27** Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity. Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion.

However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war.

**Article 28** The presence of a protected person may not be used to render certain points or areas immune from military operations.

**Article 29** The Party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.

**Article 30** Protected persons shall have every facility for making application to the Protecting Powers.

**Article 31** No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

**Article 32** Physical suffering or extermination of protected persons in their hands.

**Article 33** No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.

Pillage is prohibited.

Reprisals against protected persons and their property are prohibited.

**Article 34** The taking of hostages is prohibited

**Section II. Aliens in the territory of a party to the conflict**

**Article 35** All protected persons who may desire to leave the territory at the outset of, or during a conflict, shall be entitled to do so; exceptions.

**Article 36** Departures permitted under the foregoing Article

**Article 37** Humane treatment for those confined under the foregoing Article.

**Article 38** The situation of protected persons shall continue to be regulated, in principle, by the provisions concerning aliens in time of peace. In any case, the following rights shall be granted to them:

- they shall be enabled to receive the individual or collective relief that may be sent to them
- they shall, if their state of health so requires, receive medical attention and hospital treatment to the same extent as the nationals of the State concerned
- they shall be allowed to practise their religion and to receive spiritual assistance from ministers of their faith.
- if they reside in an area particularly exposed to the dangers of war, they shall be authorized to move from that area to the same extent as the nationals of the State concerned.
- children under fifteen years, pregnant women and mothers of children under seven years shall benefit by any preferential treatment to the same extent as the nationals of the State concerned.

**Article 39** Protected persons who, as a result of the war, have lost their gainful employment.

**Article 40** Protected persons may be compelled to work only to the same extent as nationals of the Party to the conflict in whose territory they are; compulsory labor.

**Article 41** Assigned residence or internment, in accordance with the provisions of Articles 42 and 43.

**Article 42** The internment or placing in assigned residence of protected persons may be ordered only if the security of the Detaining Power makes it absolutely necessary.

**Article 43** Detained and interned persons.

**Article 44** In applying the measures of control mentioned in the present Convention, the Detaining Power shall not treat as enemy aliens exclusively on the basis of their nationality de jure of an enemy State, refugees who do not, in fact, enjoy the protection of any government.

**Article 45** Protected persons shall not be transferred to a Power which is not a party to the Convention.

This provision shall in no way constitute an obstacle to the repatriation of protected persons, or to their return to their country of residence after the cessation of hostilities.

Protected persons may be transferred by the Detaining Power only to a Power which is a party to the present Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the present Convention. If protected persons are transferred under such circumstances, responsibility for the application of the present Convention rests on the Power accepting them, while they are in its custody. Nevertheless, if that Power fails to carry out the provisions of the present Convention in any important respect, the Power by which the protected persons were transferred shall, upon being so notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the protected persons. Such request must be complied with.

In no circumstances shall a protected person be transferred to a country where he or she may have reason to fear persecution for his or her political opinions or religious beliefs.

The provisions of this Article do not constitute an obstacle to the extradition, in pursuance of extradition treaties concluded before the outbreak of hostilities, of protected persons accused of offences against ordinary criminal law.

**Article 46** In so far as they have not been previously withdrawn, restrictive measures taken regarding protected persons shall be cancelled as soon as possible after the close of hostilities.

Restrictive measures affecting their property shall be cancelled, in accordance with the law of the Detaining Power, as soon as possible after the close of hostilities.

### **Section III. Occupied territories**

**Article 47** Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.

**Article 48** Protected persons who are not nationals of the Power whose territory is occupied, may avail themselves of the right to leave the territory subject to the provisions of Article 35, and decisions thereon shall be taken according to the procedure which the Occupying Power shall establish in accordance with the said Article.

**Article 49** Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.

The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.

The Protecting Power shall be informed of any transfers and evacuations as soon as they have taken place.

The Occupying Power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand.

The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

**Article 50** Occupying Power care and education of children.

**Article 51** Prohibition of compelling work or military service and propaganda; regulations.

**Article 52** Workers' right to petition protecting power.

**Article 53** Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.

**Article 64** Penal laws of the occupied territory

**Article 65** The penal provisions enacted by the Occupying Power

**Article 66** In case of a breach of the penal provisions promulgated by Occupying Power

**Article 67** The courts shall apply only those provisions of law which were applicable prior to the offence, and which are in accordance with general principles of law, in particular the principle that the penalty shall be proportionate to the offence. They shall take into consideration the fact the accused is not a national of the Occupying Power.

**Article 68** Penal provisions and penalties

**Article 69** Credit for time served

**Article 70** Protected persons shall not be arrested, prosecuted or convicted by the Occupying Power for acts committed or for opinions expressed before the occupation, or during a temporary interruption thereof, with the exception of breaches of the laws and customs of war.

Nationals of the occupying Power who, before the outbreak of hostilities, have sought refuge in the territory of the occupied State, shall not be arrested, prosecuted, convicted or deported from the occupied territory, except for offences committed after the outbreak of hostilities, or for offences under common law committed before the outbreak of hostilities which, according to the law of the occupied State, would have justified extradition in time of peace.

**Article 71** No sentence shall be pronounced by the competent courts of the Occupying Power except after a regular trial; trial rights.

**Article 72** Trial rights.

**Article 73** Right to appeal.

**Article 74** Representatives of the protected person and Protecting Powers

**Article 75** Death Sentences

**Article 76** Imprisonment

**Article 77** Protected persons who have been accused of offences or convicted by the courts in occupied territory, shall be handed over at the close of occupation, with the relevant records, to the authorities of the liberated territory.

**Article 78** Necessary assigned residence and internment.

#### **Section IV. Regulations for the treatment of internees**

##### **Chapter I. General provisions relating to interment**

**Articles 79 through 82 relate to internment****Chapter II. Places of Internment**

**Article 83** The Detaining Power shall not set up places of internment in areas particularly exposed to the dangers of war.

The Detaining Power shall give the enemy Powers, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of places of internment.

Whenever military considerations permit, internment camps shall be indicated by the letters IC, placed so as to be clearly visible in the daytime from the air. The Powers concerned may, however, agree upon any other system of marking. No place other than an internment camp shall be marked as such.

**Article 84** Internees shall be accommodated and administered separately from prisoners of war and from persons deprived of liberty for any other reason.

**Article 85** Living conditions for interned persons

**Article 86** Religious services

**Article 87** Sale of foodstuffs and articles of everyday use

**Article 88** Safety regulations for places of internment

**Chapter III. Food and Clothing**

**Article 89** Daily food rations, sufficient drinking water, and tobacco

**Article 90** Clothing, footwear and change of underwear appropriate for climate.

**Chapter IV. Hygiene and Medical Attention**

**Article 91** Mandate for an adequate infirmary, under the direction of a qualified doctor

**Article 92** Medical inspections of internees

**Chapter V. Religious, Intellectual and Physical Activities**

**Article 93** Religious practice and enjoyment

**Article 94** Intellectual, educational and recreational pursuits, sports, games and physical exercise amongst internees.

**Article 95** Employment of internees.

**Article 96** Labour detachments.

**Chapter VI. Personal Property and Financial Resources**

**Article 97** Articles of personal use, including monies, cheques, bonds, etc., and valuables in their possession; searching women.

**Article 98** Regular allowances.

**Articles 99 through 158** and annex omitted.