

ŽENEVSKE KONVENCIJE  
IN  
DOPOLNILNI PROTOKOLI

II. del - Protokoli



Zbirka Mednarodno pravo  
Mednarodni dokumenti

**ŽENEVSKE KONVENCIJE IN DOPOLNILNI PROTOKOLI,**  
**II. DEL – PROTOKOLI**  
**Zbirka Mednarodno pravo**  
**Mednarodni dokumenti**

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*Pomagati, ne da bi se spraševali, komu!*

*To help, without asking whom!*



## PREDGOVOR

70. obletnica ženevskih konvencij iz leta 1949 je pomembna priložnost za premislek o vplivu teh ključnih pogodb mednarodnega humanitarnega prava na potek oboroženih spopadov: da poudarimo, kaj smo s temi pogodbami dosegli, in izrazimo ogorčenje nad nesprejemljivimi kršitvami mednarodnega humanitarnega prava, ki se dogajajo po svetu.

12. avgusta 1949, po drugi svetovni vojni, je bila za zaščito ranjenih, bolnih ali pridržanih vojakov in civilnih oseb med vojno sprejeta četrta ženevska konvencija. Konvencije, ki jih dopolnjujeta dopolnilna protokola iz leta 1977, so temelj mednarodnega humanitarnega prava. Podprle so jih vse države, zato so splošno sprejete, kar je med večstranskimi mednarodnimi pogodbami redkost.

Države so v skladu z ženevskimi konvencijami odgovorne za podpiranje in razširjanje njihove vsebine. Konvencij jim ni treba prevesti v državni jezik, zato je tak prevod vreden pohvale. Slovenija objavlja svoj uradni prevod ženevskih konvencij v posebej primernem času – ob njihovi obletnici. V času, ko nekateri pravijo, da ženevske konvencije ne ustrezajo več stvarnosti sodobnih spopadov, je pomembno znova potrditi in vztrajati, da imajo ključno vlogo pri ohranjanju človeških življenj in dostojanstva v vojnah.

## PREFACE

The seventieth anniversary of the 1949 Geneva Conventions is an important opportunity to consider the impact these key treaties of international humanitarian law (IHL) have on the way armed conflicts are fought: to highlight what they have achieved, but also to express outrage at the unacceptable violations of IHL the world is witnessing.

On 12 August 1949, after the Second World War, the fourth Geneva Convention was adopted to protect, in war, not only wounded, sick or detained soldiers but also civilians. The conventions, supplemented by their 1977 Additional Protocols, are the cornerstone of IHL. They have been endorsed by all states and are therefore universal, a rarity in the field of multilateral treaties.

Under the Geneva Conventions, states are responsible for upholding and disseminating their content. Although there is no obligation to translate the conventions into national language, such translation is a commendable step. It is particularly timely for Slovenia to publish its official translation of the Geneva Conventions in this anniversary year. Indeed, at a time when some say that the Geneva Conventions are no longer relevant to the realities of contemporary conflicts, it is important to reaffirm and insist on their key role in preserving human life and dignity in the midst of wars.

Nekateri tudi pravijo, da so ženevske konvencije zastarele in niso prilagojene sodobnim izzivom v današnjih oboroženih spopadih. Težava seveda ni v vsebini ženevskih konvencij, ampak v pomanjkanju njihovega spoštovanja. Pravila ženevskih konvencij danes ne samo veljajo, ampak so tudi zelo potrebna.

V svetu, v katerem potekajo siloviti spopadi, ki povzročajo ogromno trpljenja, vidimo pobito ali ranjeno civilno prebivalstvo, ki ne dobi nujno potrebne zdravstvene oskrbe, napade na bolnišnice in pobito zdravstveno osebje, milijone razseljenih ljudi, ki so prisiljeni zapustiti svoje domove, ter otroke, ki se med begom ločijo od svojih staršev ali pa so pohabljeni, mednarodno humanitarno pravo in ženevske konvencije prinašajo človečnost in zelo potrebna pravila za njeno ohranjanje in zaščito.

Mednarodni odbor Rdečega križa (ICRC), ki deluje na območjih spopadov po vsem svetu, je seznanjen s trpljenjem žrtev spopadov in kršitvami mednarodnega humanitarnega prava. Prav tako je seznanjen tudi z vsakodnevnimi dosežki mednarodnega humanitarnega prava, ki pa niso vedno vidni javnosti – ranjena oseba, ki ji je dovoljen prehod prek kontrolne točke, otrok, ki dobi nujno potrebno hrano, pridržane osebe, ki lahko svoji družini pošljejo sporočilo, in mnogi drugi primeri. Taki primeri jasno kažejo, da je mednarodno humanitarno pravo mogoče spoštovati; da se spoštuje in da njegovo izvajanje pomeni znaten napredek.



Indeed, the Geneva Conventions are currently being branded by some as outdated and not adapted to contemporary challenges faced in today's armed conflicts. However, the issue is not with the content of the Geneva Conventions, but rather with their lack of respect. The rules themselves are not only applicable today, but also much needed.

In a world where we witness conflicts raging and causing immense suffering; civilians killed or wounded, unable to receive the medical care they so desperately need; hospitals attacked and medical personnel killed; millions displaced by conflict and obliged to flee their homes; and children separated from their parents when fleeing or maimed – in this world, IHL and the Geneva Conventions bring humanity and much needed rules to preserve and protect it.

The International Committee of the Red Cross (ICRC), which works in conflict areas around the world, sees the suffering of victims of conflicts and violations of IHL. However, it also witnesses the everyday achievements of IHL, some not always visible to the public – a wounded person allowed through a checkpoint, a child who receives necessary food, detainees able to send a message to their families and many other examples. In such instances, it is clear that respect for IHL is possible, that it is occurring and that its implementation makes a meaningful difference.

Cilj ženevskih konvencij je ohraniti bistvo naše človečnosti v najhujših časih. Ta obletnica nas navdihuje, da storimo še več in smo še boljši ter tako izpolnimo ta močna pričakovanja ob njej. Zato je tudi tako zelo pomembno in pohvalno, da Slovenija objavlja svoj uradni prevod ženevskih konvencij in dopolnilnih protokolov, saj s tem priznava njihov pomen v današnjem času.

Peter Maurer  
predsednik ICRC

The Geneva Conventions aim to preserve the core of our common humanity at the worst of times. This anniversary is an appeal for all of us to do more, to do better, in order to live up to this powerful call. It is therefore of utmost importance and commendable that Slovenia is publishing its official translations of the Geneva Conventions and Additional Protocols, thereby recognising their contemporary relevance.

Peter Maurer  
ICRC President

## SPREMNA BESEDA

### Trajna vrednost ženevskih konvencij in njihovih dopolnilnih protokolov

V letu 2019 obeležujemo 70-letnico sprejema štirih ženevskih konvencij,<sup>1</sup> sprejetih 12. avgusta 1949 z namenom preprečiti preštevne žrtve in grozljivo razdejanje, kakor jih je povzročila 2. svetovna vojna, v prihodnosti. Kljub častitljivim letom vrednost in pomen zaščite, ki jo nudijo žrtvam žal še vedno preštevlnih oboroženih spopadov po svetu, danes nista nič manjša kot v času njihovega sprejetja. Kljub spreminjanju značilnosti oboroženih spopadov, ko so zdaj bolj kakor klasične vojne med državami pogosti nemednarodni oboroženi spopadi z mnogimi neznačilnimi stranmi, npr. oboroženimi terorističnimi skupinami, in kljub razvoju novih orožij in tehnik (vključno s kibernetским bojevanjem in vzpostavljanjem avtonomnih oborožitvenih sistemov), bojevanju v urbanih naseljih in še bi lahko naštevali, pomen pravil, zajetih v teh konvencijah, in njihovo (ne)spoštovanje v praksi odločilno vplivata na življenja in preživetje posameznikov, držav in mednarodne skupnosti kot celote.

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1 Ženevska konvencija za izboljšanje položaja ranjencev in bolnikov v oboroženih silah na bojišču, Ženevska konvencija za izboljšanje položaja ranjencev, bolnikov in brodolomcev v oboroženih silah na morju, Ženevska konvencija o ravnanju z vojnimi ujetniki, Ženevska konvencija o zaščiti civilnih oseb med vojno.

## FOREWORD

### **The lasting value of the Geneva Conventions and Additional Protocols**

In 2019, we celebrate the 70th anniversary of the adoption of the four Geneva Conventions<sup>1</sup>, which were adopted on 12 August 1949 to prevent a repeat of the horrors of the Second World War and reduce the number of victims in the future. Despite the considerable age of the four Geneva Conventions, the value and importance of protection they provide for victims of, unfortunately, still too many armed conflicts around the world are today the same as they were at the time of their adoption. Despite the fact that certain characteristics of armed conflicts have changed over time and that, rather than war in the classical sense of the word, the prevailing type of armed conflict today is armed conflict not of an international character, involving many untypical parties such as armed terrorist groups, and considering the development of new weapons and techniques (including cyber warfare and the development of autonomous weapons systems), urban warfare and so forth, the relevance of the rules of the Geneva Conventions and (non-)compliance with these rules in

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1 The Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Geneva Convention relative to the Treatment of Prisoners of War, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

Omeniti velja, da konvencije iz leta 1949 niso prve t.i. “ženevske konvencije”. Že leta 1864<sup>2</sup> je bila namreč sprejeta prva ženevska konvencija za izboljšanje položaja ranjencev in bolnikov v obo-roženih silah na bojišču, ki je prvič v zgodovini združila države v sprejemu mednarodnopravne obveznosti za organizacijo prostovolj-nih društev za pomoč bolnim in ranjenim na bojišču in priznala posebno zaščito zdravstvenemu osebju ter določila tudi zaščitni raz-poznavni znak, tj. rdeči križ. Izbira znaka, ki simbolizira barvno obrnjeno postavitev švicarske zastave, je bila tudi svojevrstno pri-znanje švicarski vladi, ki je sklicala to prvo ženevsko konferenco na pobudo ženevskega filantropa in trgovca Henryja Dunanta, ki je s somišljeniki ustanovil prvo nacionalno društvo rdečega križa. Povod za to je bila predvsem njegova osebna pretresljiva izkušnja, ko je na službeni poti videl razdejanje na bojišču bitke pri Solfe-rinu leta 1859. Nepopisno in nepotrebno trpljenje mnogih ranje-nih in bolnih vojakov, ki so umirali na bojišču oziroma ob njem zaradi pomanjkanja ustrezne zdravstvene oskrbe, je leta 1862 doži-veto opisal v knjižici Spomin na Solferino<sup>3</sup>, ki je prevedena tudi v slovenščino<sup>4</sup>.

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2 Konvencija je bila nadgrajena z novima različicama v letih 1906 in 1929 (tega leta je bila sprejeta tudi prva Ženevska konvencija o statusu vojnih ujetnikov), pozneje pa nadomeščena z ženevsko konvencijo iz leta 1949. Novost leta 1949 pa je bila četrta ženevska konvencija o zaščiti civilnih oseb, kar je med drugim odražalo tudi odziv na grozote holokavsta.

3 Dunant, Henry, *Un souvenir de Solferino*, Genève: Impremerie Jules-Guillaume Fick, 1862. Dunant je leta 1901 prejel tudi prvo Nobelovo nagrado za mir.

4 [https://www.rks.si/sl/Knjige/Spomin\\_na\\_Solferino/](https://www.rks.si/sl/Knjige/Spomin_na_Solferino/).

practice have a decisive impact on the lives and survival of individuals, States and the international community as a whole.

It should be noted that the conventions of 1949 are not the first “Geneva conventions”. As early as in 1864<sup>2</sup> the First Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field was adopted, uniting, for the first time in history, countries in their acceptance of the international legal obligation to organise voluntary relief societies to help the sick and wounded in the field, providing for special protection to medical personnel, and defining the distinctive emblem of protection, the red cross. The selection of the emblem, which represents an inverted Swiss flag, was a tribute to the Swiss Government that convened the first Geneva conference at the proposal of Henry Dunant, a philanthropist and businessman from Geneva, who, together with similarly minded individuals, founded the first national Red Cross society. This decision was largely influenced by his personal, deeply moving experience of witnessing the horrors of war on the battlefield of Solferino in 1859 while on a business trip. He vividly described the untold and unnecessary suffering of the many wounded and sick soldiers who were dying on the battlefield due to lack of appropriate

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2 The Convention was revised in 1906 and 1929 (this same year, the Geneva Convention relative to the Treatment of Prisoners of War was adopted) and subsequently replaced by the Geneva Convention of 1949. However, the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War was first adopted in 1949, among other things, in response of the atrocities of the Holocaust.

Ženevske konvencije, ki so danes med najširše sprejetimi mednarodnimi pogodbami na svetu in so kot univerzalno ratificirane prešle v običajno mednarodno pravo ter tako od njihovega nastanka dalje zavezujejo tudi vse novonastale države, so bile pozneje dopoljene še s protokoli iz let 1977<sup>5</sup> in 2005<sup>6</sup>.

Korpus teh mednarodnih pogodb pomeni najbolj temeljno zaščito oseb v času oboroženih spopadov in je postopoma prerasel v civilizacijsko normo sodobnega časa, njegovo poznavanje in spoštovanje v praksi pa nujni imperativ za delovanje predvsem za vse, ki so odgovorni za omejevanje nepotrebne nasilja v primeru oboroženega spopada, in tudi za vse druge.

Uradni prevod ženevskih konvencij in dopolnilnih protokolov v uradni jezik/jezike vsake države ter objava teh besedil v knjižni obliki in na način, ki omogoča dostop vsem prebivalcem, čeprav ne gre za pogodbeno dolžnost države, je *sine qua non* za učinkovito upoštevanje namena norm, ki jih zajemajo te mednarodne pogodbe. Slovenski prevod v knjižni obliki je bil sicer na voljo že dlje časa,<sup>7</sup> a je šlo za neuradne prevode, ki so se sčasoma izkazali tudi za zastarele.

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5 Dopolnilni protokol k ženevskim konvencijam z dne 12. avgusta 1949 o zaščiti žrtev nemednarodnih oboroženih spopadov (Protokol II) in Dopolnilni protokol k ženevskim konvencijam z dne 12. avgusta 1949 o zaščiti žrtev mednarodnih oboroženih spopadov (Protokol I). Protokol I je pomembno nadgradil zaščito v mednarodnih oboroženih spopadih, Protokol II, ki je precej krajši, pa je bil sprejet za namene urejanja nemednarodnih oboroženih spopadov.

6 Dopolnilni protokol k ženevskim konvencijam z dne 12. avgusta 1949 o sprejetju dodatnega razpoznavnega znaka (Protokol III).

7 Neuradni prevod v slovenščino dr. Antona Dolenca je bil objavljen v Medicinskih razgledih leta 1989, v letih 1995-1996 pa so bili neuradni prevodi



medical care in his book *A Memory of Solferino*<sup>3</sup>, published in 1862, which has also been translated into Slovenian<sup>4</sup>.

The Geneva Conventions, which today stand as the most widely adopted treaties in the world and, as universally ratified treaties, have evolved into customary international law, which is thus binding also on all new States as of the moment of their establishment, were subsequently supplemented by protocols of 1977<sup>5</sup> and 2005<sup>6</sup>.

The corpus of said treaties enshrines the most fundamental protection for persons during armed conflicts and has gradually evolved into the civilisation standard of modern times; therefore, it is imperative that particularly, but not only, those who are responsible for limiting unnecessary violence in the event of armed conflict understand and comply with it.

Although there is no legal obligation for Contracting Parties to do so, providing an official translation of the Geneva Conventions and the Additional Protocols into their official language/languages and publishing such texts in book form, thereby making them available

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3 Dunant, Henry, *Un souvenir de Solferino*, Genève: Imprimerie de Jules-Guil-laume Fick, 1862. In 1901 Henry Dunant received the first Nobel Peace Prize.

4 [https://www.rks.si/sl/Knjige/Spomin\\_na\\_Solferino/](https://www.rks.si/sl/Knjige/Spomin_na_Solferino/).

5 Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I). Protocol I significantly upgraded protection in international armed conflicts, while the much shorter Protocol II was adopted for the purposes of regulating non-international armed conflicts.

6 Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Adoption of an Additional Distinctive Emblem (Protocol III).

Ta knjižica je zato neprecenljivi pripomoček za izobraževanje na vseh stopnjah in za delo v slovenskem prostoru in v tujini, vključno z delovanjem državnih organov, zlasti Slovenske vojske, hkrati pa tudi primer dobre prakse, ki je lahko zgled tudi drugje, saj bi bilo glede na pomen teh dokumentov treba slehernemu posamezniku omogočiti, da se na enostaven način seznaní z njihovo vsebino v svojem jeziku.

Prav vse, kar lahko prispeva k preprečevanju ali vsaj lajšanju trpljenja premnogih žrtev oboroženih spopadov po svetu, je neprecenljivo, zato vloga in pomen ženevskih konvencij ter njihovih dopolnilnih protokolov ne bosta nikoli minila.

Prof. dr. Vasilka Sancin  
članica Odbora ZN za človekove pravice

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ženevskih konvencij in dopolnilnih protokolov I in II vključeni v publikacijo *Človekove pravice: zbirka mednarodnih dokumentov. Univerzalni dokumenti*, ki je izšla pri Društvu za Združene narode za Republiko Slovenijo.

to all residents, is a *sine qua non* for effectively pursuing the purpose of the standards enshrined in these treaties. There has been a Slovenian translation in book form available for years,<sup>7</sup> however, that is only an unofficial translation which has eventually also proved to be outdated.

That is why this booklet is an invaluable resource for education at all levels and for work of national authorities, particularly the Slovenian Armed Forces, in Slovenia and abroad, and is an example of good practice for others to follow, since, considering the importance of said documents, their contents should be made easily available to everyone in their own language.

Anything that may contribute to preventing or at least alleviating the suffering of the many victims of armed conflicts around the world is priceless, which is why the Geneva Conventions and the Additional Protocols are of lasting relevance and importance.

Professor Vasilka Sancin  
Member of the UN Human Rights Committee

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7 The unofficial translation into Slovenian, by Dr Anton Dolenc, was published in the *Medicinski razgledi* periodical in 1989, and in 1995 and 1996 the unofficial translation of the Geneva Conventions and Additional Protocols I and II was included in the publication *Človekove pravice: zbirka mednarodnih dokumentov. Univerzalni dokumenti (Human Rights: A Compilation of International Instruments: Universal Instruments)*, published by the United Nations Association of Slovenia.

## UVOD

Ministrstvo za zunanje zadeve je leta 2016 sprejelo odločitev, da se izdela uradni slovenski prevod štirih ženevskih konvencij iz leta 1949. Odločitev smo podprli tudi člani Stalne koordinacijske skupine za mednarodno humanitarno pravo. Te konvencije skupaj s tremi dopolnilnimi protokoli iz let 1977 in 2005 pomenijo temelj povojne ureditve mednarodnega humanitarnega prava. Nekdanja Jugoslavija je ženevskim konvencijam pripisovala velik pomen. Ratificirala jih je leto dni po njihovem sprejetju. Srbohrvaški prevod je objavila v glasilu prezidija Ljudske skupščine FLRJ, št. 6/50 in 24/50.

Dr. Anton Dolenc, ugledni profesor na Medicinski fakulteti Univerze v Ljubljani, se je zavedal, da srbohrvaški prevod v slovenskem prostoru ne zadostuje in da je treba te konvencije in protokola iz leta 1977 prevesti v slovenski jezik. Slovenski prevod je bil po njegovi zaslugi objavljen v Medicinskih razgledih leta 1989. Nekaj let pozneje so ob napadu JLA na Slovenijo slovenski organi prvič tudi v praksi uporabili ženevske konvencije. Dolencev prevod je pridobil še dodatno vrednost.

## INTRODUCTION

In 2016, the Ministry of Foreign Affairs adopted a decision to provide an official Slovenian translation of the four Geneva Conventions of 1949. The decision was endorsed by the members of the Permanent Coordination Group for International Humanitarian Law. The Geneva Conventions and three Additional Protocols of 1977 and 2005 are the foundation of post-war international humanitarian law. The former Yugoslavia attributed great importance to the Geneva Conventions, ratifying them a year after their adoption. It published the Serbo-Croatian translation of the Geneva Conventions in the *Presidium of the People's Assembly of the Federal People's Republic of Yugoslavia*, Nos 6/50 and 24/50.

Dr Anton Dolenc, a distinguished professor at the Faculty of Medicine of the University of Ljubljana, was aware that, in Slovenia, a Serbo-Croatian translation did not suffice and that the conventions and protocols of 1977 needed to be translated into Slovenian as well. Thanks to him, the Slovenian translation was published in the *Medicinski razgledi* periodical in 1989. A few years later, when Slovenia was attacked by the Yugoslav People's Army (JNA), Slovenian authorities applied, for the first time, the Geneva Conventions in practice. The translation undertaken by Dr Dolenc thus gained additional value.

Slovenija je po osamosvojitvi dosledno zagovarjala pomen spoštovanja načel in norm mednarodnega humanitarnega prava. Kot država naslednica nekdanje Jugoslavije je Slovenija nasledila štiri ženevske konvencije in oba dopolnilna protokola.<sup>1</sup>

Dolenčev neuradni slovenski prevod je imel neprecenljivo vrednost v zgodovinskem obdobju nastajanja slovenske države. Bil je tudi podlaga pri pripravi novega slovenskega prevoda ženevskih konvencij in dveh protokolov iz leta 1977.

Stalna koordinacijska skupina za redakcijo slovenskih besedil mednarodnih aktov, ki se objavijo v Uradnem listu Republike Slovenije (v nadaljevanju redakcijska komisija), je Dolenčev prevod sprva pregledala. Po pregledu je ugotovila terminološka neskladja med besedili in zastarelost posameznih prevodov. Nov prevod je redakcijska komisija pregledala, ugotovljena neskladja odpravila in zastarele izraze posodobila. Ta novi prevod je objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 7/19 (Uradni list RS, št. 27/19).

V redakcijski komisiji nismo sodelovali le člani Stalne koordinacijske skupine za mednarodno humanitarno pravo. Zaradi zahtevnega prevoda, ki sega na številna področja (npr. obrambe, prava – notranjega in mednarodnega, medicine, zdravstvene nege, ekonomije in financ itd.), so sodelovali tudi drugi strokovnjaki. Skupinsko delo strokovnjakov, ki smo končne odločitve sprejemali s konsenzom,

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1 Akt o notifikaciji nasledstva glede konvencij Sveta Evrope, ženevskih konvencij in dodatnih protokolov o zaščiti žrtev vojne in mednarodnih sporazumov s področja kontrole oborožitve, za katere so depozitarji tri glavne jedske sile, je objavljen v Uradnem listu RS, št. 14/92.

Since gaining independence, Slovenia has consistently advocated the importance of respect for the principles and norms of international humanitarian law. As a successor state to the former Yugoslavia, Slovenia succeeded the four Geneva Conventions and both Additional Protocols.<sup>1</sup>

The unofficial Slovenian translation by Dr Dolenc was of immeasurable value in the period of the creation of the Slovenian state. It also served as the basis for the new Slovenian translation of the Geneva Conventions and the two protocols of 1977.

The Permanent Coordination Group for the Revision of the Slovenian Texts of International Instruments to be Published in the Official Gazette of the Republic of Slovenia (hereinafter: revision commission) first reviewed Dr Dolenc's translation. As a result of the review, it found that there were terminological inconsistencies in the texts and that individual translated terms were outdated. The new translation was reviewed by the revision commission, which eliminated the inconsistencies found and updated the outmoded terminology. The new translation is published in the Official Gazette of the Republic of Slovenia – International Treaties, No. 7/19 (Official Gazette of the Republic of Slovenia, No. 27/19).

The revision commission, however, did not consist only of members of the Permanent Coordination Group for International Humanitarian

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1 The Act Notifying Succession to Conventions of the Council of Europe, the Geneva Conventions and the Additional Protocols on the Protection of War Victims and International Agreements in the Field of Arms Control, for which three nuclear powers are depositaries, is published in the Official Gazette of the Republic of Slovenia, No. 14/92.

je bilo ključnega pomena pri pregledu doslej najobsežnejšega prevoda mednarodnih pogodb, ki imajo skupaj več kot petsto členov. V nadaljevanju so navedeni nekateri primeri, ki dokazujejo nepogrešljivost strokovnjakov pri izbiri posameznih strokovnih izrazov.

Ker se v angleškem izvirniku ženevskih konvencij pogosto pojavljajo izrazi “capture,” “detain” in “retain”, smo se člani redakcijske komisije po posvetovanjih s strokovnjakom za obrambo odločili, da izberemo slovenske izraze “zajeti,” “pridržati” in “zadržati”. Nasprotna stran vojaka najprej zajame (capture), nato pridrži (detain), zato da prisilno ostane na enem mestu, in zadrži (retain).

Večni izziv na redakcijah pravnih besedil je, kako prevesti angleški izraz “subject to”. Ker je ta izraz pogosto zelo trd oreh za prevajalce, je bilo koristno sodelovanje članov Stalne koordinacijske skupine za mednarodno humanitarno pravo, ki poznajo vsebino ženevskih konvencij. Kadar gre za vsebinsko povezanost npr. dveh odstavkov v členu konvencije, smo člani redakcijske komisije izbrali slovenski termin “ob upoštevanju”.<sup>2</sup> “Subject to” se lahko prevaja tudi z “ne glede na to”, kadar se želi poudariti izjema od predhodno navedenih dejstev, vendar pri pregledu prevoda tega izraza nismo izbrali.

Razumevanje sobesedila in pomoč pravnih strokovnjakov sta bila dobrodošla pri redakciji prevoda angleškega izraza “regulations”.

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2 Glej npr. prvi in drugi odstavek 37. člena Ženevske konvencije za izboljšanje položaja ranjencev in bolnikov v oboroženih silah na bojišču z dne 12. avgusta 1949.



tarian Law. Due to the difficulty of translation and the many areas covered (defence, domestic and international law, medicine, health-care, the economy, finance, etc.), other experts were also involved. The team work of experts, who reached final decisions by consensus, was instrumental in the review of the most extensive translation to date of the international treaties, which in total comprise over 500 articles. The examples below show how indispensable the experts involved were in the selection of individual terms.

Some of the terms that were often used in the English original of the Geneva Conventions are “capture”, “detain” and “retain”, and the members of the revision commission decided, after consultation with an expert in defence, to translate the aforementioned terms into Slovenian as “*zajeti*”, “*pridržati*” and “*zadržati*” respectively. The adverse Party first captures (*zajame*) a soldier, detains (*pridrži*) him, thus forcing him to remain at one place, and then retains (*zadržī*) him there.

In the process of editing legal texts, translating the English term “subject to” into Slovenian is a constant challenge. Since translating this term is often a tough nut to crack for translators, cooperation between members of the Permanent Coordination Group for International Humanitarian Law, who are familiar with the contents of the Geneva Conventions, has been very useful in this respect. In cases where this term connected, in substance, two paragraphs of an article of the Convention, for example, the Slovenian term “ob upoštevanju” was used.<sup>2</sup> In cases where it is stressed that there is an exception to the previously stated facts, “subject to” may also be

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2 See, for example, the first and second paragraphs of Article 37 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.

Člani redakcijske komisije smo se odločili, da glede na sobesedilo izberemo različne slovenske izraze: predpisi,<sup>3</sup> pravila<sup>4</sup> in pravilnik.<sup>5</sup>

Izkušnje pri redakcijah pravnih besedil so bile pomembne pri razreševanju dileme, katerega od slovenskih izrazov “narodna pripadnost” ali “državljanstvo” izbrati pri redakciji prevoda angleškega izraza “nationality”. Pomembno je bilo sodelovanje strokovnjakinje, ki nam je razložila vsebinsko razliko med njima. Prvi izraz pomeni pripadnost določenemu narodu (prepoved razlikovanja glede na npr. vero, ... narodno pripadnost<sup>6</sup> ali razporeditev vojnih ujetnikov v taborišča glede na to pripadnost),<sup>7</sup> drugi označuje pravni odnos med posameznikom in državo, iz katerega izhajajo medsebojne pravice in obveznosti (npr. oseba ima albansko narodno pripadnost, a ima makedonsko državljanstvo).

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3 “Ob začetku sovražnosti vsaka stran v spopadu uradno obvesti nasprotno stran o zakonih in drugih predpisih, ki njenim državljanom dovoljujejo ali prepovedujejo sprejeti izpustitev na podlagi dane besede ali obljube.” (Tretji odstavek 21. člena Ženevske konvencije o ravnanju z vojnimi ujetniki z dne 12. avgusta 1949, poudarek dodan).

4 “Tako imenovana oseba upošteva vsa pravila glede discipline in vojaške varnosti, ki jih določi sila, ki pridržuje vojne ujetnike.” (37. člen Ženevske konvencije o ravnanju z vojnimi ujetniki z dne 12. avgusta 1949, poudarek dodan).

5 Ženevska konvencija o zaščiti civilnih oseb med vojno z dne 12. avgusta 1949 – priloga II, osnutek pravilnika o skupinski pomoči.

6 16. člen Ženevske konvencije o ravnanju z vojnimi ujetniki z dne 12. avgusta 1949.

7 Peti odstavek 79. člena Ženevske konvencije o ravnanju z vojnimi ujetniki z dne 12. avgusta 1949.

translated into Slovenian as “ne glede na to”, but this term was not used in the translation.

The understanding of the context and the help of legal experts was also very useful in the editing of the translation of the English term “regulations”. Members of the revision commission have decided to use different Slovenian terms for this, i.e. *predpisi*,<sup>3</sup> *pravila*<sup>4</sup> and *pravilnik*.<sup>5</sup>

Experience with editing legal texts was of considerable importance in resolving the dilemma of which Slovenian term (*narodna pripadnost* or *državljanstvo*) to use when translating the English term “nationality”. The help of an expert who explained the difference in meaning between the two Slovenian terms was very important in this respect. The former Slovenian term means allegiance to a particular nation (the prohibition of discrimination based on, for example, religion or

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3 “Upon the outbreak of hostilities, each Party to the conflict shall notify the adverse Party of the laws and regulations allowing or forbidding its own nationals to accept liberty on parole or promise.”, (the third paragraph of Article 21 of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949, underlining added for emphasis).

4 “The person thus appointed shall comply with all regulations established by the Detaining Power in the interests of discipline and military security.”, (Article 37 of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949, underlining added for emphasis).

5 The Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 – Annex II, Draft Regulations concerning Collective Relief.

Kar nekaj časa smo člani redakcijske komisije pozornost namenili redakciji prevoda angleškega izraza “accused”. Zaradi razmeroma širokega pomenskega razpona, v katerem se izraz uporablja v angleškem izvirniku, smo se po nasvetu strokovnjaka za kazensko pravo odločili za slovenski izraz “obdolženec” oziroma “obdolženi”.<sup>8</sup>

Zelo koristna je bila vključitev profesorja medicine v delo redakcijske komisije, zlasti pri redakciji prevoda priloge I k ženevski konvenciji o ravnanju z vojnimi ujetniki, ki vsebuje številne medicinske izraze.

Včna zagata pri redakcijah pravnih besedil je prevod angleškega izraza “parties concerned”. Čeprav smo pravniki zelo naklonjeni prevodu “zadevne strani,” smo se zaradi jezikovne pravilnosti, na katero je opozorila lektorica za slovenski jezik, člani redakcijske komisije odločili izbrati izraz “te strani”. To je bila še toliko lažja odločitev, saj je iz sobesedila jasno, katere strani so mišljene.<sup>9</sup>

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8 Ženevska konvencija o ravnanju z vojnimi ujetniki z dne 12. avgusta 1949: npr. drugi odstavek 84. člena, 95. člen, četrti odstavek 96. člena, tretji odstavek 99. člena in tretji odstavek 100. člena.

9 “Visoke pogodbenice lahko že v miru, strani v spopadu pa po začetku sovražnosti na svojem ozemlju in po potrebi na okupiranih območjih ustanovijo bolnišnična območja in kraje ...” (Prvi odstavek 23. člena Ženevske konvencije za izboljšanje položaja ranjencev in bolnikov v oboroženih silah na bojišču z dne 12. avgusta 1949).

“Ob začetku ali med trajanjem sovražnosti te strani lahko sklenejo sporazume o vzajemnem priznavanju tako ustanovljenih bolnišničnih območij ali krajev.” (Drugi odstavek 23. člena te ženevske konvencije, poudarek dodan).

*narodna pripadnost*<sup>6</sup> or the placement of prisoners of war into camps based on that allegiance),<sup>7</sup> while the latter denotes a legal relationship between an individual and a state from which mutual rights and obligations arise (e.g. a person identifies themselves as Albanian (*narodna pripadnost*), but has a Macedonian nationality, i.e. citizenship (*državljanstvo*).

The members of the revision commission have also devoted considerable time to the translation of the English term “accused”. Since the English term as used in the English original has a relatively broad meaning, we decided to translate it as “*obdolženec*” or “*obdolženi*” as advised by an expert in criminal law.<sup>8</sup>

The involvement of a professor of medicine in the work of the group was very useful in this respect, particularly when it came to editing the translation of Annex I to the Geneva Convention relative to the Treatment of Prisoners of War, which contains a number of medical terms.

One of the constant dilemmas faced when editing legal texts is how to translate the English expression “parties concerned”. Despite the fact that lawyers are very fond of the expression “*zadevne strani*”, we decided to use the expression “*te strani*”, this being a preferable term from the linguistic point of view, as pointed out by the Slovenian

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6 Article 16 of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949.

7 The fifth paragraph of Article 79 of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949.

8 The Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949, e.g. the second paragraph of Article 84, Article 95, the fourth paragraph of Article 96, the third paragraph of Article 99 and the third paragraph of Article 100.

Pri pregledu prevoda angleških izrazov “monies”, “cheques”, “bonds”, “allowances” in “the form of credits” s področja financ in ekonomije, smo člani redakcijske komisije na predlog strokovnjakinje izbrali slovenske izraze<sup>10</sup> “denar,” “čeki,” “vrednostni papirji,” “sredstva” in “v obliki dobroimetja.” Člani smo se strinjali, da ti izrazi v sodobnem slovenskem jeziku (kolikor je to mogoče glede na čas nastanka teh besedil) terminološko ustrezajo današnjemu času.

Ker Tretji dopolnilni protokol zaokrožuje pogodbeno ureditev t. i. ženevskega prava, se je Ministrstvo za zunanje zadeve odločilo, da v tej knjižici objavi angleški izvornik in slovenski prevod tega protokola. Protokol je leta 2005 uvedel še en dodatni prepoznavni znak – rdeči kristal. Slovenija je protokol leta 2008 ratificirala. Istega leta je takratna redakcijska komisija slovenski prevod protokola pregledala. Angleški izvornik in slovenski prevod protokola sta objavljena v Uradnem listu Republike Slovenije.<sup>11</sup>

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10 “Interniranci smejo zadržati predmete za osebno rabo. Denar, čeki, vrednostni papirji itd. in dragocenosti, ki jih imajo pri sebi, se jim lahko odvzamejo samo v skladu z ustaljenim postopkom. Zanje se jim izda podrobno potrdilo.” (Prvi odstavek 97. člena Ženevske konvencije o zaščiti civilnih oseb med vojno z dne 12. avgusta 1949, poudarek dodan).

“Vsi interniranci redno prejemajo sredstva, ki zadoščajo za nakup blaga in predmetov, kot so tobak, toaletne potrebščine itd. Ta sredstva so lahko v obliki dobroimetja ali nakupovalnih bonov.” (Prvi odstavek 98. člena Ženevske konvencije o zaščiti civilnih oseb med vojno z dne 12. avgusta 1949, poudarka dodana).

11 Uredba o ratifikaciji dopolnilnega protokola k ženevskim konvencijam z dne 12. avgusta 1949 o sprejetju dodatnega razpoznavnega znaka je bila objavljena v Ur. l. RS, št. 15/08 (Uradni list RS – Mednarodne pogodbe, št. 3/08).

language editor. This decision was even easier to make as it is clear from the original which parties are meant.<sup>9</sup>

In reviewing the translation of the English terms “monies”, “cheques”, “bonds”, “allowances” and “the form of credits” in the areas of finance and the economy, the members of the revision commission, on the proposal of an expert, used the Slovenian terms<sup>10</sup> “denar”, “čeki”, “vrednostni papirji”, “sredstva” and “v obliki dobroimetja”. The members agreed that, in the modern Slovenian language, these terms (insofar as possible given the time when these texts were created) reflect the terminology of the present time.

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9 “In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own territory and, if the need arises, in occupied areas, hospital zones and localities....” (the first paragraph of Article 23 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). “Upon the outbreak and during the course of hostilities, the Parties concerned may conclude agreements on mutual recognition of the hospital zones and localities they have created.” (the second paragraph of Article 23 of said Geneva Convention, underlining added for emphasis).

10 “Internees shall be permitted to retain articles of personal use. Monies, cheques, bonds, etc., and valuables in their possession may not be taken from them except in accordance with established procedure. Detailed receipts shall be given therefor.” (the first paragraph of Article 97 of Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949; underlining added for emphasis).

“All internees shall receive regular allowances, sufficient to enable them to purchase goods and articles, such as tobacco, toilet requisites, etc. Such allowances may take the form of credits or purchase coupons.” (the first paragraph of Article 98 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949; underlining added for emphasis).

Veseli me, da uradni slovenski prevod štirih ženevskih konvencij in treh dopolnilnih protokolov v knjižici objavljamo v letu, ko obeležujemo 70. obletnico sprejetja ženevskih konvencij. Kljub “visokemu jubileju” konvencije še danes ohranjajo svojo veljavo zaradi številnih pravil, ki ščitijo vedno številčnejše žrtve oboroženih spopadov. Pomen teh pravil krepi tudi objava posodobljenega slovenskega prevoda v knjižici. Vrednost teh pravil, ki jih dopolnjujejo običajna pravila mednarodnega humanitarnega prava, nadgrajuje etično načelo spoštovanja človeškega dostojanstva.

Knjižica je koristen učni pripomoček pri rednih in dodatnih izobraževanjih, ki so za pripadnike slovenskih oboroženih sil in policije organizirana pred odhodom na mednarodne operacije in misije. Ker slovenski prevod prispeva k širitvi znanja o mednarodnem humanitarnem pravu, je prav tako namenjena fakultetam (zlasti pravni, medicinski in družboslovni), Rdečemu križu Slovenije, znanstvenim ustanovam, pravosodnim organom, novinarjem in civilnemu prebivalstvu.

Ministrstvo za zunanje zadeve Republike Slovenije bo ob izdaji te knjižice depozitarju – Švicarskemu zveznemu svetu – poslalo uradni slovenski prevod štirih ženevskih konvencij in dveh protokolov iz leta 1977. Slovenija bo tako enainšestdeseta država, uvrščena na seznam držav, ki imajo prevod ženevskih konvencij v svojem jeziku shranjen pri depozitarju.



As the Third Additional Protocol completes the treaties enshrining the Geneva law, the Ministry of Foreign Affairs has decided to publish the English original and the Slovenian translation of this Protocol in a booklet. In 2005, the Protocol introduced an additional emblem – the red crystal. Slovenia ratified the Protocol in 2008. The same year, the Slovenian translation of the Protocol was reviewed by the then revision commission. The English original and the Slovenian translation of the Protocol are published in the Official Gazette of the Republic of Slovenia.<sup>11</sup>

I am pleased to see the official Slovenian translation of the four Geneva Conventions and the three Additional Protocols being published in the booklet in the year in which we celebrate the 70th anniversary of the adoption of the Geneva Conventions. Despite their impressive anniversary, the Conventions still remain valid, due to a number of rules protecting the increasing number of victims of armed conflict. The importance of these rules is also strengthened by the publication of an updated Slovenian translation in the booklet. The value of these rules, which are complemented by the customary rules of international humanitarian law, upgrades the ethical principle of respect for human dignity.

The booklet is a useful teaching aid in regular and additional training organised for members of the Slovenian Armed Forces and the police before their deployment in international operations and missions.

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11 The Decree ratifying the Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Adoption of an Additional Distinctive Emblem (Protocol III) was published in the Official Gazette of the Republic of Slovenia, No. 15/08 (Official Gazette of the Republic of Slovenia – International Treaties, No. 3/08).

Prepričana sem, da je izdaja knjižice pomemben korak k ozaveščanju slovenske javnosti o pomenu temeljnih načel in norm mednarodnega humanitarnega prava. Na mednarodni ravni Slovenija dokazuje svojo verodostojnost in krepi zavezanost spoštovanju mednarodnega prava. To je ena temeljnih nalog slovenske zunanje politike.

Naj ta uvod sklenem z upanjem, da bodo države končno spoznale, kako nesmiselne so vojne in kakšno zlo povzročajo nedolžnemu civilnemu prebivalstvu. Na to nas opominja Picassova slika *Guernica*. Zdi se, da se iz preteklih tragičnih dogodkov v Srebrenici, Ruandi in zdajšnjih v Siriji in Jemnu nismo ničesar naučili.

Znanje o mednarodnem humanitarnem pravu lahko pomembno prispeva k zmanjševanju napetosti, ki v mednarodnem okolju pogosto vodijo v oborožene spopade. Vendar napredka v smeri doslednega spoštovanja načel in norm mednarodnega humanitarnega prava brez politične volje držav ni mogoče pričakovati.

Tega prevoda ne bilo brez vestnega in prizadevnega dela članov redakcijske komisije. Zahvaljujem se vsem članom, ki so s svojim strokovnim znanjem in izkušnjami prispevali h kakovostnemu slovenskemu prevodu, še posebej mag. Dominiki Marolt-Maver (Ministrstvo za notranje zadeve), dr. Gregorju Potočniku (Ministrstvo za obrambo), prof. dr. Jožetu Balažicu (rednemu profesorju na Medicinski fakulteti Univerze v Ljubljani), mag. Magdaleni Petrič (zunanjji strokovnjakinji), Majdi Tome (nekdanji lektorici v Sektorju za prevajanje Generalnega sekretariata Vlade RS), Mihi Movrinu (Ministrstvo za pravosodje), Neži Kompare (Ministrstvo za zdravje), mag. Sonji Turnšek (Ministrstvo za obrambo),

Since the Slovenian translation contributes to the dissemination of information about international humanitarian law, it is also intended for faculties (in particular the Faculty of Law, the Faculty of Medicine and the Faculty of Social Sciences), the Red Cross of Slovenia, scientific institutions, judicial authorities, journalists and the civilian population.

Upon the publication of the booklet, the Ministry of Foreign Affairs of the Republic of Slovenia will deposit the official Slovenian translation of the four Geneva Conventions and the two Protocols of 1977 with the Swiss Federal Council – the depositary of the Conventions. Slovenia will thus be the 61st country to be included in the list of countries that have deposited the translation of the Geneva Conventions in their own language with the depositary.

I am convinced that the publication of the booklet is an important step towards raising the awareness of the Slovenian public about the significance of the fundamental principles and norms of international humanitarian law. At the international level, Slovenia has again demonstrated its credibility, strengthening its commitment to respect for international law. This is one of the fundamental tasks of Slovenian foreign policy.

Please allow me to conclude this introduction with hope that all countries will eventually realise how futile war is and what harm it does to the innocent civil population. Picasso's *Guernica* is a reminder of this. It seems that we have learned too little from the past tragic events in Srebrenica and Ruanda and the present events in Syria and Yemen. The knowledge of international humanitarian law can significantly contribute to reducing tensions, which in the international environment often lead to armed conflicts. However, without the political will

dr. Savinu Joganu (zunanjemu strokovnjaku), Špeli Dejak Motoh (prevajalki v Sektorju za prevajanje Generalnega sekretariata Vlade RS), Tini Kralj (lektorici za slovenski jezik v Sektorju za prevajanje Generalnega sekretariata Vlade RS), Tamari Derman-Zadavec (Ministrstvo za obrambo) in prof. dr. Vasilki Sancin (izredni profesorici na Pravni fakulteti Univerze v Ljubljani). Hvala tudi Ministrstvu za obrambo, ki je sofinanciralo izdajo knjižice.

Mag. Mateja Grašek  
predsedujoča redakcijski komisiji in  
Stalni koordinacijski skupini za mednarodno humanitarno pravo

of countries, there can be no progress towards consistent compliance with the principles and norms of international humanitarian law.

This translation would not have been possible without the conscientious and dedicated work of the revision commission. I would therefore like to thank all the members, whose expert knowledge and experience have contributed to the quality of the Slovenian translation, and in particular Dominika Marolt-Maver (Ministry of the Interior), Dr Gregor Potočnik (Ministry of Defence), Prof. Jože Balazic (full professor at the Faculty of Medicine of the University of Ljubljana), Magdalena Petrič (external expert), Majda Tome (former language editor at the Translation and Interpretation Division of the Secretariat-General of the Government of the Republic of Slovenia), Miha Movrin (Ministry of Justice), Neža Kompare (Ministry of Health), Sonja Turnšek (Ministry of Defence), Dr Savin Jogan (external expert), Špela Dejak Motoh (translator at the Translation and Interpretation Division of the Secretariat-General of the Government of the Republic of Slovenia), Tina Kralj (Slovenian language editor at the Secretariat-General of the Government of the Republic of Slovenia), Tamara Derman-Zadravec (Ministry of Defence) and Dr Vasilka Sancin (associate professor at the Faculty of Law of the University of Ljubljana). I would also like to thank the Ministry of Defence, which co-funded the publication of the booklet.

Mateja Grašek  
Head of the revision commission and  
the Permanent Coordination Group for International  
Humanitarian Law



**DOPOLNILNI PROTOKOLI**

**ADDITIONAL PROTOCOLS**

**DOPOLNILNI PROTOKOL K ŽENEVSKIM  
KONVENCIJAM Z DNE 12. AVGUSTA  
1949 O ZAŠČITI ŽRTEV MEDNARODNIH  
OBOROŽENIH SPOPADOV  
(PROTOKOL I)  
Z DNE 8. JUNIJA 1977**

UVOD

*Visoke pogodbenice so se ob izražanju svoje iskrene želje, da bi med narodi zavladal mir, ob upoštevanju, da se je vsaka država v skladu z Ustanovno listino Organizacije združenih narodov v svojih mednarodnih odnosih dolžna vzdržati groženj ali uporabe sile zoper suverenost, ozemljsko celovitost ali politično neodvisnost katere koli države ali na kakršen koli drug način, ki ni v skladu s cilji Organizacije združenih narodov,*

*ob prepričanju, da je treba kljub temu znova potrditi in razviti določbe, ki ščitijo žrtve oboroženih spopadov, in dopolniti ukrepe za krepitev njihove uporabe,*

*ob izražanju svojega prepričanja, da se nobena določba tega protokola ali ženevskih konvencij z dne 12. avgusta 1949 ne sme razlagati tako, da upravičuje ali dovoljuje kakršno koli dejanje agresije ali drugo uporabo sile, ki ni v skladu z Ustanovno listino Organizacije združenih narodov,*



**PROTOCOL ADDITIONAL TO THE GENEVA  
CONVENTIONS OF 12 AUGUST 1949, AND  
RELATING TO THE PROTECTION OF VICTIMS  
OF INTERNATIONAL ARMED CONFLICTS  
(PROTOCOL I),  
OF 8 JUNE 1977**

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

*ob nadaljnji potrditvi, da se morajo določbe ženevskih konvencij z dne 12. avgusta 1949 in tega protokola vedno v celoti uporabljati za vse osebe, ki so zaščitene s temi akti, brez razlikovanja na podlagi narave ali izvora oboroženega spopada ali na podlagi ciljev, ki jih strani v spopadu podpirajo ali se jim pripisujejo, dogovorile:*

## I. DEL

### SPLOŠNE DOLOČBE

#### *1. člen – Splošna načela in področje uporabe*

1. Visoke pogodbenice se zavezujejo, da bodo spoštovale ta protokol in zagotavljale, da se upošteva v vseh okoliščinah.
2. V primerih, ki jih ne zajema ta protokol ali drugi mednarodni sporazumi, civilne osebe in borce še naprej ščitijo in zanje veljajo načela mednarodnega prava, ki temeljijo na ustaljenih običajih, načelih človečnosti in zapovedi javne vesti.
3. Ta protokol, s katerim se dopolnjujejo ženevske konvencije z dne 12. avgusta 1949 o zaščiti žrtev vojne, se uporablja v razmerah iz 2. člena, ki je skupen tem konvencijam.
4. Razmere iz prejšnjega odstavka vključujejo oborožene spopade, v katerih se narodi borijo proti kolonialni prevladi in tuji okupaciji ter rasističnim režimom ob uveljavljanju svoje pravice do samoodločbe, ki je vsebovana v Ustanovni listini Organizacije združenih narodov in Deklaraciji o načelih mednarodnega prava o prijateljskih odnosih in sodelovanju med državami v skladu z Ustanovno listino Organizacije združenih narodov.

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.
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 regimes 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 Cooperation among States in accordance with the Charter of the United Nations.

## 2. člen – Opredelilve izrazov

V tem protokolu:

- a) “I. konvencija”, “II. konvencija”, “III. konvencija” in “IV. konvencija” pomenijo v tem zaporedju Ženevsko konvencijo za izboljšanje položaja ranjencev in bolnikov v oboroženih silah na bojišču z dne 12. avgusta 1949, Ženevsko konvencijo za izboljšanje položaja ranjencev, bolnikov in brodolomcev v oboroženih silah na morju z dne 12. avgusta 1949, Ženevsko konvencijo o ravnanju z vojnimi ujetniki z dne 12. avgusta 1949, Ženevsko konvencijo o zaščiti civilnih oseb med vojno z dne 12. avgusta 1949; izraz “konvencije” pomeni štiri ženevske konvencije z dne 12. avgusta 1949 o zaščiti žrtev vojne;
- b) “pravila mednarodnega prava, ki se uporabljajo v oboroženem spopadu” pomenijo pravila, ki se uporabljajo v oboroženem spopadu in jih vsebujejo mednarodni sporazumi, katerih pogodbenice so strani v spopadu, ter splošno priznana načela in pravila mednarodnega prava, ki se uporabljajo v oboroženem spopadu;
- c) “sila zaščitnica” pomeni nevtralno ali drugo državo, ki ni stran v spopadu in jo je imenovala stran v spopadu in odobrila nasprotna stran ter je sprejela opravljanje nalog, dodeljenih sili zaščitnici po konvencijah in tem protokolu;
- d) “nadomestna organizacija” pomeni organizacijo, ki nadomešča silo zaščitnico v skladu s 5. členom.

## *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.

### *3. člen – Začetek in konec uporabe*

Brez poseganja v določbe, ki se vedno uporabljajo:

- a) se konvencije in ta protokol uporabljajo po nastanku katerih koli razmer iz 1. člena tega protokola;
- b) se na ozemlju strani v spopadu konvencije in ta protokol prenehajo uporabljati po splošnem končanju vojaških operacij, na okupiranih ozemljih pa po končanju okupacije, razen, v obeh primerih, za osebe, ki bodo zatem dokončno osvobodjene, repatriirane ali znova nastanjene. Te osebe do svoje dokončne osvoboditve, repatriacije ali ponovne nastanitve še naprej uživajo ugodnosti po ustreznih določbah konvencij in tega protokola.

### *4. člen – Pravni položaj strani v spopadu*

Uporaba konvencij in tega protokola ter tudi sklenitev sporazumov, ki jih določajo konvencije in ta protokol, ne vplivata na pravni položaj strani v spopadu. Niti okupacija ozemlja niti uporaba konvencij in tega protokola ne vplivata na pravni položaj tega ozemlja.

### *5. člen – Imenovanje sil zaščitnic in njihovih nadomestnih organizacij*

1. Dolžnost strani v spopadu je, da od začetka spopada zagotovijo nadzor nad konvencijami in tem protokolom ter njihovo izvajanje s sistemom sil zaščitnic, vključno, med drugim, z imenovanjem in odobritvijo teh sil v skladu z naslednjimi odstavki. Sile zaščitnice so dolžne ščititi interese strani v spopadu.

### *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.

### *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

2. Ob nastanku razmer iz 1. člena vsaka stran v spopadu brez odlašanja imenuje silo zaščitnico zaradi uporabe konvencij in tega protokola ter prav tako brez odlašanja in za ta namen dovoli delovanje sile zaščitnice, ki jo je imenovala nasprotna stran in jo je tudi sama odobrila kot tako.
3. Če ob nastanku razmer iz 1. člena sila zaščitnica ni bila imenovana ali odobrena, Mednarodni odbor Rdečega križa brez poseganja v pravico katere koli druge nepristranske humanitarne organizacije, da stori enako, ponudi svoje dobre usluge stranem v spopadu, da se brez odlašanja imenuje sila zaščitnica, s katero strani v spopadu soglašajo. V ta namen lahko med drugim vsako stran zaprosi, da mu predloži seznam najmanj petih držav, ki so zanj sprejemljive, da v njenem imenu delujejo kot sile zaščitnice v odnosu do nasprotne strani, prav tako pa zaprosi tudi vsako nasprotno stran, da mu predloži seznam najmanj petih držav, ki bi jih odobrila kot sile zaščitnice prve navedene strani; ti seznami se sporočijo odboru v dveh tednih po prejemu zaprosila; odbor jih primerja in zaprosi za soglasje vsake predlagane države, ki je navedena na obeh seznamih.
4. Če kljub navedenemu ni sile zaščitnice, strani v spopadu brez odlašanja sprejmejo ponudbo, ki jo lahko da Mednarodni odbor Rdečega križa ali katera koli druga organizacija, ki zagotavlja vsa jamstva nepristranskosti in učinkovitosti, po posvetovanju s temi stranmi v spopadu in ob upoštevanju tega posvetovanja, da deluje kot nadomestna organizacija. Za delovanje take nadomestne organizacije je potrebno soglasje strani v spopadu; strani v spopadu si po najboljših močeh prizadevajo omogočiti nadomestni organizaciji opravljanje njenih nalog v skladu s konvencijami in tem protokolom.



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, to act as a

5. V skladu s 4. členom imenovanje in odobritev sil zaščitnic zaradi uporabe konvencij in tega protokola ne vplivata na pravni položaj strani v spopadu ali katerega koli ozemlja, vključno z okupiranim ozemljem.
6. Vzdrževanje diplomatskih odnosov med stranmi v spopadu ali zadolžitev tretje države za zaščito interesov strani in njihovih državljanov v skladu s pravili mednarodnega prava o diplomatskih odnosih ne ovira imenovanja sil zaščitnic zaradi uporabe konvencij in tega protokola.
7. Vsaka nadaljnja navedba sile zaščitnice v tem protokolu se nanaša tudi na nadomestno organizacijo.

#### *6. člen – Usposobljene osebe*

1. Visoke pogodbenice si tudi v miru prizadevajo, da se s pomočjo nacionalnih društev Rdečega križa (Rdečega polmeseca, Rdečega leva in sonca) usposobi osebje, s čimer olajšajo uporabo konvencij in tega protokola ter zlasti dejavnosti sil zaščitnic.
2. Pridobivanje in usposabljanje takega osebja je v pristojnosti posameznih držav.

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.
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. Pri Mednarodnem odboru Rdečega križa so visokim pogodbenicam na voljo sezname tako usposobljenih oseb, ki so jih same pripravile in predložile za ta namen.
4. Strani, na katere se to nanaša, za vsak primer posebej sklenejo poseben sporazum o pogojih za zaposlitev takega osebja izven državnega ozemlja.

#### *7. člen – Sestanki*

Depozitar tega protokola na zahtevo ene visoke pogodbenice ali več visokih pogodbenic in z odobritvijo večine visokih pogodbenic skliče sestaneke visokih pogodbenic za obravnavo splošnih vprašanj v zvezi z uporabo konvencij in protokola.

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.

**II. DEL**  
**RANJENCI, BOLNIKI IN BRODOLOMCI**  
I. ODDELEK  
SPLOŠNA ZAŠČITA

*8. člen – Opredelitive izrazov*

V tem protokolu izraz:

- a) “ranjenci” in “bolniki” pomenita vojaške ali civilne osebe, ki zaradi poškodbe, bolezni ali drugih telesnih ali duševnih motenj ali invalidnosti potrebujejo zdravstveno pomoč ali oskrbo ter se vzdržijo vsakega sovražnega dejanja. Ta izraza zajemata tudi porodnice, novorojenčke in druge osebe, ki bi lahko potrebovale takojšnjo zdravstveno pomoč ali oskrbo, kot so onemogli ali nosečnice, in ki se vzdržijo vsakega sovražnega dejanja;
- b) “brodolomci” pomeni vojaške ali civilne osebe, ki so v nevarnosti na morju ali drugih vodah zaradi nesreče, ki jih je prizadela ali je prizadela plovilo ali zrakoplov, na katerem so, in ki se vzdržijo vsakega sovražnega dejanja. Te osebe se štejejo za brodolomce tudi med reševanjem, če se še naprej vzdržujejo vsakega sovražnega dejanja, in sicer dokler ne dobijo drugega statusa po konvencijah ali tem protokolu;
- c) “zdravstveno osebje” pomeni osebe, ki jih stran v spopadu določi izključno za zdravstvene namene iz pododstavka e ali za upravljanje zdravstvenih enot ali vožnjo ali upravljanje zdravstvenih prevoznih sredstev. Taka določitev je lahko stalna ali začasna. Ta izraz vključuje:

**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;
- (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 Conventions 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) vojaško in civilno zdravstveno osebje strani v spopadu, vključno z osebjem iz I. in II. konvencije ter osebjem, ki je dodeljeno organizacijam civilne zaščite;
  - ii) zdravstveno osebje nacionalnih društev Rdečega križa (Rdečega polmeseca, Rdečega leva in sonca) in drugih nacionalnih prostovoljnih društev za pomoč, ki jih je stran v spopadu pravilno priznala in pooblastila;
  - iii) zdravstveno osebje zdravstvenih enot ali zdravstvenih prevoznih sredstev iz drugega odstavka 9. člena;
- d) "versko osebje" pomeni vojaške ali civilne osebe, kot so duhovniki, ki so zadolžene izključno za opravljanje verskih nalog in dodeljene:
- i) oboroženim silam strani v spopadu;
  - ii) zdravstvenim enotam ali zdravstvenim prevoznim sredstvom strani v spopadu;
  - iii) zdravstvenim enotam ali zdravstvenim prevoznim sredstvom iz drugega odstavka 9. člena ali
  - iv) organizacijam civilne zaščite strani v spopadu.
- Versko osebje je lahko dodeljeno za stalno ali začasno, zanj pa se uporabljajo ustrezne določbe iz pododstavka k;
- e) "zdravstvene enote" pomeni vojaške ali civilne ustanove in druge enote, ki so organizirane za zdravstvene namene, in sicer za iskanje, zbiranje in prevoz ranjencev, bolnikov in brodolomcev, postavljanje diagnoz ranjencem, bolnikom ali brodolomcem ali za njihovo zdravljenje, vključno z zagotavljanjem prve pomoči ter preprečevanjem bolezni. Izraz zajema na primer bolnišnice in druge podobne enote, centre za transfuzijo krvi, centre in inštitute za preventivno medicino, skladišča zdravil in medicinskih pripomočkov ter zaloge medicinskega in farmacevtskega



- (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
  - (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 subparagraph 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

materiala teh enot. Zdravstvene enote so lahko nepremične ali premične, stalne aličasne;

- f) “zdravstveni prevoz” pomeni prevoz ranjencev, bolnikov, brodomcev, zdravstvenega osebja, verskega osebja, zdravstvene opreme ali zdravil in medicinskih pripomočkov, ki so zaščiteni po konvencijah in tem protokolu, po kopnem, vodi ali zraku;
- g) “zdravstveno prevozno sredstvo” pomeni katero koli vojaško ali civilno prevozno sredstvo, ki je za stalno aličasno dodeljeno izključno za zdravstveni prevoz in je pod nadzorom pristojnih oblasti strani v spopadu;
- h) “zdravstveno vozilo” pomeni katero koli zdravstveno prevozno sredstvo za prevoz po kopnem;
- i) “zdravstvene ladje in plovila” pomeni katero koli zdravstveno prevozno sredstvo za prevoz po vodi;
- j) “zdravstveni zrakoplov” pomeni katero koli zdravstveno prevozno sredstvo za prevoz po zraku;
- k) “stalno zdravstveno osebje”, “stalne zdravstvene enote” in “stalna zdravstvena prevozna sredstva” pomenijo zdravstveno osebje, enote in prevozna sredstva, ki so dodeljeni izključno za zdravstvene namene za nedoločen čas. “Začasno zdravstveno osebje”, “začasne zdravstvene enote” in “začasna zdravstvena prevozna sredstva” pomenijo zdravstveno osebje, enote in prevozna sredstva, ki so dodeljeni izključno za zdravstvene namene za omejeno obdobje in za ves čas tega obdobja. Če ni drugače določeno, izrazi “zdravstveno osebje”, “zdravstvene enote” in “zdravstvena prevozna sredstva” zajemajo stalno inčasno zdravstveno osebje, enote in prevozna sredstva.
- l) “razpoznavni znak” pomeni razpoznavni znak rdeči križ, rdeči polmesec ali rdeči lev in sonce na beli podlagi, kadar se uporablja za zaščito zdravstvenih enot in zdravstvenih prevoznih

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;
- (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;

sredstev ali zdravstvenega in verskega osebja, opreme ali sredstev za oskrbo;

- m) "razpoznavno znamenje" pomeni katero koli znamenje ali sporočilo, namenjeno izključno identifikaciji zdravstvenih enot ali zdravstvenih prevoznih sredstev iz III. poglavja priloge I k temu protokolu.

### *9. člen – Področje uporabe*

1. Določbe tega dela so namenjene izboljšanju položaja ranjencev, bolnikov in brodolomcev ter se uporabljajo za vse, na katere vplivajo razmere iz 1. člena, brez razlikovanja glede na raso, barvo, spol, jezik, vero ali versko prepričanje, politično ali drugo prepričanje, narodno ali socialno poreklo, premoženjsko stanje, rojstvo ali drugo okoliščino ali kakršno koli drugo podobno merilo.
2. Ustrezne določbe 27. in 32. člena I. konvencije se uporabljajo za stalne zdravstvene enote in zdravstvena prevozna sredstva (razen bolnišničnih ladij, za katere se uporablja 25. člen II. konvencije) ter njihovo osebje, ki ga je strani v spopadu za humanitarne namene dala (dalo) na voljo:
  - a) nevtralna ali druga država, ki ni stran v tem spopadu;
  - b) priznano in pooblaščenno društvo za pomoč take države;
  - c) nepristranska mednarodna humanitarna organizacija.

### *10. člen – Zaščita in oskrba*

1. Vsi ranjenci, bolniki in brodolomci se ne glede na to, kateri strani pripadajo, spoštujejo in zaščitijo.

(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 humanitarian organization.

*Article 10 — Protection and care*

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

2. Z njimi se vedno ravna človeško in so v največjem možnem obsegu in najkrajšem možnem času deležni zdravstvene oskrbe in nege, ki ju zahteva njihovo zdravstveno stanje. Niso deležni različne obravnave, razen zaradi zdravstvenih razlogov.

### *11. člen – Zaščita oseb*

1. Telesno in duševno zdravje ter integriteta oseb, ki so pod oblastjo nasprotne strani ali so internirane, pridržane ali jim je prostost kako drugače odvzeta zaradi razmer iz 1. člena, se ne smejo ogroziti s kakršnim koli neupravičenim dejanjem ali opustitvijo. V skladu s tem je na osebah iz tega člena prepovedano opravljati kakršne koli zdravstvene postopke, ki jih ne zahteva njihovo zdravstveno stanje in niso v skladu s splošno sprejetimi zdravstvenimi standardi, ki bi jih stran, ki tak postopek izvaja, v podobnih zdravstvenih okoliščinah uporabila za osebe, ki so njihni državljanji in jim nikakor ni odvzeta prostost.
2. Na teh osebah, tudi če s tem soglašajo, je prepovedano opravljati:
  - a) telesno pohabljenje,
  - b) medicinske ali znanstvene poskuse,
  - c) odvzem tkiva ali organov za presaditev,razen če so taka dejanja upravičena v skladu s pogoji iz prvega odstavka.
3. Izjeme od prepovedi iz točke c drugega odstavka so mogoče le, če se daruje kri za transfuzijo ali koža za presaditev, če je tako darovanje prostovoljno in brez prisile ali napeljevanja, in tudi tedaj le za terapevtske namene pod pogoji, ki so v skladu s splošno sprejetimi zdravstvenimi standardi in nadzorom, ki je v korist obeh, darovalca in prejemnika.

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

4. Vsako naklepno dejanje ali opustitev, ki resno ogrozi telesno ali duševno zdravje ali integriteto katere koli osebe, ki je pod oblastjo strani, ki ni stran, ki ji ta oseba pripada, in s katero se krši katera koli od prepovedi iz prvega in drugega odstavka ali se ne upoštevajo zahteve iz tretjega odstavka, pomeni hudo kršitev tega protokola.
5. Osebe iz prvega odstavka imajo pravico, da zavrnejo kakršen koli kirurški poseg. Ob zavrnitvi si zdravstveno osebje prizadeva pridobiti o tem pisno izjavo, ki jo pacient podpiše ali prizna.
6. Vsaka stran v spopadu vodi zdravstveno evidenco o vsakem darovanju krvi ali kože za presaditev, ki ga opravijo osebe iz prvega odstavka, če se to darovanje opravi pod odgovornostjo te strani. Poleg tega si vsaka stran v spopadu prizadeva voditi evidenco o vseh medicinskih postopkih, opravljenih v zvezi z vsako osebo, ki je internirana, pridržana ali ji je bila kako drugače odvzeta prostost zaradi razmer iz 1. člena. Ta evidenca je sili zaščitnici vedno na voljo za vpogled.

### *12. člen – Zaščita zdravstvenih enot*

1. Zdravstvene enote se vedno spoštujejo in zaščitijo ter jih ni dovoljeno napadati.
2. Prvi odstavek se uporablja za civilne zdravstvene enote, če:
  - a) pripadajo eni od strani v spopadu;



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. Paragraph 1 shall apply to civilian medical units, provided that they:
  - (a) belong to one of the Parties to the conflict;

- b) jih priznajo in pooblastijo pristojne oblasti ene od strani v spopadu ali
  - c) so pooblaščen v skladu z drugim odstavkom 9. člena tega protokola ali 27. členom I. konvencije.
3. Strani v spopadu so pozvane, da druga drugo obveščajo o položaju svojih zdravstvenih enot. Če takega obvestila ni, to ne pomeni, da je katera od strani oproščena obveznosti, da ravna v skladu z določbami prvega odstavka.
  4. Zdravstvene enote se nikakor ne uporabijo za to, da bi se z njimi poskusili zaščititi vojaški cilji pred napadom. Kadar koli je to mogoče, strani v spopadu zagotovijo, da so zdravstvene enote postavljene tako, da napadi na vojaške cilje ne ogrozijo njihove varnosti.

### *13. člen – Prenehanje zaščite civilnih zdravstvenih enot*

1. Zaščita, do katere so upravičene civilne zdravstvene enote, ne preneha, razen če se poleg tega, da opravljajo humanitarne naloge, uporabljajo tudi za sovražniku škodljiva dejanja. Zaščita lahko preneha šele po tem, ko ni bilo upoštevano dano opozorilo, v katerem je v vseh ustreznih primerih določen razumen časovni rok.
2. Za sovražniku škodljivo dejanje se ne šteje:
  - a) če je osebje enote opremljeno z lahkim osebnim orožjem za lastno obrambo ali za obrambo ranjencev in bolnikov v njegovi oskrbi;
  - b) če enoto ščiti vojaška enota, straža ali oboroženo spremstvo;

- (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 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) če sta v enoti najdena lahko orožje in strelivo, ki sta bila odvzeta ranjencem in bolnikom ter še nista bila predana pristojni službi;
- d) če so pripadniki oboroženih sil ali drugi borci v enoti zaradi zdravstvenih razlogov.

*14. člen – Omejitve glede zasega civilnih zdravstvenih enot*

1. Okupacijska sila je dolžna še naprej poskrbeti za zdravstvene potrebe civilnega prebivalstva na okupiranem ozemlju.
2. Okupacijska sila zato ne sme zaseči civilnih zdravstvenih enot, njihove opreme, materiala ali storitev njihovega osebja, dokler so ta sredstva potrebna za zagotavljanje ustreznih zdravstvenih storitev za civilno prebivalstvo in nadaljevanje zdravstvene oskrbe ranjencev in bolnikov, ki se zdravijo.
3. Če okupacijska sila še naprej spoštuje splošno pravilo iz drugega odstavka, sme zaseči navedena sredstva ob upoštevanju teh posebnih pogojev:
  - a) sredstva so potrebna za ustrezno in takojšnje zdravljenje ranjenih in bolnih pripadnikov oboroženih sil okupacijske sile ali vojnih ujetnikov;
  - b) zaseg je omejen le na čas trajanja take potrebe in
  - c) sprejmejo se takojšnji ukrepi, s katerimi se še naprej poskrbi za zdravstvene potrebe civilnega prebivalstva ter tudi ranjencev in bolnikov, ki se zdravijo in na katere ta zaseg vpliva.

- (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 forces 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 services 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
  - (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.

### *15. člen – Zaščita civilnega zdravstvenega in verskega osebja*

1. Civilno zdravstveno osebje se spoštuje in zaščiti.
2. Po potrebi se civilnemu zdravstvenemu osebju zagotovi vsa razpoložljiva pomoč na območju, na katerem je delovanje civilne zdravstvene službe prekinjeno zaradi bojevanja.
3. Okupacijska sila civilnemu zdravstvenemu osebju na okupiranih ozemljih zagotovi vso pomoč, da lahko po najboljših močeh opravlja svoje humanitarne naloge. Okupacijska sila od tega osebja ne sme zahtevati, da pri opravljanju teh nalog daje komur koli prednost, razen če to upravičujejo zdravstveni razlogi. To osebje se ne sme prisiliti k opravljanju nalog, ki niso v skladu z njegovimi humanitarnimi nalogami.
4. Civilno zdravstveno osebje ima dostop do vsakega kraja, kjer so njegove storitve nujno potrebne, ob upoštevanju nadzornih in varnostnih ukrepov, za katere ustrezna stran v spopadu meni, da so potrebni.
5. Civilno versko osebje se spoštuje in zaščiti. Tudi zanj se uporabljajo določbe konvencij in tega protokola, ki se nanašajo na zaščito in identifikacijo zdravstvenega osebja.

### *16. člen – Splošna zaščita zdravstvenih nalog*

1. Nihče se nikakor ne kaznuje zaradi opravljanja zdravstvenih dejavnosti, ki so v skladu z medicinsko etiko, ne glede na osebo, ki ima od tega korist.
2. Osebe, ki opravljajo zdravstvene dejavnosti, se ne smejo prisiliti, da opravljajo dejanja ali delo, ki je v nasprotju s pravili medicinske etike ali drugimi pravili, ki ščitijo ranjence in bolnike, ali z določbami konvencij ali tega protokola, niti se ne smejo

*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

prisiliti, da se vzdržijo dejanj ali dela, ki ga zahtevajo ta pravila in določbe.

3. Nihče, ki opravlja zdravstvene dejavnosti, se ne sme prisiliti, da sporoči komur koli, ki pripada nasprotni ali njegovi strani, razen če to zahteva pravo zadnje, informacije o ranjencih in bolnikih, ki so ali so bili v njegovi oskrbi, če meni, da bi te informacije lahko škodile tem pacientom ali njihovim družinam. Kljub temu se spoštujejo predpisi o obveznem obveščanju o nalezljivih boleznih.

#### *17. člen – Vloga civilnega prebivalstva in društev za pomoč*

1. Civilno prebivalstvo spoštuje ranjence, bolnike in brodolomce, tudi če ti pripadajo nasprotni strani, in nad njimi ne izvaja nasilja. Civilno prebivalstvo in društva za pomoč, kot so nacionalna društva Rdečega križa (Rdečega polmeseca, Rdečega leva in sonca), lahko tudi na lastno pobudo zbirajo in oskrbujejo ranjence, bolnike in brodolomce tudi na napadenih in okupiranih ozemljih. Nikogar ni dovoljeno poškodovati, preganjati, obsoditi ali kaznovati zaradi takih humanitarnih dejanj.
2. Strani v spopadu lahko pozovejo civilno prebivalstvo in društva za pomoč iz prvega odstavka, da zbirajo in oskrbijo ranjence, bolnike in brodolomce ter poiščejo mrtve in sporočijo njihov položaj; vsem, ki se temu pozivu odzovejo, zagotovijo zaščito in vse potrebne ugodnosti. Če nasprotna stran pridobi ali znova pridobi nadzor nad območjem, ta stran zagotavlja enako zaščito in ugodnosti, dokler so potrebne.



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.

*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.

## *18. člen – Identifikacija*

1. Vsaka stran v spopadu si prizadeva zagotoviti, da je mogoče prepoznati zdravstveno in versko osebje ter zdravstvene enote in zdravstvena prevozna sredstva.
2. Vsaka stran v spopadu si prizadeva za sprejetje in uporabo načinov in postopkov, ki omogočajo prepoznavanje zdravstvenih enot in zdravstvenih prevoznih sredstev, ki uporabljajo razpoznavni znak in razpoznavna znamenja.
3. Na okupiranem ozemlju in območjih, kjer poteka ali bo verjetno potekalo bojevanje, se civilno zdravstveno in versko osebje prepozna na podlagi razpoznavnega znaka in identifikacijske izkaznice, ki potrjuje njihov status.
4. S soglasjem pristojnih oblasti so zdravstvene enote in zdravstvena prevozna sredstva označeni z razpoznavnim znakom. Ladje in plovila iz 22. člena tega protokola so označeni v skladu z določbami II. konvencije.
5. Stran v spopadu lahko poleg razpoznavnega znaka dovoli uporabo razpoznavnih znamenj za identifikacijo zdravstvenih enot in zdravstvenih prevoznih sredstev, kot določa III. poglavje priloge I k temu protokolu. V posebnih primerih, ki so določeni v navedenem poglavju, smejo zdravstvena prevozna sredstva izjemoma uporabljati razpoznavna znamenja, ne da bi imela razpoznavni znak.
6. Uporabo določb prvega do petega odstavka tega člena urejata I. in III. poglavje priloge I k temu protokolu. Znamenja, ki so določena v III. poglavju priloge in jih lahko uporabljajo izključno zdravstvene enote in zdravstvena prevozna sredstva, se, razen v primerih, določenih v tem poglavju, uporabljajo samo za identifikacijo zdravstvenih enot in zdravstvenih prevoznih sredstev.

*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 an identity card certifying their status.
4. With the consent of 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 1 to this Protocol, authorize the use of distinctive signals to identify medical units and transports. 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.

7. Ta člen ne dovoljuje širše uporabe razpoznavnega znaka v miru, kot jo določa 44. člen I. konvencije.
8. Določbe konvencij in tega protokola, ki se nanašajo na nadzor nad uporabo razpoznavnega znaka ter na preprečevanje in kaznovanje njegove zlorabe, se uporabljajo tudi za razpoznavna znamenja.

*19. člen – Nevtralne države in druge države, ki niso strani v spopadu*

Nevtralne države in druge države, ki niso strani v spopadu, uporabljajo ustrezne določbe tega protokola za osebe, ki so zaščitene po tem delu in so lahko sprejete ali internirane na njihovem ozemlju, ter za najdene mrtve, ki so pripadali stranem v tem spopadu.

*20. člen – Prepoved povračilnih ukrepov*

Povračilni ukrepi proti osebam in objektom, ki so zaščiteni po tem delu, so prepovedani.

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.

## II. ODDELEK ZDRAVSTVENI PREVOZI

### *21. člen – Zdravstvena vozila*

Zdravstvena vozila se spoštujejo in zaščitijo enako kot mobilne zdravstvene enote po konvencijah in tem protokolu.

### *22. člen – Bolniške ladje in manjša plovila za reševanje*

1. Določbe konvencij, ki se nanašajo na:
  - a) plovila iz 22., 24., 25. in 27. člena II. konvencije,
  - b) njihove reševalne čolne in manjša plovila,
  - c) njihovo osebje in posadko ter
  - d) ranjence, bolnike in brodolomce, ki so na njih, se uporabljajo tudi, kadar ta plovila prevažajo civilne ranjence, bolnike in brodolomce, ki ne spadajo v nobeno od skupin iz 13. člena II. konvencije. Te civilne osebe se ne smejo predati nobeni strani, ki ni stran, ki ji pripadajo, niti se ne smejo zajeti na morju. Če se znajdejo pod oblastjo strani v spopadu, ki ni stran, ki ji pripadajo, se zanje uporabljata IV. konvencija in ta protokol.
2. Zaščita, ki jo konvencije zagotavljajo plovilom iz 25. člena II. konvencije, velja tudi za bolnišnične ladje, ki jih strani v spopadu da na voljo za humanitarne namene:
  - a) nevtralna ali druga država, ki ni stran v tem spopadu, ali

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

- b) nepristranska mednarodna humanitarna organizacija, v obeh primerih pod pogojem, da se spoštujejo zahteve iz tega člena.
3. Manjša plovila iz 27. člena II. konvencije se zaščitijo tudi, če ni bila opravljena napoved, ki jo določa ta člen. Strani v spopadu se kljub temu pozovejo, da se zaradi lažje identifikacije in prepoznavanja medsebojno obvestijo o vseh podrobnostih, ki se nanašajo na ta plovila.

### *23. člen – Druge zdravstvene ladje in plovila*

1. Zdravstvene ladje in plovila razen tistih iz 22. člena tega protokola in 38. člena II. konvencije se na morju ali drugih vodah spoštujejo in zaščitijo enako kot mobilne zdravstvene enote po konvencijah in tem protokolu. Ker je ta zaščita učinkovita le, če se te ladje in plovila lahko identificirajo in prepoznajo kot zdravstvene ladje in plovila, morajo biti označeni z razpoznavnim znakom in biti, kolikor je mogoče, v skladu z drugim odstavkom 43. člena II. konvencije.
2. Za ladje in plovila iz prvega odstavka še naprej velja vojno pravo. Vsaka vojna ladja, ki plove po površini in je sposobna zagotoviti, da se njen ukaz takoj izvrši, jim lahko ukaže, naj se ustavijo, odplovejo ali naj plovejo v določeni smeri, te ladje in plovila pa morajo upoštevati vsak tak ukaz. Dokler jih potrebujejo ranjenici, bolniki in brodolomci, ki so na njih, se te ladje in plovila nikakor ne smejo uporabiti za druge namene kot za opravljanje svojih zdravstvenih nalog.



- (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. Zaščita, ki jo zagotavlja prvi odstavek, preneha le v primerih iz 34. in 35. člena II. konvencije. Jasna zavrnitev upoštevanja ukaza, danega v skladu z drugim odstavkom, je sovražniku škodljivo dejanje po 34. členu II. konvencije.
4. Stran v spopadu lahko kateri koli nasprotni strani čim prej pred začetkom plovbe sporoči ime, opis, predvideni čas plovbe, smer plovbe in ocenjeno hitrost plovbe zdravstvene ladje ali plovila, zlasti pri ladjah z nosilnostjo nad 2000 bruto registrskih ton, ter sporoči tudi druge informacije za lažjo identifikacijo in prepoznavanje ladje ali plovila. Nasprotna stran potrdi prejem teh informacij.
5. Za zdravstveno in versko osebje na takih ladjah in plovilih se uporabljajo določbe 37. člena II. konvencije.
6. Za ranjence, bolnike in brodolomce, ki spadajo v skupine iz 13. člena II. konvencije in 44. člena tega protokola ter so na takih zdravstvenih ladjah in plovilih, se uporabljajo določbe II. konvencije. Civilni ranjenci, bolniki in brodolomci, ki ne spadajo v nobeno od skupin iz 13. člena II. konvencije, se na morju ne smejo predati nobeni strani, ki ni stran, ki ji pripadajo, niti se ne smejo odstraniti s takih ladij ali plovil; če se znajdejo pod oblastjo strani v spopadu, ki ni stran, ki ji pripadajo, se zanje uporabljata IV. konvencija in ta protokol.

3. The protection provided in paragraph 1 shall cease only under the conditions set out in Articles 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 to surrender to any Party which is not 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.

#### *24. člen – Zaščita zdravstvenih zrakoplovov*

Zdravstveni zrakoplovi se spoštujejo in zaščitijo ob upoštevanju določb tega dela.

#### *25. člen – Zdravstveni zrakoplovi na območjih, ki jih ne nadzoruje nasprotna stran*

Spoštovanje in zaščita zdravstvenih zrakoplovov strani v spopadu na območjih na kopnem, ki so pod nadzorom prijateljske sile, in nad njimi ter na območjih na morju, ki niso pod nadzorom nasprotne strani, in nad njimi nista odvisna od nobenega dogovora z nasprotno stranjo. Stran v spopadu, ki uporablja svoje zdravstvene zrakoplove na teh območjih, zaradi večje varnosti lahko uradno obvesti nasprotno stran, kot določa 29. člen, zlasti kadar taki zrakoplovi letijo tako, da so v dometu raketnih sistemov zemlja-zrak nasprotne strani.

#### *26. člen – Zdravstveni zrakoplovi v območjih stika ali podobnih območjih*

1. Zaščita zdravstvenih zrakoplovov na delih območja stika, ki so pod nadzorom prijateljskih sil, in nad njimi ter na območjih, nad katerimi nadzor ni jasno določen, in nad njimi je lahko v celoti učinkovita le ob predhodnem dogovoru med pristojnimi vojaškimi oblastmi strani v spopadu, kot določa 29. člen. Če takega dogovora ni, zdravstveni zrakoplovi letijo na lastno odgovornost, kljub temu pa se spoštujejo, če so bili prepoznani kot taki.

*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. "Območje stika" pomeni vsako območje na kopnem, na katerem so prednji deli nasprotnih sil v stiku, zlasti kjer so izpostavljeni neposrednemu streljanju z zemlje.

*27. člen – Zdravstveni zrakoplovi na območjih, ki jih nadzoruje nasprotna stran*

1. Zdravstveni zrakoplovi strani v spopadu so še naprej zaščiteni, ko letijo nad območjem kopnega ali morja, ki je pod nadzorom nasprotne strani, če se s pristojnimi oblastmi te nasprotne strani sklene vnaprejšnji dogovor o takih preletih.
2. Zdravstveni zrakoplov, ki leti nad območjem, je pod nadzorom nasprotne strani, nima pa sklenjenega dogovora iz prvega odstavka ali ne upošteva pogojev iz tega dogovora zaradi napake pri navigaciji ali nujnih razmer, ki ogrožajo varnost poleta, si po najboljših močeh prizadeva, da ga je mogoče identificirati in da o teh okoliščinah obvesti nasprotno stran. Takoj ko nasprotna stran prepozna tak zdravstveni zrakoplov, si po najboljših močeh prizadeva ukazati mu, naj pristane na kopnem ali vodi, kot določa prvi odstavek 30. člena, ali sprejeti druge ukrepe za zavarovanje svojih interesov, pri čemer v vsakem primeru omogoči zrakoplovu, da ta ukaz upošteva, preden ga napade.

*28. člen – Omejitev uporabe zdravstvenih zrakoplovov*

1. Stranem v spopadu je prepovedano uporabljati svoje zdravstvene zrakoplove, da bi poskusile pridobiti vojaško prednost pred nasprotno stranjo. Prisotnost zdravstvenih zrakoplovov se ne sme izkoriščati za zaščito vojaških ciljev pred napadom.

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 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. Zdravstveni zrakoplovi se ne smejo uporabljati za zbiranje ali pošiljanje obveščevalnih podatkov niti ne smejo prevažati opreme za ta namen. Ne smejo prevažati oseb ali tovora, ki ni zajet v opredelitvi iz pododstavka f 8. člena. Prevažanje osebnih predmetov tistih, ki so v zrakoplovu, ali opreme, ki je namenjena izključno za omogočanje navigacije, komuniciranje ali identifikacijo, se ne šteje za prepovedano.
3. Zdravstveni zrakoplovi ne prevažajo nobenega orožja razen lahkega orožja in streliva, ki sta bila odvzeta ranjencem, bolnikom in brodolomcem, ki so na zrakoplovu, ter še nista bila predana pristojni službi, in lahkega osebnega orožja, ki ga zdravstveno osebje na zrakoplovu potrebuje za osebno obrambo in obrambo ranjencev, bolnikov in brodolomcev v njegovi oskrbi.
4. Zdravstveni zrakoplovi se med opravljanjem letov iz 26. in 27. člena ne uporabljajo za iskanje ranjencev, bolnikov in brodolomcev, razen ob predhodnem dogovoru z nasprotno stranjo.

*29. člen – Uradna obvestila in dogovori v zvezi z zdravstvenimi zrakoplovi*

1. Uradna obvestila v skladu s 25. členom ali prošnje za sklenitev predhodnega dogovora v skladu s 26., 27., 28. (četrti odstavek) ali 31. členom vsebujejo predvideno številko zdravstvenega zrakoplova, načrt leta in sredstva za identifikacijo ter se razlagajo tako, da bo vsak let opravljen v skladu z 28. členom.
2. Stran, ki prejme uradno obvestilo iz 25. člena, takoj potrdi njegov prejem.
3. Stran, ki prejme prošnjo za predhodni dogovor v skladu s 26., 27., 28. (četrti odstavek) ali 31. členom, čim prej obvesti stran, ki je poslala prošnjo:



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) da se strinja s prošnjo;
  - b) da zavrača prošnjo ali
  - c) da predlaga druge razumne možnosti v zvezi s prošnjo. Predlaga lahko tudi prepoved ali omejitev drugih letov na tem območju v tem času. Če se stran, ki je poslala prošnjo, strinja s takimi drugimi predlogi, o tem uradno obvesti drugo stran.
4. Strani sprejmeta potrebne ukrepe, s katerimi omogočita hitro pošiljanje uradnih obvestil in sklepanje dogovorov.
  5. Strani prav tako sprejmeta potrebne ukrepe za hitro obveščanje ustreznih vojaških enot o vsebini teh uradnih obvestil in dogovorov ter te enote poučita o sredstvih za identifikacijo, ki jih bo zdravstveni zrakoplov uporabljal.

### *30. člen – Pristajanje in pregled zdravstvenih zrakoplovov*

1. Zdravstvenim zrakoplovom, ki letijo nad območji, ki so pod nadzorom nasprotne strani, ali nad območji, nad katerimi nadzor ni jasno določen, se lahko izreče ukaz, naj pristanejo na kopnem ali vodi, če je to primerno, ter dovolijo pregled v skladu z naslednjimi odstavki. Zdravstveni zrakoplovi upoštevajo vsak tak ukaz.
2. Če tak zrakoplov pristane na kopnem ali vodi na podlagi ukaza ali zaradi drugih razlogov, je lahko pregledan samo zaradi preverjanja dejstev iz tretjega in četrtega odstavka. Vsak tak pregled se opravi hitro in brez odlašanja. Stran, ki opravlja pregled, ne sme zahtevati, da se ranjenci in bolniki odstranijo iz zrakoplova, razen če je to nujno zaradi pregleda. Ta stran vsekakor zagotovi, da pregled ali odstranitev ne poslabša zdravstvenega stanja ranjencev in bolnikov.

- (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.
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 referred 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

3. Če se pri pregledu ugotovi:
- da je zrakoplov zdravstveni zrakoplov v smislu pododstavka j 8. člena,
  - da ne krši pogojev iz 28. člena in
  - da ni letel brez predhodnega dogovora ali ga kršil, kadar se tak dogovor zahteva,
- je zrakoplovu in tistim, ki so v njem in pripadajo nasprotni strani ali nevtralni ali drugi državi, ki ni stran v spopadu, dovoljeno, da brez odlašanja nadaljujejo polet.
4. Če se pri pregledu ugotovi:
- da zrakoplov ni zdravstveni zrakoplov v smislu pododstavka j 8. člena,
  - da krši pogoje iz 28. člena ali
  - da je letel brez predhodnega dogovora ali ga je kršil, kadar se tak dogovor zahteva,
- se zrakoplov lahko zaseže. Tisti, ki jih je prevažal, se obravnavajo v skladu z ustreznimi določbami konvencij in tega protokola. Vsak zasežen zrakoplov, ki je bil za stalno določen kot zdravstveni zrakoplov, se nato lahko uporablja samo kot zdravstveni zrakoplov.

*31. člen – Nevtralne ali druge države, ki niso strani v spopadu*

1. Zdravstveni zrakoplovi ne smejo leteti nad ozemljem nevtralne ali druge države, ki ni stran v spopadu, ali na njem pristati, razen na podlagi predhodnega dogovora. Če je tak dogovor sklenjen, se zdravstveni zrakoplovi spoštujejo ves čas njihovega poleta in tudi med morebitnim pristankom na tem ozemlju. Kljub temu upoštevajo vsak ukaz, naj pristanejo na kopnem, ali če je primerno, na vodi.

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

2. Če zdravstveni zrakoplov leti nad ozemljem nevtralne ali druge države, ki ni stran v spopadu, nima pa sklenjenega dogovora ali ne upošteva pogojev iz dogovora zaradi napake pri navigaciji ali nujnih razmer, ki ogrožajo varnost poleta, si po najboljših močeh prizadeva poslati obvestilo o poletu in omogočiti svojo identifikacijo. Takoj ko država prepozna tak zdravstveni zrakoplov, si po najboljših močeh prizadeva ukazati mu, naj pristane na kopnem ali vodi, kot določa prvi odstavek 30. člena, ali sprejeti druge ukrepe za zavarovanje svojih interesov, pri čemer v vsakem primeru omogoči zrakoplovu, da ta ukaz upošteva, preden ga napade.
3. Če zdravstveni zrakoplov v skladu z dogovorom ali zaradi okoliščin iz drugega odstavka pristane na kopnem ali vodi na ozemlju nevtralne ali druge države, ki ni stran v spopadu, na podlagi ukaza ali zaradi drugih razlogov, se pregleda, da se ugotovi, ali je res zdravstveni zrakoplov. Pregled se opravi hitro in brez odlašanja. Stran, ki opravlja pregled, ne sme zahtevati, da se ranjenci in bolniki strani, ki uporablja zrakoplov, odstranijo iz zrakoplova, razen če je to nujno zaradi pregleda. Stran, ki opravlja pregled, vedno zagotovi, da pregled ali odstranitev ne poslabša zdravstvenega stanja ranjencev in bolnikov. Če se pri pregledu ugotovi, da je zrakoplov res zdravstveni zrakoplov, sme zrakoplov skupaj s tistimi, ki so v njem, razen tistih, ki se morajo pridržati v skladu s pravili mednarodnega prava, ki se uporabljajo v oboroženem spopadu, nadaljevati polet in se mu zagotovi vse potrebno za nadaljevanje poleta. Če se pri pregledu ugotovi, da zrakoplov ni zdravstveni zrakoplov, se zrakoplov zaseže, tisti, ki jih je prevažal, pa se obravnavajo v skladu s četrtnim odstavkom.

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 or 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

4. Ranjence, bolnike in brodolomce, ki se s soglasjem lokalnih oblasti izkrcajo iz zdravstvenega zrakoplova na ozemlju nevtralne ali druge države, ki ni stran v spopadu, razen tistih, ki se izkrcajo začasno, ta država pridrži, kadar to zahtevajo pravila mednarodnega prava, ki se uporabljajo v oboroženem spopadu, da ne bi mogli več sodelovati v sovražnostih, razen če se ta država in strani v spopadu ne dogovorijo drugače. Stroške njihove bolnišnične oskrbe in interniranja krije sila, ki ji pripadajo.
5. Nevtralne ali druge države, ki niso strani v spopadu, uporabljajo morebitne pogoje in omejitve za prelet zdravstvenega zrakoplova nad njihovim ozemljem ali njegov pristanek na njihovem ozemlju enako za vse strani v spopadu.

### III. ODDELEK POGREŠANE OSEBE IN MRTVI

#### *32. člen – Splošno načelo*

Pri izvajanju tega oddelka je vodilo za dejavnosti visokih pogodbenic, strani v spopadu in mednarodnih humanitarnih organizacij, navedenih v konvencijah in tem protokolu, predvsem pravica družin, da izvedo za usodo svojih sorodnikov.



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 in 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.

### 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.

### *33. člen – Pogrešane osebe*

1. Takoj ko okoliščine to dopuščajo, najpozneje pa po koncu aktivnih sovražnosti vsaka stran v spopadu poišče osebe, ki jih je nasprotna stran razglasila za pogrešane. Ta nasprotna stran pošlje vse ustrezne informacije o taki osebi, da olajša njeno iskanje.
2. Vsaka stran v spopadu zaradi omogočanja lažjega zbiranja informacij v skladu s prejšnjim odstavkom v zvezi z osebami, ki po konvencijah in tem protokolu ne bi bile ugodneje obravnavane:
  - a) zabeleži informacije iz 138. člena IV. konvencije o takih osebah, ki so bile pridržane, zaprte ali jim je bila kako drugače vzeta prostost za več kot dva tedna zaradi sovražnosti ali okupacije ali so umrle med pridržanjem;
  - b) kar najbolj olajša in po potrebi opravlja iskanje in beleženje informacij o takih osebah, če so umrle v drugih okoliščinah zaradi sovražnosti ali okupacije.
3. Informacije o osebah, ki so bile razglašene za pogrešane v skladu s prvim odstavkom, in prošnje za take informacije se pošljejo neposredno ali prek sile zaščitnice ali osrednje poizvedovalne agencije Mednarodnega odbora Rdečega križa ali nacionalnih društev Rdečega križa (Rdečega polmeseca, Rdečega leva in sonca). Kadar se informacije ne pošiljajo prek Mednarodnega odbora Rdečega križa in osrednje poizvedovalne agencije, vsaka stran v spopadu zagotovi, da se te informacije pošljejo tudi osrednji poizvedovalni agenciji.

*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. Strani v spopadu si prizadevajo za dogovor o ukrepih, ki ekipam omogočajo iskanje, identifikacijo in odstranjevanje mrtvih z bojišč, in po potrebi o tem, da te ekipe pri opravljanju teh nalog na območjih, ki jih nadzoruje nasprotna stran, spremlja osebje nasprotne strani. Osebje teh ekip se med opravljanjem izključno teh nalog spoštuje in zaščiti.

#### *34. člen – Posmrtni ostanki umrlih oseb*

1. Posmrtni ostanki oseb, ki so umrle zaradi razlogov, povezanih z okupacijo, ali med pridržanjem na podlagi okupacije ali sovražnosti, in posmrtni ostanki oseb, ki niso državljani države, v kateri so umrle zaradi sovražnosti, se spoštujejo, njihovi grobovi pa se spoštujejo, vzdržujejo in označijo, kot določa 130. člen IV. konvencije, kadar njihovi posmrtni ostanki ali grobovi po konvencijah in tem protokolu ne bi bili ugodneje obravnavani.
2. Takoj ko to dopuščajo okoliščine in odnosi med nasprotnimi stranmi, visoke pogodbenice, na ozemlju katerih se nahajajo grobovi in, odvisno od primera, druga mesta posmrtnih ostankov oseb, ki so umrle zaradi sovražnosti ali med okupacijo ali pridržanjem, sklenejo sporazume, da:
  - a) sorodnikom umrlih oseb in predstavnikom uradnih služb za popis grobov omogočijo dostop do grobov in uredijo vse potrebno za tak dostop;
  - b) zagotovijo stalno zaščito in vzdrževanje teh grobov;

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 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) zagotovijo vrnitev posmrtnih ostankov in osebnih predmetov umrlega v domovino na njeno zahtevo, ali če ta država temu ne nasprotuje, na zahtevo bližnjih sorodnikov.
3. Če ni sporazuma iz točke b ali c drugega odstavka in država umrlih ni pripravljena na svoje stroške zagotoviti vzdrževanja grobov, visoka pogodbenica, na ozemlju katere so grobovi, lahko ponudi, da bo omogočila vrnitev posmrtnih ostankov umrlega v domovino. Če taka ponudba ni sprejeta, visoka pogodbenica po poteku petih let od datuma ponudbe in potem ko je obvestila državo umrlega, lahko sprejme ukrepe, ki jih določa njena zakonodaja v zvezi s pokopališči in grobovi.
4. Visoka pogodbenica, na območju katere so grobovi iz tega člena, lahko posmrtno ostanke izkoplje le:
- a) v skladu s točko c drugega odstavka in tretjim odstavkom ali
  - b) če je izkop nujen zaradi javnega interesa, vključno zaradi zdravstvenih ali preiskovalnih potreb; v takem primeru visoka pogodbenica posmrtno ostanke vedno spoštuje ter državo umrlega obvesti o nameravanem izkopu posmrtnih ostankov in podrobnostih o kraju ponovnega pokopa.

- (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.

**III. DEL**  
**METODE IN SREDSTVA BOJEVANJA**  
**STATUS BORCEV IN VOJNIH UJETNIKOV**

**I. ODDELEK**  
**METODE IN SREDSTVA BOJEVANJA**

*35. člen – Osnovna pravila*

1. Pravica strani v spopadu, da izbira metode ali sredstva bojevanja, ni v nobenem oboroženem spopadu neomejena.
2. Prepovedano je uporabljati orožje, izstrelke ter material in metode bojevanja, ki povzročajo nepotrebne poškodbe in trpljenje.
3. Prepovedano je uporabljati metode ali sredstva bojevanja, katerih namen je povzročiti obsežno, dolgoročno in veliko škodo naravnemu okolju ali za katera se lahko pričakuje, da bodo tako škodo povzročila.

*36. člen – Nove vrste orožja*

Visoka pogodbenica mora pri proučevanju, razvoju, pridobivanju ali sprejemanju novih vrst orožja, sredstev ali metod bojevanja ugotoviti, ali bi bila njihova uporaba v nekaterih ali vseh okoliščinah prepovedana po tem protokolu ali katerem koli drugem pravilu mednarodnega prava, ki se uporablja zanjo.

*37. člen – Prepoved perfidnega ravnanja*

1. Prepovedano je ubiti, raniti ali zajeti nasprotnika s perfidnim ravnanjem. Perfidno ravnanje so dejanja, ki pri nasprotniku vzbujajo zaupanje in ga napeljejo k prepričanju, da je upravičen



**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.
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

do zaščite po pravilih mednarodnega prava, ki se uporabljajo v oboroženem spopadu, ali da mora to zaščito podeliti, z namenom, da se to zaupanje izda. Primeri perfidnih ravnanj so ta dejanja:

- a) hlinjenje namena pogajati se pod zastavo premirja ali predaje;
  - b) hlinjenje nesposobnosti zaradi ran ali bolezni;
  - c) hlinjenje statusa civilne osebe, neborca in
  - d) hlinjenje zaščitenega statusa z uporabo znakov, znamenj ali uniform Organizacije združenih narodov ali nevtralne ali druge države, ki ni stran v spopadu.
2. Vojne zvijače niso prepovedane. Take zvijače so dejanja, katerih namen je zavesti nasprotnika ali ga napeljati, da ravna nepremišljeno, in ki ne kršijo nobenega pravila mednarodnega prava, ki se uporablja v oboroženem spopadu, ter niso perfidna, saj ne vzbujajo zaupanja pri nasprotniku glede zaščite po tem pravu. Primeri takih vojnih zvijač so: uporaba maskiranja, vab, izvajanje navideznih operacij in dajanje napačnih informacij.

### *38. člen – Priznani znaki*

1. Prepovedano je nepravilno uporabljati razpoznavne znake rdeči križ, rdeči polmesec ali rdeči lev in sonce ali druge znake, označbe ali znamenja, ki jih določajo konvencije ali ta protokol. Prav tako je prepovedano v oboroženem spopadu namenoma zlorabiti druge mednarodno priznane zaščitne znake, označbe ali znamenja, vključno z zastavo premirja in znakom za zaščito kulturne dediščine.
2. Prepovedano je uporabljati razpoznavni znak Organizacije združenih narodov, razen kot to dovoli ta organizacija.

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 of 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.

### *39. člen – Državna znamenja*

1. V oboroženem spopadu je prepovedano uporabiti zastave ali vojaške znake, oznake ali uniforme nevtralne ali druge države, ki ni stran v spopadu.
2. Prepovedano je uporabiti zastave ali vojaške znake, oznake ali uniforme nasprotne strani med napadom ali zaradi prikrivanja, podpiranja, zaščite ali oviranja vojaških operacij.
3. Nobena določba tega člena ali točke d prvega odstavka 37. člena ne vpliva na veljavna splošno priznana pravila mednarodnega prava, ki se uporabljajo za vohunstvo ali uporabo zastav v oboroženem spopadu na morju.

### *40. člen – Usmiljenje*

Prepovedano je ukazati, da ne sme biti preživelih, s tem groziti nasprotniku ali na podlagi tega voditi sovražnosti.

### *41. člen – Zaščita sovražnika, ki ne sodeluje v boju*

1. Oseba, za katero se ugotovi ali bi se v danih okoliščinah moralo ugotoviti, da ne sodeluje v boju, se ne napada.
2. Oseba ne sodeluje v boju, če:
  - a) je pod oblastjo nasprotne strani;
  - b) jasno izrazi, da se namerava predati, ali
  - c) je zaradi ran ali bolezni postala nezavestna ali kako drugače onesposobljena in se zato ni sposobna braniti; v vseh teh primerih pod pogojem, da se v vzdrži vsakega sovražnega dejanja in ne poskuša pobegniti.

*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;

3. Kadar osebe, ki so upravičene do zaščite kot vojni ujetniki, padejo v roke nasprotni strani v nenavadnih okoliščinah bojevanja, ki preprečujejo njihovo evakuacijo, kot jo določa III. del I. oddelka III. konvencije, se te osebe izpustijo, sprejmejo pa se vsi izvedljivi previdnostni ukrepi za zagotavljanje njihove varnosti.

#### *42. člen – Osebe, ki so v zrakoplovu*

1. Nihče, ki skoči s padalom iz zrakoplova v stiski, se med spustom ne sme napadati.
2. Osebi, ki je skočila s padalom iz zrakoplova v stiski in pristala na ozemlju, ki ga nadzoruje nasprotna stran, se pred napadom nanjo da možnost, da se preda, razen če je očitno, da je udeležena pri sovražnem dejanju.
3. Enote, ki se prevažajo po zraku, niso zaščitene po tem členu.

## II. ODDELEK STATUS BORCEV IN VOJNIH UJETNIKOV

#### *43. člen – Oborožene sile*

1. Oborožene sile strani v spopadu sestavljajo vse organizirane oborožene sile, skupine in enote, ki so pod poveljstvom, ki je tej strani odgovorno za vodenje svojih podrejenih, tudi če to stran zastopa vlada ali oblast, ki je nasprotna stran ne priznava. Za take oborožene sile velja notranji sistem discipline, ki med drugim zagotavlja spoštovanje pravil mednarodnega prava, ki se uporabljajo v oboroženem spopadu.

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.

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 forces shall be subject to an internal disciplinary system which, *inter alia*, shall enforce

2. Pripadniki oboroženih sil strani v spopadu (razen zdravstvenega in verskega osebja iz 33. člena III. konvencije) so borci, kar pomeni, da imajo pravico neposredno sodelovati v sovražnostih.
3. Kadar koli stran v spopadu v svoje oborožene sile vključi paravojaško organizacijo ali oborožen organ pregona, o tem obvesti druge strani v spopadu.

#### *44. člen – Borci in vojni ujetniki*

1. Vsak borec iz 43. člena, ki pade v roke nasprotni strani, je vojni ujetnik.
2. Čeprav morajo vsi borci spoštovati pravila mednarodnega prava, ki se uporabljajo v oboroženem spopadu, se zaradi kršitve teh pravil borcu ne sme odvzeti pravica, da je borec, ali če pade v roke nasprotni strani, pravica, da je vojni ujetnik, razen v primerih iz tretjega in četrtega odstavka.
3. Zaradi boljše zaščite civilnega prebivalstva pred učinki sovražnosti se morajo borci med napadom ali vojaško operacijo pri pripravi za napad razlikovati od civilnega prebivalstva. Ob priznavanju, da se oboroženi borec v oboroženih spopadih zaradi narave sovražnosti včasih ne more razlikovati od civilnega prebivalstva, obdrži svoj status borca, če v takih primerih odkrito nosi orožje:



compliance with the rules of international law applicable in armed conflict.

2. Members of the armed forces 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) med vsako vojaško akcijo in
- b) dokler ga nasprotnik lahko vidi med vojaško pripravo pred napadom, v katerem bo sodeloval.

Dejanja, ki so skladu z zahtevami tega odstavka, se ne štejejo za perfidno ravnanje v smislu točke c prvega odstavka 37. člena.

- 4. Če borec ne ravna v skladu z zahtevami iz drugega stavka tretjega odstavka in pade v roke nasprotni strani, izgubi pravico, da je vojni ujetnik, kljub temu pa uživa zaščito, ki je popolnoma enaka tisti, ki jo uživajo vojni ujetniki po III. konvenciji in tem protokolu. Ta zaščita vključuje zaščitne ukrepe, ki so enaki tistim, ki veljajo za vojne ujetnike po III. konvenciji, kadar se taki osebi sodi in je kaznovana za kršitve, ki jih je storila.
- 5. Borec, ki pade v roke nasprotni strani, kadar ne sodeluje v napadu ali vojaški operaciji pri pripravi za napad, zaradi svojih prejšnjih dejanj ne izgubi pravice, da je borec in vojni ujetnik.
- 6. Ta člen ne posega v pravico katere koli osebe, da je vojni ujetnik v skladu s 4. členom III. konvencije.
- 7. Namen tega člena ni, da bi se spremenila splošno sprejeta praksa držav v zvezi z nošenjem uniform borcev, ki so dodeljeni rednim uniformiranim oboroženim enotam sile v spopadu.

- (a) during each military engagement, and
- (b) during such time as he 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 by 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.
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 forfeit his rights to be a combatant and a prisoner of 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. Poleg skupin oseb iz 13. člena I. in II. konvencije so vsi pripadniki oboroženih sil strani v spopadu, kot so določeni v 43. členu tega protokola, upravičeni do zaščite po teh konvencijah, če so ranjeni ali bolni ali, po II. konvenciji, če so doživeli brodolom na morju ali drugih vodah.

*45. člen – Zaščita oseb, ki so sodelovale v sovražnostih*

1. Domneva se, da je oseba, ki sodeluje v sovražnostih in pade v roke nasprotni strani, vojni ujetnik, in je zato zaščiten po III. konvenciji, če zahteva status vojnega ujetnika ali če se zdi, da je upravičena do takega statusa, ali če stran, ki ji pripada, zahteva tak status v njenem imenu z uradnim obvestilom sili, ki to osebo pridržuje, ali sili zaščitnici. Če nastane kakršen koli dvom, ali je taka oseba upravičena do statusa vojnega ujetnika, ima taka oseba še naprej tak status in je zato zaščiten po III. konvenciji in tem protokolu, dokler njenega statusa ne določi pristojno sodišče.
2. Če se oseba, ki je padla v roke nasprotni strani, ne pridržuje kot vojni ujetnik in ji bo ta stran sodila zaradi kršitve v zvezi s sovražnostmi, ima pravico, da svojo pravico do statusa vojnega ujetnika brani pred sodiščem in da se o tej zadevi razsodi. Kadar koli je to mogoče v skladu z veljavnim postopkom, se tako razsojanje opravi pred sojenjem zaradi kršitve. Predstavniki sile zaščitnice so upravičeni prisostvovati sodnemu postopku, v katerem se ta zadeva razsoja, razen če je postopek izjemoma zaprt za javnost zaradi državne varnosti. V takem primeru sila, ki to osebo pridržuje, o tem obvesti silo zaščitnico.

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

3. Vsaka oseba, ki je sodelovala v sovražnostih in ni upravičena do statusa vojnega ujetnika ter ni deležna ugodnejše obravnave v skladu s IV. konvencijo, ima vedno pravico do zaščite po 75. členu tega protokola. Na okupiranem ozemlju ima vsaka taka oseba, razen če je pridržana kot vohun, ne glede na 5. člen IV. konvencije pravico do komuniciranja po tej konvenciji.

#### *46. člen – Vohuni*

1. Ne glede na katero koli drugo določbo konvencij ali tega protokola pripadnik oboroženih sil strani v spopadu, ki pade v roke nasprotni strani med vohunjenjem, nima pravice do statusa vojnega ujetnika in se lahko obravnava kot vohun.
2. Če pripadnik oboroženih sil strani v spopadu v imenu te strani zbira ali poskuša zbirati informacije na ozemlju, ki ga nadzoruje nasprotna stran, in pri tem nosi uniformo svojih oboroženih sil, se to ne šteje za vohunjenje.
3. Če pripadnik oboroženih sil strani v spopadu, ki prebiva na ozemlju, ki ga je okupirala nasprotna stran, na tem ozemlju v imenu strani, ki ji pripada, zbira ali poskuša zbirati informacije vojaškega pomena, se to ne šteje za vohunjenje, razen če to počne pod lažno pretvezo ali namenoma v tajnosti. Taka oseba ne izgubi pravice do statusa vojnega ujetnika in se ne sme obravnavaati kot vohun, razen če je zajeta med vohunjenjem.

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.
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

4. Pripadnik oboroženih sil strani v spopadu, ki ne prebiva na ozemlju, ki ga je okupirala nasprotna stran, in se na tem ozemlju ukvarja z vohunjenjem, ne izgubi pravice do statusa vojnega ujetnika in se ne sme obravnavati kot vohun, razen če je zajet, preden se je pridružil oboroženim silam, ki jim pripada.

#### *47. člen – Plačanci*

1. Plačanec nima pravice biti borec ali vojni ujetnik.
2. Plačanec je vsaka oseba:
  - a) ki je posebej rekrutirana lokalno ali v tujini, da bi se borila v oboroženem spopadu;
  - b) ki dejansko neposredno sodeluje v sovražnostih;
  - c) ki je motivirana, da sodeluje v sovražnostih izključno zaradi osebne koristi, in ji stran v spopadu obljubi ali ji je v imenu strani v spopadu obljubljeno znatno večje materialno plačilo od tistega, ki je obljubljeno ali izplačano borcem s primerljivim činom in s podobnimi dolžnostmi v oboroženih silah te strani;
  - d) ki ni državlján strani v spopadu niti ne prebiva na ozemlju, ki ga nadzoruje stran v spopadu;
  - e) ki ni pripadnik oboroženih sil strani v spopadu in
  - f) ki je država, ki ni stran v spopadu, ni poslala po službeni dolžnosti kot pripadnika svojih oboroženih sil.



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.

**IV. DEL**  
**CIVILNO PREBIVALSTVO**  
I. ODDELEK  
SPLOŠNA ZAŠČITA PRED UČINKI SOVRAŽNOSTI

*I. poglavje*  
*OSNOVNO PRAVILO IN PODROČJE UPORABE*

*48. člen – Osnovno pravilo*

Strani v spopadu za zagotovitev spoštovanja in zaščite civilnega prebivalstva in civilnih objektov vedno razlikujejo med civilnim prebivalstvom in borci ter med civilnimi objekti in vojaškimi cilji ter v skladu s tem usmerjajo svoje operacije le proti vojaškim ciljem.

*49. člen – Opredelitev napadov in področje uporabe*

1. “Napadi” pomenijo nasilna dejanja proti nasprotniku, storjena v napadu ali obrambi.
2. Določbe tega protokola v zvezi z napadi se uporabljajo za vse napade ne glede na to, na katerem ozemlju se izvajajo, vključno z državnim ozemljem strani v spopadu, ki je pod nadzorom nasprotne strani.
3. Določbe tega oddelka se uporabljajo za bojevanje na kopnem, v zraku ali na morju, ki lahko vpliva na civilno prebivalstvo, posamezne civilne osebe ali civilne objekte na kopnem. Poleg tega se uporabljajo za vse napade z morja ali iz zraka na cilje na kopnem, vendar ne vplivajo na pravila mednarodnega prava, ki se uporabljajo v oboroženem spopadu na morju ali v zraku.

**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 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. Določbe tega oddelka dopolnjujejo pravila o humanitarni zaščiti iz IV. konvencije, zlasti njenega II. dela, in drugih mednarodnih sporazumov, ki zavezujejo visoke pogodbenice, ter pravila mednarodnega prava, ki se nanašajo na zaščito civilnih oseb in civilnih objektov na kopnem, morju ali v zraku pred učinki sovravnosti.

## *II. poglavje*

### *CIVILNE OSEBE IN CIVILNO PREBIVALSTVO*

#### *50. člen – Opredelitev civilnih oseb in civilnega prebivalstva*

1. Civilna oseba je vsaka oseba, ki ne spada v eno od skupin oseb iz pododstavkov 1, 2, 3 in 6 odstavka A 4. člena III. konvencije in 43. člena tega protokola. Ob dvomu, ali je oseba civilna oseba, se ta oseba šteje za civilno osebo.
2. Civilno prebivalstvo zajema vse osebe, ki so civilne osebe.
3. Tudi če so med civilnim prebivalstvom posamezniki, ki niso zajeti v opredelitvi civilne osebe, to civilno prebivalstvo ne izgubi civilnega značaja.

#### *51. člen – Zaščita civilnega prebivalstva*

1. Civilno prebivalstvo in posamezne civilne osebe uživajo splošno zaščito pred nevarnostmi zaradi vojaških operacij. Da je zaščita učinkovita, se vedno spoštujejo naslednja pravila, ki dopolnjujejo veljavna pravila mednarodnega prava.

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. Civilnega prebivalstva kot takega in posameznih civilnih oseb ni dovoljeno napadati. Prepovedana so nasilna dejanja ali grožnje z nasiljem, katerih glavni namen je širjenje strahu med civilnim prebivalstvom.
3. Civilne osebe uživajo zaščito po tem oddelku, razen če so in kadar so neposredno udeležene v sovražnostih.
4. Napadi brez izbire cilja so prepovedani. Napadi brez izbire cilja so:
  - a) napadi, ki niso usmerjeni proti določenemu vojaškemu cilju;
  - b) napadi, pri katerih se uporablja metoda ali sredstvo bojevanja, ki ga ni mogoče usmeriti proti določenemu vojaškemu cilju, ali
  - c) napadi, pri katerih se uporablja metoda ali sredstvo bojevanja, katerega učinki se ne morejo omejiti, kot zahteva ta protokol; in so zato v vsakem od teh primerov taki, da zadenejo vojaške cilje in civilne osebe ali civilne objekte brez razlikovanja.
5. Za napade brez izbire cilja se med drugim štejejo te vrste napadov:
  - a) bombni napad s kakršno koli metodo ali sredstvi, ki več jasno ločenih in različnih vojaških ciljev v mestu, vasi ali na drugem območju s podobnim številom civilnih oseb ali civilnih objektov obravnava kot en sam vojaški cilj, in
  - b) napad, za katerega se pričakuje, da bo povzročil naključno izgubo življenj med civilnim prebivalstvom, poškodbe civilnih oseb, škodo na civilnih objektih ali kombinacijo tega, in ki bi bil čezmeren glede na pričakovano določno in neposredno vojaško prednost.
6. Napadi na civilno prebivalstvo ali civilne osebe s povračilnimi ukrepi so prepovedani.

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 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. Prisotnost ali preselitev civilnega prebivalstva ali posameznih civilnih oseb se ne sme zlorabiti za zavarovanje posameznih mest ali območij pred vojaškimi operacijami, zlasti pri poskusih zaščite vojaških ciljev pred napadi ali zaradi zaščite, podpiranja ali oviranja vojaških operacij. Strani v spopadu ne smejo odrediti preselitve civilnega prebivalstva ali posameznih civilnih oseb, da bi poskusile zaščititi vojaške cilje pred napadi ali da bi prikriale vojaške operacije.
8. Nobena kršitev teh prepovedi ne odveže strani v spopadu njihovih pravnih obveznosti v zvezi s civilnim prebivalstvom in civilnimi osebami, vključno z obveznostmi, da sprejmejo previdnostne ukrepe iz 57. člena.

### *III. poglavje* *CIVILNI OBJEKTI*

#### *52. člen – Splošna zaščita civilnih objektov*

1. Civilni objekti se ne smejo napadati niti se ne smejo izvajati povračilni ukrepi proti njim. Civilni objekti so vsi objekti, ki niso vojaški cilji iz drugega odstavka.
2. Napadi so omejeni izključno na vojaške cilje. Pri objektih so vojaški cilji omejeni na objekte, ki zaradi svoje narave, lokacije, namena ali uporabe pomembno prispevajo k vojaškemu delovanju in katerih popolno ali delno uničenje, zavzetje ali nevtralizacija daje v danih okoliščinah jasno vojaško prednost.



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 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. Ob dvomu, ali se objekt, ki se običajno uporablja za civilne namene, kot je svetišče, hiša ali drugo stanovanje ali šola, uporablja, da bi pomembno prispeval k vojaškemu delovanju, se domneva, da se ne uporablja za ta namen.

*53. člen – Zaščita kulturnih dobrin in svetišč*

Brez poseganja v določbe Haške konvencije o varstvu kulturnih dobrin v primeru oboroženega spopada z dne 14. maja 1954 in drugih ustreznih mednarodnih aktov je prepovedano:

- a) storiti kakršno koli sovražno dejanje proti zgodovinskim spomenikom, umetniškim delom ali svetiščem, ki so kulturna in duhovna dediščina naroda;
- b) uporabiti take dobrine za podporo vojaškemu delovanju;
- c) proti takim dobrinam izvajati povračilne ukrepe.

*54. člen – Zaščita dobrin, ki so nujne za preživetje civilnega prebivalstva*

1. Stradanje civilnega prebivalstva kot metoda bojevanja je prepovedano.
2. Prepovedano je napasti, uničiti, odstraniti ali onesposobiti dobrine, ki so nujne za preživetje civilnega prebivalstva, kot so živila, kmetijska območja za pridelovanje hrane, poljščine, živina, napeljave za pitno vodo in njene zaloge ter namakalne naprave, s posebnim namenom, da se odzamejo civilnemu prebivalstvu ali nasprotni strani zaradi vrednosti, ki jo imajo za preživetje, zato da se civilno prebivalstvo izstrada, odseli ali s kakim drugim namenom.

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 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, 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 of 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. Prepovedi iz drugega odstavka se ne uporabljajo za navedene dobrine, ki jih nasprotna stran uporablja:
  - a) izključno za vzdrževanje pripadnikov svojih oboroženih sil ali
  - b) če ne za vzdrževanje, za neposredno pomoč vojaškemu delovanju, če se proti tem dobrinam nikakor ne stori nobeno dejanje, zaradi katerega bi civilno prebivalstvo lahko ostalo brez zadostne hrane ali vode, zaradi česar bi stradalo ali bilo prisiljeno, da se preseli.
4. Proti tem dobrinam se ne izvajajo povračilni ukrepi.
5. Stran v spopadu pri obrambi svojega državnega ozemlja pred invazijo ob upoštevanju ključnih potreb katere koli strani v spopadu lahko zaradi vojaške nujnosti ne upošteva prepovedi iz drugega odstavka na takem ozemlju, ki je pod njenim nadzorom.

#### *55. člen – Zaščita naravnega okolja*

1. Med bojevanjem je treba skrbeti za zaščito naravnega okolja pred obsežno, dolgoročno in veliko škodo. Ta zaščita vključuje prepoved metod ali sredstev bojevanja, katerih namen je povzročiti tako škodo naravnemu okolju ali za katere se lahko pričakuje, da bodo povzročila tako škodo in s tem ogrozila zdravje ali preživetje prebivalstva.
2. Napadi na naravno okolje z izvajanjem povračilnih ukrepov so prepovedani.

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, then 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.

*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.

*56. člen – Zaščita gradenj in objektov, v katerih so nevarne sile*

1. Gradenj ali objektov, v katerih so nevarne sile, tj. jezovi, nasipi in jedrske elektrarne, ni dovoljeno napadati, niti če so to vojaški cilji, če bi tak napad lahko povzročil sprostitvev nevarnih sil in s tem velike izgube med civilnim prebivalstvom. Drugih vojaških ciljev, ki so ob takih gradnjah ali objektih ali v njihovi bližini, ni dovoljeno napadati, če bi tak napad lahko povzročil sprostitvev nevarnih sil iz teh gradenj ali objektov in s tem velike izgube med civilnim prebivalstvom.
2. Posebna zaščita pred napadom iz prvega odstavka preneha:
  - a) pri jezui ali nasipu samo, če se uporablja za namen, ki ni njegov običajni namen, in za redno, pomembno in neposredno podporo vojaškim operacijam ter je tak napad edini možni način preprečitve take podpore;
  - b) pri jedrski elektrarni samo, če zagotavlja elektriko za redno, pomembno in neposredno podporo vojaškim operacijam ter je tak napad edini možni način preprečitve take podpore;
  - c) pri drugih vojaških ciljih, ki so ob takih gradnjah ali objektih ali v njihovi bližini, samo, če se uporabljajo za redno, pomembno in neposredno podporo vojaškim operacijam ter je tak napad edini možni način preprečitve take podpore.

*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. Civilno prebivalstvo in posamezne civilne osebe so vedno še naprej upravičeni do zaščite po mednarodnem pravu, vključno z zaščito s previdnostnimi ukrepi iz 57. člena. Če zaščita preneha in je gradnja, objekt ali vojaški cilj iz prvega odstavka napaden, se sprejmejo vsi izvedljivi previdnostni ukrepi, da se prepreči sprostitvev nevarnih sil.
4. Povračilni ukrepi proti gradnjam, objektom ali vojaškim ciljem iz prvega odstavka so prepovedani.
5. Strani v spopadu si prizadevajo, da vojaških ciljev ne postavljajo v bližini gradenj ali objektov iz prvega odstavka. Objekti, ki so postavljeni izključno zaradi obrambe zaščiteneh gradenj ali objektov pred napadom, so dovoljeni in se ne smejo napadati, če se ne uporabljajo v sovražnostih, razen za obrambna dejanja, ki so potrebna kot odgovor na napade na zaščitene gradnje ali objekte, in če je njihova oboroženost omejena na orožje, ki omogoča le odvracanje sovražnih dejanj proti zaščitnim gradnjam ali objektom.
6. Visoke pogodbenice in strani v spopadu se pozovejo, naj med seboj sklenejo še druge sporazume za zagotovitev dodatne zaščite objektov, v katerih so nevarne sile.
7. Strani v spopadu objekte, ki so zaščiteni po tem členu, zaradi lažje identifikacije lahko označijo s posebnim znakom, ki ga sestavlja skupina treh živooranžnih krogov na isti osi, kot to določa 17. člen priloge 1 k temu protokolu. Če takega znaka ni, to ne odvezuje nobene strani v spopadu njenih obveznosti po tem členu.



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 the works or installations mentioned in paragraph 1. Nevertheless, installations erected for the sole purpose of defending the protected works or installations from attack are permissible and shall not themselves be made the object of attack, provided that they are not 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 1 of Annex 1 to this Protocol. The absence of such marking in no way relieves any Party to the conflict of its obligations under this Article.

*IV. poglavje*  
*PREVIDNOSTNI UKREPI*

*57. člen – Previdnostni ukrepi pri napadu*

1. Pri izvajanju vojaških operacij je treba nenehno paziti, da se prizanesa civilnemu prebivalstvu, civilnim osebam in civilnim objektom.
2. V zvezi z napadi se sprejmejo ti previdnostni ukrepi:
  - a) tisti, ki napad načrtujejo in se odločajo zanj:
    - i) storijo vse, kar je mogoče, da preverijo, da cilji, ki jih bodo napadli, niso ne civilne osebe ne civilni objekti in zanje ne velja posebna zaščita, ampak so vojaški cilji v smislu drugega odstavka 52. člena in jih po določbah tega protokola ni prepovedano napasti;
    - ii) sprejmejo vse izvedljive previdnostne ukrepe pri izbiri sredstev in načinov napada, da se izognejo naključni izgubi življenj med civilnim prebivalstvom, poškodbam civilnih oseb in škodi na civilnih objektih ter jih vedno kar najbolj zmanjšajo;
    - iii) se vzdržijo odločitve o izvedbi napada, za katerega se lahko pričakuje, da bo povzročil naključno izgubo življenj med civilnim prebivalstvom, poškodbe civilnih oseb, škodo na civilnih objektih ali kombinacijo tega, in ki bi bil čezmeren glede na pričakovano določno in neposredno vojaško prednost;
  - b) napad se odpove ali začasno opusti, če postane jasno, da cilj napada ni vojaški ali zanj velja posebna zaščita, ali se pričakuje, da bo napad povzročil naključno izgubo življenj med civilnim prebivalstvom, poškodbe civilnih oseb, škodo na civilnih

*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;

- objektih ali kombinacijo tega, in ki bi bil čezmeren glede na pričakovano določno in neposredno vojaško prednost;
- c) pošlje se učinkovito vnaprejšnje opozorilo o napadih, ki lahko vplivajo na civilno prebivalstvo, razen če okoliščine tega ne dopuščajo.
  3. Kadar je mogoče izbirati med več vojaškimi cilji za doseg podobne vojaške prednosti, se izbere cilj, za katerega se pričakuje, da bo napad nanj najmanj ogrožal življenja civilnih oseb in civilne objekte.
  4. Vsaka stran v spopadu pri izvajanju vojaških operacij na morju ali v zraku v skladu s svojimi pravicami in dolžnostmi po pravilih mednarodnega prava, ki se uporabljajo v oboroženem spopadu, sprejme vse razumne previdnostne ukrepe, da se izogne izgubi življenj civilnih oseb in škodi na civilnih objektih.
  5. Nobena določba tega člena se ne sme razlagati tako, da dovoljuje napade na civilno prebivalstvo, civilne osebe ali civilne objekte.

*58. člen – Previdnostni ukrepi proti učinkom napadov*

Strani v spopadu:

- a) si brez poseganja v 49. člen IV. konvencije kar najbolj prizadevajo, da se civilno prebivalstvo, posamezne civilne osebe in civilni objekti pod njihovim nadzorom umaknejo iz bližine vojaških ciljev;
- b) se kar najbolj izogibajo postavljanju vojaških ciljev v gosto naseljenih območjih ali njihovi bližini;
- c) sprejmejo druge potrebne previdnostne ukrepe za zaščito civilnega prebivalstva, posameznih civilnih oseb in civilnih objektov pod njihovim nadzorom pred nevarnostmi, ki so posledica vojaških operacij.

- (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.
  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.

*V. poglavje*  
*KRAJI IN OBMOČJA POD POSEBNO ZAŠČITO*

*59. člen – Nebranjeni kraji*

1. Stranem v spopadu je prepovedano s kakršnimi koli sredstvi napasti nebranjene kraje.
2. Ustrezne oblasti strani v spopadu lahko za nebranjen razglasijo vsak naseljen kraj blizu območja, na katerem so oborožene sile v stiku in ki ga nasprotna stran lahko okupira, ali na njem. Tak kraj izpolnjuje te pogoje:
  - a) vse borce, premično orožje in premično vojaško opremo je treba odstraniti;
  - b) nepremična vojaška infrastruktura ali objekti se ne uporabljajo za sovražnosti;
  - c) oblasti ali prebivalstvo ne storijo nobenega sovražnega dejanja in
  - d) ne izvajajo se nobene dejavnosti za podporo vojaškim operacijam.
3. Prisotnost oseb, ki so posebej zaščitene po konvencijah in tem protokolu, ter policijskih sil, ki ostanejo izključno zaradi vzdrževanja reda in miru, na takem kraju ni v nasprotju s pogoji iz drugega odstavka.
4. Razglasitev na podlagi drugega odstavka se pošlje nasprotni strani ter se v njej čim natančneje opredelijo in opišejo meje nebranjenega kraja. Stran v spopadu, ki se ji pošlje razglasitev, potrdi njen prejem in kraj obravnava kot nebranjeni kraj, razen če pogoji iz drugega odstavka dejansko niso izpolnjeni, o čemer takoj obvesti stran, ki je opravila razglasitev. Tudi če pogoji iz drugega odstavka niso izpolnjeni, tak kraj še naprej uživa zaščito

*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, non-defended 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

po drugih določbah tega protokola in drugih pravilih mednarodnega prava, ki se uporabljajo v oboroženem spopadu.

5. Strani v spopadu se lahko sporazumejo o ustanovitvi nebranih krajev, tudi če ti kraji ne izpolnjujejo pogojev iz drugega odstavka. Tak sporazum čim natančneje opredeli in opiše meje nebranih kraja ter po potrebi lahko določi načine nadzora.
6. Stran, ki nadzoruje kraj, ki ga ureja tak sporazum, ga, kolikor je to mogoče, označi z znaki, o katerih se dogovori z drugo stranjo in ki so nameščeni tam, kjer so jasno vidni, zlasti na območju, ki obdaja tak kraj, mejah tega kraja ter glavnih cestah.
7. Kraj izgubi svoj status nebranih kraja, ko preneha izpolnjevati pogoje iz drugega odstavka ali sporazuma iz petega odstavka. V takem primeru še naprej uživa zaščito po drugih določbah tega protokola in drugih pravilih mednarodnega prava, ki se uporabljajo v oboroženem spopadu.

#### *60. člen – Demilitarizirana območja*

1. Stranem v spopadu je prepovedano svoje vojaške operacije razširiti na območja, ki so jim na podlagi sporazuma podelile status demilitariziranega območja, če je taka razširitev v nasprotju s pogoji tega sporazuma.



fulfilled, in which event 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. Sporazum je izrecen in se lahko sklene ustno ali pisno neposredno ali prek sile zaščitnice ali katere koli nepristranske humanitarne organizacije ter je lahko sestavljen iz vzajemnih in soglasnih izjav. Sporazum je lahko sklenjen v miru in tudi po začetku sovražnosti ter čim natančneje opredeljuje in opisuje meje demilitariziranega območja ter po potrebi določi načine nadzora.
3. Predmet takega sporazuma je običajno katero koli območje, ki izpolnjuje te pogoje:
  - a) vse borce, premično orožje in premično vojaško opremo je treba odstraniti;
  - b) nepremična vojaška infrastruktura ali objekti se ne uporabljajo za sovražnosti;
  - c) oblasti ali prebivalstvo ne storijo nobenega sovražnega dejanja in
  - d) kakršna koli dejavnost, povezana z vojaškim delovanjem, mora prenehati.

Strani v spopadu se dogovorijo o razlagi pogojev iz pododstavka d in o osebah, ki smejo v demilitarizirano območje, razen tistih iz četrtega odstavka.

4. Prisotnost oseb, ki so posebej zaščitene po konvencijah in tem protokolu, in policijskih sil, ki ostanejo izključno zaradi vzdrževanja reda in miru, na takem območju ni v nasprotju s pogoji iz tretjega odstavka.
5. Stran, ki tako območje nadzoruje, ga, kolikor je to mogoče, označi z znaki, o katerih se dogovori z drugo stranjo in ki so nameščeni tam, kjer so jasno vidni, zlasti na območju, ki obdaja tak kraj, mejah tega kraja ter glavnih cestah.

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.
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. Če se bojevanje približuje demilitariziranemu območju in so se strani v spopadu tako dogovorile, nobena od njih ne sme tega območja uporabljati za namene, povezane z izvajanjem vojaških operacij, ali enostransko preklicati njegovega statusa.
7. Če ena od strani v spopadu bistveno krši določbe tretjega ali šestega odstavka, se druga stran odveže obveznosti po sporazumu, na podlagi katerega se območju podeljuje status demilitariziranega območja. V takem primeru območje izgubi svoj status, vendar še naprej uživa zaščito po drugih določbah tega protokola in drugih pravilih mednarodnega prava, ki se uporabljajo v oboroženem spopadu.

*VI. poglavje*  
*CIVILNA ZAŠČITA*

*61. člen – Opredelitve in področje uporabe*

V tem protokolu izraz:

- a) "civilna zaščita" pomeni opravljanje nekaterih ali vseh spodaj navedenih humanitarnih nalog z namenom zaščititi civilno prebivalstvo pred nevarnostmi sovražnosti ali nesreč, mu pomagati, da si opomore od njihovega neposrednega učinka, in zagotoviti pogoje, potrebne za njegovo preživetje. Te naloge so:
  - (i) opozarjanje;
  - (ii) evakuacija;
  - (iii) upravljanje zaklonišč;
  - (iv) izvajanje ukrepov zatemnitve;
  - (v) reševanje;
  - (vi) zdravstvene storitve, vključno s prvo pomočjo, in verska pomoč;

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 un-dermentioned 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) protipožarna obramba;
  - (viii) odkrivanje in označevanje območij nevarnosti;
  - (ix) dekontaminacija in podobni zaščitni ukrepi;
  - (x) zagotavljanje nastanitve in oskrbe v nujnih primerih;
  - (xi) pomoč pri ponovni vzpostavitvi in vzdrževanju reda na prizadetih območjih v nujnih primerih;
  - (xii) zagotavljanje nujno potrebnih javnih služb v nujnih primerih;
  - (xiii) pokop mrtvih v nujnih primerih;
  - (xiv) pomoč pri ohranjanju dobrin, ki so nujne za preživetje;
  - (xv) dopolnilne dejavnosti, ki so potrebne zaradi izvajanja kateri koli od navedenih nalog, vključno z načrtovanjem in organizacijo, a ne omejeno nanju;
- b) “organizacije civilne zaščite” pomeni ustanove in druge enote, ki so jih vzpostavile ali odobrile pristojne oblasti strani v spopadu, da opravljajo katero koli od nalog iz pododstavka a, in ki so dodeljene in namenjene izključno za opravljanje teh nalog;
- c) “osebje” organizacij civilne zaščite pomeni osebe, ki jih stran v spopadu določi izključno za opravljanje nalog iz pododstavka a, vključno z osebjem, ki ga pristojne oblasti te strani določijo izključno za upravljanje teh organizacij;
- d) “materialna sredstva” organizacij civilne zaščite pomeni opremo, sredstva za oskrbo in prevozna sredstva, ki jih uporabljajo te organizacije za opravljanje nalog iz pododstavka a.

- (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 disresed 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;
- (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 sub-paragraph a).

## *62. člen – Splošna zaščita*

1. Civilne organizacije civilne zaščite in njihovo osebje se spoštujejo in zaščitijo ob upoštevanju določb tega protokola, zlasti tega oddelka. Upravičeni so do opravljanja svojih nalog civilne zaščite, razen v primeru vojaške nujnosti.
2. Določbe prvega odstavka se uporabljajo tudi za civilne osebe, ki se odzovejo na poziv pristojnih oblasti in opravljajo naloge civilne zaščite pod njihovim vodstvom, čeprav niso člani civilnih organizacij civilne zaščite.
3. Zgradbe in materialna sredstva, ki se uporabljajo za namene civilne zaščite, in zaklonišča za civilno prebivalstvo ureja 52. člen. Dobrine, ki se uporabljajo za civilno zaščito, lahko uniči ali uporablja za druge namene samo stran, ki ji pripadajo.

## *63. člen – Civilna zaščita na okupiranih ozemljih*

1. Civilne organizacije civilne zaščite na okupiranih ozemljih prejmejo od oblasti vse potrebno za opravljanje svojih nalog. Njihovo osebje se nikakor ne sme prisiliti, da opravlja dejavnosti, ki bi ovirale pravilno opravljanje teh nalog. Okupacijska sila ne sme tako spremeniti strukture ali osebja takih organizacij, da bi to lahko ogrozilo učinkovito opravljanje njihovih nalog. Od takih organizacij se ne zahteva, da dajo prednost državljanom ali interesom te sile.



*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. Okupacijska sila ne sme priganjati, siliti ali napeljevati civilnih organizacij civilne zaščite, da opravljajo svoje naloge tako, da bi to škodovalo interesom civilnega prebivalstva.
3. Okupacijska sila lahko osebe civilne zaščite razoroži zaradi varnosti.
4. Okupacijska sila ne sme uporabljati za druge namene ali zaseči zgradb ali materialnih sredstev, ki pripadajo civilnim organizacijam civilne zaščite ali jih te uporabljajo, če bi to škodilo civilnemu prebivalstvu.
5. Če se splošno pravilo iz četrtega odstavka še naprej spoštuje, okupacijska sila lahko zaseže te vire ali jih uporablja za druge namene ob upoštevanju teh pogojev:
  - a) zgradbe ali materialna sredstva so potrebni za druge potrebe civilnega prebivalstva;
  - b) zaseg ali sprememba namena traja le, dokler je to nujno potrebno.
6. Okupacijska sila ne sme uporabiti za druge namene ali zaseči skladišč, ki so na voljo za uporabo civilnemu prebivalstvu ali jih civilno prebivalstvo potrebuje.

*64. člen – Civilne organizacije civilne zaščite nevtralnih ali drugih držav, ki niso strani v spopadu, in mednarodne organizacije za usklajevanje*

1. 62., 63., 65. in 66. člen se uporabljajo tudi za osebe in materialna sredstva civilnih organizacij civilne zaščite nevtralnih ali drugih držav, ki niso strani v spopadu, ki opravljajo naloge civilne zaščite iz 61. člena na ozemlju strani v spopadu z njenim soglasjem in pod njenim nadzorom. Uradno obvestilo o taki pomoči se čim prej pošlje vsaki nasprotni strani, na katero se to nanaša. Taka dejavnost se nikakor ne šteje za vmešavanje

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.
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

v spopad. Opravlja se ob upoštevanju varnostnih interesov teh strani v spopadu.

2. Strani v spopadu, ki prejemajo pomoč iz prvega odstavka, in visoke pogodbenice, ki jo odobrijo, po potrebi omogočijo mednarodno usklajevanje takih dejavnosti civilne zaščite. V takih primerih se za ustrezne mednarodne organizacije uporabljajo določbe tega poglavja.
3. Okupacijska sila na okupiranih ozemljih ne dovoli dejavnosti civilnih organizacij civilne zaščite nevtralnih ali drugih držav, ki niso strani v spopadu, in mednarodnih organizacij za usklajevanje, ali jih omeji samo, če lahko zagotovi ustrezno opravljanje nalog civilne zaščite z lastnimi viri ali viri na okupiranem ozemlju.

#### *65. člen – Prenehanje zaščite*

1. Zaščita, do katere so upravičeni civilne organizacije civilne zaščite, njihovo osebje, zgradbe, zaklonišča in materialna sredstva, ne preneha, razen če poleg opravljanja svojih nalog storijo ali se uporabljajo za sovražniku škodljiva dejanja. Zaščita lahko preneha šele po tem, ko ni bilo upoštevano dano opozorilo, v katerem je v vseh ustreznih primerih določen razumen časovni rok.
2. Za sovražniku škodljivo dejanje se ne šteje:
  - a) če se naloge civilne zaščite opravljajo pod vodstvom ali nadzorom vojaških oblasti;
  - b) če civilno osebje civilne zaščite pri opravljanju nalog civilne zaščite sodeluje z vojaškim osebjem ali se nekaj vojaškega osebja dodeli civilnim organizacijam civilne zaščite;

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 coordination 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

- c) če opravljanje nalog civilne zaščite naključno koristi vojaškim žrtvam, zlasti tistim, ki ne sodelujejo v boju.
3. Prav tako se za sovražniku škodljivo dejanje ne šteje, če civilno osebje civilne zaščite nosi lahko osebno orožje zaradi vzdrževanja reda ali zaradi samoobrambe. Strani v spopadu na območjih, kjer poteka ali bo verjetno potekalo kopensko bojevanje, izvedejo ustrezne ukrepe za omejitev orožja na kratkoceveno orožje, kot so pištole ali revolverji, in tako pomagajo pri razlikovanju med osebjem civilne zaščite in borci. Čeprav na takih območjih osebje civilne zaščite nosi drugo lahko osebno orožje, se kljub temu spoštuje in zaščiti, takoj ko se prepozna kot tako.
  4. Dejstvo, da so civilne organizacije civilne zaščite organizirane po vojaškem zgledu in je služenje v njih obvezno, jim ne odvzema zaščite po tem poglavju.

#### *66. člen – Identifikacija*

1. Vsaka stran v spopadu si prizadeva zagotoviti, da je izključno med opravljanjem nalog civilne zaščite mogoče prepoznati njene organizacije civilne zaščite, njihovo osebje, zgradbe in materialna sredstva. Zaklonišča, ki se zagotovijo civilnemu prebivalstvu, morajo biti podobno prepoznavna.
2. Vsaka stran v spopadu si prizadeva tudi sprejeti in izvajati načine in postopke, ki bodo omogočili prepoznavanje civilnih zaklonišč, osebja civilne zaščite, zgradb in materialnih sredstev, na katerih je mednarodni razpoznavni znak civilne zaščite.

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 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,

3. Na okupiranih ozemljih in območjih, kjer poteka ali bo verjetno potekalo bojevanje, se civilno osebje civilne zaščite prepozna na podlagi mednarodnega razpoznavnega znaka civilne zaščite in identifikacijske izkaznice, ki potrjuje njihov status.
4. Mednarodni razpoznavni znak civilne zaščite za zaščito organizacij civilne zaščite, njihovega osebja, zgradb in materialnih sredstev ter civilnih zaklonišč je enakokraki moder trikotnik na oranžni podlagi.
5. Strani v spopadu se lahko dogovorijo, da poleg razpoznavnega znaka uporabljajo razpoznavna znamenja za identifikacijo civilne zaščite.
6. Uporabo določb prvega do četrtega odstavka ureja V. poglavje priloge 1 k temu protokolu.
7. V miru se znak, opisan v četrtem odstavku, s soglasjem pristojnih državnih oblasti lahko uporablja za identifikacijo civilne zaščite.
8. Visoke pogodbenice in strani v spopadu sprejmejo potrebne ukrepe za nadzor nad uporabo mednarodnega razpoznavnega znaka civilne zaščite, da preprečijo in zatrejo njegovo zlorabo.
9. Identifikacijo zdravstvenega in verskega osebja civilne zaščite, zdravstvenih enot civilne zaščite in zdravstvenih prevozov civilne zaščite ureja 18. člen.



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 1 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.

*67. člen – Pripadniki oboroženih sil in vojaške enote, ki so dodeljeni organizacijam civilne zaščite*

1. Pripadniki oboroženih sil in vojaške enote, ki so dodeljeni organizacijam civilne zaščite, se spoštujejo in zaščitijo pod pogojem:
    - a) da so tako osebe in take enote stalno dodeljeni in namenjeni izključno za opravljanje nalog iz 61. člena;
    - b) da tako osebe, če je tako dodeljeno, med spopadom ne opravlja nobenih drugih vojaških nalog;
    - c) da se tako osebe jasno razlikuje od drugih pripadnikov oboroženih sil tako, da nosi dobro viden mednarodni razpoznavni znak civilne zaščite, ki je primerno velik, in ima identifikacijsko izkaznico iz V. poglavja priloge 1 k temu protokolu, ki potrjuje njihov status;
    - d) da so tako osebe in take enote opremljeni le z lahkim osebnim orožjem zaradi vzdrževanja reda ali zaradi samoobrambe. V takem primeru se uporabljajo določbe tretjega odstavka 65. člena;
    - e) da tako osebe neposredno ne sodeluje v sovražnostih in poleg opravljanja svojih nalog civilne zaščite ne opravlja nasprotni strani škodljivih dejanj ali se ne uporablja za opravljanje takih dejanj;
    - f) da tako osebe in take enote opravljajo svoje naloge civilne zaščite le na državnem ozemlju svoje strani.
- Kateri koli pripadnik oboroženih sil, ki ga zavezujejo pogoji iz točk a in b, mora upoštevati pogoje iz točke e.

*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;
    - (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 1 to this Protocol certifying their status;
    - (d) such personnel and such units are equipped only 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. Pripadniki vojaškega osebja, ki služijo v organizacijah civilne zaščite in padejo v roke nasprotni strani, so vojni ujetniki. Na okupiranem ozemlju po potrebi opravljajo naloge civilne zaščite samo, če je to v korist civilnega prebivalstva na tem ozemlju, pod pogojem, da se sami prostovoljno javijo za opravljanje teh nalog, če je tako delo nevarno.
3. Zgradbe in večji deli opreme ter prevozna sredstva vojaških enot, ki so dodeljene organizacijam civilne zaščite, so jasno označeni z mednarodnim razpoznavnim znakom civilne zaščite. Ta znak naj bo primerno velik.
4. Če materialna sredstva in zgradbe vojaških enot, ki so stalno dodeljene organizacijam civilne zaščite in namenjene izključno za opravljanje nalog civilne zaščite, padejo v roke nasprotne strani, zanje velja vojno pravo. Dokler se potrebujejo za opravljanje nalog civilne zaščite, se ne smejo uporabiti za druge namene kot za namene civilne zaščite, razen zaradi vojaške nujnosti in če so bili prej sprejeti ukrepi za ustrezno zadovoljitev potreb civilnega prebivalstva.

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.

## II. ODDELEK POMOČ ZA CIVILNO PREBIVALSTVO

### *68. člen – Področje uporabe*

Določbe tega oddelka se uporabljajo za civilno prebivalstvo, kot je opredeljeno v tem protokolu, in dopolnjujejo 23., 55., 59., 60., 61. in 62. člen ter druge ustrezne določbe IV. konvencije.

### *69. člen – Osnovne potrebe na okupiranih ozemljih*

1. Poleg nalog, navedenih v 55. členu IV. konvencije, v zvezi s hrano ter zdravili in medicinskimi pripomočki okupacijska sila z vsemi razpoložljivimi sredstvi in brez razlikovanja zagotavlja tudi oblačila, posteljnino, zaklonišča, druge potrebščine, ki so nujne za preživetje civilnega prebivalstva na okupiranem ozemlju, in predmete, ki so potrebni za opravljanje verskih obredov.
2. Akcije pomoči za civilno prebivalstvo na okupiranih ozemljih, ki jih urejajo 59., 60., 61., 62., 108., 109., 110. in 111. člen IV. konvencije ter 71. člen tega protokola, se izvedejo brez odlašanja.

### *70. člen – Akcije pomoči*

1. Če civilno prebivalstvo katerega koli ozemlja, ki je pod nadzorom strani v spopadu in ni okupirano ozemlje, ni ustrezno preskrbljeno s potrebščinami iz 69. člena, se izvedejo akcije pomoči, ki so humanitarne in nepristranske ter se vodijo brez razlikovanja ob upoštevanju dogovora med stranmi, ki so udeležene

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 adverse 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

v takih akcijah pomoči. Ponudbe za tako pomoč se ne štejejo za vmešavanje v oboroženi spopad ali za dejanje, ki ni prijateljsko. Pri razdeljevanju pošiljk pomoči imajo prednost osebe, kot so otroci, nosečnice, porodnice in doječe matere, ki se jim po IV. konvenciji ali tem protokolu priznajo posebne ugodnosti ali posebna zaščita.

2. Strani v spopadu in vsaka visoka pogodbenica dovolijo in omogočijo hiter in nemoten prehod pošiljk pomoči, opreme in osebja, ki se zagotovijo v skladu s tem oddelkom, tudi če je taka pomoč namenjena civilnemu prebivalstvu nasprotne strani.
3. Strani v spopadu in vsaka visoka pogodbenica, ki dovolijo prehod pošiljk pomoči, opreme in osebja v skladu z drugim odstavkom:
  - a) imajo pravico predpisati tehnična pravila, v skladu s katerimi se prehod dovoli, vključno s pregledom;
  - b) lahko kot pogoj za tako dovolitev zahtevajo, da razdeljevanje te pomoči na kraju samem nadzoruje sila zaščitnica;
  - c) nikakor ne uporabijo pošiljk pomoči za druge namene niti jih ne zadržujejo, razen v nujnih primerih za korist civilnega prebivalstva.
4. Strani v spopadu zaščitijo pošiljke pomoči in omogočijo njihovo hitro razdelitev.
5. Strani v spopadu in vsaka visoka pogodbenica, na katero se to nanaša, spodbujajo in omogočajo učinkovito mednarodno usklajevanje akcij pomoči iz prvega odstavka.



- 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 allow 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.

*71. člen – Osebj, ki sodeluje v akcijah pomoči*

1. Osebj za pomoč je po potrebi lahko del pomoči, ki se zagotovi v vsaki akciji pomoči, zlasti pri prevozih in razdeljevanju pošiljk pomoči; sodelovanje takega osebj odobri stran v spopadu, na ozemlju katere bo opravljalo svoje naloge.
2. Tako osebj se spoštuje in zaščiti.
3. Vsaka stran pri prejemu pošiljk pomoči v največjem možnem obsegu pomaga osebj za pomoč iz prvega odstavka pri opravljanju nalog pomoči. Dejavnosti osebj za pomoč se lahko omejijo ali se njegovo gibanje začasno omeji le zaradi vojaške nujnosti.
4. Osebj za pomoč nikakor ne sme preseči svojih nalog po tem protokolu. Zlasti mora upoštevati varnostne zahteve strani, na ozemlju katere opravlja svoje naloge. Naloge katerega koli člana osebj, ki ne spoštuje teh pogojev, se lahko prekinejo.

*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.
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.

### III. ODDELEK

#### RAVNANJE Z OSEBAMI, KI SO V ROKAH STRANI V SPOPADU

##### *I. poglavje*

#### *PODROČJE UPORABE TER ZAŠČITA OSEB IN OBJEKTOV*

##### *72. člen – Področje uporabe*

Določbe tega oddelka dopolnjujejo pravila o humanitarni zaščiti civilnih oseb in civilnih objektov, ki so v rokah strani v spopadu, iz IV. konvencije, zlasti njenega I. in III. dela, ter druga veljavna pravila mednarodnega prava v zvezi z zaščito temeljnih človekovih pravic med mednarodnim oboroženim spopadom.

##### *73. člen – Begunci in osebe brez državljanstva*

Osebe, ki so se pred začetkom sovražnosti šteje za osebe brez državljanstva ali za begunce v skladu z ustreznimi mednarodnimi akti, ki so jih sprejele strani, ali v skladu z notranjo zakonodajo države, v katero so pribežale, ali države, v kateri prebivajo, se vedno in brez razlikovanja štejejo za zaščitene osebe v smislu I. in III. dela IV. konvencije.

##### *74. člen – Ponovno združenje razkropljenih družin*

Visoke pogodbenice in strani v spopadu na vse možne načine olajšajo ponovno združenje družin, katerih člani so se razkropili zaradi oboroženih spopadov, in predvsem spodbujajo delo humanitarnih organizacij, ki opravljajo to nalogo, v skladu z določbami konvencij in tega protokola ter v skladu s svojimi predpisi o varnosti.

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 — Refugees 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

## 75. člen – Temeljna jamstva

1. Z osebami, na katere vplivajo razmere iz 1. člena tega protokola, so v rokah strani v spopadu in ne uživajo ugodnejše obravnave po konvencijah ali tem protokolu, se vedno ravna človeško in uživajo najmanj zaščito, ki jo zagotavlja ta člen, brez razlikovanja glede na raso, barvo, spol, jezik, vero ali versko prepričanje, politično ali drugo prepričanje, narodno ali socialno poreklo, premoženjsko stanje, rojstvo ali drugo okoliščino ali kakršno koli drugo podobno merilo. Vsaka stran spoštuje osebnost, čast, prepričanja in verske običaje vsake take osebe.
2. Ta dejanja so vedno in povsod prepovedana ne glede na to, ali jih storijo civilne ali vojaške osebe:
  - a) nasilje nad življenjem, zdravjem ter telesnim in duševnim dobrim počutjem ljudi, zlasti:
    - i) umor;
    - ii) mučenje vseh vrst, telesno ali duševno;
    - iii) telesno kaznovanje in
    - iv) pohabljanje;
  - b) napad na osebno dostojanstvo, še posebej zaničevalno in poniževalno ravnanje, prisilna prostitucija in kakršno koli nespodobno dejanje;
  - c) jemanje talcev;

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 1 of this Protocol, persons who 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) skupinsko kaznovanje in
  - e) grožnje s storitvijo katerega koli od navedenih dejanj.
3. Vsaka oseba, ki je prijeta, pridržana ali internirana zaradi dejanj, povezanih z oboroženim spopadom, je v jeziku, ki ga razume, takoj obveščena o razlogih za take ukrepe. Take osebe, razen če so prijete ali pridržane zaradi kaznivih ravnanj, se čim prej in vsekakor izpustijo takoj, ko prenehajo okoliščine, ki upravičujejo prijete, pridržanje ali internacijo.
4. Oseba, za katero se ugotovi, da je kriva kaznivega ravnanja, povezanega z oboroženim spopadom, se obsodi in kaznuje samo na podlagi sodbe nepristranskega in pravilno ustanovljenega sodišča, ki spoštuje splošno priznana načela rednega sodnega postopka, ki vključujejo:
- a) postopek zagotavlja, da je obdolženec brez odlašanja obveščen o podrobnostih kršitve, ki naj bi jo storil, in da se mu pred in med sojenjem zagotovijo vse potrebne pravice in sredstva za obrambo;
  - b) nihče ne sme biti obsojen za kršitev, razen na podlagi osebne kazenske odgovornosti;
  - c) nihče ne sme biti obtožen ali obsojen zaradi kaznivega dejanja ali opustitve, ki v času storitve po zanj veljavnem notranjem ali mednarodnem pravu nista pomenila kaznivega dejanja; prav tako se ne sme izreči hujša kazen od tiste, ki se je uporabljala v času storitve kršitve; če se po storitvi kršitve z zakonom predpiše milejša kazen, se storilcu izreče ta kazen;



- (d) collective punishments; and
  - (e) threats to 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) vsakdo, ki je obdolžen kršitve, velja za nedolžnega, dokler se mu ne dokaže krivda v skladu z zakonom;
  - e) vsakdo, ki je obdolžen kršitve, ima pravico, da se mu sodi v njegovi prisotnosti;
  - f) nihče se ne sme prisiliti, da se izpove zoper samega sebe ali prizna krivdo;
  - g) vsakdo, ki je obdolžen kršitve, ima pravico zaslišati priče, ki pričajo proti njemu, ali zahtevati, da se te priče zaslišijo, in si zagotoviti navzočnost in zaslišanje prič, ki pričajo njemu v prid, pod enakimi pogoji kot pri pričah, ki pričajo proti njemu;
  - h) ista stran ne sme nikogar preganjati ali kaznovati zaradi kršitve, v zvezi s katero mu je bila prej po istem zakonu in istem postopku izrečena pravnomočna oprostilna ali obsodilna sodba;
  - i) vsakdo, ki je preganjan zaradi kršitve, ima pravico, da se mu sodba javno izreče, in
  - j) obsojena oseba je ob izreku sodbe poučena o pravnih in drugih sredstvih, ki so ji na voljo, in o rokih, v katerih lahko ta sredstva uporabi.
5. Ženske, ki jim je bila prostost omejena zaradi razlogov, povezanih z oboroženim spopadom, so zaprte v prostorih, ki so ločeni od prostorov, v katerih so moški. So pod neposrednim nadzorom žensk. Priprte ali internirane družine so, kadar koli je to mogoče, zaprte v istem kraju in nastanjene kot družinske skupnosti.
6. Osebe, ki so prijete, pridržane ali internirane zaradi razlogov, povezanih z oboroženim spopadom, uživajo zaščito po tem členu tudi po koncu oboroženega spopada, in sicer do svoje dokončne osvoboditve, repatriacije ali ponovne nastanitve.

- (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;
  - (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 final release, repatriation or re-establishment, even after the end of the armed conflict.

7. Da bi se izognili vsakemu dvomu glede pregona oseb, ki so obdolžene vojnih hudodelstev ali hudodelstev zoper človečnost, in glede sojenja tem osebam, se uporabljajo ta načela:
  - a) osebe, ki so obdolžene takih hudodelstev, se morajo privedi zaradi pregona in sojenja v skladu z veljavnimi pravili mednarodnega prava in
  - b) vse take osebe, ki ne uživajo ugodnejše obravnave po konvencijah ali tem protokolu, so deležne obravnave, ki jo zagotavlja ta člen, ne glede na to, ali hudodelstva, ki so jih obdolžene, pomenijo hude kršitve konvencij ali tega protokola.
8. Nobena določba tega člena se ne sme razlagati tako, da omejuje ali posega v katero koli drugo ugodnejšo določbo, ki osebam iz prvega odstavka zagotavlja večjo zaščito, po katerih koli veljavnih pravilih mednarodnega prava.

## *II. poglavje*

### *UKREPI ZA ZAŠČITO ŽENSK IN OTROK*

#### *76. člen – Zaščita žensk*

1. Ženske se še posebej spoštujejo in zlasti zaščitijo pred posilstvom, prisilno prostitucijo in katero koli drugo obliko nesposobnega dejanja.
2. Nosečnice in matere z majhnimi, od njih odvisnimi otroki, ki so prijete, pridržane ali internirane zaradi razlogov, povezanih z oboroženim spopadom, imajo pri obravnavi nedvomno prednost.

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.

3. Strani v spopadu si kar najbolj prizadevajo, da se nosečnicam ali materam z majhnimi, od njih odvisnimi otroki za kršitev, povezano z oboroženim spopadom, ne izreče smrtna kazen. Smrtna kazen se pri teh ženskah, ki storijo tako kršitev, ne izvrši.

### *77. člen – Zaščita otrok*

1. Otroci se še posebej spoštujejo in zaščitijo pred kakršnim koli nespodobnim dejanjem. Strani v spopadu jim zagotovijo oskrbo in pomoč, ki jo potrebujejo zaradi svoje starosti ali drugega razloga.
2. Strani v spopadu sprejmejo vse izvedljive ukrepe, da otroci, ki še niso dopolnili petnajst let, neposredno ne sodelujejo v sovražnostih, in se predvsem vzdržijo njihovega rekrutiranja v svoje oborožene sile. Strani v spopadu si pri rekrutiranju oseb, ki so dopolnile petnajst let, niso pa še dopolnile osemnajst let, prizadevajo najprej rekrutirati najstarejše med njimi.
3. Če otroci, ki še niso dopolnili petnajst let, kljub določbam drugega odstavka izjemoma neposredno sodelujejo v sovražnostih in padejo v roke nasprotni strani, še naprej uživajo posebno zaščito, ki jo zagotavlja ta člen, ne glede na to, ali so vojni ujetniki ali ne.
4. Če so otroci prijeti, pridržani ali internirani zaradi razlogov, povezanih z oboroženim spopadom, so zaprti v prostorih, ki so ločeni od prostorov, v katerih so odrasli, razen kadar so družine nastanjene kot družinske skupnosti, kot določa peti odstavek 75. člena.

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. Za kršitev, povezano z oboroženim spopadom, se pri osebah, ki ob storitvi kršitve še niso dopolnile osemnajst let, smrtna kazen ne izvrši.

#### *78. člen – Preselitev otrok*

1. Nobena stran v spopadu ne sme organizirati preselitve otrok, ki niso njeni državljani, v tujo državo, razen začasno, kadar je to potrebno zaradi nujnih zdravstvenih razlogov ali zdravljenja otrok ali, razen na okupiranem ozemlju, njihove varnosti. Kadar je mogoče najti starše ali zakonite skrbnike, je za tako preselitev potrebno njihovo pisno soglasje. Če staršev ali skrbnikov ni mogoče najti, je za tako preselitev potrebno pisno soglasje oseb, ki so po zakonu ali običaju primarno odgovorne za oskrbo teh otrok. Vsako tako preselitev nadzoruje sila zaščitnica v soglasju s stranjo, ki organizira preselitev, stranjo, ki sprejema otroke, in stranmi, katerih državljani so preseljeni. V vsakem primeru vse strani v spopadu sprejmejo vse izvedljive previdnostne ukrepe, da preselitev ni ogrožena.
2. Ob vsaki preselitvi v skladu s prvim odstavkom se vsakemu otroku med njegovo odsotnostjo ob upoštevanju želja njegovih staršev zagotovita, kolikor je mogoče, nepretrgana vzgoja in izobraževanje, vključno z versko in moralno vzgojo.
3. Da bi omogočile lažjo vrnitev otrok, ki so preseljeni v skladu s tem členom, k njihovim družinam in v njihovo državo, oblasti strani, ki organizira preselitev, in po potrebi oblasti države sprejema za vsakega otroka izdelajo izkaznico s fotografijami, ki jo pošljejo osrednji poizvedovalni agenciji Mednarodnega odbora Rdečega križa. Kadar koli je le mogoče in kadar to ne pomeni



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.
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

tveganja za otroka ali mu škoduje, vsaka izkaznica vsebuje te informacije:

- a) otrokov priimek ali priimke;
- b) otrokovo ime ali imena;
- c) otrokov spol;
- d) kraj in datum rojstva (ali če ta datum ni znan, približno starost);
- e) ime in priimek očeta;
- f) ime in priimek ter dekliški priimek matere;
- g) navedbo otrokovega bližnjega sorodnika;
- h) otrokovo državljanstvo;
- i) otrokov materni jezik in morebitne druge jezike, ki jih govori;
- j) naslov otrokove družine;
- k) otrokovo morebitno identifikacijsko številko;
- l) otrokovo zdravstveno stanje;
- m) otrokovo krvno skupino;
- n) morebitne posebne značilnosti;
- o) datum, ko je bil otrok najden, in kraj, kjer je bil najden;
- p) datum, ko je otrok zapustil državo, in kraj, od koder je zapustil državo;
- r) otrokovo morebitno veroizpoved;
- s) sedanji naslov otroka v državi sprejema;
- t) če otrok umre pred svojo vrnitvijo, datum, kraj in okoliščine smrti ter kraj interniranja.

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.

*III. poglavje*  
*NOVINARJI*

*79. člen – Ukrepi za zaščito novinarjev*

1. Novinarji, ki opravljajo nevarne poklicne naloge na območjih oboroženega spopada, se štejejo za civilne osebe v smislu prvega odstavka 50. člena.
2. Kot taki so zaščiteni po konvencijah in tem protokolu, če ne storijo ničesar, kar bi škodovalo njihovemu statusu civilne osebe, in brez poseganja v pravico vojnih poročevalcev, akreditiranih pri oboroženih silah, do statusa, ki ga zagotavlja 4. točka odstavka A 4. člena III. konvencije.
3. Dobijo lahko identifikacijsko izkaznico, podobno vzorcu iz priloge II k temu protokolu. Ta izkaznica, ki jo izda vlada države, katere državljan je novinar ali na ozemlju katere prebiva ali v kateri je medij, pri katerem je zaposlen, potrjuje njegov status novinarja.

*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.

**V. DEL**  
**IZVAJANJE KONVENCIJ IN TEGA PROTOKOLA**  
**I. ODDELEK**  
**SPLOŠNE DOLOČBE**

*80. člen – Ukrepi za izvajanje*

1. Visoke pogodbenice in strani v spopadu brez odlašanja sprejmejo vse potrebne ukrepe za izpolnjevanje svojih obveznosti po konvencijah in tem protokolu.
2. Visoke pogodbenice in strani v spopadu dajejo ukaze in navodila, da zagotovijo spoštovanje konvencij in tega protokola, in nadzorujejo njihovo izvajanje.

*81. člen – Dejavnosti Rdečega križa in drugih humanitarnih organizacij*

1. Strani v spopadu storijo vse, kar je v njihovi moči, da zagotovijo Mednarodnemu odboru Rdečega križa vse potrebno za opravljanje humanitarnih nalog, ki so mu dodeljene na podlagi konvencij in tega protokola, da zagotovijo zaščito in pomoč žrtvam spopadov; Mednarodni odbor Rdečega križa lahko opravlja tudi druge humanitarne dejavnosti za pomoč tem žrtvam ob soglasju teh strani v spopadu.
2. Strani v spopadu svojim organizacijam Rdečega križa (Rdečega polmeseca, Rdečega leva in sonca) zagotovijo vse potrebno za opravljanje njihovih humanitarnih nalog za pomoč žrtvam spopada v skladu z določbami konvencij in tega protokola ter temeljnimi načeli Rdečega križa, oblikovanimi na mednarodnih konferencah Rdečega križa.

**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

3. Visoke pogodbenice in strani v spopadu na vse možne načine olajšajo zagotavljanje pomoči organizacij Rdečega križa (Rdečega polmeseca, Rdečega leva in sonca) in Lige društev Rdečega križa žrtvam spopadov v skladu z določbami konvencij in tega protokola ter temeljnimi načeli Rdečega križa, oblikovanimi na mednarodnih konferencah Rdečega križa.
4. Visoke pogodbenice in strani v spopadu, kolikor je to mogoče, zagotavljajo podobne ugodnosti kot iz drugega in tretjega odstavka tudi drugim humanitarnim organizacijam iz konvencij in tega protokola, ki jih strani v spopadu pravilno pooblastijo in ki svoje humanitarne naloge opravljajo v skladu z določbami konvencij in tega protokola.

*82. člen – Pravni svetovalci v oboroženih silah*

Visoke pogodbenice vedno, strani v spopadu pa med oboroženim spopadom zagotovijo, da so po potrebi na voljo pravni svetovalci, ki svetujejo vojaškemu poveljniku na ustrezni ravni glede uporabe konvencij in tega protokola ter glede ustreznih navodil, ki jih je o tem treba dati oboroženim silam.



Principles of the Red Cross as formulated by the International Conferences 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 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.

### *83. člen – Širjenje*

1. Visoke pogodbenice se zavezujejo, da bodo v svojih državah v miru in med oboroženim spopadom čim bolj širile poznavanje besedil konvencij in tega protokola, zlasti da jih bodo vključile v programe vojaškega usposabljanja in spodbujale poznavanje teh besedil med civilnim prebivalstvom, tako da se z njimi lahko seznanijo oborožene sile in civilno prebivalstvo.
2. Vse vojaške in civilne oblasti, ki med oboroženim spopadom prevzamejo odgovornost v zvezi z uporabo konvencij in tega protokola, se v celoti seznanijo z njihovimi besedili.

### *84. člen – Pravila uporabe*

Visoke pogodbenice si prek depozitarja, in če je to primerno, prek sil zaščitnic čim prej izmenjajo uradne prevode tega protokola ter zakone in predpise, ki jih lahko sprejmejo za zagotavljanje njegove uporabe.

*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.

## II. ODDELEK

### KAZNOVANJE KRŠITEV KONVENCIJ IN TEGA PROTOKOLA

#### *85. člen – Kaznovanje kršitev tega protokola*

1. Določbe konvencij, ki se nanašajo na kaznovanje kršitev in hudih kršitev ter jih dopolnjuje ta oddelek, se uporabljajo za kaznovanje kršitev in hudih kršitev tega protokola.
2. Dejanja, ki so v konvencijah opisana kot hude kršitve, so hude kršitve tega protokola, če so storjena zoper osebe, ki so v rokah nasprotne strani in so zaščitene po 44., 45. in 73. členu tega protokola, ali zoper ranjence, bolnike in brodolomce nasprotne strani, ki so zaščiteni po tem protokolu, ali zoper zdravstveno ali versko osebje, zdravstvene enote ali zdravstvena prevozna sredstva, ki so pod nadzorom nasprotne strani in so zaščiteni po tem protokolu.
3. Poleg hudih kršitev iz 11. člena se za hude kršitve tega protokola štejejo ta dejanja, kadar so storjena naklepno in v nasprotju z ustreznimi določbami tega protokola ter povzročijo smrt ali hudo telesno poškodbo ali okvaro zdravja:
  - a) napad na civilno prebivalstvo ali posamezne civilne osebe;
  - b) napad brez izbire cilja, ki prizadene civilno prebivalstvo ali civilne objekte, ob zavedanju, da bo tak napad povzročil čezmerno izgubo življenj, poškodbe civilnih oseb ali škodo na civilnih objektih, kot to določa točka iii pododstavka a drugega odstavka 57. člena;

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 and 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, injury to civilians or damage to civilian objects, as defined in Article 57, paragraph 2 a) iii);

- c) napad na gradnje ali objekte, v katerih so nevarne sile, ob zavedanju, da bo tak napad povzročil čezmerno izgubo življenj, poškodbe civilnih oseb ali škodo na civilnih objektih, kot to določa točka iii pododstavka a drugega odstavka 57. člena;
  - d) napad na nebranjene kraje in demilitarizirana območja;
  - e) napad na osebo ob zavedanju, da ta oseba ne sodeluje v boju;
  - f) perfidna uporaba razpoznavnih znakov rdeči križ, rdeči polmesec ali rdeči lev in sonce ali drugih zaščitnih znakov, ki so priznani po konvencijah ali tem protokolu, v nasprotju s 37. členom.
4. Poleg hudih kršitev iz prejšnjih odstavkov in konvencij se za hude kršitve tega protokola štejejo ta dejanja, kadar so storjena naklepno ter v nasprotju s konvencijami in tem protokolom:
- a) okupacijska sila premesti del svojega civilnega prebivalstva na ozemlje, ki ga okupira, ali deportira ali premesti znotraj ali zunaj okupiranega ozemlja vse prebivalstvo ali del prebivalstva tega ozemlja v nasprotju z 49. členom IV. konvencije;
  - b) neupravičeno odlašanje repatriacije vojnih ujetnikov ali civilnih oseb;
  - c) rasno razlikovanje ter drugo nečloveško in poniževalno ravnanje, ki vključuje napad na osebno dostojanstvo, na podlagi rasne diskriminacije;
  - d) napad na jasno prepoznavne zgodovinske spomenike, umetniška dela ali svetišča, ki so kulturna in duhovna dediščina naroda in jim je bila podeljena posebna zaščita s posebnim sporazumom, na primer v okviru pristojne mednarodne organizacije, pri čemer tak napad povzroči njihovo obsežno uničenje, kadar ni dokazov o tem, da nasprotna stran krši pododstavek b 53. člena, in kadar taki zgodovinski spomeniki,

- (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

umetniška dela in svetišča niso v neposredni bližini vojaških ciljev;

- e) odvzem pravice do poštenega in rednega sojenja osebi, ki je zaščiten po konvencijah, ali osebi iz drugega odstavka tega člena.
5. Brez poseganja v uporabo konvencij in tega protokola se hude kršitve teh aktov štejejo za vojna hudodelstva.

#### *86. člen – Neukrepanje*

1. Visoke pogodbenice in strani v spopadu kaznujejo hude kršitve in sprejmejo potrebne ukrepe, da zatrejo vse druge kršitve konvencij ali tega protokola, ki nastanejo zaradi neukrepanja, kadar bi bilo po dolžnosti treba ukrepati.
2. Dejstvo, da je kršitev konvencij ali tega protokola storil podrejeni, njegovih nadrejenih ne odveže kazenske ali disciplinske odgovornosti, če so to vedeli ali imeli informacije, na podlagi katerih bi v takratnih okoliščinah lahko sklepali, da je podrejeni storil ali bo storil tako kršitev, in niso sprejeli vseh izvedljivih ukrepov, ki so v njihovi moči, da bi kršitev preprečili ali jo kaznovali.



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.

### *87. člen – Dolžnost poveljnikov*

1. Visoke pogodbenice in strani v spopadu od vojaških poveljnikov zahtevajo, da v zvezi s pripadniki oboroženih sil pod njihovim poveljstvom in drugimi osebami pod njihovim nadzorom preprečijo in po potrebi zatrejo kršitve konvencij in tega protokola ter jih prijavijo pristojnim oblastem.
2. Da bi preprečile in zatrle kršitve, visoke pogodbenice in strani v spopadu zahtevajo, da poveljniki v skladu s svojo ravnijsko odgovornostjo zagotovijo, da so pripadniki oboroženih sil, ki so pod njihovim poveljstvom, seznanjeni s svojimi obveznostmi po konvencijah in tem protokolu.
3. Visoke pogodbenice in strani v spopadu zahtevajo, da vsak poveljnik, ki ve, da bodo njegovi podrejeni ali osebe pod njegovim nadzorom storile ali so storile kršitev konvencij ali tega protokola, sprejme ukrepe, ki so potrebni za preprečitev teh kršitev konvencij ali protokola, in po potrebi disciplinsko ali kazensko ukrepa proti kršiteljem.

### *88. člen – Vzajemna pomoč v kazenskih zadevah*

1. Visoke pogodbenice druga drugi kar najbolj pomagajo v zvezi s kazenskimi postopki, uvedenimi zaradi hudih kršitev konvencij ali tega protokola.

*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 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. Visoke pogodbenice sodelujejo pri izročitvi oseb ob upoštevanju pravic in obveznosti, ki jih določajo konvencije in prvi odstavek 85. člena tega protokola, in kadar okoliščine to dopuščajo. Ustrezno upoštevajo prošnjo države, na ozemlju katere je bila storjena domnevna kršitev.
3. V vseh primerih se uporablja pravo zaprosene visoke pogodbenice.

Določbe prejšnjega odstavka ne vplivajo na obveznosti na podlagi določb katere koli druge dvostranske ali večstranske mednarodne pogodbe, ki v celoti ali delno ureja ali bo urejala področje vzajemne pomoči v kazenskih zadevah.

#### *89. člen – Sodelovanje*

Visoke pogodbenice se zavezujejo, da bodo pri hudih kršitvah konvencije ali tega protokola ukrepale skupaj ali posamično v sodelovanju z Organizacijo združenih narodov in v skladu z Ustanovno listino Organizacije združenih narodov.

#### *90. člen – Mednarodna komisija za ugotavljanje dejstev*

1.
  - a) Ustanovi se mednarodna komisija za ugotavljanje dejstev (v nadaljnjem besedilu: komisija), ki jo sestavlja petnajst članov z velikim moralnim ugledom in priznano nepristranskostjo.
  - b) Ko se najmanj dvajset visokih pogodbenic dogovori, da sprejemajo pristojnosti komisije v skladu z drugim odstavkom, depozitar skliče sestanek predstavnikov teh visokih pogodbenic, da izvolijo člane komisije; nato tak sestanek skliče vsakih pet let. Predstavniki na sestanku volijo člane komisije s

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.
  - (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

tajnim glasovanjem o osebah s seznama, na katerega lahko vsaka od teh visokih pogodbenic imenuje po eno osebo.

- c) Člani komisije delujejo v svojem imenu in opravljajo funkcijo do izvolitve novih članov na naslednjem sestanku.
- d) Visoke pogodbenice pri volitvah zagotovijo, da so osebe, ki bodo izvoljene v komisijo, ustrezno usposobljene in da je v komisiji kot celoti zagotovljena pravična geografska zastopnost.
- e) Če se kakšno mesto izprazni, ga zapolni komisija sama ob upoštevanju določb prejšnjih pododstavkov.
- f) Depozitar da komisiji na voljo potrebne upravne zmogljivosti za opravljanje njenih nalog.

2.

- a) Visoke pogodbenice lahko ob podpisu ali ratifikaciji tega protokola ali pristopu k njemu ali kadar koli pozneje izjavijo, da v zvezi s katero koli drugo visoko pogodbenico, ki sprejme enako obveznost, *ipso facto* in brez posebnega sporazuma priznavajo pristojnost komisije, da preveri obtožbe te druge pogodbenice, kot jo za to pooblašča ta člen.

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) Zgoraj navedene izjave se deponirajo pri depozitarju, ki pošlje kopije visokim pogodbenicam.
- c) Komisija je pristojna, da:
  - i) razišče vsa dejstva, ki domnevno pomenijo hudo kršitev, kot jo določajo konvencije in ta protokol, ali drugo hudo kršitev konvencij ali tega protokola;
  - ii) s svojimi dobrimi uslugami spodbudi ponovno spoštovanje konvencij in tega protokola.
- d) V drugih primerih komisija začne preiskavo na zahtevo strani v spopadu le s soglasjem druge strani ali drugih strani, na katere se to nanaša.
- e) Ob upoštevanju navedenih določb tega odstavka se določbe 52. člena I. konvencije, 53. člena II. konvencije, 132. člena III. konvencije in 149. člena IV. konvencije še naprej uporabljajo za vsako domnevno kršitev konvencij, njihova uporaba pa se razširi tudi na vsako domnevno kršitev tega protokola.

- 3.
- a) Če se strani ne dogovorijo drugače, vse preiskave opravi senat sedmih članov, ki ga sestavlja:
    - i) pet članov komisije, ki niso državljani nobene od strani v spopadu; imenuje jih predsednik komisije na podlagi pravične geografske zastopanosti po posvetovanju s stranmi v spopadu;
    - ii) dva *ad hoc* člana, ki nista državljana nobene od strani v spopadu, pri čemer vsaka stran imenuje po enega člana.
  - b) Predsednik komisije po prejemu zahteve za preiskavo določi ustrezen rok za vzpostavitev senata. Če kateri od *ad hoc* članov ni imenovan v tem roku, predsednik takoj imenuje dodatnega člana ali člane komisije, kot je potrebno, da se dopolni število članov senata.



- (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) Upon receipt of the request for an enquiry, the President of the Commission shall specify an appropriate time-limit for

4.
  - a) Senat, ki je vzpostavljen na podlagi tretjega odstavka, da opravi preiskavo, povabi strani v spopadu, da mu pomagajo in predložijo dokaze. Senat lahko poišče tudi druge dokaze, za katere meni, da so primerni, in opravi preiskavo na kraju samem.
  - b) Vsi dokazi se v celoti razkrijejo stranem, ki imajo pravico, da komisiji sporočijo svoje pripombe v zvezi z njimi.
  - c) Vsaka stran ima pravico izpodbijati take dokaze.
5.
  - a) Komisija stranem predloži poročilo senata o ugotovljenih dejstvih skupaj s priporočili, za katera meni, da so primerna.
  - b) Če senat ne more zagotoviti zadostnih dokazov za nepristransko ugotovitev dejstev, komisija navede razloge, zakaj to ni bilo mogoče.
  - c) Komisija svojih ugotovitev javno ne objavi, razen če so jo vse strani v spopadu zaprosile, naj to stori.
6. Komisija določi svoja pravila, vključno s pravili o predsedovanju komisiji in predsedovanju senatu. Ta pravila zagotavljajo, da se naloge predsednika komisije stalno opravljajo in da jih pri preiskavi opravlja oseba, ki ni državljan strani v spopadu.

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 the 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. Upravni stroški komisije se krijejo s prispevki visokih pogodbenic, ki so dale izjave v skladu z drugim odstavkom, in s prostovoljnimi prispevki. Stran ali strani v spopadu, ki zahtevajo preiskavo, vnaprej založijo potrebna sredstva za kritje stroškov, ki jih ima senat, stran ali strani, zoper katere so podane obtožbe, pa jim ta sredstva povrnejo v višini petdesetih odstotkov stroškov senata. Če so senatu podane nasprotne obtožbe, vsaka stran vnaprej založi petdeset odstotkov potrebnih sredstev.

### *91. člen – Odgovornost*

Stran v spopadu, ki krši določbe konvencij ali tega protokola, mora plačati odškodnino, če je to potrebno. Odgovorna je za vsa dejanja, ki jih storijo osebe, ki so del njenih oboroženih sil.

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 counter-allegations 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.

## VI. DEL KONČNE DOLOČBE

### *92. člen – Podpis*

Ta protokol je na voljo za podpis pogodbenicam konvencij šest mesecev po podpisu sklepne listine in ostaja na voljo za podpis 12 mesecev.

### *93. člen – Ratifikacija*

Ta protokol se čim prej ratificira. Listine o ratifikaciji se deponirajo pri Švicarskem zveznem svetu, depozitarju konvencij.

### *94. člen – Pristop*

K temu protokolu lahko pristopi katera koli pogodbenica ženevskih konvencij, ki ga ni podpisala. Listine o pristopu se deponirajo pri depozitarju.

### *95. člen – Začetek veljavnosti*

1. Ta protokol začne veljati šest mesecev po deponiranju dveh listin o ratifikaciji ali pristopu.
2. Za vsako pogodbenico konvencij, ki protokol ratificira ali k njemu pristopi pozneje, začne protokol veljati šest mesecev po tem, ko pogodbenica deponira svojo listino o ratifikaciji ali pristopu.

## **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.

#### *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.

*96. člen – Pogodbena razmerja po začetku veljavnosti tega protokola*

1. Kadar so pogodbenice konvencij tudi pogodbenice tega protokola, se konvencije uporabljajo, kot jih dopolnjuje ta protokol.
2. Kadar ene od strani v spopadu ta protokol ne zavezuje, še naprej zavezuje pogodbenice protokola v medsebojnih odnosih. Poleg tega jih protokol zavezuje v razmerju do vsake strani, ki je protokol ne zavezuje, če ta stran sprejme in uporablja njegove določbe.
3. Oblast, ki predstavlja narod, ki v oboroženem spopadu iz četrtega odstavka 1. člena deluje proti visoki pogodbenici, se lahko z enostransko izjavo, ki jo naslovi na depozitarja, zaveže k uporabi konvencije in tega protokola v zvezi s tem spopadom. Ko tako izjavo prejme depozitar, ima v zvezi s tem spopadom te učinke:
  - a) konvencije in ta protokol za to oblast kot stran v spopadu začnejo veljati s takojšnjim učinkom;
  - b) navedena oblast prevzame enake pravice in obveznosti, kot so tiste, ki jih je prevzela visoka pogodbenica konvencij in tega protokola, ter
  - c) konvencije in ta protokol so za vse strani v spopadu enako zavezujoči.



*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.

### *97. člen – Spremembe*

1. Vsaka visoka pogodbenica lahko predlaga spremembe tega protokola. Besedilo vsake predlagane spremembe se pošlje depozitarju, ki se po posvetovanju z vsemi visokimi pogodbenicami in Mednarodnim odborom Rdečega križa odloči, ali je treba sklicati konferenco za obravnavo predlagane spremembe.
2. Depozitar na konferenco povabi vse visoke pogodbenice in pogodbenice konvencij ne glede na to, ali so podpisnice tega protokola ali ne.

### *98. člen – Revizija priloge I*

1. Mednarodni odbor Rdečega križa se najpozneje štiri leta po začetku veljavnosti tega protokola in potem v ne manj kot štiriletnih presledkih posvetuje z visokimi pogodbenicami o prilogi I k temu protokolu, in če meni, da je potrebno, predlaga sestanek tehničnih strokovnjakov, da proučijo prilogo I in predlagajo spremembe, ki se zdijo zaželenne. Mednarodni odbor Rdečega križa skliče sestanek, na katerega povabi tudi opazovalce ustreznih mednarodnih organizacij, razen če v šestih mesecih po tem, ko so visoke pogodbenice obveščene o predlogu za sestanek, tretjina visokih pogodbenic sestanku ugovarja. Mednarodni odbor Rdečega križa skliče tak sestanek tudi, kadar koli ga za to zaprosi tretjina visokih pogodbenic.

*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, 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 1 to this Protocol and, if it considers it necessary, may propose a meeting of technical experts to review Annex 1 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. Depozitar skliče konferenco visokih pogodbenic in pogodbenic konvencij, da obravnavajo spremembe, predlagane na sestanku tehničnih strokovnjakov, če po tem sestanku to zahteva Mednarodni odbor Rdečega križa ali tretjina visokih pogodbenic.
3. Na taki konferenci spremembe priloge I lahko sprejme dvotretjinska večina prisotnih in glasujočih visokih pogodbenic.
4. Depozitar sporoči vsako tako sprejeto spremembo visokim pogodbenicam in pogodbenicam konvencij. Sprememba se šteje za sprejeto po enem letu, ko je bila tako sporočena, razen če v tem obdobju najmanj tretjina visokih pogodbenic depozitarju pošlje izjavo, da spremembe ne sprejema.
5. Sprememba, ki se šteje za sprejeto v skladu s četrtem odstavkom, začne veljati tri mesece po njenem sprejetju za vse visoke pogodbenice, razen za tiste, ki so v skladu s tem odstavkom izjavile, da spremembe ne sprejemajo. Vsaka pogodbenica, ki da tako izjavo, jo lahko kadar koli umakne, pri čemer zanjo sprememba začne veljati tri mesece po umiku izjave.
6. Depozitar uradno obvesti visoke pogodbenice in pogodbenice konvencij o začetku veljavnosti vsake spremembe, pogodbenicah, ki jih ta sprememba zavezuje, dnevu njenega začetka veljavnosti za vsako pogodbenico, izjavah o nesprejetju spremembe, poslanih v skladu s četrtem odstavkom, in o umiku takih izjav.

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 1 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 the 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.

### *99. člen – Odpoved*

1. Če visoka pogodbenica odpove ta protokol, odpoved začne učinkovati šele eno leto po prejemu uradnega obvestila o odpovedi. Če je ob poteku enega leta pogodbenica, ki je protokol odpovedala, udeležena v razmerah iz 1. člena, odpoved ne začne učinkovati pred koncem oboroženega spopada ali okupacije, nikakor pa ne pred koncem operacij, povezanih z dokončno osvoboditvijo, repatriacijo ali ponovno nastanitvijo oseb, ki so zaščitene po konvencijah ali tem protokolu.
2. Uradno pisno obvestilo o odpovedi se pošlje depozitarju, ki ga pošlje vsem visokim pogodbenicam.
3. Odpoved velja samo za pogodbenico, ki jo sporoči.
4. Nobena odpoved v skladu s prvim odstavkom ne vpliva na obveznosti, ki jih pogodbenica, ki sporoči odpoved, zaradi oboroženega spopada že ima na podlagi tega protokola v zvezi s katerim koli dejanjem, storjenim pred začetkom veljavnosti te odpovedi.

### *100. člen – Uradna obvestila*

Depozitar obvesti visoke pogodbenice in pogodbenice konvencij ne glede na to, ali so podpisnice tega protokola, o:

- a) podpisih tega protokola in deponiranju listin o ratifikaciji ter pristopu po 93. in 94. členu;
- b) dnevu začetka veljavnosti tega protokola po 95. členu;
- c) obvestilih in izjavah, prejetih po 84., 90. in 97. členu;

### *Article 99 — Denunciation*

1. In case a High Contracting Party should denounce this Protocol, the denunciation shall only take 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 reestablishment 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 Articles 84, 90 and 97;

- d) izjavah, prejetih po tretjem odstavku 96. člena, ki se sporočijo po najhitrejši poti, in
- e) odpovedih po 99. členu.

#### *101. člen – Registracija*

1. Ko ta protokol začne veljati, ga depozitar v skladu s 102. členom Ustanovne listine Organizacije združenih narodov pošlje Sekretariatu Organizacije združenih narodov v registracijo in objavo.
2. Depozitar obvesti Sekretariat Organizacije združenih narodov tudi o vseh ratifikacijah, pristopih in odpovedih, prejetih v zvezi s tem protokolom.

#### *102. člen – Verodostojna besedila*

Izvirnik tega protokola, katerega besedila v arabskem, kitajskem, angleškem, francoskem, ruskem in španskem jeziku so enako verodostojna, se hrani pri depozitarju, ki pošlje overjene kopije tega protokola vsem pogodbenicam konvencij.



- (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.

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

## PRILOGA I

### PRAVILNIK O IDENTIFIKACIJI

(kot je bil spremenjen 30. novembra 1993)

#### *1. člen — Splošne določbe*

1. S pravilnikom o identifikaciji v tej prilogi se izvajajo določbe ženevskih konvencij in protokola; namenjen je zagotavljanju lažje identifikacije osebja, materiala, enot, prevoznih sredstev in objektov, ki so zaščiteni po ženevskih konvencijah in tem protokolu.
2. Ta pravila sama po sebi ne dajejo pravice do zaščite. To pravico urejajo ustrezni členi v konvencijah in tem protokolu.
3. Pristojne oblasti lahko ob upoštevanju ustreznih določb ženevskih konvencij in tega protokola vedno uredijo uporabo, razkazovanje, osvetlitev in opaznost razpoznavnih znakov in znamenj.
4. Visoke pogodbenice in zlasti strani v spopadu se vedno lahko dogovorijo o dodatnih ali drugih znamenjih, sredstvih ali sistemih, ki omogočajo lažjo identifikacijo in v celoti izkoriščajo tehnološki razvoj na tem področju.

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

## ANNEX I REGULATIONS CONCERNING IDENTIFICATION (as amended on 30 November 1993)

### *Article 1 — General provisions*

1. The regulations concerning identification in this Annex implement the relevant provisions of the Geneva Conventions and the Protocol; they are intended to facilitate the identification of personnel, material, units, transports and installations protected under the Geneva Conventions and the Protocol.
2. These rules do not in and of themselves establish the right to protection. This right is governed by the relevant articles in the Conventions and the Protocol.
3. The competent authorities may, subject to the relevant provisions of the Geneva Conventions and the Protocol, at all times regulate the use, display, illumination and detectability of the distinctive emblems and signals.
4. The High Contracting Parties and in particular the Parties to the conflict are invited at all times to agree upon additional or other signals, means or systems which enhance the possibility of

## I. POGLAVJE – IDENTIFIKACIJSKE IZKAZNICE

### *2. člen — Identifikacijska izkaznica za stalno civilno zdravstveno in versko osebo*

1. Identifikacijska izkaznica za stalno civilno zdravstveno in versko osebo iz tretjega odstavka 18. člena tega protokola:
  - a) vsebuje razpoznavni znak in je take velikosti, da jo je mogoče nositi v žepu;
  - b) je čim bolj trpežna;
  - c) je napisana v državnem ali uradnem jeziku, poleg tega in po potrebi pa tudi v krajevnem jeziku ustrezne regije;
  - d) vsebuje ime, datum rojstva (ali če ta datum ni na voljo, starost ob izdaji) in morebitno identifikacijsko številko imetnika;
  - e) vsebuje navedbo, v kakšni vlogi je imetnik upravičen do zaščite po konvencijah in tem protokolu;
  - f) vsebuje fotografijo imetnika in njegov podpis ali palčni odtis ali oboje;
  - g) ima žig in podpis pristojnega organa;
  - h) vsebuje datum izdaje in datum poteka veljavnosti izkaznice;
  - i) če je le mogoče, na zadnji strani vsebuje navedbo imetnikove krvne skupine.

identification and take full advantage of technological developments in this field.

## CHAPTER I – IDENTITY CARDS

### *Article 2 — 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, in addition and when appropriate, in the local language of the region concerned;
  - (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 of expiry of the card;
  - (i) indicate, whenever possible, the holder's blood group, on the reverse side of the card.

2. Identifikacijska izkaznica je enotna za celotno ozemlje vsake visoke pogodbenice in kolikor je le mogoče enaka za vse strani v spopadu. Strani v spopadu lahko vzamejo za zgled vzorec v enem jeziku, prikazan na sliki 1. Ob začetku sovražnosti pošljejo druga drugi vzorec, ki ga uporabljajo, če se ta vzorec razlikuje od tistega na sliki 1. Identifikacijska izkaznica je, če je le mogoče, izdana v dveh izvodih, od katerih enega hrani organ, ki je izkaznico izdal in ima nadzor nad izkaznicami, ki jih je izdal.
3. Stalnemu civilnemu zdravstvenemu in verskemu osebju se nikaikor ne smejo odvzeti njihove identifikacijske izkaznice. Če izgubijo izkaznico, imajo pravico do drugega izvoda izkaznice.

*3. člen — Identifikacijska izkaznica za začasno civilno zdravstveno in versko osebje*

1. Identifikacijska izkaznica za začasno civilno zdravstveno in versko osebje je, če je le mogoče, podobna tisti iz 2. člena tega pravilnika. Strani v spopadu lahko vzamejo za zgled vzorec, prikazan na sliki 1.
2. Kadar okoliščine preprečujejo, da se začasnemu civilnemu zdravstvenemu in verskemu osebju zagotovijo identifikacijske izkaznice, podobne tistim iz 2. člena tega pravilnika, se temu osebju lahko zagotovi potrdilo, ki ga podpiše pristojni organ, ki potrjuje, da je oseba, ki ji je potrdilo izdano, določena kot začasno osebje, in če je mogoče, navede trajanje te določitve in pravico te osebe, da nosi razpoznavni znak. Potrdilo mora vsebovati ime in priimek ter datum rojstva imetnika (ali če ta datum ni na voljo, njegovo starost ob izdaji potrdila), njegovo funkcijo in morebitno identifikacijsko številko. Vsebuje tudi podpis ali palčni odtis imetnika ali oboje.

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 control 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 3 — 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 2 of these Regulations. The Parties to the conflict may be guided by the model shown in Figure 1.
2. When circumstances preclude the provision to temporary civilian medical and religious personnel of identity cards similar to those described in Article 2 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 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.

Figure 1: Model of identity card (format: 74 mm × 105 mm)

### Front

	<p>(space reserved for the name of the country and authority issuing this card)</p>	
<p><b>IDENTITY CARD</b></p>		
<p>for PERMANENT civilian medical personnel TEMPORARY religious</p>		
<p>Name . . . . .</p>		
<p>Date of birth (or age) . . . . .</p>		
<p>Identity No. (if any) . . . . .</p>		
<p>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 . . . . .</p>		
<p>Date of issue . . . . . No. of card . . . . .</p>		
<p>Signature of issuing authority</p>		
<p>Date of expiry . . . . .</p>		

### Reverse side

Height . . . . .	Eyes . . . . .	Hair . . . . .
<p>Other distinguishing marks or information:</p> <p>.....</p> <p>.....</p> <p>.....</p>		
<p>PHOTO OF HOLDER</p>		
<p>Stamp</p>	<p>Signature of holder or thumbprint or both</p>	

## II. POGLAVJE – RAZPOZNAVNI ZNAK

### 4. člen – Oblika

Razpoznavni znak (rdeč na beli podlagi) je tako velik, kot je primerno v danih okoliščinah. Visoke pogodbenice za oblike križa, polmeseca ali leva in sonca<sup>1</sup> lahko vzamejo za zgled vzorce, prikazane na sliki 2.



Slika 2: Rdeči razpoznavni znaki na beli podlagi

### 5. člen – Uporaba

1. Razpoznavni znak se, kadar koli je to mogoče, namesti na ravni površini, zastavah ali na drug način, ki je primeren razmeram, tako da je viden iz čim več smeri in čim večje oddaljenosti, zlasti iz zraka.
2. Ponoči ali ob zmanjšani vidljivosti razpoznavni znak lahko sveti ali je osvetljen.
3. Razpoznavni znak je lahko narejen iz materialov, ki omogočajo njegovo prepoznavanje s tehničnimi sredstvi za odkrivanje. Rdeča barva se nanese čez temeljno črno barvo, da omogoča lažjo identifikacijo, zlasti z infrardečimi instrumenti.

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1 Od leta 1980 nobena država ni uporabila znaka leva in sonca.

## CHAPTER II – THE DISTINCTIVE EMBLEM

### *Article 4 — Shape*

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<sup>1</sup>, the High Contracting Parties may be guided by the models shown in Figure 2.



Figure 2: Distinctive emblems in red on a white ground

### *Article 5 — Use*

1. The distinctive emblem shall, whenever possible, be displayed on a flat surface, on flags or in any other way appropriate to the lay of the land, so that it is visible from as many directions and from as far away as possible, and in particular from the air.
2. At night or when visibility is reduced, the distinctive emblem may be lighted or illuminated.
3. The distinctive emblem may be made of materials which make it recognizable by technical means of detection. The red part should be painted on top of black primer paint in order to facilitate its identification, in particular by infrared instruments.

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1 No state has used the emblem of lion and sun since 1980.

4. Zdravstveno in versko osebje, ki opravlja svoje dolžnosti na območju bojevanja, nosi, kolikor je le mogoče, pokrivala in oblačila z razpoznavnim znakom.

### III. POGLAVJE – RAZPOZNAVNA ZNAMENJA

#### *6. člen – Uporaba*

1. Zdravstvene enote ali zdravstvena prevozna sredstva lahko uporabljajo vsa razpoznavna znamenja iz tega poglavja.
2. Ta znamenja, ki so na voljo izključno zdravstvenim enotam in zdravstvenim prevoznim sredstvom, se ne uporabljajo za druge namene, razen svetlobnih znamenj (glej tretji odstavek spodaj).
3. Če med stranmi v spopadu ni posebnega sporazuma, na podlagi katerega je uporaba modrih utripajočih luči dovoljena le za identifikacijo zdravstvenih vozil, ladij in plovil, uporaba teh znamenj za druga vozila, ladje in plovila ni prepovedana.
4. Začasni zdravstveni zrakoplovi, ki jih zaradi pomanjkanja časa ali njihovih značilnosti ni mogoče označiti z razpoznavnim znakom, lahko uporabljajo razpoznavna znamenja, ki so dovoljena po tem poglavju.

#### *7. člen – Svetlobno znamenje*

1. Svetlobno znamenje modre utripajoče luči, kot je opredeljeno v tehničnem priročniku o plovnosti Mednarodne organizacije civilnega letalstva (ICAO), Doc. 9051, se uporablja za sporočanje identitete zdravstvenih zrakoplovov. Tega znamenja ne uporablja noben drug zrakoplov. Zdravstveni zrakoplov uporablja

4. 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 6 — Use*

1. All distinctive signals specified in this Chapter may be used by medical units or transports.
2. These signals, at the exclusive disposal of medical units and transports, shall not be used for any other purpose, the use of the light signal being reserved (see paragraph 3 below).
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, ships and craft, the use of such signals for other vehicles, ships and craft is not prohibited.
4. 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.

#### *Article 7 — Light signal*

1. The light signal, consisting of a flashing blue light as defined in the Airworthiness Technical Manual of the International Civil Aviation Organization (ICAO), Doc. 9051, is established for the use of medical aircraft to signal their identity. No other aircraft shall use this signal. Medical aircraft using the flashing blue light

modro utripajočo luč tako, da je svetlobno znamenje vidno iz čim več smeri.

2. V skladu z določbami četrtega odstavka XIV. poglavja Mednarodnega signalnega kodeksa Mednarodne pomorske organizacije (IMO) morajo imeti plovila, ki so zaščiteni po ženevskih konvencijah iz leta 1949 in po tem protokolu, prižgano eno ali več modrih utripajočih luči, ki so vidne iz vseh smeri.
3. Zdravstvena vozila morajo imeti prižgano eno ali več modrih utripajočih luči, ki so vidne iz čim večje oddaljenosti. Visoke pogodbence in zlasti strani v spopadu, ki uporabljajo luči drugih barv, morajo o tem poslati uradno sporočilo.
4. Priporočena modra barva se pridobi, ko je njena kromatičnost v okviru mej diagrama kromatičnosti Mednarodne komisije za osvetlitev (ICI), ki ga opredeljujejo te enačbe:

zeleni meja  $y = 0,065 + 0,805x$

bela meja  $y = 0,400 - x$

vijoličastordeča meja  $x = 0,133 + 0,600y$

Priporočena hitrost utripov modre luči je od šestdeset do sto utripov na minuto.

### *8. člen – Radijski signal*

1. Radijski signal je sestavljen iz signala za nujnost in razpoznavnega znamenja, kot sta opisana v Pravilniku o radijskih komunikacijah (RR 40. in N 40. člen) Mednarodne telekomunikacijske zveze (ITU).
2. Radijsko sporočilo, ki sledi signalu za nujnost in razpoznavnemu znamenju iz prvega odstavka, se pošlje v angleškem jeziku v ustreznih presledkih na frekvenci ali frekvencah, ki so za ta

should exhibit such lights as may be necessary to make the light signal visible from as many directions as possible.

2. In accordance with the provisions of Chapter XIV, para. 4 of the International Maritime Organization (IMO) International Code of Signals, vessels protected by the Geneva Conventions of 1949 and the Protocol should exhibit one or more flashing blue lights visible from any direction.
3. Medical vehicles should exhibit one or more flashing blue lights visible from as far away as possible. The High Contracting Parties and, in particular, the Parties to the conflict which use lights of other colours should give notification of this.
4. The recommended blue colour is obtained when its chromaticity is within the boundaries of the International Commission on Illumination (ICI) chromaticity diagram defined by the following equations:

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.

#### *Article 8 — Radio signal*

1. The radio signal shall consist of the urgency signal and the distinctive signal as described in the International Telecommunication Union (ITU) Radio Regulations (RR Articles 40 and N 40).
2. The radio message preceded by the urgency and distinctive signals mentioned in paragraph 1 shall be transmitted in English at appropriate intervals on a frequency or frequencies specified for

namen določene v Pravilniku o radijskih komunikacijah, in vsebuje te podatke v zvezi z zdravstvenimi prevoznimi sredstvi:

- a) klicni znak ali drugo priznano sredstvo za identifikacijo;
  - b) položaj;
  - c) število vozil;
  - d) načrtovano pot;
  - e) pričakovani čas poti, pričakovani čas odhoda in pričakovani čas prihoda, če je to primerno;
  - f) katere koli druge informacije, kot so višina leta, varovane radijske frekvence, jeziki, ki se uporabljajo, ter načini in šifre sekundarnih opazovalnih radarskih sistemov.
3. Da bi visoke pogodbenice, strani v spopadu ali ena od strani v spopadu olajšale komunikacijo iz prvega in drugega odstavka ter komunikacijo iz 22., 23. in 25. do 31. člena tega protokola, lahko v skladu s tabelo o dodelitvi frekvenc iz Pravilnika o radijskih komunikacijah, ki je priloga Mednarodne konvencije o telekomunikacijah, sporazumno ali posamično določijo in objavijo izbrane nacionalne frekvence, ki jih uporabljajo za tako komunikacijo. Mednarodna telekomunikacijska zveza se uradno obvesti o teh frekvencah v skladu s postopki, ki jih odobri Svetovna konferenca o radijskih komunikacijah.

### *9. člen – Elektronska identifikacija*

1. Sistem sekundarnega opazovalnega radarja (SSR), kot je določen v prilogi 10 h Konvenciji o mednarodnem civilnem letalstvu z dne 7. decembra 1944, kot je bila občasno spremenjena, se lahko uporablja za identifikacijo in spremljanje smeri zdravstvenega zrakoplova. Visoke pogodbenice, strani v spopadu ali ena od strani v spopadu sporazumno ali posamično določijo način in



this purpose in the Radio Regulations, and shall convey the following data relating to the medical transports concerned:

- (a) call sign or other recognized means of identification;
  - (b) position;
  - (c) number of vehicles;
  - (d) intended route;
  - (e) estimated time en route and of departure and arrival, as appropriate;
  - (f) any other information, such as flight altitude, guarded radio frequencies, languages used 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 and 25 to 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. The International Telecommunication Union shall be notified of these frequencies in accordance with procedures approved by a World Administrative Radio Conference.

#### *Article 9 — 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

šifre SSR, ki so dovoljene izključno za zdravstvene zrakoplove, v skladu s postopkom, ki ga priporoči Mednarodna organizacija civilnega letalstva.

2. Zaščiteni zdravstvena prevozna sredstva za svojo identifikacijo in lokacijo lahko uporabljajo standardni letalski radarski transponder in/ali radarske transponderje za iskanje in reševanje na morju.

Druga plovila ali zrakoplovi, ki so opremljeni s sekundarnim opazovalnim radarjem, zaščiteni zdravstvena prevozna sredstva lahko identificirajo s pomočjo šifre, ki jo pošilja radarski transponder, npr. v načinu 3/A, ki je nameščen v zdravstvenih prevoznih sredstvih.

Šifro, ki jo pošilja transponder zdravstvenega prevoznega sredstva, temu prevoznemu sredstvu dodelijo pristojne oblasti, uradno pa se sporoči vsem stranem v spopadu.

3. Podmornice lahko identificirajo zdravstvena prevozna sredstva na podlagi ustreznih podvodnih zvočnih signalov, ki jih pošiljajo zdravstvena prevozna sredstva.

Podvodni zvočni signal sestavlja klicni znak (ali katero koli drugo priznano sredstvo za identifikacijo zdravstvenega prevoznega sredstva) ladje, ki sledi skupini YYY, poslani v Morsejevi abecedi na ustrezni zvočni frekvenci, npr. 5 kHz.

Strani v spopadu, ki želijo uporabljati navedeni podvodni zvočni signal za identifikacijo, o tem čim prej obvestijo strani, na katere se to nanaša, in takrat, ko pošljejo obvestilo o uporabi svojih bolnišničnih ladij, potrdijo frekvenco, ki se bo uporabljala.

4. Strani v spopadu lahko na podlagi posebnega medsebojnega sporazuma za svojo uporabo vzpostavijo podoben elektronski sistem za identifikacijo zdravstvenih vozil, ladij in plovil.

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. Protected medical transports may, for their identification and location, use standard aeronautical radar transponders and/or maritime search and rescue radar transponders.

It should be possible for protected medical transports to be identified by other vessels or aircraft equipped with secondary surveillance radar by means of a code transmitted by a radar transponder, e.g. in mode 3/A, fitted on the medical transports.

The code transmitted by the medical transport transponder should be assigned to that transport by the competent authorities and notified to all the Parties to the conflict.

3. It should be possible for medical transports to be identified by submarines by the appropriate underwater acoustic signals transmitted by the medical transports.

The underwater acoustic signal shall consist of the call sign (or any other recognized means of identification of medical transport) of the ship preceded by the single group YYY transmitted in morse on an appropriate acoustic frequency, e.g. 5kHz.

Parties to a conflict wishing to use the underwater acoustic identification signal described above shall inform the Parties concerned of the signal as soon as possible, and shall, when notifying the use of their hospital ships, confirm the frequency to be employed.

4. 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.

## IV. POGLAVJE – KOMUNIKACIJA

### *10. člen – Radijska sporočila*

1. Signal za nujnost in razpoznavno znamenje iz 8. člena se lahko pošljeta pred ustreznimi radijskimi sporočili zdravstvenih enot in zdravstvenih prevoznih sredstev pri uporabi postopkov, ki se izvedejo po 22., 23. in 25. do 31. členu protokola.
2. Zdravstvena prevozna sredstva iz 40. člena (II. oddelek, št. 3209) in N 40. člena (III. oddelek, št. 3214) Pravilnika o radijskih komunikacijah ITU lahko sporočila pošiljajo po satelitskih sistemih v skladu z določbami 37. člena, N 37. člena in 59. člena Pravilnika o radijskih komunikacijah ITU za mobilne satelitske storitve.

### *11. člen – Uporaba mednarodnih šifer*

Zdravstvene enote in zdravstvena prevozna sredstva lahko uporabljajo tudi šifre in signale, ki jih določijo Mednarodna telekomunikacijska zveza, Mednarodna organizacija civilnega letalstva in Mednarodna pomorska organizacija. Te šifre in signali se uporabljajo v skladu s standardi, praksami in postopki teh organizacij.

## CHAPTER IV – COMMUNICATIONS

### *Article 10 — Radiocommunications*

1. The urgency signal and the distinctive signal provided for in Article 8 may precede appropriate radiocommunications by medical units and transports in the application of the procedures carried out under Articles 22, 23 and 25 to 31 of the Protocol.
2. The medical transports referred to in Articles 40 (Section II, No. 3209) and N 40 (Section III, No. 3214) of the ITU Radio Regulations may also transmit their communications by satellite systems, in accordance with the provisions of Articles 37, N 37 and 59 of the ITU Radio Regulations for the Mobile-Satellite Services.

### *Article 11 — Use of international codes*

Medical units and transports may also use the codes and signals laid down by the International Telecommunication Union, the International Civil Aviation Organization and the International Maritime Organization. These codes and signals shall be used in accordance with the standards, practices and procedures established by these Organizations.

## *12. člen – Druga komunikacijska sredstva*

Kadar ni možna dvosmerna radijska komunikacija, se lahko uporabljajo signali iz Mednarodnega signalnega kodeksa, ki ga je sprejela Mednarodna pomorska organizacija, ali iz ustrezne priloge Konvencije o mednarodnem civilnem letalstvu z dne 7. decembra 1944, kot je bila občasno spremenjena.

## *13. člen – Načrti letov*

Sporazumi in uradna obvestila v zvezi z načrti letov iz 29. člena protokola se, kolikor je le mogoče, oblikujejo v skladu s postopki, ki jih določa Mednarodna organizacija civilnega letalstva.

## *14. člen – Signali in postopki za prestrezanje zdravstvenih zrakoplovov*

Če se uporablja prestrezni zrakoplov, da preveri identiteto zdravstvenega zrakoplova med letom ali da od njega zahteva, da pristane v skladu s 30. in 31. členom protokola, prestrezni in zdravstveni zrakoplov uporabljata uveljavljene vizualne in radijske postopke prestrezanja, ki jih določa priloga 2 Konvencije o mednarodnem civilnem letalstvu z dne 7. decembra 1944, kot je bila občasno spremenjena.

*Article 12 — Other means of communication*

When two-way radiocommunication is not possible, the signals provided for in the International Code of Signals adopted by the International Maritime 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 13 — 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 14 — Signals and procedures for the interception of medical aircraft*

If 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.

## V. POGLAVJE – CIVILNA ZAŠČITA

### *15. člen – Identifikacijska izkaznica*

1. Identifikacijsko izkaznico osebja civilne zaščite iz tretjega odstavka 66. člena protokola urejajo ustrezne določbe 2. člena tega pravilnika.
2. Identifikacijska izkaznica za osebje civilne zaščite je lahko izdelana po vzorcu, ki je prikazan na sliki.
3. Če je osebjem civilne zaščite dovoljeno, da nosi lahko osebno orožje, je treba to navesti v identifikacijski izkaznici.





## CHAPTER V – CIVIL DEFENCE

### *Article 15 — 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 2 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.



**Front**

	<p>(space reserved for the name of the country and authority issuing this card)</p> <p><b>IDENTITY CARD</b> for civil defence personnel</p>	
<p>Name . . . . .</p> <p>Date of birth (or age) . . . . .</p> <p>Identity No. (if any) . . . . .</p>		
<p>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 . . . . .</p>		
<p>Date of issue . . . . .</p>		<p>No. of card . . . . .</p>
<p>Signature of issuing authority</p>		
<p>Date of expiry . . . . .</p>		

**Reverse side**

Height . . . . .	Eyes . . . . .	Hair . . . . .
<p>Other distinguishing marks or information:          . . . . .          . . . . .          . . . . .</p>		
<p>Weapons . . . . .</p>		
<p>PHOTO OF HOLDER</p>		
<p>Stamp</p>		<p>Signature of holder or thumbprint or both</p>

Figure 3: Model of identity card for civil defence personnel (format: 74 mm x 105 mm)

16. člen – Mednarodni razpoznavni znak

1. Mednarodni razpoznavni znak civilne zaščite iz četrtega odstavka 66. člena protokola je enakokraki moder trikotnik na oranžni podlagi. Vzorec je prikazan na sliki 4.



Slika 4: Moder trikotnik na oranžni podlagi

2. Priporoča se:
  - a) če je moder trikotnik na zastavi ali rokavnem traku ali telovniku, naj bo podlaga trikotnika oranžna zastava, rokavni trak ali telovnik;
  - b) eden od kotov trikotnika naj bo usmerjen navpično navzgor;
  - c) noben kot trikotnika naj se ne dotika roba oranžne podlage.
3. Mednarodni razpoznavni znak je tako velik, kot je primerno v danih okoliščinah. Razpoznavni znak se, kadar koli je to mogoče, namesti na ravni površini ali zastavah, tako da je viden iz čim več smeri in čim večje oddaljenosti. Osebjem civilne zaščite ob upoštevanju navodil pristojnih oblasti nosi, kolikor je le mogoče, pokrivala in oblačila z mednarodnim razpoznavnim znakom. Ponoči ali ob zmanjšani vidljivosti znak lahko sveti ali je osvetljen; lahko je narejen iz materialov, ki omogočajo njegovo prepoznavanje s tehničnimi sredstvi za odkrivanje.

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:

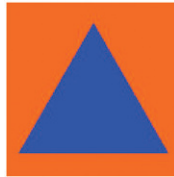


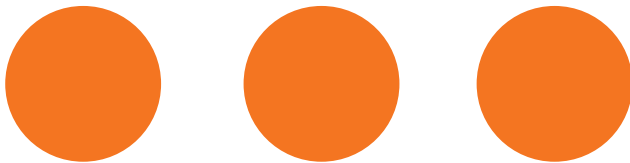
Figure 4: Blue triangle on an orange ground

2. It is recommended that:
  - (a) if the blue triangle is on a flag or armband or tabard, the ground to the triangle be the orange flag, armband 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 large 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.

## VI. POGLAVJE – GRADNJE IN OBJEKTI, V KATERIH SO NEVARNE SILE

### 17. člen – Mednarodni posebni znak

1. Mednarodni posebni znak za gradnje in objekte, v katerih so nevarne sile, iz sedmega odstavka 56. člena protokola je skupina treh živooranžnih krogov enake velikosti na isti osi, pri čemer je razdalja med vsakim krogom en polmer, v skladu s sliko 5, ki je prikazana spodaj.
2. Znak je tako velik, kot je primerno v danih okoliščinah. Če je prikazan na obsežni površini, se lahko ponovi tolikokrat, kot je primerno v danih okoliščinah. Kadar koli je to mogoče, se namesti na ravni površini ali zastavah, tako da je viden iz čim več smeri in čim večje oddaljenosti.
3. Na zastavi je razdalja med zunanji robovi znaka in stranmi zastave en polmer kroga. Zastava je pravokotna in ima belo podlago.
4. Ponoči ali ob zmanjšani vidljivosti znak lahko sveti ali je osvetljen. Lahko je narejen iz materialov, ki omogočajo njegovo prepoznavanje s tehničnimi sredstvi za odkrivanje.



Slika 5: Mednarodni posebni znak za gradnje in objekte,  
v katerih so nevarne sile

CHAPTER VI –  
WORKS AND INSTALLATIONS CONTAINING DANGEROUS  
FORCES

*Article 17 — 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.

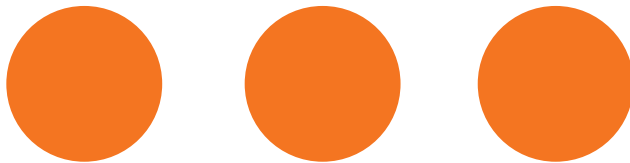


Figure 5: International special sign for works and installations containing dangerous forces

# PRILOGA II

## IDENTIFIKACIJSKA IZKAZNICA ZA NOVINARJE, KI OPRAVLJAJO NEVARNE POKLICNE NALOGE

### Sprednja stran

<p style="text-align: center;">OPOMBA</p> <p>Ta identifikacijska izkaznica se izda novinarjem, ki opravljajo nevarne poklicne naloge na območjih oboroženih spopadov. Imetnik ima pravico, da se z njim ravna kot s civilno osebo po ženevskih konvencijah z dne 12. avgusta 1949 in dopolnilnem protokolu I k ženevskim konvencijam. Imetnik izkaznice mora imeti izkaznico vedno pri sebi. Če je pridržan, zaradi identifikacije takoj preda izkaznico oblastem, ki ga pridržujejo.</p>	<p style="text-align: center;">(Ime države, ki je to izkaznico izdala)</p> <p style="text-align: center;">IDENTIFIKACIJSKA IZKAZNICA ZA NOVINARJE, KI OPRAVLJAJO NEVARNE POKLICNE NALOGE</p>
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### Zadnja stran

<p>Izdal (pristojni organ) .....</p> <p>Fotografija imetnika <span style="margin-left: 100px;">Kraj</span> .....</p> <div style="border: 1px solid black; width: 100px; height: 80px; margin-left: 10px; margin-top: 10px;"></div> <p style="margin-left: 10px;">Datum</p> <p>(Uradni žig) .....</p> <p style="text-align: right;">..... (Podpis imetnika)</p> <p>Priimek .....</p> <p>Imena .....</p> <p>Kraj in datum rojstva .....</p> <p>Dopisnik pri .....</p> <p>Poklicna skupina .....</p> <p>Veljavnost .....</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Višina</td> <td style="width: 50%;">Oči</td> </tr> <tr> <td>.....</td> <td>.....</td> </tr> <tr> <td>Teža</td> <td>Lasje</td> </tr> <tr> <td>.....</td> <td>.....</td> </tr> <tr> <td>Krvna skupina</td> <td>Rh faktor</td> </tr> <tr> <td>.....</td> <td>.....</td> </tr> <tr> <td colspan="2">Veroizpoved (neobvezno)</td> </tr> <tr> <td colspan="2">.....</td> </tr> <tr> <td colspan="2">Prstni odtisi (neobvezno)</td> </tr> <tr> <td colspan="2">.....</td> </tr> <tr> <td>(levi kazalec)</td> <td>(desni kazalec)</td> </tr> <tr> <td>.....</td> <td>.....</td> </tr> <tr> <td colspan="2">Posebne identifikacijske oznake</td> </tr> <tr> <td colspan="2">.....</td> </tr> <tr> <td colspan="2">.....</td> </tr> </table>	Višina	Oči	.....	.....	Teža	Lasje	.....	.....	Krvna skupina	Rh faktor	.....	.....	Veroizpoved (neobvezno)		.....		Prstni odtisi (neobvezno)		.....		(levi kazalec)	(desni kazalec)	.....	.....	Posebne identifikacijske oznake		.....		.....	
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Posebne identifikacijske oznake																															
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# ANNEX II

## IDENTITY CARD FOR JOURNALISTS ON DANGEROUS PROFESSIONALS MISSIONS

### Front

<p style="text-align: center;"><b>NOTICE</b></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 style="text-align: center;">(Name of country issuing this card)</p> <p style="text-align: center;"><b>IDENTITY CARD FOR JOURNALISTS ON DANGEROUS PROFESSIONAL MISSIONS</b></p>
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### Reverse side

<p>Issued by (competent authority) .....</p> <p>Photograph of bearer</p> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; width: 60px; height: 60px; margin-right: 10px;"></div> <div> <p>Place.....</p> <p>Date.....</p> </div> </div> <p>(Official seal imprint)</p> <p>..... (Signature of bearer)</p> <p>Name .....</p> <p>First names .....</p> <p>Place and date of birth .....</p> <p>Correspondent of .....</p> <p>Specific occupation.....</p> <p>Valid for.....</p>	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Height .....</td> <td style="width: 50%;">Eyes .....</td> </tr> <tr> <td>Weight .....</td> <td>Hair .....</td> </tr> <tr> <td>Blood type .....</td> <td>Rh factor .....</td> </tr> <tr> <td colspan="2">Religion (optional) .....</td> </tr> <tr> <td colspan="2">Fingerprints (optional)</td> </tr> <tr> <td>(Left forefinger)</td> <td>(Right forefinger)</td> </tr> </table> <p>Special marks of identification ..... .....</p>	Height .....	Eyes .....	Weight .....	Hair .....	Blood type .....	Rh factor .....	Religion (optional) .....		Fingerprints (optional)		(Left forefinger)	(Right forefinger)
Height .....	Eyes .....												
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Religion (optional) .....													
Fingerprints (optional)													
(Left forefinger)	(Right forefinger)												

# DOPOLNILNI PROTOKOL K ŽENEVSKIM KONVENCIJAM Z DNE 12. AVGUSTA 1949 O ZAŠČITI ŽRTEV NEMEDNARODNIH OBOROŽENIH SPOPADOV (PROTOKOL II) Z DNE 8. JUNIJA 1977

## UVOD

*Visoke pogodbenice so se*

*ob upoštevanju*, da so humanitarna načela iz 3. člena, ki je skupen ženevskim konvencijam z dne 12. avgusta 1949, podlaga za spoštovanje človekove osebnosti v oboroženih spopadih, ki niso mednarodni,

*ob upoštevanju*, da tudi mednarodni akti, ki se nanašajo na človekove pravice, zagotavljajo osnovno zaščito človekove osebnosti,

*ob poudarjanju*, da je treba izboljšati zaščito žrtev teh oboroženih spopadov,

*ob upoštevanju*, da človekovo osebnost v primerih, ki jih ne ureja veljavno pravo, še vedno ščitijo načela človečnosti in zapovedi javne vesti,

dogovorile:

**PROTOCOL ADDITIONAL TO THE GENEVA  
CONVENTIONS OF 12 AUGUST 1949,  
AND RELATING TO THE PROTECTION OF  
VICTIMS OF NON-INTERNATIONAL ARMED  
CONFLICTS (PROTOCOL II), OF 8 JUNE 1977**

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:

## I. DEL

### PODROČJE UPORABE TEGA PROTOKOLA

#### *1. člen – Stvarno področje uporabe*

1. Ta protokol, s katerim se nadgrajuje in dopolnjuje 3. člen, ki je skupen ženevskim konvencijam z dne 12. avgusta 1949, ne da bi se spreminjali njegovi veljavni pogoji za uporabo, se uporablja za vse oborožene spopade, ki niso zajeti v 1. členu Dopolnilnega protokola k ženevskim konvencijam z dne 12. avgusta 1949 o zaščiti žrtev mednarodnih oboroženih spopadov (protokol I) in potekajo na ozemlju visoke pogodbenice med njenimi oboroženimi silami in odpadniškimi oboroženimi silami ali drugimi organiziranimi oboroženimi skupinami, ki pod pristojnim poveljstvom izvajajo nadzor nad delom njenega ozemlja, kar jim omogoča neprekinjene in usklajene vojaške operacije ter izvajanje tega protokola.
2. Ta protokol se ne uporablja za notranje nemire in napetosti, kot so upori, posamezna ali občasna nasilna dejanja in druga podobna dejanja, ker to niso oboroženi spopadi.

#### *2. člen – Osebno področje uporabe*

1. Ta protokol se uporablja brez razlikovanja glede na raso, barvo, spol, jezik, vero ali versko prepričanje, politično ali drugo prepričanje, narodno ali socialno poreklo, premoženjsko stanje, rojstvo ali drugo okoliščino ali kakršno koli drugo podobno merilo (v nadaljnjem besedilu: “razlikovanje”) za vse osebe, na katere vpliva oboroženi spopad, kot je opredeljen v 1. členu.

**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 applications, 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”) to all persons affected by an armed conflict as defined in Article 1.

2. Ob koncu oboroženega spopada vse osebe, ki jim je bila odvzeta ali omejena prostost zaradi razlogov, povezanih s takim spopadom, in tudi osebe, ki jim je bila prostost iz istih razlogov odvzeta ali omejena po spopadu, uživajo zaščito po 5. in 6. členu, dokler ne preneha odvzem ali omejitev prostosti.

### *3. člen – Nevmešavanje*

1. Na nobeno določbo tega protokola se ni mogoče sklicevati z namenom vplivati na suverenost države ali odgovornost vlade, da z vsemi zakonitimi sredstvi ohrani ali znova vzpostavi javni red in mir v državi ali da brani narodno enotnost in svojo ozemeljsko celovitost.
2. Na nobeno določbo tega protokola se ne glede na kar koli ni mogoče sklicevati kot na opravičilo za neposredno ali posredno vmešavanje v oboroženi spopad ali notranje ali zunanje zadeve visoke pogodbenice, na ozemlju katere nastane spopad.

2. At the end of the armed conflict, all the persons who have been deprived of their liberty or 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.

## II. DEL

### ČLOVEŠKO RAVNANJE

#### *4. člen – Temeljna jamstva*

1. Vse osebe, ki niso neposredno udeležene ali so prenehale biti udeležene v sovražnostih, imajo ne glede na to, ali je njihova prostost omejena ali ne, pravico, da se spoštujejo njihova osebnost, čast in prepričanje ter verski običaji. Z njimi se vedno ravna človeško in brez razlikovanja. Prepovedano je ukazati, da ne sme biti preživelih.
2. Brez poseganja v splošnost navedenih določb so in ostajajo zoper osebe iz prvega odstavka vedno in povsod prepovedana ta dejanja:
  - a) nasilje nad življenjem, zdravjem ter telesnim in duševnim dobrim počutjem ljudi, zlasti umor in okrutno ravnanje, kot so mučenje, pohabljenje ali kakršna koli oblika telesnega kaznovanja;
  - b) skupinsko kaznovanje;
  - c) jemanje talcev;
  - d) teroristična dejanja;
  - e) napad na osebno dostojanstvo, še posebej zaničevalno in poniževalno ravnanje, posilstvo, prisilna prostitucija in kakršno koli nespodobno dejanje;
  - f) suženjstvo in trgovina s sužnji v vseh oblikah;
  - g) plenjenje;
  - h) grožnje s katerim koli od navedenih dejanj.
3. Otrokom se zagotovita oskrba in pomoč, ki ju potrebujejo, in zlasti:



## 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 there 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 in 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) se jim zagotovita vzgoja in izobraževanje, vključno z versko in moralno vzgojo, ob upoštevanju želja njihovih staršev, ali če teh ni, tistih, ki so odgovorni za njihovo oskrbo;
- b) se sprejmejo vsi ustrezni ukrepi za ponovno združenje družin, ki so bile začasno ločene;
- c) se otroci, ki še niso dopolnili petnajst let, ne smejo rekrutirati v oborožene sile ali skupine niti ne smejo sodelovati v sovražnostih;
- d) se posebna zaščita, ki jo imajo po tem členu otroci, ki še niso dopolnili petnajst let, zanje uporablja tudi, če neposredno sodelujejo v sovražnostih kljub določbam pododstavka c in so zajeti;
- e) se po potrebi sprejmejo ukrepi, če je mogoče s soglasjem staršev otrok ali oseb, ki so po zakonu ali običaju odgovorne za njihovo oskrbo, da se otroci začasno odmaknejo z območja, na katerem potekajo sovražnosti, na varnejše območje v državi, in sicer v spremstvu oseb, ki so odgovorne za njihovo varnost in dobro počutje.

#### *5. člen – Osebe, ki imajo omejeno prostost*

1. Poleg določb 4. člena se v zvezi z osebami, ki jim je bila prostost odvzeta zaradi razlogov, povezanih z oboroženim spopadom, in sicer so bile internirane ali pridržane, spoštujejo najmanj te določbe:
  - a) z ranjenci in bolniki se ravna v skladu s 7. členom;
  - b) osebam iz tega odstavka se enako kot krajevnemu civilnemu prebivalstvu zagotovijo hrana in pitna voda, zaščitni ukrepi v zvezi z zdravjem in higieno ter zaščita pred vremenskimi vplivi in nevarnostjo oboroženega spopada;

- (a) they shall receive an 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;
- (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 or persons 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

- c) smejo prejemati posamično ali skupinsko pomoč;
  - d) smejo opravljati svoje verske obrede, in če zaprosijo in je to primerno, prejemati duhovno pomoč oseb, kot so člani verskega osebja, ki opravljajo verske naloge;
  - e) če so prisiljene delati, se jim zagotovijo podobne delovne razmere in zaščitni ukrepi kot krajevnemu civilnemu prebivalstvu.
2. Tisti, ki so odgovorni za interniranje ali pridržanje oseb iz prvega odstavka, v okviru svojih zmožnosti spoštujejo te s temi osebami povezane določbe:
- a) skupaj so zaprti le moški in ženske iz iste družine, sicer so ženske zaprte v prostorih, ki so ločeni od prostorov, v katerih so moški, in so pod neposrednim nadzorom žensk;
  - b) smejo pošiljati ter prejemati pisma in dopisnice, katerih število lahko pristojna oblast omeji, če se ji zdi potrebno;
  - c) kraji interniranja in pridržanja niso blizu območja bojevanja. Osebe iz prvega odstavka se evakuirajo, če kraji, v katerih so internirane ali pridržane, postanejo posebej izpostavljeni nevarnosti oboroženega spopada in če se njihova evakuacija lahko opravi dovolj varno;
  - d) omogočijo se jim zdravniški pregledi;

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 and 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;

- e) njihovega telesnega ali duševnega zdravja in integritete ne sme ogroziti nobeno neupravičeno dejanje ali opustitev. V skladu s tem je na osebah iz tega člena prepovedano opravljati kakršne koli zdravstvene postopke, ki jih ne zahteva njihovo zdravje in niso v skladu s splošno sprejetimi zdravstvenimi standardi, ki se uporabljajo za osebe na prostosti v podobnih zdravstvenih okoliščinah.
3. Z osebami, ki niso zajete v prvem odstavku, vendar je bila njihova prostost kakor koli omejena zaradi razlogov, povezanih z oboroženim spopadom, se ravna človeško v skladu s 4. členom in točkami a, c in d prvega odstavka ter točko b drugega odstavka tega člena.
4. Če se sprejme odločitev, da se osebe, ki jim je odvzeta prostost, izpustijo, tisti, ki so to odločitev sprejeli, sprejmejo potrebne ukrepe, da zagotovijo njihovo varnost.

#### *6. člen – Kazenski pregon*

1. Ta člen se uporablja za pregon in kaznovanje kaznivih ravnanj v zvezi z oboroženim spopadom.
2. Oseba, za katero se ugotovi, da je kriva kršitve, se obsodi in kaznuje le na podlagi sodbe sodišča, ki zagotavlja osnovna jamstva neodvisnosti in nepristranskosti. Zlasti:
- a) postopek zagotavlja, da je obdolženec brez odlašanja obveščen o podrobnostih kršitve, ki naj bi jo storil, in da se mu pred in med sojenjem zagotovijo vse potrebne pravice in sredstva za obrambo;
- b) nihče ne sme biti obsojen za kršitev, razen na podlagi osebne kazenske odgovornosti;

- (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) nihče ne sme biti spoznan za krivega kaznivega dejanja ali opustitve, ki v času storitve po zakonu nista pomenila kaznivega dejanja; prav tako se ne sme izreči hujša kazen od tiste, ki se je uporabljala v času storitve kršitve; če se po storitvi kršitve z zakonom predpiše milejša kazen, se storilcu izreče ta kazen;
  - d) vsakdo, ki je obdolžen kršitve, velja za nedolžnega, dokler se mu ne dokaže krivda v skladu z zakonom;
  - e) ima vsakdo, ki je obdolžen kršitve, pravico, da se mu sodi v njegovi prisotnosti;
  - f) se nihče ne sme prisiliti, da se izpove zoper samega sebe ali prizna krivdo.
3. Obsojenec je ob izreku obsodbe poučen o pravnih in drugih sredstvih ter rokih, v katerih lahko ta sredstva uporabi.
  4. Smrtna kazen se ne izreče osebam, ki ob storitvi kršitve še niso dopolnile osemnajst let, in se ne izvrši pri nosečnicah ali materah z majhnimi otroki.
  5. Oblasti si ob koncu sovražnosti prizadevajo v največji možni meri podeliti amnestijo osebam, ki so sodelovale v oboroženem spopadu, ali osebam, ki jim je bila prostost odvzeta zaradi razlogov, povezanih z oboroženim spopadom, ne glede na to, ali so bile internirane ali pridržane.



- (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.

### III. DEL

## RANJENCI, BOLNIKI IN BRODOLOMCI

#### *7. člen – Zaščita in oskrba*

1. Vsi ranjenci, bolniki in brodolomci se ne glede na to, ali so sodelovali v oboroženem spopadu ali ne, spoštujejo in zaščitijo.
2. Z njimi se vedno ravna človeško in so v največjem možnem obsegu in najkrajšem možnem času deležni zdravstvene oskrbe in nege, ki ju zahteva njihovo zdravstveno stanje. Niso deležni različne obravnave, razen zaradi zdravstvenih razlogov.

#### *8. člen – Iskanje*

Kadar koli okoliščine to dopuščajo, zlasti pa po spopadu se brez odlašanja ukrene vse potrebno, da se ranjenci, bolniki in brodolomci poiščejo in zberejo ter zaščitijo pred plenjenjem in grdim ravnanjem, da se jim zagotovi ustrezna oskrba ter da se poiščejo mrtvi, prepreči ropanje trupel in omogoči njihova dostojna odstranitev.

#### *9. člen – Zaščita zdravstvenega in verskega osebja*

1. Zdravstveno in versko osebje se spoštuje in zaščiti; zagotovi se mu vsa razpoložljiva pomoč za opravljanje njegovih nalog. Ne sme se prisiliti k opravljanju nalog, ki niso v skladu z njegovimi humanitarnimi nalogami.

### 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 shall 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. Od zdravstvenega osebja se ne sme zahtevati, da pri opravljanju svojih nalog daje prednost kateri koli osebi, razen zaradi zdravstvenih razlogov.

#### *10. člen – Splošna zaščita zdravstvenih nalog*

1. Nihče se nikakor ne kaznuje zaradi opravljanja zdravstvenih dejavnosti, ki so v skladu z medicinsko etiko, ne glede na osebo, ki ima od tega korist.
2. Osebe, ki opravljajo zdravstvene dejavnosti, se ne smejo prisiliti, da opravljajo dejanja ali delo, ki je v nasprotju s pravili medicinske etike ali drugimi pravili, ki ščitijo ranjence in bolnike, ali tem protokolom, niti se ne smejo prisiliti, da se vzdržijo dejanj, ki jih zahtevajo pravila medicinske etike ali druga pravila, ki ščitijo ranjence in bolnike, ali ta protokol.
3. Poklicne obveznosti oseb, ki opravljajo zdravstvene dejavnosti, v zvezi z informacijami, ki jih lahko pridobijo o ranjencih in bolnikih v svoji oskrbi, se spoštujejo ob upoštevanju notranjega prava.
4. Ob upoštevanju notranjega prava se nihče, ki opravlja zdravstvene dejavnosti, ne sme kakor koli kaznovati, ker ni hotel dati informacij o ranjencih in bolnikih, ki so ali so bili v njegovi oskrbi, ali ker teh informacij ni dal.

#### *11. člen – Zaščita zdravstvenih enot in prevozov*

1. Zdravstvene enote in prevozi se vedno spoštujejo in zaščitijo ter jih ni dovoljeno napadati.
2. Zaščita, do katere so upravičene zdravstvene enote in prevozi, ne preneha, razen če se poleg tega, da opravljajo humanitarne

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.

*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 shall not cease unless they are used to commit hostile acts, outside their humanitarian function. Protection may, however, cease only

naloge, uporabljajo tudi za sovražna dejanja. Zaščita lahko preneha šele po tem, ko ni bilo upoštevano dano opozorilo, v katerem je v vseh ustreznih primerih določen razumen časovni rok.

#### *12. člen – Razpoznavni znak*

Zdravstveno in versko osebje, zdravstvene enote in zdravstveni prevozi se pod nadzorom pristojnih oblasti opremijo z razpoznavnim znakom rdeči križ, rdeči polmesec ali rdeči lev in sonce na beli podlagi. Ta znak se vedno spoštuje. Ne uporablja se neprimerno.

### **IV. DEL CIVILNO PREBIVALSTVO**

#### *13. člen – Zaščita civilnega prebivalstva*

1. Civilno prebivalstvo in posamezne civilne osebe uživajo splošno zaščito pred nevarnostmi zaradi vojaških operacij. Da je zaščita učinkovita, se vedno spoštujejo naslednja pravila.
2. Civilnega prebivalstva kot takega in posameznih civilnih oseb ni dovoljeno napadati. Prepovedana so nasilna dejanja ali grožnje z nasiljem, katerih glavni namen je širjenje strahu med civilnim prebivalstvom
3. Civilne osebe uživajo zaščito po tem delu, razen če so in kadar so neposredno udeležene v sovražnostih.

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.

*14. člen – Zaščita dobrin, ki so nujne za preživetje civilnega prebivalstva*

Stradanje civilnega prebivalstva kot metoda bojevanja je prepovedano. Zato je prepovedano napasti, uničiti, odstraniti ali onespособiti dobrine, ki so nujne za preživetje civilnega prebivalstva, kot so živila, kmetijska območja za pridelovanje hrane, poljščine, živila, vodovod in zaloge pitne vode ter namakalne naprave.

*15. člen – Zaščita gradenj in objektov, v katerih so nevarne sile*

Gradenj ali objektov, v katerih so nevarne sile, tj. jezovi, nasipi in jedrske elektrarne, ni dovoljeno napadati, niti če so to vojaški cilji, če bi tak napad lahko povzročil sprostitve nevarnih sil in s tem velike izgube med civilnim prebivalstvom.

*16. člen – Zaščita kulturnih dobrin in svetišč*

Brez poseganja v določbe Haaške konvencije o varstvu kulturnih dobrin v primeru oboroženega spopada z dne 14. maja 1954 je prepovedano storiti kakršna koli sovražna dejanja proti zgodovinskim spomenikom, umetniškim delom ali svetiščem, ki so kulturna ali duhovna dediščina naroda, ter jih uporabljati za podporo vojaškemu delovanju.



*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 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.

*17. člen – Prepoved prisilne preselitve civilnih oseb*

1. Preselitev civilnega prebivalstva zaradi razlogov, povezanih s spopadom, se ukaže samo, če to zahteva varnost udeleženih civilnih oseb ali vojaška nujnost. Če je taka preselitev civilnega prebivalstva potrebna, se ukrene vse potrebno, da se opravi v zadovoljivih nastanitvenih, higienskih, zdravstvenih, varnostnih in prehranskih razmerah.
2. Civilne osebe se ne smejo prisiliti, da zapustijo svoje ozemlje zaradi razlogov, povezanih s spopadom.

*18. člen – Društva za pomoč in akcije pomoči*

1. Društva za pomoč, ki so na ozemlju visoke pogodbenice, kot je organizacija Rdeči križ (Rdeči polmesec, Rdeči lev in sonce), lahko ponudijo pomoč za opravljanje svojih tradicionalnih nalog v zvezi z žrtvami oboroženega spopada. Civilno prebivalstvo se lahko tudi samo ponudi, da bo zbralo in oskrbelo ranjence, bolnike in brodolomce.
2. Če civilno prebivalstvo neupravičeno trpi zaradi pomanjkanja stvari, ki so nujne za preživetje, kot so hrana, zdravila in medicinski pripomočki, se mu zagotovi pomoč z izključno humanitarnimi in nepristranskimi akcijami pomoči, ki se izvajajo brez razlikovanja in s soglasjem visoke pogodbenice.

*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.

## V. DEL KONČNE DOLOČBE

### *19. člen – Širjenje*

Poznavanje besedila tega protokola se čim bolj širi.

### *20. člen – Podpis*

Ta protokol je na voljo za podpis pogodbenicam konvencij šest mesecev po podpisu sklepne listine in ostaja na voljo za podpis dvanajst mesecev.

### *21. člen – Ratifikacija*

Ta protokol se čim prej ratificira. Listine o ratifikaciji se deponirajo pri Švicarskem zveznem svetu, depozitarju konvencij.

### *22. člen – Pristop*

K temu protokolu lahko pristopi katera koli pogodbenica ženevskih konvencij, ki ga ni podpisala. Listine o pristopu se deponirajo pri depozitarju.

### *23. člen – Začetek veljavnosti*

1. Ta protokol začne veljati šest mesecev po deponiranju dveh listin o ratifikaciji ali pristopu.

**PART V**  
**FINAL PROVISIONS**

*Article 19 — Dissemination*

This Protocol shall be disseminated as widely as possible.

*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. Za vsako pogodbenico konvencij, ki protokol ratificira ali k njemu pristopi pozneje, začne protokol veljati šest mesecev po tem, ko pogodbenica deponira svojo listino o ratifikaciji ali pristopu.

#### *24. člen – Sprememba*

1. Vsaka visoka pogodbenica lahko predlaga spremembe tega protokola. Besedilo vsake predlagane spremembe se pošlje depozitarju, ki se po posvetovanju z vsemi visokimi pogodbenicami in Mednarodnim odborom Rdečega križa odloči, ali je treba sklicati konferenco za obravnavo predlagane spremembe.
2. Depozitar na konferenco povabi vse visoke pogodbenice in pogodbenice konvencij ne glede na to, ali so podpisnice tega protokola ali ne.

#### *25. člen – Odpoved*

1. Če visoka pogodbenica odpove ta protokol, odpoved začne učinkovati šele šest mesecev po prejemu uradnega obvestila o odpovedi. Če je ob poteku šestih mesecev pogodbenica, ki je protokol odpovedala, udeležena v oboroženem spopadu iz 1. člena, pa odpoved ne začne učinkovati pred koncem oboroženega spopada. Osebe, ki jim je bila prostost odvzeta ali omejena zaradi razlogov, povezanih s spopadom, še naprej uživajo ugodnosti po določbah tega protokola do svoje dokončne osvoboditve.
2. Uradno pisno obvestilo o odpovedi se pošlje depozitarju, ki ga pošlje vsem visokim pogodbenicam.

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 to 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.
2. The denunciation shall be notified in writing to the depositary, which shall transmit it to all the High Contracting Parties.

## *26. člen – Uradna obvestila*

Depozitar obvesti visoke pogodbenice in pogodbenice konvencij ne glede na to, ali so podpisnice tega protokola, o:

- a) podpisih tega protokola in deponiranju listin o ratifikaciji ter pristopu po 21. in 22. členu;
- b) dnevu začetka veljavnosti tega protokola po 23. členu in
- c) obvestilih in izjavah, prejetih po 24. členu.

## *27. člen – Registracija*

1. Ko ta protokol začne veljati, ga depozitar v skladu s 102. členom Ustanovne listine Organizacije združenih narodov pošlje Sekretariatu Organizacije združenih narodov v registracijo in objavo.
2. Depozitar obvesti Sekretariat Organizacije združenih narodov tudi o vseh ratifikacijah in pristopih, prejetih v zvezi s tem protokolom.

## *28. člen – Verodostojna besedila*

Izvirnik tega protokola, katerega besedila v arabskem, kitajskem, angleškem, francoskem, ruskem in španskem jeziku so enako verodostojna, se hrani pri depozitarju, ki pošlje overjene kopije tega protokola vsem pogodbenicam konvencij.



### *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.

# DOPOLNILNI PROTOKOL K ŽENEVSKIM KONVENCIJAM Z DNE 12. AVGUSTA 1949 O SPREJETJU DODATNEGA RAZPOZNAVNEGA ZNAKA (PROTOKOL III) Z DNE 8. DECEMBRA 2005

## UVOD

*Visoke pogodbenice so se*

*ob ponovni potrditvi* določb ženevskih konvencij z dne 12. avgusta 1949 (zlasti 26., 38., 42. in 44. člena prve ženevske konvencije), in kadar je ustrezno, dopolnilnih protokolov z dne 8. junija 1977 (zlasti 18. in 38. člena dopolnilnega protokola I in 12. člena dopolnilnega protokola II) o uporabi razpoznavnih znakov,

*z željo* dopolniti omenjene določbe tako, da se povečata njihova zaščitna vrednost in splošna narava,

*ob upoštevanju*, da ta protokol ne vpliva na priznano pravico visokih pogodbenic, da še naprej uporabljajo znake skladno s svojimi obveznostmi po ženevskih konvencijah, in kadar je ustrezno, po dopolnilnih protokolih h konvencijam,

*ob upoštevanju*, da obveznost spoštovati osebe in predmete, ki jih ščitijo ženevske konvencije in dopolnilni protokoli h konvencijam, izhaja iz njihovega položaja, zaščitenega po mednarodnem pravu, in ni odvisna od uporabe razpoznavnih emblemov, znakov ali signalov,

*ob poudarjanju*, da razpoznavni znaki nimajo verskega, etničnega, rasnega, regionalnega ali političnega pomena,

**PROTOCOL ADDITIONAL TO THE GENEVA  
CONVENTIONS OF 12 AUGUST 1949, AND  
RELATING TO THE ADOPTION OF AN  
ADDITIONAL DISTINCTIVE EMBLEM  
(PROTOCOL III) OF 8 DECEMBER 2005**

PREAMBLE

*The High Contracting Parties,*

*Reaffirming* the provisions of the Geneva Conventions of 12 August 1949 (in particular Articles 26, 38, 42 and 44 of the First Geneva Convention) and, where applicable, their Additional Protocols of 8 June 1977 (in particular Articles 18 and 38 of Additional Protocol I and Article 12 of Additional Protocol II), concerning the use of distinctive emblems,

*Desiring* to supplement the aforementioned provisions so as to enhance their protective value and universal character,

*Noting* that this Protocol is without prejudice to the recognized right of High Contracting Parties to continue to use the emblems they are using in conformity with their obligations under the Geneva Conventions and, where applicable, the Protocols additional thereto,

*Recalling* that the obligation to respect persons and objects protected by the Geneva Conventions and the Protocols additional thereto derives from their protected status under international law and is not dependent on use of the distinctive emblems, signs or signals,

*Stressing* that the distinctive emblems are not intended to have any religious, ethnic, racial, regional or political significance,

*ob poudarjanju*, da je pomembno zagotoviti popolno spoštovanje obveznosti, ki se nanašajo na razpoznavne znake, priznane v ženevskih konvencijah, in kadar je ustrezno, v dopolnilnih protokolih h konvencijam,

*ob upoštevanju*, da 44. člen prve ženevske konvencije razlikuje med zaščitno in označevalno uporabo razpoznavnih znakov,

*tudi ob upoštevanju*, da morajo nacionalna društva, ki so dejavna na območju druge države, zagotoviti, da se lahko znaki, ki jih nameravajo uporabljati v okviru svojih dejavnosti, uporabljajo v državi, v kateri poteka dejavnost, in v državi ali državah tranzita,

*ob priznavanju* težav, ki jih lahko imajo države in nacionalna društva z uporabo obstoječih razpoznavnih znakov,

*ob upoštevanju* odločenosti Mednarodnega odbora Rdečega križa, Mednarodne federacije društev Rdečega križa in Rdečega polmeseca in Mednarodnega gibanja Rdečega križa in Rdečega polmeseca, da obdrži svoja trenutna imena in znake,

*dogovorile:*

### *1. člen – Upoštevanje in področje uporabe tega protokola*

1. Visoke pogodbenice se zavezujejo, da bodo upoštevale ta protokol in zagotavljale, da se upošteva v vseh okoliščinah.
2. Ta protokol ponovno potrjuje in dopolnjuje določbe štirih ženevskih konvencij z dne 12. avgusta 1949 ("ženevske konvencije"), in kadar je ustrezno, njihovih dveh dopolnilnih protokolov z dne 8. junija 1977 ("dopolnilni protokoli iz leta 1977") o razpoznavnih znakih, in sicer rdečem križu, rdečem polmeseču ter rdečem levu in soncu, ter se uporablja v razmerah, na katere se te določbe nanašajo.

*Emphasizing* the importance of ensuring full respect for the obligations relating to the distinctive emblems recognized in the Geneva Conventions, and, where applicable, the Protocols additional thereto,

*Recalling* that Article 44 of the First Geneva Convention makes the distinction between the protective use and the indicative use of the distinctive emblems,

*Recalling further* that National Societies undertaking activities on the territory of another State must ensure that the emblems they intend to use within the framework of such activities may be used in the country where the activity takes place and in the country or countries of transit,

*Recognizing* the difficulties that certain States and National Societies may have with the use of the existing distinctive emblems,

*Noting* the determination of the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and the International Red Cross and Red Crescent Movement to retain their current names and emblems,

*Have agreed on the following:*

*Article 1 – Respect for and scope of application of this Protocol*

1. The High Contracting Parties undertake to respect and to ensure respect for this Protocol in all circumstances.
2. This Protocol reaffirms and supplements the provisions of the four Geneva Conventions of 12 August 1949 (“the Geneva Conventions”) and, where applicable, of their two Additional Protocols of 8 June 1977 (“the 1977 Additional Protocols”) relating to the distinctive emblems, namely the red cross, the red crescent and the red lion and sun, and shall apply in the same situations as those referred to in these provisions.

## *2. člen – Razpoznavni znaki*

1. Ta protokol poleg razpoznavnih znakov ženevskih konvencij in za iste namene priznava dodatni razpoznavni znak. Vsi razpoznavni znaki imajo enak status.
2. Dodatni razpoznavni znak, sestavljen iz rdečega okvirja v obliki kvadrata, ki stoji na konici na beli podlagi, je skladen s ponazoritvijo v prilogi k temu protokolu. Razpoznavni znak je v tem protokolu imenovan “znak iz tretjega protokola”.
3. Pogoji uporabe in upoštevanja znaka iz tretjega protokola so enaki tistim, ki veljajo za razpoznavne znake, določene z ženevskimi konvencijami, in kadar je ustrezno, dopolnilnimi protokoli iz leta 1977.
4. Zdravstvene službe in versko osebje oboroženih sil visokih pogodbenic lahko ne glede na trenutne znake začasno uporabljajo kateri koli razpoznavni znak iz prvega odstavka tega člena, kadar bi to lahko povečalo zaščito.

## *3. člen – Označevalna uporaba znaka iz tretjega protokola*

1. Nacionalna društva tistih visokih pogodbenic, ki se odločijo za uporabo znaka iz tretjega protokola, lahko pri njegovi uporabi v skladu z ustrezno notranjo zakonodajo zaradi označevanja v znak vključijo:
  - a) razpoznavni znak, ki ga priznavajo ženevske konvencije, ali kombinacijo teh znakov ali

## *Article 2 – Distinctive emblems*

1. This Protocol recognizes an additional distinctive emblem in addition to, and for the same purposes as, the distinctive emblems of the Geneva Conventions. The distinctive emblems shall enjoy equal status.
2. This additional distinctive emblem, composed of a red frame in the shape of a square on edge on a white ground, shall conform to the illustration in the Annex to this Protocol. This distinctive emblem is referred to in this Protocol as the “third Protocol emblem”.
3. The conditions for use of and respect for the third Protocol emblem are identical to those for the distinctive emblems established by the Geneva Conventions and, where applicable, the 1977 Additional Protocols.
4. The medical services and religious personnel of armed forces of High Contracting Parties may, without prejudice to their current emblems, make temporary use of any distinctive emblem referred to in paragraph 1 of this Article where this may enhance protection.

## *Article 3 – Indicative use of the third Protocol emblem*

1. National Societies of those High Contracting Parties which decide to use the third Protocol emblem may, in using the emblem in conformity with relevant national legislation, choose to incorporate within it, for indicative purposes:
  - a) a distinctive emblem recognized by the Geneva Conventions or a combination of these emblems; or

b) drug znak, ki ga je visoka pogodbenica dejansko uporabljala in je depozitar o tem še pred sprejetjem tega protokola obvestil druge visoke pogodbenice ter Mednarodni odbor Rdečega križa.

Vključitev mora biti skladna s ponazoritvijo v prilogi k temu protokolu.

2. Nacionalno društvo, ki se odloči, da bo skladno s prvim odstavkom v znak tretjega protokola vključila drug znak, lahko v skladu z notranjo zakonodajo uporabi ta znak in ga prikazuje na svojem državnem ozemlju.
3. Nacionalna društva lahko v skladu z notranjo zakonodajo in v izjemnih okoliščinah ter z namenom, da si olajšajo delo, začasno uporabljajo razpoznavni znak iz 2. člena tega protokola.
4. Ta člen ne vpliva na pravni status razpoznavnih znakov, priznanih v ženevskih konvencijah in tem protokolu, in ne vpliva na pravni status katerega koli posebnega znaka, kadar se zaradi označevanja vključi skladno s prvim odstavkom tega člena.

*4. člen – Mednarodni odbor Rdečega križa in Mednarodna federacija društev Rdečega križa in Rdečega polmeseca*

Mednarodni odbor Rdečega križa, Mednarodna federacija društev Rdečega križa in Rdečega polmeseca in njuno pravilno pooblaščen osebje lahko v izjemnih okoliščinah in z namenom, da si olajšajo delo, uporabljajo razpoznavni znak iz 2. člena tega protokola.



- b) another emblem which has been in effective use by a High Contracting Party and was the subject of a communication to the other High Contracting Parties and the International Committee of the Red Cross through the depositary prior to the adoption of this Protocol.

Incorporation shall conform to the illustration in the Annex to this Protocol.

2. A National Society which chooses to incorporate within the third Protocol emblem another emblem in accordance with paragraph 1 above, may, in conformity with national legislation, use the designation of that emblem and display it within its national territory.
3. National Societies may, in accordance with national legislation and in exceptional circumstances and to facilitate their work, make temporary use of the distinctive emblem referred to in Article 2 of this Protocol.
4. This Article does not affect the legal status of the distinctive emblems recognized in the Geneva Conventions and in this Protocol, nor does it affect the legal status of any particular emblem when incorporated for indicative purposes in accordance with paragraph 1 of this Article.

*Article 4 – International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies*

The International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies, and their duly authorized personnel, may use, in exceptional circumstances and to facilitate their work, the distinctive emblem referred to in Article 2 of this Protocol.

### *5. člen – Misije v okviru Združenih narodov*

Zdravstvene službe in versko osebje, ki sodelujejo v operacijah v okviru Združenih narodov, lahko s soglasjem sodelujočih držav uporabljajo enega od razpoznavnih znakov iz 1. in 2. člena.

### *6. člen – Preprečevanje in zatiranje zlorabe*

1. Določbe ženevskih konvencij, in kadar je ustrezno, dopolnilnih protokolov iz leta 1977, ki urejajo preprečevanje in zatiranje zlorabe razpoznavnih znakov, se uporabljajo tudi za znak iz tretjega protokola. Visoke pogodbenice še zlasti sprejmejo ukrepe za nenehno preprečevanje in zatiranje kakršne koli zlorabe razpoznavnih znakov iz 1. in 2. člena in njihovih poimenovanj ter zavajajoče uporabe in uporabe katerega koli znaka ali poimenovanja, ki jih posnema.
2. Ne glede na prvi odstavek lahko visoke pogodbenice uporabnikom, ki so znak iz tretjega protokola ali kateri koli znak, ki posnema ta znak, uporabljali že prej, dovolijo nadaljnjo uporabo, če taka uporaba ob oboroženih spopadih ne daje vtisa, da zagotavlja zaščito po ženevskih konvencijah, in kadar je ustrezno, dopolnilnih protokolih iz leta 1977, ter so bile pravice do take uporabe pridobljene pred sprejetjem tega protokola.

*Article 5 – Missions under United Nations auspices*

The medical services and religious personnel participating in operations under the auspices of the United Nations may, with the agreement of participating States, use one of the distinctive emblems mentioned in Articles 1 and 2.

*Article 6 – Prevention and repression of misuse*

1. The provisions of the Geneva Conventions and, where applicable, the 1977 Additional Protocols, governing prevention and repression of misuse of the distinctive emblems shall apply equally to the third Protocol emblem. In particular, the High Contracting Parties shall take measures necessary for the prevention and repression, at all times, of any misuse of the distinctive emblems mentioned in Articles 1 and 2 and their designations, including the perfidious use and the use of any sign or designation constituting an imitation thereof.
2. Notwithstanding paragraph 1 above, High Contracting Parties may permit prior users of the third Protocol emblem, or of any sign constituting an imitation thereof, to continue such use, provided that the said use shall not be such as would appear, in time of armed conflict, to confer the protection of the Geneva Conventions and, where applicable, the 1977 Additional Protocols, and provided that the rights to such use were acquired before the adoption of this Protocol.

### *7. člen – Razširjanje*

Visoke pogodbenice se tako v miru in ob oboroženem spopadu zavezujejo, da bodo v svojih državah čim bolj razširjale vsebino tega protokola, še zlasti da bodo v svoje programe vojaškega izobraževanja vključevale njegovo preučevanje in k temu spodbujale tudi civilno prebivalstvo, tako da bodo s tem dokumentom seznanjene oborožene sile in civilno prebivalstvo.

### *8. člen – Podpis*

Ta protokol je z dnem sprejetja na voljo za podpis pogodbenicam ženevskih konvencij in ostaja na voljo za podpis dvanajst mesecev.

### *9. člen – Ratifikacija*

Protokol se ratificira čim prej. Listine o ratifikaciji se deponirajo pri Švicarskem zveznem svetu, depozitarju ženevskih konvencij in dopolnilnih protokolov iz leta 1977.

### *10. člen – Pristop*

K temu protokolu lahko pristopi vsaka pogodbenica ženevskih konvencij, ki protokola ni podpisala. Listine o pristopu se deponirajo pri depozitarju.

### *Article 7 – Dissemination*

The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate 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 this instrument may become known to the armed forces and to the civilian population.

### *Article 8 – Signature*

This Protocol shall be open for signature by the Parties to the Geneva Conventions on the day of its adoption and will remain open for a period of twelve months.

### *Article 9 – 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 Geneva Conventions and the 1977 Additional Protocols.

### *Article 10 – Accession*

This Protocol shall be open for accession by any Party to the Geneva Conventions which has not signed it. The instruments of accession shall be deposited with the depositary.

### *11. člen – Začetek veljavnosti*

1. Ta protokol začne veljati šest mesecev po deponiranju dveh listin o ratifikaciji ali pristopu.
2. Za vsako pogodbenico ženevskih konvencij, ki protokol ratificira ali k njemu pristopi pozneje, začne protokol veljati šest mesecev po tem, ko pogodbenica deponira svojo listino o ratifikaciji ali pristopu.

### *12. člen – Pogodbena razmerja ob začetku veljavnosti tega protokola*

1. Če so pogodbenice ženevskih konvencij tudi pogodbenice tega protokola, se konvencije uporabljajo z upoštevanjem dopolnitev tega protokola.
2. Če ene od strani v spopadu ta protokol ne zavezuje, pa še vedno zavezuje pogodbenice tega protokola v medsebojnih razmerjih. Zavezuje jih tudi v razmerju do vsake strani, ki je protokol ne zavezuje, če sprejme in uporablja njegove določbe.

### *13. člen – Sprememba*

1. Vsaka visoka pogodbenica lahko predlaga spremembe tega protokola. Besedilo vsake predlagane spremembe se pošlje depozitarju, ki se po posvetovanju z vsemi visokimi pogodbenicami, Mednarodnim odborom Rdečega križa in Mednarodno federacijo društev Rdečega križa in Rdečega polmeseca odloči, ali bi bilo treba sklicati konferenco, na kateri bi obravnavali predlagano spremembo.

*Article 11 – 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 Geneva 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 12 – Treaty relations upon entry into force of this Protocol*

1. When the Parties to the Geneva 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.

*Article 13 – Amendment*

1. Any High Contracting Party may propose amendments to this Protocol. The text of any proposed amendment shall be communicated to the depositary, which shall decide, after consultation with all the High Contracting Parties, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies, whether a conference should be convened to consider the proposed amendment.

2. Depozitar na konferenco povabi vse visoke pogodbenice in pogodbenice ženevskih konvencij, ne glede na to, ali so podpisnice tega protokola ali ne.

#### *14. člen – Odpoved*

1. Če visoka pogodbenica odpove ta protokol, odpoved začne veljati šele eno leto po prejemu listine o odpovedi. Če pa je ob poteku enega leta pogodbenica, ki je protokol odpovedala, udeležena v oboroženem spopadu ali pri zasedbi, odpoved ne začne veljati pred koncem oboroženega spopada ali zasedbe.
2. Depozitar se pisno uradno obvesti o odpovedi, ki jo pošlje vsem visokim pogodbenicam.
3. Odpoved velja samo za pogodbenico, ki protokol odpove.
4. Odpoved po prvem odstavku ne vpliva na obveznosti po tem protokolu zaradi oboroženega spopada ali zasedbe, ki jih je pogodbenica, ki odpoveduje ta protokol, že sprejela za dejanja, storjena pred začetkom veljavnosti odpovedi.

#### *15. člen – Uradna obvestila*

Ne glede na to, ali so podpisnice tega protokola, depozitar obvesti visoke pogodbenice in pogodbenice ženevskih konvencij o:

- a) podpisih tega protokola in deponiranju listin o ratifikaciji in pristopu po 8., 9. in 10. členu;



2. The depositary shall invite to that conference all the High Contracting Parties as well as the Parties to the Geneva Conventions, whether or not they are signatories of this Protocol.

#### *Article 14 – Denunciation*

1. In case a High Contracting Party should denounce this Protocol, the denunciation shall only take effect one year after receipt of the instrument of denunciation. If, however, on the expiry of that year the denouncing Party is engaged in a situation of armed conflict or occupation, the denunciation shall not take effect before the end of the armed conflict or occupation.
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 or occupation, under this Protocol by such denouncing Party in respect of any act committed before this denunciation becomes effective.

#### *Article 15 – Notifications*

The depositary shall inform the High Contracting Parties as well as the Parties to the Geneva 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 8, 9 and 10;

- b) datumu začetka veljavnosti tega protokola po 11. členu v 10 dneh od začetka veljavnosti;
- c) obvestilih, prejetih po 13. členu;
- d) odpovedih po 14. členu.

#### *16. člen – Registracija*

1. Ko ta protokol začne veljati, ga depozitar v skladu s 102. členom Ustanovne listine Združenih narodov pošlje sekretariatu Združenih narodov v registracijo in objavo.
2. Depozitar obvesti sekretariat Združenih narodov tudi o vseh ratifikacijah, pristopih in odpovedih, prejetih v zvezi s tem protokolom.

#### *17. člen – Verodostojna besedila*

Izvirnik tega protokola, katerega besedila v angleškem, arabškem, francoskem, kitajskem, ruskem in španskem jeziku so enako verodostojna, se deponira pri depozitarju, ki pošlje overjene kopije tega protokola vsem pogodbenicam ženevskih konvencij.

- b) the date of entry into force of this Protocol under Article 11 within ten days of said entry into force;
- c) communications received under Article 13;
- d) denunciations under Article 14.

*Article 16 – Registration*

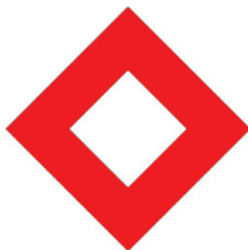
1. After its entry into force, this Protocol shall be transmitted by the depositary to the Secretariat of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.
2. The depositary shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to this Protocol.

*Article 17 – 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 Geneva Conventions.

**PRILOGA**  
**ZNAK IZ TRETJEGA PROTOKOLA**  
(drugi odstavek 2. člena in prvi odstavek 3. člena protokola)

*1. člen – razpoznavni znak*



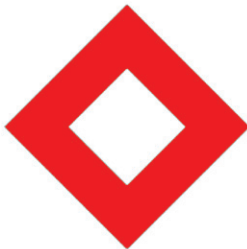
*2. člen – označevalna uporaba znaka iz tretjega protokola*



vključitev v skladu s 3. členom

**ANNEX**  
**THIRD PROTOCOL EMBLEM**  
(Article 2, paragraph 2 and Article 3, paragraph 1 of the Protocol)

*Article 1 – Distinctive emblem*



*Article 2 – Indicative use of the third Protocol emblem*



Incorporation in accordance with Art. 3

Zbirka Mednarodno pravo izhaja v sodelovanju med Ministrstvom za zunanje zadeve Republike Slovenije in Fakulteto za družbene vede Univerze v Ljubljani. Ureja jo uredniški odbor v sestavi:

dr. Andraž Zidar (glavni urednik), doc. dr. Ana Polak Petrič (odgovorna urednica), Špela Košir (sekretarka), prof. dr. Matej Avbelj, zasl. prof. dr. Borut Bohte, doc. dr. Milan Brglez, prof. dr. Bojko Bučar, prof. dr. Silvo Devetak, dr. Simona Drenik, mag. Božena Forštnarič Boroje, Andrej Grasselli, Danijela Horvat, mag. Irena Jager Agius, Robert Kojc, doc. dr. Maša Kovič Dine, mag. Urška Kramberger Mendek, Borut Mahnič, dr. Gregor Maučec, Sabina Osredkar, prof. dr. Marko Pavliha, Peter Pavlin, prof. dr. Ernest Petrič, prof. dr. Andrej Rahten, dr. Marko Rakovec, Vladimira Rančov, izr. prof. dr. Vasilka Sancin, izr. prof. dr. Iztok Simoniti, zasl. prof. dr. Mirjam Škrk, dr. Dominika Švarc Pipan, Sanja Štiglic, doc. dr. Boštjan Udovič in Mihael Zupančič.

Zbirka Mednarodno pravo je del širše knjižne zbirke Mednarodni odnosi, ki izhaja pri Fakulteti za družbene vede in katere odgovorni urednik je izr. prof. dr. Iztok Simoniti.

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