

# DUPLICATA ARCHIVES

II.1

At the invitation of the International Committee of the Red Cross,

Mr. K. Trnka,	Representative of Mr. Alija Izetbegovic President of the Republic of Bosnia- Herzegovina
Mr. D. Kalinic,	Representative of Mr. Radovan Karadzic President of the Serbian Democratic Party
Mr. J. Djogo,	Representative of Mr. Radovan Karadzic President of the Serbian Democratic Party
Mr. A. Kurjak,	Representative of Mr. Alija Izetbegovic President of the Party of Democratic Action
Mr. S. Sito Coric,	Representative of Mr. Miljenko Brkic President of the Croatian Democratic Community

met in Geneva on the 22 May 1992 to discuss different aspects of the application and of the implementation of international humanitarian law within the context of the conflict in Bosnia-Herzegovina, and to find solutions to the resulting humanitarian problems. Therefore

- conscious of the humanitarian consequences of the hostilities in the region;
- taking into consideration the Hague Statement of 5 November 1991;
- reiterating their commitment to respect and ensure respect for the rules of International Humanitarian Law;

the Parties agree that, without any prejudice to the legal status of the parties to the conflict or to the international law of armed conflict in force, they will apply the following rules:

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# DUPLICATA<sup>2</sup> ARCHIVE

## 1. General Principles

The parties commit themselves to respect and to ensure respect for the Article 3 of the four Geneva Conventions of 12 August 1949, which states, in particular:

- 1) *Persons taking no active part in the hostilities, including members of armed groups who have laid down their arms and those placed "hors de combat" by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.*

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

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

- 2) *The wounded and sick shall be collected and cared for.*

*An impartial body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.*

*The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.*

*The application of the preceding provisions shall not affect the legal status of the Parties to the conflict."*

## 2. Special agreement

In accordance with the Article 3 of the four Geneva Conventions of 12 August 1949, the Parties agree to bring into force the following provisions:

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# DUPLICATA<sup>3</sup> ARCHIVES

## 2.1. Wounded, sick and shipwrecked

The treatment provided to the wounded, sick and shipwrecked shall be in accordance with the provisions of the First and Second Geneva Conventions of 12 August 1949, in particular:

- All the wounded, sick and shipwrecked, whether or not they have taken part in the armed conflict, shall be respected and protected.
- 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.

## 2.2. Protection of hospitals and other medical units

Hospitals and other medical units, including medical transportation may in no circumstances be attacked, they shall at all times be respected and protected. They may not be used to shield combatants, military objectives or operations from attacks.

The protection shall not cease unless they are used to commit military acts. However, the protection may only cease after due warning and a reasonable time limit to cease military activities.

## 2.3. Civilian population

The civilians and the civilian population are protected by Articles 13 to 34 of the Fourth Geneva Convention of 12 August 1949. The civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations. They 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.

All civilians shall be treated in accordance with Articles 72 to 79 of Additional Protocol I. Civilians who are in the power of an adverse party and who are deprived of their liberty for reasons related to the armed conflict shall benefit from the rules relating to the treatment of internees laid down in the Fourth Geneva Convention of 12 August 1949.

In the treatment of the civilian population there shall be no adverse distinction founded on race, religion or faith, or any other similar criteria.

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The displacement of the civilian population shall not be ordered 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.

The International Committee of the Red Cross (ICRC) shall have free access to civilians in all places, particularly in places of internment or detention, in order to fulfil its humanitarian mandate according to the Fourth Geneva Convention of 12 August 1949.

## 2.4. Captured combatants

Captured combatants shall enjoy the treatment provided for by the Third Geneva Convention.

The International Committee of the Red Cross (ICRC) shall have free access to all captured combatants in order to fulfil its humanitarian mandate according to the Third Geneva Convention of 12 August 1949.

## 2.5. Conduct of hostilities

Hostilities shall be conducted in the respect of the laws of armed conflict, particularly in accordance with Articles 35 to 42 and Articles 48 to 58 of Additional Protocol I, and the Protocol on the prohibition or Restriction on the Use of Mines, Booby Traps and other Devices annexed to the 1980 Weapons Convention. In order to promote the protection of the civilian population, combatants are obliged to distinguish themselves from the civilian population.

## 2.6. Assistance to the civilian population

The Parties shall allow the free passage of all consignments of medicines and medical supplies, essential foodstuffs and clothing which are destined exclusively to the civilian population.

They shall consent to and cooperate with operations to provide the civilian population with exclusively humanitarian, impartial and non-discriminatory assistance. All facilities will be given in particular to the ICRC.

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# DUPLICATA ARCHIVES

## 3. Red Cross Emblem

The Red Cross emblem shall be respected. The Parties undertake to use the emblem only to identify medical units and personnel and to comply with the other rules of international humanitarian law relating to the use of the Red Cross emblem and shall repress any misuse of the emblem or attacks on persons or property under its protection.

## 4. Dissemination

The Parties undertake to spread knowledge of and promote respect for the principles and rules of international humanitarian law and the terms of the present agreement, especially among combatants. This shall be done in particular:

- by providing appropriate instruction on the rules of international humanitarian law to all units under their command, control or political influence;
- by facilitating the dissemination of ICRC appeals urging respect for international humanitarian law;
- by distributing ICRC publications.

## 5. Implementation

Each party undertakes to designate liaison officers to the ICRC who will be permanently present in meeting places determined by the ICRC to assist the ICRC in its operations with all the necessary means of communication to enter in contact with all the armed groups they represent. Those liaison officers shall have the capacity to engage those groups and to provide guarantees to the ICRC on the safety of its operations. Each party will allow the free passage of those liaison officers to the meeting places designated by the ICRC.

Each party undertakes, when it is informed, in particular by the ICRC, of any allegation of violations of international humanitarian law, to open an enquiry promptly and pursue it conscientiously, and to take the necessary steps to put an end to the alleged violations or prevent their recurrence and to punish those responsible in accordance with the law in force.

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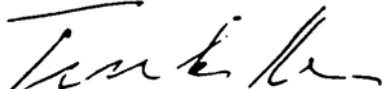
## 6. General provisions

The parties undertake to respect and to ensure respect for the present agreement in all circumstances.

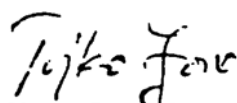
The present agreement will enter in force on 26 May at 24h00 if all parties have transmitted to the ICRC their formal acceptance of the agreement by 26 May 1992 at 18h00.

Geneva, 22 May 1992

Mr. K. Trnka



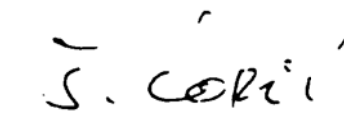
Mr. D. Malinic



Mr. J. Djogo



Mr. A. Murjak



Mr. S. Sito Coric

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