

Gaza Genocide: War crimes against civilians

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Chapter I

Brief history

The **Gaza Strip** is a coastal strip of land along the Mediterranean Sea. It borders Egypt on the south-west and Israel on the south, east and north. It is about 41 kilometers (25 mi) long, and between 6 and 12 kilometers (4–7.5 mi) wide, with a total area of 365 square kilometers (141 sq mi). The area is recognized internationally as part of the Palestinian territories. Actual control of the area is in the hands of Hamas, the democratically elected government.

Egypt governed the Gaza Strip from 1948–67, and today rules the southern border between the Gaza strip and the Sinai desert. Israel governed the Gaza Strip from 1967–2005. Pursuant to the Oslo Accords signed between Israel and the Palestinian Liberation Organization

The territory takes its name from Gaza, its main city. It has about 1.5 million Palestinian residents. Most are either refugees or descended from refugees of the Palestinian exodus.

In the 13th century BC the area was taken over by the Philistines, whose coastal power base of Philistia approximated roughly to the modern Strip.



In 1517 Gaza ruled by Ottoman from 1517–1949. Napoleon captured Gaza City in 1799. Starting in the early 1800s, Gaza was culturally dominated by neighboring Egypt.

The region served as a battlefield during the First World War (1914–18), with the British and Ottomans fighting in the Sinai and Palestine. Gaza, which controlled the coastal route, was taken by the British in the Third Battle of Gaza on 7 November, 1917.

Following World War I, Gaza became part of the British Mandate of Palestine under the authority of the League of Nations.^[1], which required Britain to implement the Balfour Declaration establishing in Palestine a "national home for the Jewish people,

Under international law there are certain laws of war governing military occupation, including the Hague Conventions of 1864 and 1907 and the Fourth Geneva Convention

Principal geographical features of Israel and south-eastern Mediterranean region

The Gaza Strip is located in the Middle East (at  31°25'N 34°20'E 31.417°N 34.333°E Coordinates:  31°25'N 34°20'E 31.417°N 34.333°E). It has a 41 kilometers (25 mi) border with Israel, and an 11 km border with Egypt, near the city of Rafah. Khan Yunis is located 7 kilometers (4 mi) northeast of Rafah, and several towns around Deir el-Balah are located along the coast between it and Gaza City. Beit Lahia and Beit Hanoun are located to the north and northeast of Gaza City, respectively. The Gush Katif bloc of Israeli localities used to exist on the sand dunes

adjacent to Rafah and Khan Yunis, along the southwestern edge of the 41 kilometers (25 mi) Mediterranean coastline.

Gaza strip has a temperate climate, with mild winters, and dry, hot summers subject to drought. The terrain is flat or rolling, with dunes near the coast. The highest point is Abu 'Awdah (Joz Abu 'Auda), at 100 meters (328 ft) above sea level. Natural resources include arable land (about a third of the strip is irrigated), and recently discovered natural gas. Environmental issues include desertification; salination of fresh water; sewage treatment; water-borne disease; soil degradation; and depletion and contamination of underground water resources.

The Strip currently holds the oldest known remains of a man-made bonfire, and some of the world's oldest dated human skeletons. It occupies territory similar to that of ancient Philistia, and is occasionally known by that name.

Camps

In 2007 approximately 1.5 million Palestinians live in the Gaza Strip, of whom almost 1.0 million are UN-registered refugees the majority of the Palestinians are descendants of refugees who were driven from their homes in 1948 War. The Strip's population has continued to increase since that time, one of the main reasons being a total fertility rate of more than 2 children per woman. In a ranking by total fertility rate, this places Gaza 19th of 222 regions.

The vast majority of the population is Sunni Muslims, with an estimated 2,000 to 3,000 Christians.



the majority of population in Gaza Strip is refugees and over half of the refugees live in eight camps. Most of the people who fled to the Gaza Strip in ١٩٤٨, were from Jaffa, towns and villages south of Jaffa, and from the Beersheva area in the Negev. In all, some ٢٠٠,٠٠٠ refugees came to Gaza, whose original inhabitants numbered only ٨٠,٠٠٠. Such an influx severely burdened this narrow strip of land; an area of only ٣٦٠ square kilometers. Over three-quarters of the current estimated population of some ١.٤ million are registered refugees; representing ٢٢.٤٢ per cent of all UNRWA registered Palestine refugees.^٧

The refugee camps in the Gaza Strip have one of the highest population densities in the world. For example, over ٨٠,٦٨٨ refugees live in Beach camp whose area is less than one square kilometer. This high population density is reflected in the overcrowded UNRWA schools and classrooms. More than ٢,٠٦٦ new pupils registered in the Agency's schools for the year ٢٠٠٤/٢٠٠٥. In average, ٨١% of the camps houses are connected to sewers while total area of paved roads and alleys is ٣٨٥,٠٠٠m^٢

GAZA REFUGEE CAMP PROFILES^٨

| CAMP | NUMBER OF REGISTERED REFUGEES |
|---------------|-------------------------------|
| Jabalia | ١٠٦,٨٤٦ |
| Rafah | ٩٧,٤١٢ |
| Beach | ٨٠,٥٦٧ |
| Nuseirat | ٥٨,٧٢٧ |
| Khan Younis | ٦١,٥٣٩ |
| Bureij | ٢٩,٨٠٥ |
| Maghazi | ٢٣,١٦١ |
| Deir el-Balah | ٢٠,٢١٥ |
| Total | ٤٧٨,٢٧٢ |

The Gaza Strip: Access Report^٩ Gaza Strip Crossing Points:^{١٠}

- A. Erez crossing and industrial estate
Worker movement
- B. Karni Cargo Crossing Point
Imports and exports and Humanitarian supplies
- C. Rafah crossing
Palestinian movement

^٧ - the name Israel according to UNRWA map, means the occupied Palestine

^٨ - <http://www.un.org/unrwa/refugees/gaza.html>

^٩ - united nations, office for the coordination of humanitarian affairs

http://www.humanitarianinfo.org/opt/docs/UN/OCHA/ochaSR_GazaAccess_Mar٠٥.pdf^{١٠})

- Palestinian enclaves
- ١. Al Mawasi
- ٢. Siafa
- ٣. Al Ma'ani

Operation 'Cast Lead' on Gaza began^١

(IsraelNN.com) The IDF began its long-awaited attack on Hamas-controlled Gaza at ١١:٣٠ AM Saturday, and according to initial reports managed to catch Hamas off-guard, after deliberately sending soldiers home on furloughs Thursday to create the impression that a military strike was not imminent.

The operation is codenamed "Cast Lead" – a phrase taken from a well known Chanukah song which refers to "cast-lead draydels."



IAF strikes Gaza



Aftermath of IAF strike in Gaza

At least ٨٠ IAF aircraft, including both jets and helicopters, struck pre-selected targets in Gaza, reportedly dropping at least ١٠٠ bombs. According to Arab sources in Gaza,

^١<http://www.israelnationalnews.com/news/news.aspx/١٢٩٠٥٢>

the death toll there is ٢٠٥. Hamas sources predicted that the body count would reach ٣٥٠.

Among the targets was a Hamas ceremony for graduates of a paramilitary course.

Statistical report released by the people's committee to counter the blockade



The Gaza strip: a small piece of Palestine besieged

The Gaza strip: A small piece of Palestine besieged geographically and politically

Gaza, a small area in Palestine, is besieged geographically as well as politically.

Gaza has historically been part of Palestine; however in the year ١٩٤٨ most of Palestine's land was occupied by Israel.

The small area called Gaza was isolated between the sea and Israel.

Following is an insight about Gaza:

Locality:

Gaza is the largest city of the Gaza strip and the second largest city in Palestine following Al-Quds (Holy Land). Gaza district acquired its name from Gaza which resides in the southern part of the west coast of historical Palestine at the Mediterranean Sea. Gaza's area makes up ١.٣٣% of that of historical Palestine which extends from the river to the sea. It's located in the northern and eastern sides of Israel, and lies at the southern and western side of Egypt.

Population:

The Population of the district exceeds ١.٥ million while Gaza on its own encompasses ٤٠٠ thousand civilians, and it's worth mentioning that most of the inhabitants of the district are refugees and have been since ١٩٤٨. In the

district there are several refugee camps most of which are in Rafah, Khan Yunes, Dayr Al Balah, Al Nasirat, Al Shatei, Al Maghazi, Al Barij, and Jabalya. Moreover, there are ٤٤ housing facilities in the Gaza strip, most important of which are Gaza, Rafah, Khan Yunis, Bani Sohay, Khoza'a, Abasan Al Kabir, Abasan Al Jadid, Dayr Al Balah, Bayt Lahiya, Bayt Hanoun, and Jabaliya.

Area:

The strip is ٣٦٠ sq Km in size, ٤١ Km in longitude and around ٦ to ١٢ km in altitude.

Population:

The Gaza strip is considered as one of the most densely populated areas in the world. Latest numbers show that the population is ٣٦ thousand people in one sq km. In the camps the density of the population is ٥٥ thousand per sq km.

Border crossings:

The Gaza strip is surrounded by ٧ crossings, and nothing goes in or out of the strip unless it goes through one of them. Six of these crossings are under Israeli control, each of which has two different names, one in Arabic and the other in Hebrew.

The seven crossings are: Rafah, Al-Mentar (Karni), Karam AbuSalem (Kirm Shalom), Beit Hanun (Erez), Al-Awda (Sofa), Al-Shujaeya (Nahal Oz) Al-Korara (Kisovim). The first crossing is on the borders with Egypt, the other are with Israel.

History:

Until the state of Israel was established in ١٩٤٨, the Gaza strip was under British colonialism.

It was later put under Egyptian military rule between ١٩٤٨ and ١٩٥٦, and was then occupied by the Israeli army for ٥ months after the ١٩٥٦ war with Egypt. In March of ١٩٥٧, the Israeli army withdrew, to leave Gaza back under Egyptian rule.

In the war of ١٩٦٧ the Israeli Army occupied Gaza once again, along with Sinai Island. After this, it was under Israeli occupation until September of ٢٠٠٥, when the Israeli forces withdrew their forces, and the Israeli settlements which were built in Gaza were evacuated.

The Gaza strip was under autonomous rule as a result of the Oslo accord which was signed by the Palestinian Liberation Front and Israel year ١٩٩٣. Hamas took control of the strip on July ١٤th ٢٠٠٧ after inter-Palestinian conflict between Hamas and Fath the two most influential of the various Palestinian organizations.

The besieged Gaza was under a massive Israeli attack in the last days of the year ٢٠٠٨. The Israelis launched their ground war as part of their military campaign in the early days of the year ٢٠٠٩.

Chapter two

Gaza strip crossings

The only crossing which is out of Israeli control is the Rafah crossing:

Al-Mentar crossing (Hebrew name: Karni):

Located:

Eastern city of Gaza

Control:

Totally Israeli

Importance:

The biggest and most important crossing for trade between the Gaza strip and the occupied territories

The oppressive actions of the occupying army:

This crossing is closed most of the time, the Israelis force all the passengers and trucks with trading stuff to be searched twice, one time by the Palestinian authority and another time by the Israelis themselves, which causes the goods to become ruined or lost.

The crossing after Hamas took control of Gaza:

The Israeli procedures taken on the crossing became even more difficult since June ۲۰۰۷ when Hamas took over Gaza. The movement of truck loads of needs entering Gaza decreased. Basic needs such as wheat flours, dairy food, fruits, tools for construction, toys, and chemical tools were considered to be used to manufacture weapons. The Palestinians could not export blackberries or flowers.

Beit Hanoon crossing (Hebrew name: Eirits):

Located:

Northern city of Gaza

Control:

Totally Israeli

Importance:

This crossing is only for people who are ill and need treatment in the West Bank or in occupied Palestine or in Jordan. Diplomats, journalist, and foreign envoys, workers, traders, pass from this crossing as well as newspapers and other media

The continuous oppression:

The Israelis intend to humiliate the Palestinians even if they are in poor health. For example, they force them to walk for more than one kilometer in order to reach the Israeli check point, and they let them wait for many hours until they allow them to pass. These abusive measures lead to the death of many of those ill. The Israelis allow only ۳۰ people to pass when ۲۰ thousands could

After the control of Hamas:

Since Hamas took control of the crossing on the Palestinian side, the Israelis destroyed the Palestinian check point, and since then, the coordination between the Israelis and the Palestinians has stopped, the International Red Cross takes care of coordination between both sides.

Awda crossing (Sofia in Hebrew)

Location:

Eastern city of Rafah

Control:

Totally Israeli

Importance:

It is a small crossing and only for trade of construction materials, which cross to the Gaza strip only and nothing goes to Israel. Sometimes this crossing is used instead of the Almintar crossing (Karen)

Oppressive actions of the occupying army:

It is a very complicated check point; the Israelis keep it closed most of the time, the security men unload the entire content of any truck and search every specific item in it and keep them for a long time

After Hamas control:

It was only opened 10 days times since Hamas took over Gaza

Alshogaeya crossing (Nahal Oaz in Hebrew):

Location:

Eastern city of Gaza

Control:

Totally Israeli

Importance:

It is a very sensitive crossing because it is used to import gas, and it is under the control of an Israeli company which is responsible of passing the gas to Gaza. On both sides of the border there are huge pipes used to unload the fuel which comes from Israel

Oppressive actions of the occupying army:

Israel closes it twice a week. The Palestinians try to save some fuel for the electricity generators for the rest of the week. The power station needs 390m square every 2 days which Israel does not provide. The strip needs approximately 230 megawatt and receives only 120, 12 from Egypt and 42 from the generator, and still in need of 23%

After Hamas control:

Closed many times since Hamas took authority in Gaza

Karm Abou Salem (kirm shalom in Hebrew):

Location:

At the border with Egypt

Control:

Israel in collaboration with Egypt

Importance:

It is for trading between the strip and Israel and for needs and people who are unable to cross through the Rafah crossing

Oppressive actions of the occupying army:

The Israeli intelligence humiliate the Palestinians while crossing this border

After Hamas took authority:

Closed many times

Alkarara crossing (kisovim in Hebrew)

Location:

Between Khan Younes and Dayr Al-Balah

Control:

Israeli

Importance:

It is for entering Gaza each time Israel decides to invade it using heavy military tanks

Oppressive actions of the occupying:

Totally closed since the Israeli withdrawal from Gaza

Rafah crossing:

Location:

Southern Gaza strip, at the Egyptian border

Control:

Palestinian in collaboration with the Egyptians and the supervision of the EU

Importance:

It is being used according to the agreement between Israel and the Palestinian Authority in November 2005 to allow every Palestinian who holds a Palestinian ID to pass through it and is also used to trade the Palestinian products especially the agriculture even if Israel objects

Oppressive actions:

Israel made a condition on the Palestinian authority, that it is informed about the names of all those who want to pass 24 hours in advance in order to get full Israeli consent. Many are not allowed entry. Israel has imposed closing the crossing many times under the pretext of the absence of EURO convoys as it is mentioned in the agreement

The blockade has resulted in the following:

140 million dollars worth of physical damage

Damage in the industrial sector (\$16 million/monthly)

Damage in the agricultural sector (\$10 million/monthly)

Other sectors: trade, services, establishments, fishing. (\$22 million/monthly)

Daily individual income has dropped to 2\$ a day

80% of the population is under the poverty line

The choking blockade on Gaza began on the 12th of June 2007, and was intensified with the Israeli attack on the strip which targeted all forms of life, thereby making the life of about a million and a half people a living hell.

The disastrous results of the blockade on the various sectors of the Gaza Strip have turned it into a devastated area. The blockade continues to halt the movement of goods to and from Gaza. All commercial transactions have ceased, which is a breaking of the promises and agreements Israel had made with the international associations, such as the agreement on the movement

of products through the crossings in November of ٢٠٠٥. And though the Palestinian side stuck to the agreement, the Israeli side persisted in closing the crossings and limiting the amounts of imported goods into Gaza.

And with its persistence, the siege will destroy all the hope of prosperity for the economy of Gaza, and has ended all that is left of the basis of the economy of the Gaza strip.

The Palestinian economy depends mainly on the export of Palestinian products to Israel and outside markets through Israel. As a result of the siege, these economic activities have been paralysed, and the occupation has not let any raw material inside the strip, and has not allowed for the exporting of any of the products of Gaza.

This has made over ٨٠% of Palestinians under poverty. The World Bank declares that the percentage of those living in poverty was ٣٥% at the end of the year ٢٠٠٦ and has risen to ٦٦% by November of ٢٠٠٧. while unemployment has increased by ٦٥%, thereby leading the average of individual income to ٦٥٠\$ yearly and ٢% daily.

The private sector:

The private sector which provides ٥٣% of work opportunities is extremely vital for Palestine's economic development. This sector has always been the target of Israeli aggressions.

The ability of production in this sector has decreased from a ٧٦% to a ٣١, ١% in the year ٢٠٠١, but strove to reach ٤٦% between ٢٠٠٦ and ٢٠٠٧. However, after the blockade became more intense, the production energy dropped dramatically to ١١%. This is originally due to the fact that the occupying force has stopped working by the code specified for Gaza, and has prohibited any type of raw material being brought into Gaza, leaving most production companies with no more than ١٠% of the requirements for production.

In addition, it is extremely hard to market the products of Gaza because of the blockade.

Latest statistics show that more than ٤٣% of the organizations in the private sector have ceased working, while more than ٥٥% have decreased their production activities ٧٥%.

The industrial sector:

The industrial sector in Gaza is greatly dependant on imported raw material. ٨٠% of the sector depends on importing machinery and spear parts for maintenance. Most of the products of Gaza are exported, and at times of high production (May-June), almost ٧٤٨ of truck loads are exported in one month (include furniture, nutritional products, clothes, and agricultural products).

Since the start of the blockade, the Israeli occupation ceased to work with the Gaza customs code in order to ban the importation of raw material into Gaza which led to a total freeze of the industrial sector 80% of which relies on importing raw material through Israel.

Statistics show that more than 97% of the industrial establishments of the industrial sector (3900) were shut down leaving over 30,000 employees jobless. The number of workers in this field does not exceed 1000.

The estimates of the Palestinian labor union show that the monthly losses of the industrial sector are around \$10 million. The incomes estimated for the year 2006 reached \$200,000 daily, which adds up to \$97, 0 million by mid October of 2008.

960 establishments in the tailoring industry have been shut down, which in other cases exported 90% of their production.

All the factories of construction material have also been closed leaving 3000 people unemployed.

Sector of agriculture

Gaza strip is rich in agriculture with 70,000 acres and production from 280,000 to 300,000 tons, one third of the production goes to trading.

The sector provides permanent and temporal jobs for more of 40,000 people (which is 12, 7% of manpower) as well as providing nutrition for one quarter of the population.

Since the blockade Israel prohibit export of any agriculture production or let entering any of the agriculture tools and cement, which lead a lot of loses in this sector reached primary form mid June till mid October 2008 130 million \$. According to the ministry of agriculture, the range of daily loses is 100 thousands dollars because of the farmers are unable to export their production, and it was for months of the blockade 67 millions\$ 10,000 tons of potatoes and more from other kinds were destroyed or sell in a very low price (the local prizes was 10%-15% only different than the export price)

While the farmers face direct loses in selling in the local market, as well as affecting other farmers too because of the excess of product in the market. The expectation comes to reach in last season about 20%-30% less than last season, and the direct monthly loses about 10 million \$.

Estimation of the numbers of workers this season is more than 7000 farmers depending totally on export in their product which is about 14 million \$, they plant strawberry, dianthus and tomatoes over 3130 acres.

Finally, as a result of the sea blockade, the estimation of 3000 workers lost their jobs, and monthly loses of 30 million \$ was reported.

Health Sector

Due to the complete Israeli siege on Gaza Strip, the health sector has become incapable of providing health basics for the civilians. This led to humanitarian disaster. Reports given by the Ministry of Health reveal that more than 160 medications and 130 kinds of medical duties, and that 120 medications were on the verge of finishing during the days to come (written at the time the report was released). In addition to the breakdown of more than 90 medical tools due to the inavailability of the appropriate spare part for repair purposed. Moreover, the civilians in the strip are unable to leave to receiving medication. The WHO stated that hundreds of severe cases needing specialized surgery (especially brain, nervous system, bones, cancers, kidney, heart...) were unable to travel to different locations in order as to find a cure. The WHO stressed that more than 1100 patients were not allowed to leave the strip from the beginning of the war till the end of February, while the Ministry of Health revealed that more than 1300 patients need cures outside the strip 210 of which are severely ill. The Ministry of Health also reported that tens of the patients needing external care were deceased due to their inability to leave for medication, and by the end of October 202 deaths were a direct cause of the Israeli besiegement

Sector of construction and infrastructure

Since the Israeli occupation declared that it would stop dealing with the customs code for Gaza strip and prohibit the entering of cement and construction tools, the strip has been suffering and many of factories closed (13 floor tiles, 30 cements, 140 marble, 200 beton) and caused 3000 jobs to be lost.

Besides the freezing of the development in construction of about 300 million\$, the UN development program stop all its agreements with the Palestinians in developing infrastructure (60 million\$) while the UNRWA stopped its programs in social development (93 million\$) for direct benefit of 16000 people. As well as stopping the construction of universities, hospitals, state- run institutions and private investment sector.

Food:

As a result of its campaign and blockade, Israel has only allowed a limited amount of food to enter the Gaza strip.

According to crossing observers, not more than 10% of the strip's needs go through the crossing.

Many kinds of food and nutritional products had to be sold for much higher prices.

93,0% of the families said they stopped purchasing several kinds of food.

Many families are buying less meats (98% less) and less dairy products (86%).

Water and sewage:

After the events of June ۲۰۰۷ the Israeli forces took the following procedures:
Decrease in the amount of fuel which is needed to generate the power station, therefore leaving the strip in a state of almost never-ending dark.

Decrease in the amount of fuel for generators which substitute the power station.

Closing the crossing led to a shortage of maintenance for the water pipes and sewage, leaving the people of Gaza not even with the minimum water supplies proper sewage disposal.

Sector of solid waste

Sector of solid waste in its three places in Gaza strip- dair albalah and rafah cities- production of solid waste approximately ۴۰% tons yearly. The sector stopped working for long period of time for the following reasons:

- No fuel or materials for vehicles to carry the solid waste.
- There are about ۵۰% of cars and vehicles damaged in Gaza
- Others are threatened to collapse because of the gaps in spare parts and supplements
- Closing the crossing and no fuel

deployment of poverty

Israeli blockade of Gaza lead to the deployment of poverty, which estimated by the specialist in economy in the Palestinian territories The daily loses caused by the closing of the crossings in Gaza strip are more than a million US\$ daily.

Following the economic crisis in Gaza strip, the local produce regressed ۶۰% and two third of the Palestinian people lived under the line of poverty. Also, the continuous blockade and military operations lead to the regression of the individual income to its lower level since ۲۰۰۰ which was ۱۸۰۰\$. In spite of the Palestinian economic situation Palestine did not collapse in total because of the social support program like Zakat and neighborhood programs, in addition of Alaman institution and others.

In addition, the unemployment increased and was past ۷۵% which needs to be faced and given its Arabic and Islamic dimension.

The needs of the strip in nutrition are increasing because of the growing population, which grows ۴ % yearly.

The residents of the strip need daily ۶۰۰ tons of wheat, ۷۲ tons of rice, ۴۲ tons of cooking oil, ۶ tons of tea and ۲۳۰ tons of infant milk.

What is important to point at, is that the Israeli policies that lead to the collapse of the economy in the strip is mainly due to the fact that the majority of the trade from and to the strip is through Israel only. And the trade balance with Israel is always in deficit since the early years of the occupation, which is going to increase with the Israeli ascendancy on the economic keys in Gaza especially the movement of the trade and workers.

The unemployment rate reached about ۷۰% in the working field; therefore there is a catastrophe because of the vast population.

A simplified study of the Fourth Geneva Convention and Israel's adherence to the Convention

We witness daily violent conflicts, crimes against humanity and collective punishment committed continuously by Israel's leadership in the occupied Palestinian territories.

We are faced with these events of brutality of war and all the suffering, death and destruction it causes. This brings us to a logical question: are Israel's actions in these conflicts in adherence to the precepts of the Geneva Convention as it claims?

The second and third part of the Fourth Geneva Convention or the "civilian convention" addresses the following issues:

General Protection of Populations against certain consequences of war:

The provisions of Part II cover the whole of the populations of the countries in conflict, without any distinction (article ١٣). It aims to minimize the suffering that is caused from war but these terms do not guarantee general and complete protection it rather provides certain kinds of protection and or aid to a specific category of people.

The convention allows for the establishment of two types of safety zones: hospital zones and neutralized localities to protect from the effects of war: wounded, sick and aged persons, children under fifteen, expectant mothers and mothers of children under seven; thus any population that is not expected to take part in the war. The Parties concerned may conclude agreements on mutual recognition of the zones and localities they have created, in order for them to be put into force.

Other parties who are to be protected under the precepts of part two of the convention comprise the wounded and sick, as well as the infirm, and expectant mothers. The Convention calls for the respect and protection of the civilian hospitals and its staff, including all the means of commuting used to move the wounded civilians, infirm, disabled, expectant women, and children.

Article ٢٣ obliges each High Contracting Party to allow the free passage of all shipment of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. This includes essential foodstuffs, clothing and tonics intended for children and women.

Collective punishment:

Here the term is given a different meaning. It describes the acts of those who hold a group of people in a village or city or state responsible for acts committed by an individual or more within this area. This kind of punishment includes acts of vengeance against the people of an area in response to the operation of an armed resistance which is against an occupying army. Israel continuously commits such acts of collective penalty and blockade against the cities of Palestine which refuse its occupation, the last of which was the blockade and destruction of the Gaza strip.

Article ٣٣ of the convention prohibits this kind of punishment and states the following: "No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited."

The prohibition of attacks on civilian residents: based on the Protocol Additional to the fourth Geneva Convention, and relating to the Protection of Victims of International Armed Conflicts (Protocol ١)

Article ٥١ in the first Protocol Additional to the Geneva Conventions adopted in ١٩٧٧ relating to the Protection of Victims of International Armed Conflicts contains detailed precepts on the prohibition of targeting civilian individuals and residents.

The second sentence of section (٢) specifically states that any violent action or threatening which aim at terrorizing the civilian residents is forbidden. In addition, it ascertains the illegitimacy of shelling for the sake of causing a state of fright among the civilians, or even threatening to do so.

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.

Article ٥٤ forbids the use of methods of war which threaten the lives of the civilians. It also in principle forbids starving civilians as a method of warfare.

The first part of article ١٢ in principle provides for the protection of all civilian individuals and residents from the dangers of military operations, and therefore prohibits making them a target for attack. Articles ١٤, ١٥, and ١٦ bar committing military operations against specific aspects which are necessary to sustain the lives of civilians (based on the principle which forbids the starvation of civilians as a method of warfare). Examples are architectural construction, and all establishments which are of vital importance such as dams, bridges, electricity generating stations, historical ruins, artistic work, and places of worship which constitute the cultural and spiritual heritage of people (article ١٦).

The first section of article ١٧ forbids the declaration of any command which dictates deporting civilians for reasons related to the conflict, while the second article forbids displacing civilians by force for reasons linked to the conflict.

A rhetorical question...

Has the leadership of Israel abided by this convention as it is one of the contracting states? The answer is obvious because Israel is not a state, but an occupying entity which has no official borders. And it has and continues to violate international agreements thereby disregarding international law and all United Nations resolutions especially those related to protecting the rights of civilians as we will demonstrate in this book.

The legitimacy of resistance by International Law

In no age whether ancient, modern or contemporary, has a country, as is the case in Lebanon, witnessed political disputes to the extent of tense mutual accusations on the legitimacy of resisting the occupation of the Israeli entity which has used military force to occupy parts of southern Lebanon and has committed continuous aggressive attacks and murders in its areas. Also, it constantly threatens its sovereignty through violating its airspace, sea and land. The circumstances of Lebanon are as similar as those of Palestine since it has historically bordered occupied Palestine.

According to international law, all states which are subject to aggression have the right to provide all the requirements needed to resist aggression and halt it by any means necessary and in its various forms. And though debate has grown more intense on the issue of the right of resisting occupation, and it has been called a terrorist organization or an armed militia, the resistance remains the only honest and realistic expression for those who fight heroically and sacrifice their lives for the freedom and sovereignty of their homeland which is occupied and threatened.

Ever since its establishment over Palestine in the year ١٩٤٨, it has displaced its people, and has unexceptionally assaulted all Arab countries and has occupied parts of the following countries: Egypt, Syria, Jordan, Lebanon and the rest of the land of Palestine after the war of the fifth of June ١٩٦٧.

Public opinion unanimously denounces the crimes committed by Israel and the US administration which has never seized to support the aggressive actions of Israel. The United States administration also justifies Israel's terroristic acts and its violation of the human rights of Arabs especially Palestinians, and its constant breaching of International laws and regulations under the sarcastic pretext of "self defense."

According to International law, the resistance is a group of people who fight occupation with the motive of patriotism to liberate their land from the occupying enemy whether through the national army or side by side with the

national army or on their own or joined by volunteers from other countries who would have the same rights as patriotic resistance fighters.

Furthermore, other states have the right to support the national resistance in any occupied country.

The legitimacy of national resistance is stated in all of the following: the document of The Hague conference held year ١٨٨٩, The Hague accord (١٩٠٧), the Geneva protocols (١٩٢٥), the United Nations Charter (١٩٤٥), the universal declaration for human rights (١٩٤٨), Declaration on Granting Independence to Colonial Countries and Peoples (١٩٦٠). The document of the Hague conference was amended to include legitimizing resistance and giving it the right to defend its land. It mentions that the rules of war include the combatants of the classical army, volunteers, and the citizens of the state whom are fighting against their enemy.

The first article of the amended document defined the volunteering troops as citizens that fight side by side with their army or on their own and are driven by their patriotic urge. They fight their enemy through attacks against its soldiers, patrols and posts.

These groups have the right to their own leadership, and to a unique emblem. They also have the right to publically hold armaments. The same rights apply to those who volunteer from another country even if their state was not part of the conflicts.

The second article points that a people that are struggling against their enemy are those who are the citizens of a land that is under occupation; thus they are armed and they confront their enemy whether this was through the approval of their government or just according to their own patriotic urge and duty.

The United Nations Charter of ١٩٤٥ forbids offensive wars which it called aggressions, and also prohibited threatening to use force and using it against the peace and sovereignty of a land or in any case which does not meet the objectives of the United Nations.

It is highly significant to mention that International law that fighting groups which are meant to free their land as an aggression against international law and the principles of human rights and is a crime against peace.

Therefore, the continuous aggressions conducted by Israel against Palestine and Lebanon are considered crimes of war. Lebanon and the Palestinian authority have the right to file a report to the United Nations to penalize the leadership of Israel for violating its airspace and occupying parts of its land, and the acts of violence against the national resistance movements of Lebanon and Palestine and considering it a war crime Israel must be punished for according to international law and the united nations charter.

The Administration of the United States of America which has constantly defended Israel from punishment has itself acknowledged the anti-Nazi resistance in Europe during World War II. Rather than protecting the resistance and fostering international laws and accords, the U.S. cooperates in violating them and gives aid to Israel which has always revolted against these International laws.

Chapter three

Statements made by high UN officials during the war on Gaza

Ban KiMoon, UN Secretary General



UN chief demands investigation into Israeli attack on civilians and UN headquarters

During a phone conversation with Israeli Defense Minister Ehud Barack, United Nations Secretary General Ban Ki Moon expressed his disappointment at the continuous Israeli attacks on Gaza thereby disregarding the Security Council's call for a direct cessation of hostilities.

The UN secretary general's spokeswoman Michelle Montas in a press release stated that Ban Ki Moon expressed his "disappointment because of the continuous violence on the ground, in spite of UN security council resolution 1886."

In a visit following the 22 day Israeli assault on Gaza, The secretary general of the United Nations called for a full investigation into Israel's shelling of three of its buildings in the Gaza Strip. Demanding a proper judicial inquiry and guarantees that UN buildings would not be attacked again, Ban said: "I am just appalled. This was an outrageous and totally unacceptable attack against the United Nations."

Standing against a backdrop of still-smoking food aid in a UN warehouse destroyed by Israeli gunfire Ban said: "These are heartbreaking scenes I have seen and I am deeply grieved by what I have seen today."

Ban Ki-moon was the first high official in the world to visit Gaza after Israel stopped its attack on the strip which has been controlled by Hamas since June of 2007. Ban said he was appalled, "I am not able to describe how I am feeling having seen this site of the bombing of the United Nations compound." "I have protested several times, and now I am once again protesting very strongly and condemn this act. I have called for a complete inquiry to try those responsible.

Ban also condemned Israel's use of "excessive force" in the conflict, and condemned the rockets attack being launched by Hamas from the strip to southern Israel.

The words of the UN secretary general came during a press conference he held in the UNERWA building in Gaza which was subject to Israeli shelling, where he expressed solidarity with the Palestinians and said that the UN would extend its humanitarian help to the Palestinians. Furthermore, he stated that he would cooperate with a national unity government for Gaza and the West Bank which he said would open crossings. He also called for a Palestinian reconciliation and unity.

Navi Pillay, High commissioner for human rights



UN human rights chief accuses Israel of war crimes

Navi Pillay, the UN high commissioner for human rights during a special meeting for the human rights council in Geneva (12/1/2009) called for "credible, independent and transparent" investigations into possible violations of humanitarian law by Israel in Gaza. She added that individuals could call on investigations to punish those who violated International law.

Pillay stated that the UN resolution for a cessation of hostilities should be effectively implemented to allow humanitarian aid to reach the civilians in Gaza, and to evacuate the wounded. She stressed the need for Human Rights inspectors inside Gaza to independently document the possible war crimes committed and the violation of International Law.

Describing the harsh humanitarian situation of the civilians in Gaza, Pillay said: "There is an international obligation on the part of soldiers in their position to protect civilians, not to kill civilians indiscriminately in the first place, and when they do, to make sure that they help the wounded," adding that Israeli soldiers must protect ambulances, hospitals and all medical personnel.

Karen BuZeid



Head of the UNRWA Karen BuZeid calls for a UN Security Council based investigation of the Israeli crimes and violations in the Gaza strip

High commissioner of the United Nations relief and works agency Karen AbuZayd called on the Security Council to conduct a full investigation of Israel's violations of International laws during its war on the Gaza strip.

While addressing the security council in a Closed Consultations Session AbuZayd asked for "Moves to investigate apparent contraventions of international law, including direct attacks on United Nations personnel and facilities (as in UNRWA's own Headquarters and five of its schools and the UNSCO office), and accountability under law where breaches are established, must be pursued."

She also said that the UN must take partial responsibility to help restore normal life for the 5.6 million Palestinians in Gaza.

The UNRWA commissioner general declared that in her tours around Gaza since the ceasefire, she had seen "what appears to have been systematic

destruction to schools, universities, residential buildings, factories, shops and farms."

The Israeli assault on Gaza which continued for ۲۲ days took the lives of ۱۳۲۸ people and injured ۵۴۵۰ others. It has also led to the destruction of ۲۲ thousand buildings and physical destruction which is estimated to be billions of dollars worth.



Richard Falk



Richard Falk: United Nations Special Rapporteur on Human Rights in the Palestinian Territories

Stated that Israel's policy of collective punishment inflicted on the people of Gaza is a crime against humanity, and called on bringing the people who are responsible for the crimes in Gaza to the international criminal courts and to answer to international law.

Falk, who is a professor of International Law and the UN special rapporteur on human rights in Palestine that criminal courts are subject to Geo-Political

control. Therefore, violations conducted by the US and its close ally Israel go without punishment.

He explained that it is this Geo-Political immunity which protects Israel from inspection and being accused of war crimes and crimes against humanity after its military attack on Gaza, despite wide condemnation.

Falk called the blockade forced on Gaza as a crime against humanity, and called on the International court to investigate with the Israeli leaders responsible for this siege.

He added that there should be an effort to secure protection for the people of Gaza accusing all governments that have assisted Israel economically and politically.

the UN special rapporteur made clear that Israel does not allow anything to enter the Gaza Strip save some fuel and nutritional products which are enough to stop the wider spread of starvation and illnesses.

He went on to accuse Israel of weakening the truce with Hamas, after not living up to its promise of ameliorating the living conditions of the people of Gaza.

Furthermore, Falk stated that it is the first time since the peak of the apartheid in South Africa that a number of UN officials incautiously dared to denounce the acts of Israel.

Previously, Falk had compared the acts of Israel to those of the Nazis during World War II, something that had angered Israel. Israel denied the charges, and the spokesman for the foreign ministry said that Falk's statements are a blow to his credibility.

Israel had expelled Falk from Israel when trying to enter to carry out his UN job of monitoring respect for human rights in occupied Palestine.

Director of Operations in Gaza for UNRWA

The Human Rights Council concluded its ninth special session where it decided to dispatch an urgent, independent and international fact-finding mission to investigate all alleged violations of international human rights law and international humanitarian law by Israel against the Palestinian people throughout the Occupied Palestinian Territory. This came after an attack on a school for the UNRWA in Jebalya.

According to John Ging who is director of operations for UNRWA in Gaza, preliminary reports show that 30 people were killed as a result of the attack and 100 were injured, while medical sources said there were 40 people dead.

The UN official declared that three artillery shells had landed close to a school where 300 were taking shelter.

The UN said it had given the Israeli authorities the exact geographical coordinates of its facilities and the school was in a built-up area precisely to avoid such slaughter.

John Ging, the top UN official in Gaza, said: 'People are fleeing their homes and they are right to do it when you look at the casualty numbers.

'You cannot conduct huge military operations in such densely-populated places without killing hundreds and injuring thousands of civilians.'

The Israeli army later claimed that gunmen had fired on its troops from inside the school, and soldiers fired back with mortars.

Ging stressed that UNRWA had given Israel the GPS (Global Positioning System), and they knew the building was a school in a residential area.

He said U.N. staff vetted Palestinians seeking shelter at their facilities to make sure militants were not taking advantage of them. "So far we've not had violations by militants of our facilities," he said.

In a separate attack, three Palestinians were killed in an airstrike on another UN school in an area where there was no fighting at the time.

Also, a building next to a U.N. health centre was hit by Israeli fire and 10 people were injured, including seven staff and three patients at the health centre, he said.

Another shell landed near a third U.N. school which was empty, Ging said.

UN Human Rights Council condemns Israeli violations

The European Union, Switzerland and Japan all abstained from voting for a resolution drafted by the Human rights council which condemns Israel for "grave violations" in its attack against Gaza, while the African, Asian and Latin American members of the council backed the resolution. The resolution was passed by 33 votes, 13 abstentions and one against from Canada.

Canada and the European Union complained that the text, which called for an immediate withdrawal of Israeli forces, was unbalanced and failed to recognize that Israel had acted to stop rocket attacks on its territory from the Hamas-controlled Gaza, and holds Israel solely to blame.

Actual photographs of Israeli targeting of UNRWA schools and centers in Gaza



The use of white phosphorous is quite evident





At the Beit Lahya school: the moment white phosphorous hit the school





The school comprised civilian families









Pictures show inflammatory gazes which caused the fire





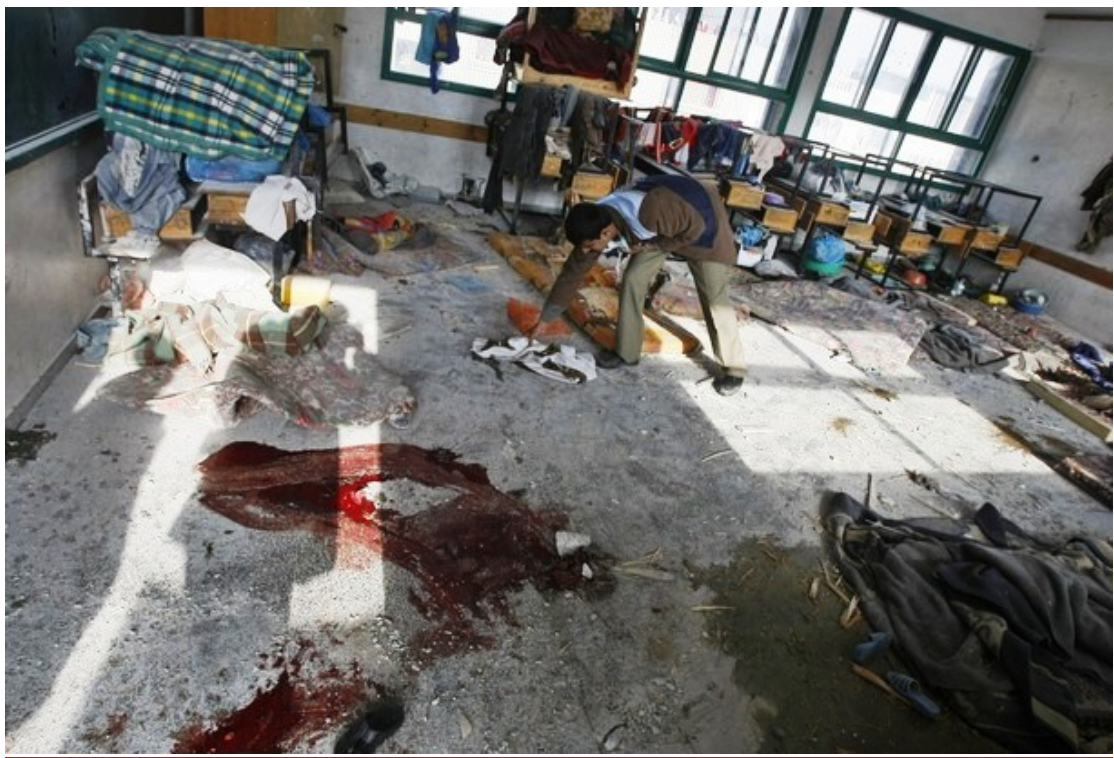


The Red Crescent trying to extinguish the fire

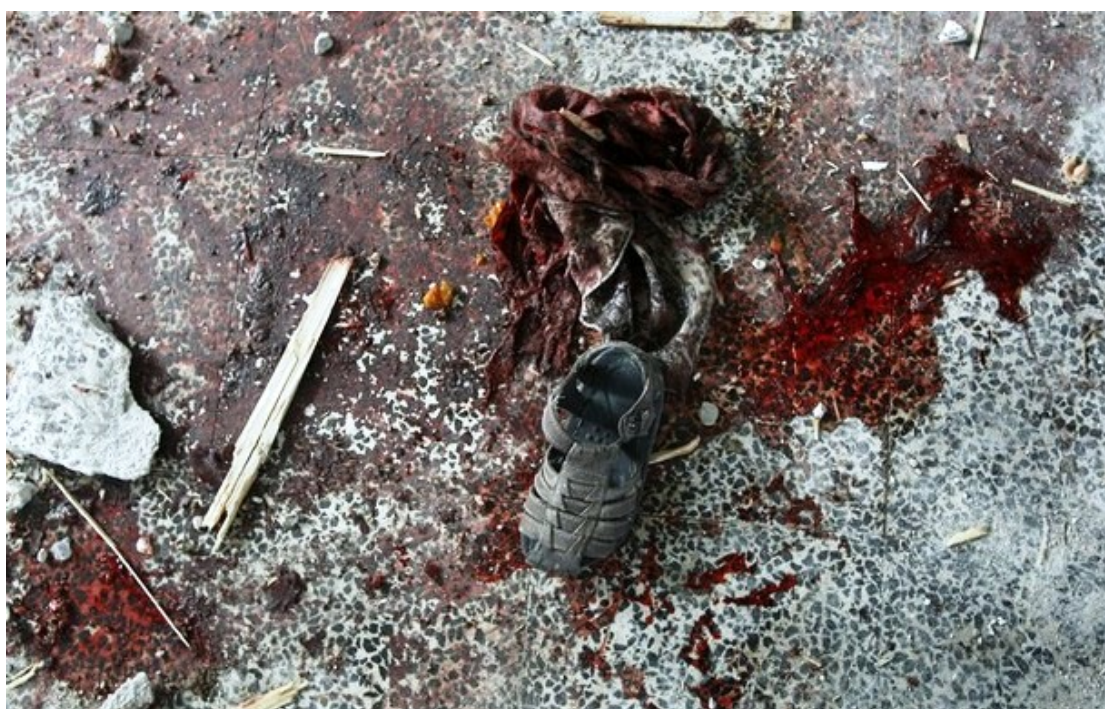


Israel targets the food storage





Evidence of bombs targeting civilians









No comment



Children searching for whatever is left of food







John Ging director of operations at UNRWA visiting area







The pictures depict Israel's aggressive acts towards civilians
The Israelis clearly used white phosphorous in their bombings,
and have deliberately targeted UN schools and centers

Chapter four

UN resolutions condemning Israeli aggressions: ١٩٤٨-٢٠٠٩

The following is a summary of the UN resolutions which condemn Israeli aggressions which were mostly against Palestinians since ١٩٤٨. Israel has not complied with most, if not all, of these resolutions:

١. Resolution ٥٧: (١٨ Sep ١٩٤٨), when *The Security Council was "Deeply shocked"* by the tragic death of the United Nations Mediator in Palestine, Count Folke Bernadotte, as the result of a cowardly act which had been committed by a criminal group of terrorists in Jerusalem.
٢. Resolution ٥٩: (١٩ Oct ١٩٤٨), the security council expressed concern that the Provisional Government of Israel had not submitted a report to the Security Council or to the Acting UN Mediator regarding the progress of the investigation into the assassinations of Count Folke Bernadotte.
٣. Resolution ١٠١: (٢٤ Nov ١٩٥٣). The security council condemned Israel's attack on Qibya on the ١٤th and ١٥th of October ١٩٥٣.
٤. Resolution ٢٣٧: (١٤th of June ١٩٦٧)" called upon the Government of Israel ensure the safety and welfare of the inhabitants of the areas where military operations had taken place and to facilitate the return of those inhabitants who had fled and to respect the humanitarian principles governing the treatment of prisoners of war and the protection of civilian persons in times of war.
٥. Resolution ٢٤٢: adopted on (November ٢٢, ١٩٦٧): as a result of Israel's occupation of the west bank and the Golan Heights, Gaza and Sinai. It called on the termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area. Called on Israel to withdraw its forces (١٩٦٧ war).
٦. Resolution ٢٤٨: March ٢٤ ١٩٦٨, 'condemns' Israel for its massive attack on Karamah in Jordan".
٧. Resolution ٢٤٩ (August ١٦ ١٩٦٨) condemns the air attacks on Jordan.
٨. Resolution ٢٦٥: April ١, ١٩٦٩ " ... 'condemns' Israel for air attacks in civilian areas in Jordan".
٩. Resolution ٢٧١: September ١٥, ١٩٦٩: 'condemns' Israel's burning of the Aqsa Mosque on the ٢١st of August ١٩٦٩, and its failure to obey UN resolutions on Jerusalem".
١٠. Resolution ٣١٧: July ٢١, ١٩٧٢ "... 'deplores' Israel's refusal to release Arabs (Syrian and Lebanese) abducted in Lebanon, and called on their immediate return.
١١. Resolution ٤٢٥ (١٩٧٨): " ... 'calls' on Israel to unconditionally withdraw its forces from Lebanon".
١٢. Resolution ٤٦٨: May ٨, ١٩٨٠ " ... 'calls' on Israel to rescind illegal expulsions of two Palestinian mayors and a judge and to facilitate their return".

١٣. Resolution ٤٦٩: May ٢٠, ١٩٨٠ " ... 'strongly deplores' Israel's failure to observe the council's order not to deport Palestinians".
١٤. Resolution ٥٧٣: October ٤, ١٩٨٥ " condemns Israel 'vigorously' for bombing Tunisia which resulted in great casualties, and destruction.
١٥. Resolution ٥٩٢: December ٨, ١٩٨٦ " ... 'strongly deplores' the killing of Palestinian students at Bir Zeit University by Israeli troops".
١٦. Resolution ٦٠٥: December ٢٢, ١٩٨٧ " ... 'strongly deplores' Israel's policies and practices denying the human rights of Palestinians, and calls on Israel to abide by the principles of the Geneva convention for the protection of civilians in times of war.
١٧. Resolution ٦٠٧: January ٥, ١٩٨٨ "'calls' on Israel not to deport Palestinians and strongly requests it to abide by the Fourth Geneva Convention.
١٨. Resolution ٦٠٨: " ... 'deeply regrets' that Israel has defied the United Nations and deported Palestinian civilians, and calls on it to assure their return."
١٩. Resolution ٦١١: April ٢٥, ١٩٨٨, condemns Israel's aggression against Tunis, which caused the killing of Khalil Al-Wazir.
٢٠. Resolution ٦٣٦: "... 'deeply regrets' Israeli deportation of Palestinian civilians, and calls on it to assure their return.
٢١. Resolution ٦٤١: year ١٩٨٩ " ... 'deplores' Israel's continuing deportation of Palestinians (Israel deported ٥ Palestinian civilians on the ٢٧th of August ١٩٨٩) and calls for their immediate return.
٢٢. Resolution ٦٧٢: October ١٢, ١٩٩٠ " ... 'condemns' Israel for "violence against Palestinians" at the Haram al-Sharif/Temple Mount, where over ٢٠ civilian Palestinians (at prayers) were killed and over ١٥٠ injured.
٢٣. Resolution ٦٧٣: October ٢٤, ١٩٩٠ " 'deplores' Israel's refusal to cooperate with the United Nations, by not receiving the UN Secretary General's delegation, and calls on it to comply with resolution ٦٧٢.
٢٤. Resolution ٦٨١: December ٢٠, ١٩٩٠ " ... 'deplores' Israel's resumption of the deportation of Palestinians.
٢٥. Resolution ٦٩٤: May ٢٤, ١٩٩١ " ... 'deplores' Israel's deportation of Palestinians and calls on it to ensure their safe and immediate return, and to comply with the fourth Geneva convention.
٢٦. Resolution ٧٢٦: January ٦, ١٩٩٢ " ... 'strongly condemns' Israel's deportation of Palestinians.
٢٧. Resolution ٧٩٩: January ١٩, ١٩٩٢ " ... 'strongly condemns' Israel's deportation of ٤١٣ Palestinians and calls for their immediate return.
٢٨. Resolution ١٨٦٠ (٩ January ٢٠٠٩) called for the full cessation of war between Israel and Hamas (after Israel launched a massive attack against Gaza, December ٢٠٠٨)

Report for Amnesty International on: Israel's use of white phosphorus against Gaza civilians "clear and undeniable"



Remnants of burning white phosphorous in Gaza

19 January 2009

Amnesty International delegates visiting the Gaza Strip found indisputable evidence of widespread use of white phosphorus in densely populated residential areas in Gaza City and in the north.

"Yesterday, we saw streets and alleyways littered with evidence of the use of white phosphorus, including still burning wedges and the remnants of the shells and canisters fired by the Israeli army," said Christopher Cobb-Smith, a weapons expert who is in Gaza as part of a four-person Amnesty International fact-finding team.

"White phosphorus is a weapon intended to provide a smokescreen for troop movements on the battlefield," said Cobb-Smith. "It is highly incendiary, air burst and its spread effect is such that it should never be used on civilian areas".

Also, Donatella Rovera, Amnesty's researcher on Israel and the Occupied Palestinian Territories said: "Such extensive use of this weapon in Gaza's densely populated residential neighbourhoods is inherently indiscriminate. Its

repeated use in this manner, despite evidence of its indiscriminate effects and its toll on civilians, is a war crime."

On Sunday January 2nd 2009, White phosphorus wedges were scattered all around residential buildings and many were still burning, further endangering the residents and their property. Children play in the streets and alleys which are filled with the detritus of war, often unaware of the danger.

"Artillery is an area weapon; not good for pinpoint targeting. The fact that these munitions, which are usually used as ground burst, were fired as air bursts increases the likely size of the danger area," said Chris Cobb-Smith.

Each 100mm artillery shell bursts deploying 116 wedges impregnated with white phosphorus which ignite on contact with oxygen and can scatter, depending on the height at which it is burst (and wind conditions), over an area at least the size of a football pitch. In addition to the indiscriminate effect of air-bursting such a weapon, firing such shells as artillery exacerbates the likelihood that civilians will be affected.

Amnesty International delegates found both burning white phosphorous wedges and their carrier shells (which delivered them) in and around houses and buildings. Some of these heavy steel 100mm shells have caused extensive damage to residential properties.

Among the places worst affected by the use of white phosphorus was the UNRWA compound in Gaza City, where Israeli forces fired three white phosphorus shells on 10 January. The white phosphorus landed next to some fuel trucks and caused a large fire which destroyed tons of humanitarian aid. Prior to this strike the compound had already been hit an hour earlier and the Israeli authorities had been informed by UNRWA officials and had given assurance that no further strikes would be launched on the compound.

In another incident on the same day a white phosphorus shell landed in the al-Quds hospital in Gaza City also causing a fire which forced hospital staff to evacuate the patients.

White phosphorus landing on skin can burn deep through muscle and into the bone, continuing to burn unless deprived of oxygen.

What is white phosphorus?



Israeli planes shooting white phosphorous bombs



White Phosphorus (P_4) is a waxy fat soluble colorless or slightly yellow solid with a garlic smell that is not naturally occurring but is produced in a laboratory. It is highly reactive with oxygen (ignites spontaneously upon drying and exposure to air) producing compounds like P_4O_{10} (phosphorus pentoxide) and P_4O_6 , which upon contact with water becomes

oxophosphoric acids (alternatively direct reaction with water can lead to phosphoric acid H_3PO_4 through some intermediate compounds)

White phosphorous illuminates in the dark, and it continues to until the entire element is used up or when it loses oxygen. 10% of the WP (white phosphorous) remains in the burning body, the remnants reignite after they are exposed to air. In the military, it burns very brightly, allowing illumination of battle areas at night. It also generates a lot of smoke, obscuring troop movements during the day. White phosphorus munitions are intended to burn or firebomb the opponents, in other words, to effectively produce widespread damage but not kill the enemy.

Health effects:

White phosphorous causes chemical burns. While burning, white phosphorus may cause damage to the liver, the heart or the kidneys. People burned in white phosphorous look like they've been dipped in acid.

The Geneva Convention of the year 1949 states that white phosphorous should not be used as a weapon in times of war in areas where there are civilians. But it is not prohibited as a smoke shield or for illumination.

The following photographs show the reality of the Israeli genocide on Gaza



Israeli war planes destroyed civilian homes and left many women and children displaced



This Palestinian civilian was severely injured after being caught under the shelling



Some Palestinian families had to be saved from under the rubble of their destroyed home





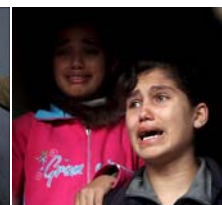
Children were the greatest number of victims



The only child of a couple after 9 years of marriage... now gone



Of the 1300 killed 410 were children and 106 were women







Israeli attacks on the mosques in the Gaza strip



The friends of humanity international, whose headquarter is in Vienna, released a report on the Israeli attacks on the holy shrines (mosques) into Gaza strip, which stated the following
"In light of the Israeli attack on the civilian and civilians' residential areas in Palestine, The Israeli army deliberately; according to the confessions of the Israeli officials, shelled holly places (mosques) in Gaza strip, using heavy

missiles and bombs and in some cases targeting worshipers in the mosques, all in the vast war on the Gaza strip. The organization presented statistics on the names and areas of ٢٧ mosques that were demolished by the Israeli army from the beginning of war on Gaza strip which was on the ٢٧th of December ٢٠٠٨, and the following are the mosques (names presented here are as are known by the Palestinians):

Martyr Akil Mosque, located in Jbalia refugee camp in eastern Gaza strip. Bombing this mosque in ٢٨/١٢/٢٠٠٨ led to the destruction of a house next to it which in turn led to the death of ٥ sisters from one family as well as injuring of other civilians near the mosque.

Alsaraya Mosque was demolished in ٢٨/١٢/٢٠٠٨ during the Israeli air strike bombing on the governmental Alsaraya gathering in the middle of Gaza city. The Israeli war planes also targeting Alabbas Mosque, as well as Alabbas police center in Gaza city on ٢٨/١٢/٢٠٠٨ damaged the mosque severely. Moreover, Alshifa mosque (Alborno) was air bombed on ٢٨/١٢/٢٠٠٨. This mosque lies near Alshifa medical center in Gaza city. In this mosque were patients of which four died.

Bombing Alshifa mosque lead to chaos among the medical teams in the hospital, and difficulties arose in the hospital since parts of it were destructed during the demolition of the mosque.

Other mosques bombed on the ٢٩th of December ٢٠٠٨ were: Abou Baker Mosque, Martyr Ezzedine Alkassam Mosque, Rabbah Mosque, ALabrar Mosque (shelled again on ١٥/١٢/٢٠٠٨), and Riad Alsaliheen. On the ٣٠th of December ٢٠٠٨ Alfarouk Omar Bin Alkhatab Mosque was shelled. On the ٣١st of December ٢٠٠٨, Abou Hanifa Alnuman mosque was bombed. On the ١st of January ٢٠٠٩ Alkhalil Alrahman mosque was shelled, while on the ٢nd of January ٢٠٠٩ the following were bombed: Alnasir Alathary (historical mosque which dates back to ٨٣٦), Alkhulafa Alrashideen Mosque, and Omar Bin Abed Alaziz Mosque. Moreover, Martyr Ibrahim Almakadina Mosque was shelled on the ٣rd of January ٢٠٠٩ in which ١٦ civilians worshipers were killed. On the ٤th of January ٢٠٠٩, Hassan Albanna Mosque was bombed. Altakwa Mosque and ALnour Almohamadi Mosque were both shelled on the ٥th of January ٢٠٠٩, along with the destruction of Hamza Mosque after a neighboring center was targeted by the Israeli war planes. Other mosques that were targeted from the ٨th till the ١٤th of January were the following: Ubad Alrahman Mosque, Alrabat Mosque, Alsafa Mosque, Dar Alfadilah Mosque, Bilal Bin Rabbah Mosque, and Alsalateen Mosque. In addition, a group of lawyer affirmed that many other mosques were hit when a neighboring site was targeted.

The Friends of Humanity International condemned the Israeli attack on the civilians and worship sites, and considered the targeting of the mosques and civilian institutions a violation against mosques, worship sites, and civilian institutions. It also declared that "it is not a surprise to view the daily crimes of the Israeli army against the Palestinian people when it targets children, women, and elders in their safe homes with its heavy weapons"

The legal group also added that what is being done by the Israeli army is similar to what was done in the ٩٠'s inside the green line by the Israeli militias where they blew down thousands of houses and worship sites and holy areas. The organization also stated that these actions are similar to what was done in Bosnia by the Serb militias in the ٩٠'s which also included destructions of worship sites"

Friends of Humanity also mentioned in its report that it is concerned for what is happening against the civilians and civilian establishments in Gaza strip and it considered the deliberate war crimes of the Israeli army on the Palestinian lands reflects how cheap the Palestinian souls and holy areas are to the Israelis. It also considered that the crimes are unjust and go against article ٣٣ of the Geneva Convention of the year ١٩٤٩ on the protection of civilians during war. In addition, the human rights group held Israel the responsibility for the protection of the Palestinians in all circumstances. According to the international law, the presence of an armed resistance does not justify the usage of excessive force. It also warned.



[Israel targets the media in Gaza](#)



Reporters without borders noted that since the attack on Gaza began on December the 27th 2008, several media outlets had been targeted. The Israeli shells targeted the Aqsa TV station the official outlet for Hamas, and had banned international journalists from entering Gaza.

In a letter to the Israeli Defense minister Ehud Barak, The organization condemned the targeting of the Aqsa TV saying it was a clear violation of international law for human rights. The organization added that the mere fact that the TV represents the

In the view of Reporters Without Borders, Hamas' activities cannot be used as an excuse or justification for attack. "Firstly, journalists enjoy the same status as civilians and are therefore protected as such under international humanitarian law," the organisation said. "Secondly, Protocol Additional 1 to the Geneva Conventions states that radio and TV installations may only be regarded as legitimate targets if they are used for military purposes and directly contribute to the war effort."

The organization condemned Israel's banning of foreign journalists from entering what it called "a closed war zone."

Reporters Without Borders was informed of several cases of injured journalists during the conflict.

Chapter five

Official Statements condemning the Israeli aggression on the people of Gaza:



Regheeb Tayyeb Erdogan: Turkish Prime Minister

Erdogan declaration about condemning the attack on the Palestinian people in Gaza

The Turkish Prime Minister Ragab Tayeb Erdogan described the Israeli attack on Gaza strip as "as a black spot in the history of humanity" and wondered about the reason of this savageness that the Israelis are using. Erdogan renewed his accusations towards Israel of being responsible for the tense situation in the region.

"The Israeli massacres against the Palestinians leaves a scar in the conscience of humanity which is hard to heal" he added, and continued in saying that the Israeli operations in Gaza threaten the latest developments which gave some hope in the Middle East, such as the peace process between Israel and Syria through turkey. The aim of the Israeli military operation in Gaza, in Erdogan's opinion, was for gaining votes in the Israeli elections which were held on the 10th of February 2009.

Erdogan called on the Israeli Army to stop its aggression on the Gaza strip at once, and he described those who did not condemn the attack of having "double measures". "Why those who ran to help Georgia are quite now?" he asked, pointing to the USA which ran to send help to Georgia after the Russian attack.. And he announced about a campaign to help and support Palestine, and asked the Turkish people directly to donate for Gaza, and he criticized the Security Council for its "negative" stance towards what is happening in Gaza and demanded the punishment of Israel and asked the international community and the Security Council to take the highest measures against Tel Aviv because it refuses to apply the obligatory UN Security Council resolutions. He also ensured that his country will deal with the Security Council in the same way that the Security Council did not oblige Israel to apply these resolutions.

The Palestinian ambassador to the U N in Geneva described the blockade of Gaza and the Israeli air strikes as "war crime". The Syrian ambassador and the spokesman of Arab countries and Islamic conference organization said: "Israel has turned Gaza into a big jail".

Venezuela expels the Israeli ambassador in Caracas:



Venezuelan President, Hugo Chavez

During the war on Gaza, Venezuela declared that it decided to expel the Israeli ambassador Shlomo Cohen along with 1 staff members of the embassy in protest of the Israeli attack on Gaza, and in solidarity with the Palestinian people.

The Venezuelan president Hugo Chavez had declared that the leaders of Israel must be tried for the acts of aggression committed. Venezuela's foreign minister Nicholas Maduro got rounds of applause after he stated that the Israeli ambassador was not welcome in Venezuela. He also said that Venezuelan representation in Tel Aviv was at its lowest position. A statement issued by the foreign ministry wrote that what Israel is committing in Gaza is in defiance of international law.

Just before expelling the Israeli ambassador, the Venezuelan president Hugo Chavez made harsh statements against Israel, describing the Israeli Army as "cowardice" because of its aggression against Palestine, and calling on the people in Israel to protest against this aggression.

In a press conference, Chavez stated: "the Israeli Army is committing cowardly acts by attacking innocent people who are fatigued and asleep, and saying that they are doing so to defend their country, and I call on the people of Israel to revolt against their government."

Chavez declared that the Israeli president Shimon Perez, and the former US president George W. Bush must be put on trial, and taken to the international court of justice.

He said that if the world had a conscience, then both the Israeli president and the US president would be taken to an international tribunal.

While visiting a children's hospital in Caracas, Chavez called on the international community to put a stop to the "madness" in Gaza, adding that his government is making an effort to send humanitarian aid to the people in Palestine.

He pointed that he had great respect for the Israelis living in Venezuela, but hoped that the Jewish community in Venezuela opposes this savage action... the Jews of Venezuela should condemn this barbaric act, because the Jews refuse all kinds of oppression, and they refuse the holocaust... So what we are seeing in Gaza is unbelievable."

[Prosecuting the leaders of "the criminal Zionist entity" in an International court](#)



Iranian president, Mahmoud Ahmadi Nejad

Iranian President Mahmud Ahmadi Nejad called for opening a special international tribunal to prosecute the leaders of " the Zionist entity" as war criminals, he added that what occurred in Gaza is a repetition of what happened in Lebanon and Jenin, and all the "ugly Israeli crimes."

The words of the Iranian president came at the urgent Arab summit for Gaza in Doha, where he called on cutting all relations with Israel, and boycotting its products and all companies which have relations with Israel.

Closing down Israeli embassies



Syrian President Bashar Al-Assad

Syrian president Bashar Al-Assad called on all Arab states which have relations with Israel to immediately "close down" the Israeli embassies, and to "cut" all direct or indirect relations with it.

Speaking at the Doha summit, Assad said that the Arab initiative is "legally dead" and that all that is left to do is to transfer it from the "living records" to the "death records... because Israel has refused peace."

Stop all kinds of normalization with Israel



Qatari Prince, Hamad Bin-Khalifah Al-Thani

The Qatari prince, Sheikh Hamad Bin Khalifah Al-Thani declared that the Doha summit called on freezing the Arab Peace initiative, and all forms of normalization with Israel; also calling on creating a bridge through which all Arab states could cooperate in sending all the aid that Gaza needs by sea.

The Qatari prince also called on Israel to "immediately stop its aggression on Gaza, and, pullout its troops, and to open all border crossings, and to remove the siege over Gaza." He also went on to condemn the blockade on both Gaza and the West Bank, cautioning fro the danger of the crisis which was caused as a result of denying the Palestinians their rights.

The Arab position must be unified facing the Israeli aggression on Gaza



Lebanese President, Michelle Suleiman

Lebanese president Michelle Suleiman called on all the Arab states to be unified in the face of the Israeli aggression; Suleiman stated that words of condemnation are not sufficient, but that there should be practical measures taken and a unified Arab strategy to put pressure on Israel to stop its aggression.

The US is accomplice with Israel in its aggression



Sudanese President, Omar Al-Bashir

The Sudanese president Omar Al-Bashir accused the US of complicity with Israel's aggression against Gaza, calling for freezing the Arab initiative, saying that peace does not mean surrender. He also urged the arab states to stop all forms of normalization with Israel, and end its diplomatic presence in Arab states, stressing on the importance of Arab unity.

Violation of all international laws

Queen Rania of Jordan described the silence towards what was happening in Gaza as a form of infidelity, and she assured her full support for the efforts to put for helping the people in Gaza. "What is happening in Gaza is not only a violation of human rights but it is also a violation of all international laws" she added.

Condemnation from Arab countries and call for an Arab summit

Qatar, Sudan, Libya, Yamane, Syria and Saudi Arabia called for a summit to discuss the latest developments in Gaza after the Israeli aggressions which lead to killing and injuring hundreds of people. The Sudani president described the massacre as a crime that should be condemned and which aimed at destroying the Palestinian people and the Arabic resistance.

French secretary of state

The French secretary of state, Bernard Kohnare said that the insistence of the Israelis to continue their attack on the Gaza strip won't give any positive results.

The European positions

The Slovenian presidential representative for the European Union condemned using disproportionate force against the civilians in Gaza.

Britain, Germany, Italy and Greece condemned the on going Israeli violence against Palestinian.

Nazi's crimes

Arab countries and Iranian president Ahmadinejad condemned the massacres done by the Israelis and the Arabic shameful silence. They considered this as a real holocaust. Saudi Arabia said: "this is exactly criminal Nazi war" and the supreme leader in Iran Ali Khamenei denounced the silence of the Islamic world towards the campaign and the savage crimes and massacres' done by the Zionist state.

Chapter six

Lawsuit will be filed



Filing Law suits against Israel in the international criminal court...purposes and alternatives

Would Israel be kept away from an international Jurist pursue for the committed massacre during its terrorist attacks against Gaza which lasted for ۲۳ consecutive days?

A crucial question is raised now in the light of the proclamation by Palestinian official's organization as well as Arabic and international legislatures, which insisted on condemning the Israeli government while taking into consideration that Israeli force targeted civilians and UN headquarter.

Lots of Arab jurists insisted on the necessity of filing charges against Israel even though the process in international courts faces "legal and political" obstacles which will require choosing other alternative measures.

Europe do not fulfill its commitments toward Palestinian human rights

The Palestinian center for human rights blames the European Union for not being loyal toward its commitment to protect human rights in the occupied territories especially with the wide Israeli violation of human rights during war on Gaza Strip.

The center said “we are shocked because of the declarations and taken measures taken by the European Union countries, concerning human rights violation in the occupied territories” as the center explained in a statement, then added that the European countries “did not fulfill their commitments as concerned parties who signed the fourth Geneva Convention in ١٩٤٩, related to the protection of civilians in time of war.

Ashamed Silence

The center considered the silence of the international community including, European Union countries toward the Israeli attacks as shameful, it shows that they retired in condemning Israeli violation.

The center demanded the European Union to act quickly to protect violated human rights in Palestine. The center pointed as well that the refusal to vote from the European Union proves that these countries do not fulfill their promises.

The center required the international community including the ٢٧ European countries to punish Israel for the inhumanitarian crimes.

European Courts

The consultant in the British Royal institute for foreign affairs Saad Jabar declared the necessity to concentrate on national courts as well as on European specialized people in the field to condemn Israel for war crimes

against Palestinian civilians; he also explained that resorting to international criminal court in this issue to be “impossible and in vain” since it is time consuming; taking into consideration lots of legislative matters, one of the most important one is that Israel didn’t sign on the Roman Law which represents the basic foundations of resource for the international court of justice. He also insisted on the other hand on the necessity of condensing the effort with judicial international organization and prepare legal files to press charges against Israel war crime, to be able to call the guilty parties in front of specialized European courts in the future.

Abu Ziyab, the researcher in the international institute for geo-political studies in Paris assured this policy by ascertaining that the national Palestinian authority is the one who is supposed to be named for this mission. He as well raised different causes against Israel in front of international council for human rights.

Abu Ziyab also remarked that this approach is the best consider that these files will be prepared by experienced people who will enclose facts and documents that prove they are guilty. To be mentioned that filing a law suit against Israel in the international criminal court is done through different procedures: the first is through the assembly of the UN Security Council. The second is filing a lawsuit by one of the countries who already signed on the Roman Law... this should be possible by one of the three Arabic countries who already signed the law: Jordan- Djibouti and the Union of the Comoros. The third process will be through the acts of the general attorney of the criminal court, and under the pressure of the juristic Palestinian and international organizations.

In the same context, juristic and legal activist raise Judicial lawsuits in front of The criminal court international in the Hague against the Israeli government and important political figures as well military leaders, accusing them of committing crime against humanity, and genocides due to permanent compulsory siege on Gaza strip.” The primary names on list we have the resigned Prime Minister Ehud Olmert, the defense minister Ehud Barak and Matan Velnai the deputy minister of war, Avi Dichter the security interior minister and the Chief of the General Staff Gabi Askenazi.

Jordanian Parliament Affirms filing a law suit against accusing it of war crimes

The Jordanian Parliament decided collectively to submit a petition to the general attorney in the international criminal court against what it called Israeli war crime in Gaza Strip, furthermore it inquired the government to raise a lawsuit in front of the international law court against Tel Aviv, based on the agreement that prohibit unanimous genocide.

In addition it recommended the modification of the Jordanian punishment law so it will include genocides and war committed against humanity. In the same context the head of The Islamic Action Front assembly in the Jordanian Parliament said that the subject is now in the government play ground, calling it to recognize these recommendations immediately. Hamza Mansour also called for collaboration between the parliament and the council of ministers for legislative modifications so that “it is possible charge the Zionist, whether they were civilians or militants, for war crimes against Gaza.” From his side the international law expert Anis Kasem described the step, to Al-Jazeera, as courageous and wise hoping that the Arabic parliaments will initiate in this issue similarly, and he

demanding the government to conform to the rules it requested as a consultative opinion from the international court of justice concerning the separation wall in the west bank; it succeeded in gathering an international opinion which condemned the wall building. The Jordanian expert called the law experts to urge their government to adopt juridical acts in front of the court of justice and to participate in modifying the law in their countries, to be able to take to trial the Israeli war criminals.

More than 300 organizations are prepared to raise a complaint against Israel

The meeting which was held in Geneva on Saturday January the 14th in 2009 gathered representatives from 300 civilian organizations from different countries around the world most of them are Europeans, to discuss the possibility to raise a complaint against Israel for war crime and war against humanity as Dr. Haitham Manaa, who participated in the meeting as the presenter of the Arabic Committee for Human Rights mentioned. The meeting was organized in advance before the occurrences in Gaza to declare the rising of “One Justice” an organization which includes Lawyers and men of law from different countries around the world with the participation of more than 300 NGO. The Arabic Committee for Human Right presenter, its headquarter in Paris, mentioned that since this meeting coincided with the eruption of Gaza’s conflicts, we have decided to give time of our meeting to look into Judicial methods of intervention to raise a lawsuit against Israeli war criminals, then he added “more than half of the time was given for this cause and the possibility to join between this point of view and other initiatives and how we can interfere in front of national courts and the

European court for human rights, as well as for the Constitutional Court in Brussels-Belgium especially concerning European-Israeli agreements.

The exclusion of a collective genocide

The consultations held between the organization presenters regarded the nature of the complaint that could be filed against Israeli during the last war on Gaza.

In this issue, Dr. Haitham Manaa said “we have excluded the genocide since the lack of completion of the elements, and agreed on war crimes and crimes against humanity” the reason behind that is that few countries like France its criminal law do not condemn war crimes because of the absence of set of laws related to the this topic. He then added that they already had an example about the procedure in France which mention that committing a murder against eight people is considered as war crime. This will enforce the participants in Geneva meeting to “agree on national methods of interference taking into consideration the term war crime and crime against humanity unanimously.

How to prove these crimes: there are proofs on hitting civilians intentionally following an order that allows the Israeli army to hit civilians if they just doubt the presence of any Hamas member and not necessarily one of the leaders.” This is stated by the former minister of education Shulamit Aloni, who announced the existence of such law. The evidence is when they start hitting in the interval time between day and night school hours in Gaza’s which led to many injuries among kids in during the first day of assaults.” That is why three committees will be sent to Gaza. the first is to analyze the weapons nature and the way it was used the second will be formed by specialists in The forensic medicine

from Europe, who will join other Palestinian forensic; the third will be a Juristic who will cooperate with Jurists and Palestinians lawyers in Gaza.

Mana concluded that “we are witnessing an offensive crime according to a definition related to the UN Security Council in December ١٩٧٣, which Israel didn’t vote on it; as well we have to apply all UN resolutions for ١٩٧٤ related to war crime and those who commit inhuman crime. This resolution was taken before the rise of the international criminal court,” Manab mentioned for more support we “will cooperate with a lot of TV stations for archives as we already did with Al-Jazeera network.”

Testing the general attorney and the court credibility

Concerning the judicial organizations, Mr. Haitham Manaa said “we will not leave a way or a door without knocking it” therefore we might go toward national institutes and at the same time toward the international judgment. However the most efficient method is through the international criminal court especially “through the general attorney in the international criminal court, to start an investigation because there is a request from the human truths council, demanding lots of countries to gather around civil society organizations.

The reason behind involving all parties is to make clear “the government absence which is giving the general attorney in the criminal court international.

Chapter seven

Mechanisms to Implement the International Criminal Law on Gaza **Incidents** **(The Crime of the Israeli Aggression)**

In the wake of the ٢٢-day Israeli – international aggression on Palestinians in the Gaza Strip that started on the ٢٧th of December ٢٠٠٧ and afflicted the citizens in terms of killing, displacement, detention and tragedies, as well as coming under extremely rough and heinous practices that shook the world and moved the Arab and Western streets, politicians and jurists from the Palestinian Authority, Arab states and human rights organizations demanded the United Nations and the Security Council to act swiftly to stop the aggression.

Some of them demanded the culprits be brought to justice, particularly those who conducted crimes and massacres against hundreds of civilians, including women and children, and completely destroyed governmental institutions, headquarters, houses, mosques, dispensaries, hospitals and universities in a barbaric way that eventually led to the displacement of thousands of families.

In its first meeting, the Security Council failed to issue a resolution. However, in its second meeting on the ٨th of January ٢٠٠٩ and under tremendous pressure, the UNSC issued resolution ١٨٦٠ that called for an immediate ceasefire and the reopening of crossings according to the ٢٠٠٥ agreement. The resolution hailed the Egyptian initiative; however, it was rejected by both Israel and Hamas.

On the other hand, Arab states and the PA that sought after the resolution backed the document.

Yet Israel did not halt its aggression on the Gaza Strip. Instead it intensified its attacks to the extent that on the day of issuing the resolution, ٣٨ people had fallen martyrs due to air raids and bombardment. On that day the number of martyrs had risen to ٨٠٥ including some ٢٢٠ children and ٩٤ women.

The death toll kept on rising and so did the number of wounded, detained and displaced and reached on the day of the ceasefire declaration ١٣٥٠ martyrs, ٦,٥٠٠ wounded, close to ١٠٠,٠٠٠ displaced and more than ٦٠٠ detained, according to different sources. Moreover, thousands of residential units, schools, mosques, headquarters, stores and warehouses were targeted and leveled to the ground.

A significant political movement (regionally and internationally) began since the halt of the aggression to fix the ceasefire and attempt to unite Palestinian ranks.

Thus, efforts are still being exerted to try Israeli leaders responsible for genocide in Gaza in international courts despite a statement by the spokesperson of the International Criminal Court saying that the court is not specialized in examining charges against Israel and Israeli leaders of committing war crimes during its aggression on Gaza.

The raised questions are: Will Israel continue to be away from any international legal proceedings for the massacres it committed within the framework of its aggression on Gaza?!! Will the Palestinian people continue to pay the price of not having a state so as to prosecute the culprits in line with international charters and regulations? And what action can be adopted to sue Israel for its crimes against humanity?

To answer these questions, and lest not lose hope in gaining our rights as stipulated in the principles and regulations of Human Rights and International Humanitarian Law, we have to seriously and persistently inspect the Israeli aggression and the use of internationally banned weapons against populated areas, from every possible legal and criminal aspect, based on international charters and laws.

The Israeli Aggression According to the Rome Statute

According to the Rome statute appertaining to the Criminal Court, the Genocide Agreement and the four Geneva Conventions, the crimes and massacres committed by the Israeli army in the Gaza Strip are war crimes with respect to the intentional killing of children and women, the intentional bombing of civilian targets such as ambulances, mosques, fuel and food storehouses and other targets protected under the international humanitarian law.

Moreover, the basic elements for war crimes according to the International Criminal Law can be found in the practices of Israel in the Gaza Strip and Palestine as a whole, including genocide (killing individuals and completely or partially annihilating the Palestinian race), crime against humanity (extensive mass murder), war crimes (using internationally banned weapons like concussion and cluster bombs and striking hospitals as well as intentionally destroying cities or towns) and aggression itself as a crime (the use of armed forces in general).

Refraining from signing the International Criminal Court Convention does not mean that Israel would no longer be responsible for its serious transgressions and heinous crimes. The articles of the international agreement, law and convention incriminate Israel under the international code known as the 'commitment agreement'. Moreover, these crimes do not abate with time and the culprits remain wanted to stand trial, therefore, any state has the right to take legal action against them once they are on its soil regardless of where the crime was committed, the nationality of the perpetrators or the victims.

According to the International Humanitarian Law

Perhaps the most fundamental documents of the international humanitarian law are the 1907 Hague Conventions and appendices, as well as the four Geneva Conventions of 1949 and its related Protocols of 1977 and the 1980 United Nations agreement over the ban or proliferation of some conventional weapons.

Despite the numerous international covenants and charters pertaining to the rules of the international humanitarian law, the United Nations has so far failed to set effective mechanisms to prompt all states to fulfill their pledges in conformity with the mentioned charters and following the example of sanctions these states impose on whoever breaches their national law. Furthermore, major colonial states have often disabled or obstructed actions by the United Nations and international courts, by exploiting their stature in the Security Council and their influence on the international level.

The United Nations General Assembly had issued on the 14th of December 1948 resolution number (181/25) that rejects hegemonic policies in international relations and underlines the principle of equality amongst Semitic nations with regards to responsibilities and compliance with the authority of the international law; however UN bodies still fall under the hegemony of big states and the sovereignty of force, not the law.

The first and second Geneva conventions stressed the amelioration of the condition of the wounded in armies in the field and for the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at Sea as field medical crews. The third convention states that prisoners of war should be protected. The three conventions stipulate that the groups to be protected are not limited to individuals from the regular armed forces and their logistic support units, but they also include members of other militias and members of other volunteer corps, including those of organized resistance movements who belong to one of the conflicting parties operating inside or outside their province, even if it were occupied. This was stated in articles 12, 13, 14 of the three conventions.

Nevertheless, Israel targeted wounded resistance fighters in ambulances and hospitals and near the Rafah crossing. It also targeted field medical teams and aid workers. Israel is also trying imprisoned resistance fighters for terrorism charges while treating them as illegal fighters, not as prisoners of war, in contrast with the third convention. Israeli forces have even executed several fighters while in captivity.

The fourth Geneva Convention pertaining to the protection of civilians in times of war intends to bind contracting sides with preserving the lives and dignity of non-combatant civilians as well as their properties during armed conflicts in occupied states and provinces. However, the Israeli Higher Court had decided that the Hague agreement and the first three Geneva Conventions constitute a part of the International Conventional Law, thus forcing its government to work accordingly, whereas the Court announced that it will act according to occurrences in line with the humanitarian provisions in the Fourth Geneva Convention.

Israel had acknowledged the Fourth Geneva Convention in the military directive number (2) issued on the 14th of June 1967, but had reversed its decision under the pretext that the agreement was not stated in the Israeli national law. However, the international law does not warrant a state to

advance as a pretext its national law to justify its rejection to abide by the international law.

This was underlined by articles (3, 32) of resolution (187/56) issued by the UN General Assembly on the 12th of December 2001.

In fact, both The Hague and Geneva Conventions are binding to all states whether they endorse them or not, since they (Conventions) incorporate the General International Law and the International Humanitarian Conventional Law in every related aspect. This trend was supported by the provisions and resolutions of several criminal courts and international committees.

The Fourth Geneva Convention, as article 2 stipulates, applies on all cases of partial or complete occupation of one of the eminent contracting parties' provinces. The Israeli government had sought to deny that it had been a state occupying the Gaza Strip and therefore, denied its role, as an occupying state, to bear humane and legal responsibility, according to this agreement. It had used as a pretext the pullout from Gaza in 2005 and then claimed that this meant that the Strip was independent and sovereign sector ruled by the Palestinian government.

The truth is what the Israeli forces had carried out was a mere redeployment but not a pullout and that the Gaza Strip was still under occupation due to the illegal Israeli control of all its crossings as well as other territories and the Strip's aerial and maritime ranges. Moreover, Israel's unilateral pullout to new positions and its suspension of governmental work inside the Strip does not mean the end of the occupation of the Palestinian Gaza strip and does not lead to the de jure independence of the sector. In fact, this keeps Gaza under partial occupation and therefore subject to Fourth Geneva Convention.

Israel had earlier renounced UNSC resolutions, especially resolution (242) in 1967 that stipulates inadmissibility of the acquisition of territories by force and that Israel should withdraw from lands it occupied in 1967. The same provisions were mentioned in UNSCR (238) in 1973 and UNSCR (1379) in 2002.

The resolutions determined the enclave in which the Palestinian people has the right to self determination in conformity with the right to self determination in Gaza, the West Bank and East Jerusalem that is guaranteed by article 1 of the two international covenants. Maps show that the area of Gaza in 1967 is not the same as the area of Gaza after the pullout in 2005.

During occupation, the Israeli occupier should have undertaken the duty of ensuring the food and medical supplies and hospital establishments and services, public health of the Gaza population as stipulated in articles (55, 56) of the Fourth Geneva Convention. However, contrary to this, Israel imposed a two-year land, sea and air economic embargo. It included banning and rationing the crossing of food, water, medicine, fuel, electricity and every basic constituent of life, even paper and ink.

Originally, an economic embargo is an exceptional and conditional sanction. If it covered the basic constituents of life it would be considered a crime according to the International Humanitarian Conventional Law.

Article (14) of the 1949 second additional protocol of the Geneva Conventions relating to the protection of victims of non-international armed conflicts says: 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 food-stuffs, agricultural areas for the production of food-stuffs, crops, livestock, drinking water installations and supplies and irrigation works. Article (24) of the first additional protocol stipulates the same. Actually, electricity supply cannot be reduced in Gaza without having an effect on hospitals and water pumps, not to mention food and medicine supplies and other basic elements.

As to the Rafah crossing, the two main principles that govern belligerent occupation according to The Hague Regulations: The occupation is a temporary status that does not grant the occupying state sovereignty on the occupied province thus enabling it to make changes in the center of the province (Law and Authority). Accordingly, Israel's signature on any agreements or understandings with the Egyptian government pertaining to the joint control of the Rafah crossing is considered a sovereign act on part of the occupied province that Israel pulled out from, and therefore, it is legally void.

At noon on Saturday the 24th of December 2008, Israeli occupation forces began its aggression on Gaza. On this day, fighter jets bombed the Strip with a hundred tons of explosives. The intensity of the assault gradually increased in the days to follow and so did the scope of the aggression. Residential buildings, hospitals, schools and universities, mosques and security, administrative and legislative institutions were bombed apart from military targets. This indicated Israel's endeavor to destroy Gaza before launching the ground offensive, thus adopting the scorched earth policy.

Besieging Gaza, starving its residents and barbarically striking it constitute collective punishment against the population in Gaza and is therefore a violation of article (33) of the Fourth Geneva Convention: "No protected person may be punished for an offense he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. Pillage is prohibited. Reprisals against protected persons and their property are prohibited." Article (70) of the First Additional Protocol to the Geneva Conventions stipulates the same.

Moreover, the siege and the Zionist military aggression constitute crimes according to the fifth article of the International Criminal Court statute that was inked on the 17th of July 1998, stating genocide, crimes against humanity, war crimes, and the crime of aggression as crimes within the jurisdiction of the court.

Genocide is an international crime mentioned in the first provision of article five of the International Criminal Court statute and article six of the same law. It is a crime "committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group," including "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in

whole or in part,” and this was goal of the two-year embargo during which dozens died as a result of the lack of medicine, weak therapeutic means and the closure of the crossings. This is considered “genocide with the intent to kill members of the group.” And this is what the Israeli military machine has been doing in terms of ground, sea and air attacks.

With respect to ‘crimes against humanity’ (article ٧), it is an act “committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack including murder, extermination, deportation or forcible transfer of population, torture, rape, persecution, the crime of apartheid, enforced disappearance of persons and other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.” Occupation forces have a record full of such violations in Palestine and Lebanon and they are repeating crimes against humanity in all of their barbaric wars.

As for war crimes (article ٨), they are “grave breaches of the Geneva Conventions” including willful killing, torture or inhuman treatment including biological experiments, employing banned poison or poisoned weapons, extensive destruction and appropriation of property, the use of weapons (like Phosphorus bombs, Napalm bombs, cluster bombs, fission bombs and vacuum bombs which are banned under the UN agreement of ١٩٨٠), intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected and intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated.

To extensively target civilians, the Israeli occupation uses as a pretext the notion of “distinguishing” between a combatant and a civilian and between military and civilian properties, as something based on the two basic elements: “intention” and “anticipated results”; and that causing civilian casualties and destroying civilian properties is acceptable when these two basic elements are available.

However, Israel admits that it intentionally bombed civilian houses because the provider of the family is a Hamas leader.

Hence, Israel “intentionally” kills civilians for the possibility of killing combatants residing in the bombed house. For instance, Israel killed ١٠ civilians when it bombed Hamas field Commander Nizar Rayan’s residence. Therefore, the occupation “anticipated” that the bombing could lead to heavy civilian losses as it was aware beforehand of the number of the martyr’s family members and the overpopulated neighborhood that it targeted.

However, this did not prevent Israel from committing the crime. Furthermore, Israel targeted civilians in mosques, neighborhoods and markets. So the

criminal intent is premeditated and the anticipated result is to cause exorbitant losses in the ranks of civilians in Gaza to force them to surrender or end the resistance and to achieve political gains on the ground.

With efforts being exerted to prosecute Israel and hold it accountable for its crimes, some legal and judicial groups in Israel have been preparing a defensive strategy to confront these actions. There have been demands to open an internal investigation into the military operation conducted by the Israeli army in Gaza similar to the investigation that followed the Israeli war with Hezbollah in south Lebanon in ٢٠٠٦. Israel, through its legal experts, judicial and legal institutions will undoubtedly seek to thwart any effort aimed to question its leaders and refer them to the international court. Israel will also seek to distance itself from the circle of accusation and responsibility for the crimes committed against civilians, including children and women, under the pretext of 'self-defense' and 'protection of citizens and borders,' etc...

Accordingly, we have to have a serious legal diplomatic strategy on the Palestinian and Arab levels, in cooperation with international supporters and human rights organizations. We must demand that justice be served and culprits be tried through calling on the UNGA to hold a meeting for the contracting sides to follow up the implementation of UNSCR ١٨٦٠ and the Israeli position that rejects it, according to article ٢٢ of the UN Charter (The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions), exactly as was the case during the Korea war and as had happened with the Palestinian Authority in relation to the Abu Ghneim Mountain issue in ١٩٩٧.

UNGAR ٣٧٧ (Uniting for Peace) can also be used to activate efforts to stop the aggression, end the siege and open crossings.

There is also a possibility for the general prosecutor at the Criminal Court, Luis Moreno-Ocampo, to establish a special tribunal for the Israeli aggression on Gaza and try those responsible for it as well as the culprits.

This requires an enormous effort and persistence by the Palestinian side, since the general prosecutor is attached to the Security Council and Palestine is not a member state. This will require pressure and serious efforts by filing individual complaints for every victim of the aggression (children, women, elderly, sick, displaced, destroyed homes, bombed hospitals and universities...)

According to article (٥/٢) of the Charter, aggression has been included as a crime within the Court's jurisdiction. States should primarily preserve international peace and security.

The second Hague Agreement of ١٩٠٧ said that "while seeking means to preserve peace and prevent armed conflicts between nations, it is likewise necessary to bear in mind the case where the appeal to arms has been brought about by events which their care was unable to avert."

The UNGAR (٣٣١٤) issued in ١٩٧٤ demonstrated seven shapes of aggression and decided in article ٥ that "no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression." Articles (٦,٧) of the resolution distinguished between aggression

and self-defense related to the right to self-determination in accordance with international charters and UN General Assembly resolutions, including resolution (١٥١٤) issued on the ١٤th of December ١٩٦٠, pertaining to the right of colonized peoples to self-determination even through armed struggle.

On the grounds of the mentioned-above, and according to the UN Charter, the Israeli occupation government should have taken necessary measures to prevent any violation of the International Humanitarian Law that may result from its hostilities in Gaza and from planning and managing the military campaign.

Israel should have also abided by the Fourth Geneva Convention and hunt for suspects who gravely breached the International Humanitarian Law, or gave orders to breach them, try them in domestic specialized criminal courts and refer them to international courts after bringing suit against them. Israel should also shoulder the civil responsibility of compensating the victims.

It is worth mentioning that article (١٢) of the Criminal Court's Statute allows the Security Council to refer to the Court situations that would not otherwise fall under the Court's jurisdiction. Moreover, the related crimes of the Israeli occupation fall under the court's jurisdiction. Based on this provision, the general prosecutor was able to bring suit against Sudanese President Omar Bashir for Darfur's separatist tribes' issue.

It is also presumed that the International Criminal Court's general prosecutor represents the international community and according to article (١/١٥) of the Court's statute, he can automatically undertake investigations (this is what Ocampo is doing) based on information related to crimes that fall under the Court's jurisdiction.

Despite the fact that the principal and most important jurisdiction of the United Nations is preserving international peace and security with the help of executive bodies at the Organization, in conformity with article (١/٧) of the UN charter to implement the international and humanitarian law, the Security Council declined on the ٤th of December ٢٠٠٩ to condemn the ground invasion or call to halt it, because of the US veto.

Even if the Security Council or the General Assembly had condemned the aggression, Israel would not have heeded the move.

It did not heed the UN General Assembly resolution (ES-١٠/١٢) issued in ٢٠٠٢ based on a legal opinion from the International Court of Justice that Demands that Israel stop and tear down the apartheid wall in the occupied Palestinian territory.

[US Made rockets used by Israel on Gaza](#)





Testimonies for civilians in Gaza

To the shelter...to the shelter... to the trench, ٣ sentences, and their only meaning is to hide from the Israeli bombs and missiles. Small trenches for protection which fit several people, but that was in ١٩٦٧. Now it is not workable to hide in such trenches because the bombs that Israel is shelling have a huge expansion capability and can even reach underground, in addition to Israel's use of bombs which are illegal under international law. This survey was about the Palestinian opinions who unanimously agree that these trenches are not sufficient and the Palestinian authority did not take into consideration building shelters because it believed that peace is going to live for a long time, and it has forgotten that Israel does not respect any peace agreement or convention.

The trenches of ١٩٦٧:

Um Mahmud recalls in the ١٩٦٧ war, her husband dug a hiding place in the backyard of their house, and all the women and children in the neighborhood used to come and hide with them when men used to go to resist the Israelis. But this war is much more terrifying than ever before. Missiles with huge explosives destroy not only the targeted house but all the houses around it. Um Mahmud still lives in her house with her extended family-daughters and their children in addition to their husbands too, after the destruction of their houses which lied at the border with Egypt.

No benefit:

Hanadi sharab said:" Israel drops today over our heads bombs that make a hole that is ٢ meters deep and ١٠ meters in width. The Palestinian authority should have done some hiding places in each neighborhood instead of building castles for its leaders"

Similarly Moneer Jaber (٢٧ yrs old) said:" I do not know why nobody thought about building shelters like in other places in the world, of course, Israel is going to bomb them like the USA did in Iraq and killed tens of Iraqis inside their shelters". "The occupier won't leave any thing alive in Gaza, and it will continue to destroy every thing till no people, no buildings, and no trees are left" he added.

Getting used to death

Akram mamdouh considers the ground floor of Gaza towers as good shelters for the resident of the tower," the tower's residents prefer staying in their apartments than going down to lower stories which they call bedroom". He added, pointing to people who get used to bombs." You can see a man sitting calmly with his children in front of his house while the bombarding is ١٠ meter away from him and when you ask him why you are not leaving or running away, he would answer: "if we are meant to live we will live"

Mohamad mishah from mosayrat has an important saying:" people wont to go to shelters even if there were shelters, because they got used to death, death and life in Gaza is similar". "Even when we burry the martyrs, we do it in

silence without doing any mourning ceremonies or funerals as usual, because we are almost certain that the Israelis would attack the funerals.

Israel targeting trenches

The Palestinians replaced the trenches with tunnels, but these tunnels are only mostly used by the resistance to move from place to place.

Targeting residential houses

Many houses were totally destroyed and some were badly damaged and this makes the residents of these houses take shelter in hospitals and cemeteries. Abo Jahal saved his family's when he evacuated them from the house which was near the ministry of detainees. Only a few seconds before the Israeli air strike destroyed the ministry and the houses nearby, Mohamad abou Jahal said that he heard a huge explosion targeting Gaza, and then he thought right away about the possibility of bombing the ministry near his house. then he called his wife and children to leave the house immediately, on their way out, the ministry was hit and every member of the family flew in the air, two of them were injured and their home was completely demolished.



Closing:

If you want justice... then take them to court



Terrorist Shimon Peres



Criminal Ehud Olmert



Criminal Shaul Mofaz



Criminal Tzipi Livni



Criminal Ehud Barak



Criminal Dan Halutz



Criminal Binyamin Fouad Ben Eliezer



Criminal Gabi Ashkenazi



Criminal Moshe Bogie Yaalon



Criminal Amir Peretz



Criminal Carmi Gillon



Criminal Matan Vilnai



Criminal Avi Dichter



Criminal Eliezer Shkedy



Criminal Giora Eiland



Criminal Doron Almog

**WANTED WAR CRIMINALS: USED ILLEGAL WEAPONS IN A WAR AGAINST
CHILDREN, WOMEN AND CIVILIANS IN GAZA**

The truth is by and large born from grievances, and it differentiates between those who have a cause and those who seek personal interests, and between those who truly defend humanity and those who betray it and its dignity. The latest tragic events in Gaza as a result of the barbaric Israeli assault on Gaza prove that the Arab civil society organizations in general and the rights of humanity organizations in specific have reached the state of maturity. We saw this plainly in the way it dealt with the situation, and the actions it took, though these organizations were faced with political and legal hindrances. Nevertheless, they were able to put plans in which they could present the reality of the Palestinian suffering to foreign and international organizations from a legal view point free of any political interference.

The Israeli massacre of Palestinian children in Gaza













So many heartbreaking images... we must take action

Appendix

Letter from the Palestinian Human Rights Foundation (Monitor)

Gaza Genocide

War crimes against civilians

**Israel's violation of International law and human rights in the
occupied territories**

The need for accountability

**A memorandum to all Eminent contracting parties of the Fourth
Geneva Convention**

By the Palestinian Human Rights Foundation (Monitor)

**Following the mass crimes committed in the Gaza Strip during a
period of ٢٣ days (٢٠٠٨/٢٠٠٩) by "Israel" the Entity which has not
complied with International Law**



The Palestinian Human Rights Foundation (Monitor) is a nongovernmental, nonprofit, and regional organization, and it has no political links. It was established by a group of humanitarian and refugee relief activists, and it aims to spread and defend the principles of human rights, including the rights of refugees. It is based in Lebanon, but has representatives all over the world. It has been officially licensed in three countries: Lebanon, Palestine and Morocco.

Dear Delegates:

January 29th 2009

Please see attached document titled "Genocide in Gaza; crimes against civilians, and Israel's violation of International law and human rights in the occupied territories" done by the Palestinian Human Rights Foundation (Monitor) in the January of 2009, as a memoire all the eminent contracting parties of the Geneva Convention for the protection of civilian populations at times of war (The Fourth Geneva Convention).

The latest violations of the convention were unprecedented since the year 1967. The Israeli forces killed over 1280 Palestinian citizens during the attack on Gaza which lasted 22 days. Among those killed are 890 civilians, 167 members of the civilian police force, 280 children, and 111 women. The number of those injured has reached to 4336, most of whom are innocent unarmed civilians including 1133 children and 430 women whose injuries are severe.

Israel which has not complied with international law, by targeting civilians and using illegal weapons such as white phosphorous and cluster bombs, has caused the suffering of a million and a half Palestinians in the Gaza Strip through its blockade which it has enforced for over a year and a half and its latest aggression.

The acts previously mentioned and which were committed by Israel are a clear violation of International law and the Fourth Geneva Convention for the protection of civilians and which considers any great violation equivalent to war crimes. Some examples are the use of disproportionate force, mass killings, targeting civilians and retaliating from them and destroying their property. (Articles: 47, 49, 53, 54, 56, 57)

Furthermore, Israel has not lived up to its obligations towards the right of the child adopted in the year 1989, and which it had signed year 1991. Israel has committed grave violations of children's rights in Palestine especially their right to life, and the right to a proper home (articles 6 and 7). Israel has clearly violated these rights as was seen by all media. It has breached the most essential right of all children, men and women, which is to live in an appropriate and safe home in peace and respect.

What Israel has done through its latest assault on the Gaza strip has basically paralyzed the economy, politics and society, and has resulted in a grave humanitarian crisis across Palestine especially in the Gaza Strip.

In addition to the negligence of the contracting parties of the Geneva Convention, this opposes their legal obligation towards the convention. The Palestinian human rights foundation expressed anxiety that if the negligence in enforcing compliance with the convention, and failing to hold Israel accountable might increase the violence, and encourage such acts, and even lead to a disrespect and an obliteration of International law and denying of any dignity for the people of Palestine.

The Palestinian human rights foundation (monitor) expresses resentment towards the results of the UN meeting which declared a resolution calling for a cease fire. We are

extremely angry at the statements which justified the aggression as an act of self defense therefore encouraging Israel to persist its killings which touched the conscience of all mankind.

Not holding Israel accountable, and enforcing it to abide by the convention is evidence that international Law has been politicized. The foundation hopes that there would be a more serious approach towards abiding by the convention, including the full respect for the convention in all conditions. The foundation hereby declares that the only solution to the crisis in Palestine is through the implementation of all humanitarian international laws, especially the fourth Geneva Convention.

The foundation calls on all the contracting parties in the Geneva Convention to fulfill their obligations by taking practical measures to hold Israel accountable for the breaches of international law in the occupied territories and to assure Israel's compliance with the convention. We also call on the contracting parties to hold a conference in which they take drastic measures to bring Israel to justice. Specifically, the foundation calls for the following:

To send an international monitoring group to report the implementation of the convention in the Palestinian territories


To live up to their obligation of holding responsible all those who have committed vast breaches of the convention

To take all legal measures to assure Israel's compliance with the convention

Abd-El-Aziz Mohammad Tarekji

Regional director

Palestinian human rights foundation

A handwritten signature in black ink, appearing to be 'Abd-El-Aziz', with a long, sweeping horizontal stroke extending to the right.

**Geneva Convention relative to the Protection of Civilian Persons in
Time of War**

**Adopted on 12 August 1949 by the Diplomatic Conference for the
Establishment of
International Conventions for the Protection of Victims of War, held in
Geneva**

From 21 April to 12 August, 1949

***Entry into force* 21 October 1950**

PART I

GENERAL PROVISIONS

Article 1

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

Article 2

In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

Article 3

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

1. Persons taking no active part in the hostilities, including members of armed forces 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 are and 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.

٢. The wounded and sick shall be collected and cared for.

An impartial humanitarian 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.

Article ٤

Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.

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

The provisions of Part II are, however, wider in application, as defined in Article ١٢.

Persons protected by the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August ١٢, ١٩٤٩, or by the Geneva Convention for the Amelioration of the Condition of

Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, or by the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, shall not be considered as protected persons within the meaning of the present Convention.

Article 6

Where, in the territory of a Party to the conflict, the latter is satisfied that an individual protected person is definitely suspected of or engaged in activities hostile to the security of the State, such individual person shall not be entitled to claim such rights and privileges under the present Convention as would, if exercised in the favour of such individual person, be prejudicial to the security of such State.

Where in occupied territory an individual protected person is detained as a spy or saboteur, or as a person under definite suspicion of activity hostile to the security of the Occupying Power, such person shall, in those cases where absolute military security so requires, be regarded as having forfeited rights of communication under the present Convention.

In each case, such persons shall nevertheless be treated with humanity, and in case of trial, shall not be deprived of the rights of fair and regular trial prescribed by the present Convention. They shall also be granted the full rights and privileges of a protected person under the present Convention at the earliest date consistent with the security of the State or Occupying Power, as the case may be.

Article 7

The present Convention shall apply from the outset of any conflict or occupation mentioned in Article 2.

In the territory of Parties to the conflict, the application of the present Convention shall cease on the general close of military operations.

In the case of occupied territory, the application of the present Convention shall cease one year after the general close of military operations; however, the Occupying Power shall be bound, for the duration of the occupation, to the extent that such Power exercises the functions of government in such territory, by the provisions of the following Articles of the present Convention: I to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77, and 143.

Protected persons whose release, repatriation or re-establishment may take place after such dates shall meanwhile continue to benefit by the present Convention. Article 8

In addition to the agreements expressly provided for in Articles 11, 14, 15, 17, 36, 108, 109, 132, 133 and 149, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely

affect the situation of protected persons, as defined by the present Convention, nor restrict the rights which it confers upon them.

Protected persons shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

Article 4

Protected persons may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

Article 5

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties.

Article 6

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of civilian persons and for their relief.

Article 7

The High Contracting Parties may at any time agree to entrust to an organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

When persons protected by the present Convention do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of

an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power, or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever in the present Convention mention is made of a Protecting Power, such mention applies to substitute organizations in the sense of the present Article.

The provisions of this Article shall extend and be adapted to cases of nationals of a neutral State who are in occupied territory or who find themselves in the territory of a belligerent State with which the State of which they are nationals has not normal diplomatic representation.

Article 12

In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement. For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for protected person, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict, a person belonging to a neutral Power or delegated by the International Committee of the Red Cross who shall be invited to take part in such a meeting.

PART II

GENERAL PROTECTION OF POPULATIONS

AGAINST CERTAIN CONSEQUENCES OF WAR

Article 1st

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

Article 1st

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 and safety zones and localities so organized as to protect from the effects of war, wounded, sick and aged persons, children under fifteen, expectant mothers and mothers of children under seven.

Upon the outbreak and during the course of hostilities, the Parties concerned may conclude agreements on mutual recognition of the zones and localities they have created. They may for this purpose implement the provisions of the Draft Agreement annexed to the present Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross are invited to lend their good offices in order to facilitate the institution and recognition of these hospital and safety zones and localities.

Article 1st

Any Party to the conflict may, either directly or through a neutral State or some humanitarian organization, propose to the adverse Party to establish, in the regions where fighting is taking place, neutralized zones intended to shelter from the effects of war the following persons, without distinction:

(a) Wounded and sick combatants or non-combatants;

(b) Civilian persons who take no part in hostilities, and who, while they reside in the zones, perform no work of a military character.

When the Parties concerned have agreed upon the geographical position, administration, food supply and supervision of the proposed neutralized zone, a written agreement shall be concluded and signed by the representatives of the Parties to the conflict. The agreement shall fix the beginning and the duration of the neutralization of the zone.

Article 17

The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect.

As far as military considerations allow, each Party to the conflict shall facilitate the steps taken to search for the killed and wounded, to assist the shipwrecked and other persons exposed to grave danger, and to protect them against pillage and ill-treatment.

Article 18

The Parties to the conflict shall endeavour to conclude local agreements for the removal from besieged or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases, and for the passage of ministers of all religions, medical personnel and medical equipment on their way to such areas.

Article 19

Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack, but shall at all times be respected and protected by the Parties to the conflict.

States which are Parties to a conflict shall provide all civilian hospitals with certificates showing that they are civilian hospitals and that the buildings which they occupy are not used for any purpose which would deprive these hospitals of protection in accordance with Article 19.

Civilian hospitals shall be marked by means of the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, but only if so authorized by the State.

The Parties to the conflict shall, in so far as military considerations permit, take the necessary steps to make the distinctive emblems indicating civilian hospitals clearly visible to the enemy land, air and naval forces in order to obviate the possibility of any hostile action.

In view of the dangers to which hospitals may be exposed by being close to military objectives, it is recommended that such hospitals be situated as far as possible from such objectives.

Article 20

The protection to which civilian hospitals are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after due warning has been

given, naming, in all appropriate cases, a reasonable time limit, and after such warning has remained unheeded.

The fact that sick or wounded members of the armed forces are nursed in these hospitals, or the presence of small arms and ammunition taken from such combatants which have not yet been handed to the proper service, shall not be considered to be acts harmful to the enemy.

Article 20

Persons regularly and solely engaged in the operation and administration of civilian hospitals, including the personnel engaged in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases, shall be respected and protected.

In occupied territory and in zones of military operations, the above personnel shall be recognizable by means of an identity card certifying their status, bearing the photograph of the holder and embossed with the stamp of the responsible authority, and also by means of a stamped, water-resistant armlet which they shall wear on the left arm while carrying out their duties. This armlet shall be issued by the State and shall bear the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Other personnel who are engaged in the operation and administration of civilian hospitals shall be entitled to respect and protection and to wear the armlet, as provided in and under the conditions prescribed in this Article, while they are employed on such duties. The identity card shall state the duties on which they are employed.

The management of each hospital shall at all times hold at the disposal of the competent national or occupying authorities an up-to-date list of such personnel.

Article 21

Convoys of vehicles or hospital trains on land or specially provided vessels on sea, conveying wounded and sick civilians, the infirm and maternity cases, shall be respected and protected in the same manner as the hospitals provided for in Article 18, and shall be marked, with the consent of the State, by the display of the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Article 22

Aircraft exclusively employed for the removal of wounded and sick civilians, the infirm and maternity cases, or for the transport of medical personnel and equipment, shall not be attacked, but shall be respected while flying at

heights, times and on routes specifically agreed upon between all the Parties to the conflict concerned.

They may be marked with the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Unless agreed otherwise, flights over enemy or enemy-occupied territory are prohibited.

Such aircraft shall obey every summons to land. In the event of a landing thus imposed, the aircraft with its occupants may continue its flight after examination, if any.

Article 22

Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases.

The obligation of a High Contracting Party to allow the free passage of the consignments indicated in the preceding paragraph is subject to the condition that this Party is satisfied that there are no serious reasons for fearing:

- (a) That the consignments may be diverted from their destination;
- (b) That the control may not be effective; or
- (c) That a definite advantage may accrue to the military efforts or economy of the enemy through the substitution of the above-mentioned consignments for goods which would otherwise be provided or produced by the

enemy or through the release of such material, services or facilities as would otherwise be required for the production of such goods.

The Power which allows the passage of the consignments indicated in the first paragraph of this Article may make such permission conditional on the distribution to the persons benefited there by being made under the local supervision of the Protecting Powers.

Such consignments shall be forwarded as rapidly as possible, and the Power which permits their free passage shall have the right to prescribe the technical arrangements under which such passage is allowed.

Article ٢٤

The Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition.

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

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

Article ٢٥

All persons in the territory of a Party to the conflict, or in a territory occupied by it, shall be enabled to give news of a strictly personal nature to members of their families, wherever they may be, and to receive news from them. This correspondence shall be forwarded speedily and without undue delay.

If, as a result of circumstances, it becomes difficult or impossible to exchange family correspondence by the ordinary post, the Parties to the conflict concerned shall apply to a neutral intermediary, such as the Central Agency provided for in Article ١٤٠, and shall decide in consultation with it how to ensure the fulfilment of their obligations under the best possible conditions, in particular with the cooperation of the National Red Cross (Red Crescent, Red Lion and Sun) Societies.

If the Parties to the conflict deem it necessary to restrict family correspondence, such restrictions shall be confined to the compulsory use of standard forms containing twenty-five freely chosen words, and to the limitation of the number of these forms despatched to one each month.

Article ٢٦

Each Party to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting, if possible. It shall encourage, in particular, the work of organizations engaged on this task provided they are acceptable to it and conform to its security regulations.

PART III

STATUS AND TREATMENT OF PROTECTED PERSONS

SECTION I

PROVISIONS COMMON TO THE TERRITORIES OF THE PARTIES

TO THE CONFLICT AND TO OCCUPIED TERRITORIES

Article 27

Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

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

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

Article 28

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

Article 29

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

Article 30

Protected persons shall have every facility for making application to the Protecting Powers, the International Committee of the Red Cross, the National Red Cross (Red Crescent, Red Lion and Sun) Society of the country where they may be, as well as to any organization that might assist them.

These several organizations shall be granted all facilities for that purpose by the authorities, within the bounds set by military or security considerations.

Apart from the visits of the delegates of the Protecting Powers and of the International Committee of the Red Cross, provided for by Article 143, the

Detaining or Occupying Powers shall facilitate as much as possible visits to protected persons by the representatives of other organizations whose object is to give spiritual aid or material relief to such persons.

Article 31

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

Article 32

The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person but also to any other measures of brutality whether applied by civilian or military agents.

Article 33

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

Pillage is prohibited.

Reprisals against protected persons and their property are prohibited.

Article 34

The taking of hostages is prohibited.

SECTION 11

ALIENS IN THE TERRITORY OF A PARTY TO THE CONFLICT

Article 35

All protected persons who may desire to leave the territory at the outset of, or during a conflict, shall be entitled to do so, unless their departure is contrary to the national interests of the State. The applications of such persons to leave shall be decided in accordance with regularly established procedures and the decision shall be taken as rapidly as possible. Those persons permitted to leave may provide themselves with the necessary funds for their journey and take with them a reasonable amount of their effects and articles of personal use.

If any such person is refused permission to leave the territory, he shall be entitled to have such refusal reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose.

Upon request, representatives of the Protecting Power shall, unless reasons of security prevent it, or the persons concerned object, be furnished with the reasons for refusal of any request for permission to leave the territory and be given, as expeditiously as possible, the names of all persons who have been denied permission to leave.

Article ٣٦

Departures permitted under the foregoing Article shall be carried out in satisfactory conditions as regards safety, hygiene, sanitation and food. All costs in connection therewith, from the point of exit in the territory of the Detaining Power, shall be borne by the country of destination, or, in the case of accommodation in a neutral country, by the Power whose nationals are benefited. The practical details of such movements may, if necessary, be settled by special agreements between the Powers concerned.

The foregoing shall not prejudice such special agreements as may be concluded between Parties to the conflict concerning the exchange and repatriation of their nationals in enemy hands.

Article ٣٧

Protected persons who are confined pending proceedings or serving a sentence involving loss of liberty shall during their confinement be humanely treated.

As soon as they are released, they may ask to leave the territory in conformity with the foregoing Articles.

Article ٣٨

With the exception of special measures authorized by the present Convention, in particular by Articles ٣٧ and ٤١ thereof, the situation of protected persons shall continue to be regulated, in principle, by the provisions concerning aliens in time of peace. In any case, the following rights shall be granted to them:

١. They shall be enabled to receive the individual or collective relief that may be sent to them.

٢. They shall, if their state of health so requires, receive medical attention and hospital treatment to the same extent as the nationals of the State concerned.

٣. They shall be allowed to practise their religion and to receive spiritual assistance from ministers of their faith.

ξ. If they reside in an area particularly exposed to the dangers of war, they shall be authorized to move from that area to the same extent as the nationals of the State concerned.

ο. Children under fifteen years, pregnant women and mothers of children under seven years shall benefit by any preferential treatment to the same extent as the nationals of the State concerned.

Article 39

Protected persons who, as a result of the war, have lost their gainful employment, shall be granted the opportunity to find paid employment. That opportunity shall, subject to security considerations and to the provisions of Article 40, be equal to that enjoyed by the nationals of the Power in whose territory they are.

Where a Party to the conflict applies to a protected person methods of control which result in his being unable to support himself, and especially if such a person is prevented for reasons of security from finding paid employment on reasonable conditions, the said Party shall ensure his support and that of his dependents.

Protected persons may in any case receive allowances from their home country, the Protecting Power, or the relief societies referred to in Article 30.

Article 40

Protected persons may be compelled to work only to the same extent as nationals of the Party to the conflict in whose territory they are.

If protected persons are of enemy nationality, they may only be compelled to do work which is normally necessary to ensure the feeding, sheltering, clothing, transport and health of human beings and which is not directly related to the conduct of military operations.

In the cases mentioned in the two preceding paragraphs, protected persons compelled to work shall have the benefit of the same working conditions and of the same safeguards as national workers, in particular as regards wages, hours of labour, clothing and equipment, previous training and compensation for occupational accidents and diseases.

If the above provisions are infringed, protected persons shall be allowed to exercise their right of complaint in accordance with Article 30.

Article 41

Should the Power in whose hands protected persons may be consider the measures of control mentioned in the present Convention to be inadequate, it may not have recourse to any other measure of control more severe than that

of assigned residence or internment, in accordance with the provisions of Articles ٤٢ and ٤٣.

In applying the provisions of Article ٣٩, second paragraph, to the cases of persons required to leave their usual places of residences by virtue of a decision placing them in assigned residence elsewhere, the Detaining Power shall be guided as closely as possible by the standards of welfare set forth in Part III, Section IV of this Convention.

Article ٤٢

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

If any person, acting through the representatives of the Protecting Power, voluntarily demands internment, and if his situation renders this step necessary, he shall be interned by the Power in whose hands he may be.

Article ٤٣

Any protected person who has been interned or placed in assigned residence shall be entitled to have such action reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose. If the internment or placing in assigned residence is maintained, the court or administrative board shall periodically, and at least twice yearly, give consideration to his or her case, with a view to the favourable amendment of the initial decision, if circumstances permit.

Unless the protected persons concerned object, the Detaining Power shall, as rapidly as possible, give the Protecting Power the names of any protected persons who have been interned or subjected to assigned residence, or who have been released from internment or assigned residence. The decisions of the courts or boards mentioned in the first paragraph of the present Article shall also, subject to the same conditions, be notified as rapidly as possible to the Protecting Power.

Article ٤٤

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

Article ٤٥

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

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

Protected persons may be transferred by the Detaining Power only to a Power which is a party to the present Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the present Convention. If protected persons are transferred under such circumstances, responsibility for the application of the present Convention rests on the Power accepting them, while they are in its custody.

Nevertheless, if that Power fails to carry out the provisions of the present Convention in any important respect, the Power by which the protected persons were transferred shall, upon being so notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the protected persons. Such request must be complied with.

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

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

Article 47

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

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

SECTION 111

OCCUPIED TERRITORIES

Article 48

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

Article 48

Protected persons who are not nationals of the Power whose territory is occupied may avail themselves of the right to leave the territory subject to the provisions of Article 49, and decisions thereon shall be taken according to the procedure which the Occupying Power shall establish in accordance with the said Article.

Article 49

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

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

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

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

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

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

Article 50

The Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children.

The Occupying Power shall take all necessary steps to facilitate the identification of children and the registration of their parentage. It may not, in any case, change their personal status, nor enlist them in formations or organizations subordinate to it.

Should the local institutions be inadequate for the purpose, the Occupying Power shall make arrangements for the maintenance and education, if possible by persons of their own nationality, language and religion, of children who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend.

A special section of the Bureau set up in accordance with Article ١٣٦ shall be responsible for taking all necessary steps to identify children whose identity is in doubt. Particulars of their parents or other near relatives should always be recorded if available.

The Occupying Power shall not hinder the application of any preferential measures in regard to food, medical care and protection against the effects of war, which may have been adopted prior to the occupation in favour of children under fifteen years, expectant mothers, and mothers of children under seven years.

Article ٥١

The Occupying Power may not compel protected persons to serve in its armed or auxiliary forces. No pressure or propaganda which aims at securing voluntary enlistment is permitted.

The Occupying Power may not compel protected persons to work unless they are over eighteen years of age, and then only on work which is necessary either for the needs of the army of occupation, or for the public utility services, or for the feeding, sheltering, clothing, transportation or health of the population of the occupied country. Protected persons may not be compelled to undertake any work which would involve them in the obligation of taking part in military operations. The Occupying Power may not compel protected persons to employ forcible means to ensure the security of the installations where they are performing compulsory labour.

The work shall be carried out only in the occupied territory where the persons whose services have been requisitioned are. Every such person shall, so far as possible, be kept in his usual place of employment. Workers shall be paid a fair wage and the work shall be proportionate to their physical and intellectual capacities. The legislation in force in the occupied country concerning working conditions, and safeguards as regards, in particular, such matters as wages, hours of work, equipment, preliminary training and compensation for occupational accidents and diseases, shall be applicable to the protected persons assigned to the work referred to in this Article.

In no case shall requisition of labour lead to a mobilization of workers in an organization of a military or semi-military character.

Article ٥٢

No contract, agreement or regulation shall impair the right of any worker, whether voluntary or not and wherever he may be, to apply to the

representatives of the Protecting Power in order to request the said Power's intervention.

All measures aiming at creating unemployment or at restricting the opportunities offered to workers in an occupied territory, in order to induce them to work for the Occupying Power, are prohibited.

Article ٥٣

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

Article ٥٤

The Occupying Power may not alter the status of public officials or judges in the occupied territories, or in any way apply sanctions to or take any measures of coercion or discrimination against them, should they abstain from fulfilling their functions for reasons of conscience.

This prohibition does not prejudice the application of the second paragraph of Article ٥١. It does not affect the right of the Occupying Power to remove public officials from their posts.

Article ٥٥

To the fullest extent of the means available to it the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate.

The Occupying Power may not requisition foodstuffs, articles or medical supplies available in the occupied territory, except for use by the occupation forces and administration personnel, and then only if the requirements of the civilian population have been taken into account. Subject to the provisions of other international Conventions, the Occupying Power shall make arrangements to ensure that fair value is paid for any requisitioned goods.

The Protecting Power shall, at any time, be at liberty to verify the state of the food and medical supplies in occupied territories, except where temporary restrictions are made necessary by imperative military requirements.

Article ٥٦

To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the cooperation of national and local authorities, the medical and hospital establishments and services, public

health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics. Medical personnel of all categories shall be allowed to carry out their duties.

If new hospitals are set up in occupied territory and if the competent organs of the occupied State are not operating there, the occupying authorities shall, if necessary, grant them the recognition provided for in Article ١٨. In similar circumstances, the occupying authorities shall also grant recognition to hospital personnel and transport vehicles under the provisions of Articles ٢٠ and ٢١.

In adopting measures of health and hygiene and in their implementation, the Occupying Power shall take into consideration the moral and ethical susceptibilities of the population of the occupied territory.

Article ٥٧

The Occupying Power may requisition civilian hospitals only temporarily and only in cases of urgent necessity for the care of military wounded and sick, and then on condition that suitable arrangements are made in due time for the care and treatment of the patients and for the needs of the civilian population for hospital accommodation.

The material and stores of civilian hospitals cannot be requisitioned so long as they are necessary for the needs of the civilian population.

Article ٥٨

The Occupying Power shall permit ministers of religion to give spiritual assistance to the members of their religious communities.

The Occupying Power shall also accept consignments of books and articles required for religious needs and shall facilitate their distribution in occupied territory.

Article ٥٩

If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal.

Such schemes, which may be undertaken either by States or by impartial humanitarian organizations such as the International Committee of the Red Cross, shall consist, in particular, of the provision of consignments of foodstuffs, medical supplies and clothing.

All Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection.

A Power granting free passage to consignments on their way to territory occupied by an adverse Party to the conflict shall, however, have the right to search the consignments, to regulate their passage according to prescribed times and routes, and to be reasonably satisfied through the Protecting Power that these consignments are to be used for the relief of the needy population and are not to be used for the benefit of the Occupying Power.

Article ٦٠

Relief consignments shall in no way relieve the Occupying Power of any of its responsibilities under Articles ٥٥, ٥٦ and ٥٩. The Occupying Power shall in no way whatsoever divert relief consignments from the purpose for which they are intended, except in cases of urgent necessity, in the interests of the population of the occupied territory and with the consent of the Protecting Power.

Article ٦١

The distribution of the relief consignments referred to in the foregoing Articles shall be carried out with the cooperation and under the supervision of the Protecting Power. This duty may also be delegated, by agreement between the Occupying Power and the Protecting Power, to a neutral Power, to the International Committee of the Red Cross or to any other impartial humanitarian body.

Such consignments shall be exempt in occupied territory from all charges, taxes or customs duties unless these are necessary in the interests of the economy of the territory. The Occupying Power shall facilitate the rapid distribution of these consignments.

All Contracting Parties shall endeavour to permit the transit and transport, free of charge, of such relief consignments on their way to occupied territories.

Article ٦٢

Subject to imperative reasons of security, protected persons in occupied territories shall be permitted to receive the individual relief consignments sent to them.

Article ٦٣

Subject to temporary and exceptional measures imposed for urgent reasons of security by the Occupying Power:

(a) Recognized National Red Cross (Red Crescent, Red Lion and Sun) Societies shall be able to pursue their activities in accordance with Red Cross principles, as defined by the International Red Cross Conferences. Other relief societies shall be permitted to continue their humanitarian activities under similar conditions;

(b) The Occupying Power may not require any changes in the personnel or structure of these societies, which would prejudice the aforesaid activities.

The same principles shall apply to the activities and personnel of special organizations of a non-military character, which already exist or which may be established, for the purpose of ensuring the living conditions of the civilian population by the maintenance of the essential public utility services, by the distribution of relief and by the organization of rescues.

Article ٦٤

The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention. Subject to the latter consideration and to the necessity for ensuring the effective administration of justice, the tribunals of the occupied territory shall continue to function in respect of all offences covered by the said laws.

The Occupying Power may, however, subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfil its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the Occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them.

Article ٦٥

The penal provisions enacted by the Occupying Power shall not come into force before they have been published and brought to the knowledge of the inhabitants in their own language. The effect of these penal provisions shall not be retroactive.

Article ٦٦

In case of a breach of the penal provisions promulgated by it by virtue of the second paragraph of Article ٦٤, the Occupying Power may hand over the accused to its properly constituted, non-political military courts, on condition that the said courts sit in the occupied country. Courts of appeal shall preferably sit in the occupied country.

Article ٦٧

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

Article 74

Protected persons who commit an offence which is solely intended to harm the Occupying Power, but which does not constitute an attempt on the life or limb of members of the occupying forces or administration, nor a grave collective danger, nor seriously damage the property of the occupying forces or administration or the installations used by them, shall be liable to internment or simple imprisonment, provided the duration of such internment or imprisonment is proportionate to the offence committed. Furthermore, internment or imprisonment shall, for such offences, be the only measure adopted for depriving protected persons of liberty. The courts provided for under Article 76 of the present Convention may at their discretion convert a sentence of imprisonment to one of internment for the same period.

The penal provisions promulgated by the Occupying Power in accordance with Articles 74 and 76 may impose the death penalty on a protected person only in cases where the person is guilty of espionage, of serious acts of sabotage against the military installations of the Occupying Power or of intentional offences which have caused the death of one or more persons, provided that such offences were punishable by death under the law of the occupied territory in force before the occupation began.

The death penalty may not be pronounced against a protected person unless the attention of the court has been particularly called to the fact that, since the accused is not a national of the Occupying Power, he is not bound to it by any duty of allegiance.

In any case, the death penalty may not be pronounced against a protected person who was under eighteen years of age at the time of the offence.

Article 75

In all cases, the duration of the period during which a protected person accused of an offence is under arrest awaiting trial or punishment shall be deducted from any period of imprisonment awarded.

Article 76

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

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

the law of the occupied State, would have justified extradition in time of peace.

Article ٧١

No sentence shall be pronounced by the competent courts of the Occupying Power except after a regular trial.

Accused persons who are prosecuted by the Occupying Power shall be promptly informed, in writing, in a language which they understand, of the particulars of the charges preferred against them, and shall be brought to trial as rapidly as possible. The Protecting Power shall be informed of all proceedings instituted by the Occupying Power against protected persons in respect of charges involving the death penalty or imprisonment for two years or more; it shall be enabled, at any time, to obtain information regarding the state of such proceedings. Furthermore, the Protecting Power shall be entitled, on request, to be furnished with all particulars of these and of any other proceedings instituted by the Occupying Power against protected persons.

The notification to the Protecting Power, as provided for in the second paragraph above, shall be sent immediately, and shall in any case reach the Protecting Power three weeks before the date of the first hearing. Unless, at the opening of the trial, evidence is submitted that the provisions of this Article are fully complied with, the trial shall not proceed. The notification shall include the following particulars:

- (a) Description of the accused;
- (b) Place of residence or detention;
- (c) Specification of the charge or charges (with mention of the penal provisions under which it is brought);
- (d) Designation of the court which will hear the case;
- (e) Place and date of the first hearing.

Article ٧٢

Accused persons shall have the right to present evidence necessary to their defence and may, in particular, call witnesses. They shall have the right to be assisted by a qualified advocate or counsel of their own choice, who shall be able to visit them freely and shall enjoy the necessary facilities for preparing the defence.

Failing a choice by the accused, the Protecting Power may provide him with an advocate or counsel. When an accused person has to meet a serious charge and the Protecting Power is not functioning, the Occupying Power, subject to the consent of the accused, shall provide an advocate or counsel.

Accused persons shall, unless they freely waive such assistance, be aided by an interpreter, both during preliminary investigation and during the hearing in court. They shall have the right at any time to object to the interpreter and to ask for his replacement.

Article ٧٣

A convicted person shall have the right of appeal provided for by the laws applied by the court. He shall be fully informed of his right to appeal or petition and of the time limit within which he may do so.

The penal procedure provided in the present Section shall apply, as far as it is applicable, to appeals. Where the laws applied by the Court make no provision for appeals, the convicted person shall have the right to petition against the finding and sentence to the competent authority of the Occupying Power.

Article ٧٤

Representatives of the Protecting Power shall have the right to attend the trial of any protected person, unless the hearing has, as an exceptional measure, to be held in camera in the interests of the security of the Occupying Power, which shall then notify the Protecting Power. A notification in respect of the date and place of trial shall be sent to the Protecting Power.

Any judgment involving a sentence of death, or imprisonment for two years or more, shall be communicated, with the relevant grounds, as rapidly as possible to the Protecting Power. The notification shall contain a reference to the notification made under Article ٧١, and in the case of sentences of imprisonment, the name of the place where the sentence is to be served. A record of judgments other than those referred to above shall be kept by the court and shall be open to inspection by representatives of the Protecting Power. Any period allowed for appeal in the case of sentences involving the death penalty, or imprisonment for two years or more, shall not run until notification of judgment has been received by the Protecting Power.

Article ٧٥

In no case shall persons condemned to death be deprived of the right of petition for pardon or reprieve.

No death sentence shall be carried out before the expiration of a period of at least six months from the date of receipt by the Protecting Power of the notification of the final judgment confirming such death sentence, or of an order denying pardon or reprieve.

The six months period of suspension of the death sentence herein prescribed may be reduced in individual cases in circumstances of grave emergency involving an organized threat to the security of the Occupying Power or its

forces, provided always that the Protecting Power is notified of such reduction and is given reasonable time and opportunity to make representations to the competent occupying authorities in respect of such death sentences.

Article ٧٦

Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. They shall, if possible, be separated from other detainees and shall enjoy conditions of food and hygiene which will be sufficient to keep them in good health, and which will be at least equal to those obtaining in prisons in the occupied country.

They shall receive the medical attention required by their state of health.

They shall also have the right to receive any spiritual assistance which they may require.

Women shall be confined in separate quarters and shall be under the direct supervision of women.

Proper regard shall be paid to the special treatment due to minors.

Protected persons who are detained shall have the right to be visited by delegates of the Protecting Power and of the International Committee of the Red Cross, in accordance with the provisions of Article ١٤٣.

Such persons shall have the right to receive at least one relief parcel monthly.

Article ٧٧

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

Article ٧٨

If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment.

Decisions regarding such assigned residence or internment shall be made according to a regular procedure to be prescribed by the Occupying Power in accordance with the provisions of the present Convention. This procedure shall include the right of appeal for the parties concerned. Appeals shall be decided with the least possible delay. In the event of the decision being upheld, it shall be subject to periodical review, if possible every six months, by a competent body set up by the said Power.

Protected persons made subject to assigned residence and thus required to leave their homes shall enjoy the full benefit of Article ٣٩ of the present Convention.

SECTION IV

REGULATIONS FOR THE TREATMENT OF INTERNEES

Chapter I

GENERAL PROVISIONS

Article ٧٩

The Parties to the conflict shall not intern protected persons, except in accordance with the provisions of Articles ٤١, ٤٢, ٤٣, ٦٨ and ٧٨.

Article ٨٠

Internees shall retain their full civil capacity and shall exercise such attendant rights as may be compatible with their status.

Article ٨١

Parties to the conflict who intern protected persons shall be bound to provide free of charge for their maintenance, and to grant them also the medical attention required by their state of health.

No deduction from the allowances, salaries or credits due to the internees shall be made for the repayment of these costs.

The Detaining Power shall provide for the support of those dependent on the internees, if such dependants are without adequate means of support or are unable to earn a living.

Article ٨٢

The Detaining Power shall, as far as possible, accommodate the internees according to their nationality, language and customs. Internees who are nationals of the same country shall not be separated merely because they have different languages.

Throughout the duration of their internment, members of the same family, and in particular parents and children, shall be lodged together in the same place of internment, except when separation of a temporary nature is necessitated for reasons of employment or health or for the purposes of enforcement of the provisions of Chapter IX of the present Section. Internees may request that their children who are left at liberty without parental care shall be interned with them.

Wherever possible, interned members of the same family shall be housed in the same premises and given separate accommodation from other internees, together with facilities for leading a proper family life.

Chapter II

PLACES OF INTERNMENT

Article 13

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

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

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

Article 14

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

Article 15

The Detaining Power is bound to take all necessary and possible measures to ensure that protected persons shall, from the outset of their internment, be accommodated in buildings or quarters which afford every possible safeguard as regards hygiene and health, and provide efficient protection against the rigours of the climate and the effects of the war. In no case shall permanent places of internment be situated in unhealthy areas or in districts the climate of which is injurious to the internees. In all cases where the district, in which a protected person is temporarily interned, is in an unhealthy area or has a climate which is harmful to his health, he shall be removed to a more suitable place of internment as rapidly as circumstances permit.

The premises shall be fully protected from dampness, adequately heated and lighted, in particular between dusk and lights out. The sleeping quarters shall be sufficiently spacious and well ventilated, and the internees shall have suitable bedding and sufficient blankets, account being taken of the climate, and the age, sex, and state of health of the internees.

Internees shall have for their use, day and night, sanitary conveniences which conform to the rules of hygiene and are constantly maintained in a state of cleanliness. They shall be provided with sufficient water and soap for their

daily personal toilet and for washing their personal laundry; installations and facilities necessary for this purpose shall be granted to them.

Showers or baths shall also be available. The necessary time shall be set aside for washing and for cleaning.

Whenever it is necessary, as an exceptional and temporary measure, to accommodate women internees who are not members of a family unit in the same place of internment as men, the provision of separate sleeping quarters and sanitary conveniences for the use of such women internees shall be obligatory.

Article 17

The Detaining Power shall place at the disposal of interned persons, of whatever denomination, premises suitable for the holding of their religious services.

Article 18

Canteens shall be installed in every place of internment, except where other suitable facilities are available. Their purpose shall be to enable internees to make purchases, at prices not higher than local market prices, of foodstuffs and articles of everyday use, including soap and tobacco, such as would increase their personal well-being and comfort.

Profits made by canteens shall be credited to a welfare fund to be set up for each place of internment, and administered for the benefit of the internees attached to such place of internment. The Internee Committee provided for in Article 102 shall have the right to check the management of the canteen and of the said fund.

When a place of internment is closed down, the balance of the welfare fund shall be transferred to the welfare fund of a place of internment for internees of the same nationality, or, if such a place does not exist, to a central welfare fund which shall be administered for the benefit of all internees remaining in the custody of the Detaining Power. In case of a general release, the said profits shall be kept by the Detaining Power, subject to any agreement to the contrary between the Powers concerned.

Article 19

In all places of internment exposed to air raids and other hazards of war, shelters adequate in number and structure to ensure the necessary protection shall be installed. In case of alarms, the internees shall be free to enter such shelters as quickly as possible, excepting those who remain for the protection of their quarters against the aforesaid hazards. Any protective measures taken in favour of the population shall also apply to them.

All due precautions must be taken in places of internment against the danger of fire.

Chapter III

FOOD AND CLOTHING

Article 19

Daily food rations for internees shall be sufficient in quantity, quality and variety to keep internees in a good state of health and prevent the development of nutritional deficiencies. Account shall also be taken of the customary diet of the internees.

Internees shall also be given the means by which they can prepare for themselves any additional food in their possession.

Sufficient drinking water shall be supplied to internees. The use of tobacco shall be permitted.

Internees who work shall receive additional rations in proportion to the kind of labour which they perform.

Expectant and nursing mothers and children under fifteen years of age shall be given additional food, in proportion to their physiological needs.

Article 20

When taken into custody, internees shall be given all facilities to provide themselves with the necessary clothing, footwear and change of underwear, and later on, to procure further supplies if required. Should any internees not have sufficient clothing, account being taken of the climate, and be unable to procure any, it shall be provided free of charge to them by the Detaining Power.

The clothing supplied by the Detaining Power to internees and the outward markings placed on their own clothes shall not be ignominious nor expose them to ridicule.

Workers shall receive suitable working outfits, including protective clothing, whenever the nature of their work so requires.

Chapter IV

HYGIENE AND MEDICAL ATTENTION

Article ٩١

Every place of internment shall have an adequate infirmary, under the direction of a qualified doctor, where internees may have the attention they require, as well as an appropriate diet. Isolation wards shall be set aside for cases of contagious or mental diseases.

Maternity cases and internees suffering from serious diseases, or whose condition requires special treatment, a surgical operation or hospital care, must be admitted to any institution where adequate treatment can be given and shall receive care not inferior to that provided for the general population.

Internees shall, for preference, have the attention of medical personnel of their own nationality.

Internees may not be prevented from presenting themselves to the medical authorities for examination. The medical authorities of the Detaining Power shall, upon request, issue to every internee who has undergone treatment an official certificate showing the nature of his illness or injury, and the duration and nature of the treatment given. A duplicate of this certificate shall be forwarded to the Central Agency provided for in Article ١٤٠.

Treatment, including the provision of any apparatus necessary for the maintenance of internees in good health, particularly dentures and other artificial appliances and spectacles, shall be free of charge to the internee.

Article ٩٢

Medical inspections of internees shall be made at least once a month. Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of internees, and to detect contagious diseases, especially tuberculosis, malaria, and venereal diseases. Such inspections shall include, in particular, the checking of weight of each internee and, at least once a year, radioscopic examination.

Chapter V

RELIGIOUS, INTELLECTUAL AND PHYSICAL ACTIVITIES

Article ٩٣

Internees shall enjoy complete latitude in the exercise of their religious duties, including attendance at the services of their faith, on condition that they comply with the disciplinary routine prescribed by the detaining authorities.

Ministers of religion who are interned shall be allowed to minister freely to the members of their community. For this purpose, the Detaining Power shall ensure their equitable allocation amongst the various places of internment in which there are internees speaking the same language and belonging to the

same religion. Should such ministers be too few in number, the Detaining Power shall provide them with the necessary facilities, including means of transport, for moving from one place to another, and they shall be authorized to visit any internees who are in hospital. Ministers of religion shall be at liberty to correspond on matters concerning their ministry with the religious authorities in the country of detention and, as far as possible, with the international religious organizations of their faith. Such correspondence shall not be considered as forming a part of the quota mentioned in Article 107. It shall, however, be subject to the provisions of Article 112.

When internees do not have at their disposal the assistance of ministers of their faith, or should these latter be too few in number, the local religious authorities of the same faith may appoint, in agreement with the Detaining Power, a minister of the internees' faith or, if such a course is feasible from a denominational point of view, a minister of similar religion or a qualified layman. The latter shall enjoy the facilities granted to the ministry he has assumed. Persons so appointed shall comply with all regulations laid down by the Detaining Power in the interests of discipline and security.

Article 14

The Detaining Power shall encourage intellectual, educational and recreational pursuits, sports and games amongst internees, whilst leaving them free to take part in them or not. It shall take all practicable measures to ensure the exercise thereof, in particular by providing suitable premises.

All possible facilities shall be granted to internees to continue their studies or to take up new subjects. The education of children and young people shall be ensured; they shall be allowed to attend schools either within the place of internment or outside.

Internees shall be given opportunities for physical exercise, sports and outdoor games. For this purpose, sufficient open spaces shall be set aside in all places of internment. Special playgrounds shall be reserved for children and young people.

Article 15

The Detaining Power shall not employ internees as workers, unless they so desire. Employment which, if undertaken under compulsion by a protected person not in internment, would involve a breach of Articles 40 or 41 of the present Convention, and employment on work which is of a degrading or humiliating character are in any case prohibited.

After a working period of six weeks, internees shall be free to give up work at any moment, subject to eight days' notice.

These provisions constitute no obstacle to the right of the Detaining Power to employ interned doctors, dentists and other medical personnel in their professional capacity on behalf of their fellow internees, or to employ

internees for administrative and maintenance work in places of internment and to detail such persons for work in the kitchens or for other domestic tasks, or to require such persons to undertake duties connected with the protection of internees against aerial bombardment or other war risks. No internee may, however, be required to perform tasks for which he is, in the opinion of a medical officer, physically unsuited.

The Detaining Power shall take entire responsibility for all working conditions, for medical attention, for the payment of wages, and for ensuring that all employed internees receive compensation for occupational accidents and diseases. The standards prescribed for the said working conditions and for compensation shall be in accordance with the national laws and regulations, and with the existing practice; they shall in no case be inferior to those obtaining for work of the same nature in the same district. Wages for work done shall be determined on an equitable basis by special agreements between the internees, the Detaining Power, and, if the case arises, employers other than the Detaining Power, due regard being paid to the obligation of the Detaining Power to provide for free maintenance of internees and for the medical attention which their state of health may require. Internees permanently detailed for categories of work mentioned in the third paragraph of this Article shall be paid fair wages by the Detaining Power. The working conditions and the scale of compensation for occupational accidents and diseases to internees thus detailed shall not be inferior to those applicable to work of the same nature in the same district.

Article 17

All labour detachments shall remain part of and dependent upon a place of internment. The competent authorities of the Detaining Power and the commandant of a place of internment shall be responsible for the observance in a labour detachment of the provisions of the present Convention. The commandant shall keep an up-to-date list of the labour detachments subordinate to him and shall communicate it to the delegates of the Protecting Power, of the International Committee of the Red Cross and of other humanitarian organizations who may visit the places of internment.

Chapter VI

PERSONAL PROPER AND FINANCIAL RESOURCES

Article 18

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 amounts shall be paid into the account of every internee as provided for in Article 18. Such amounts may not be converted into any other currency

unless legislation in force in the territory in which the owner is interned so requires or the internee gives his consent.

Articles which have above all a personal or sentimental value may not be taken away.

A woman internee shall not be searched except by a woman.

On release or repatriation, internees shall be given all articles, monies or other valuables taken from them during internment and shall receive in currency the balance of any credit to their accounts kept in accordance with Article 91, with the exception of any articles or amounts withheld by the Detaining Power by virtue of its legislation in force. If the property of an internee is so withheld, the owner shall receive a detailed receipt.

Family or identity documents in the possession of internees may not be taken away without a receipt being given. At no time shall internees be left without identity documents. If they have none, they shall be issued with special documents drawn up by the detaining authorities, which will serve as their identity papers until the end of their internment.

Internees may keep on their persons a certain amount of money, in cash or in the shape of purchase coupons, to enable them to make purchases.

Article 91

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.

Furthermore, internees may receive allowances from the Power to which they owe allegiance, the Protecting Powers, the organizations which may assist them, or their families, as well as the income on their property in accordance with the law of the Detaining Power. The amount of allowances granted by the Power to which they owe allegiance shall be the same for each category of internees (infirm, sick, pregnant women, etc.), but may not be allocated by that Power or distributed by the Detaining Power on the basis of discrimination between internees which are prohibited by Article 92 of the present Convention.

The Detaining Power shall open a regular account for every internee, to which shall be credited the allowances named in the present Article, the wages earned and the remittances received, together with such sums taken from him as may be available under the legislation in force in the territory in which he is interned. Internees shall be granted all facilities consistent with the legislation in force in such territory to make remittances to their families and to other dependants. They may draw from their accounts the amounts necessary for their personal expenses, within the limits fixed by the Detaining Power. They shall at all times be afforded reasonable facilities for consulting and obtaining

copies of their accounts. A statement of accounts shall be furnished to the Protecting Power on request, and shall accompany the internee in case of transfer.

Chapter VII

ADMINISTRATION AND DISCIPLINE

Article 99

Every place of internment shall be put under the authority of a responsible officer, chosen from the regular military forces or the regular civil administration of the Detaining Power. The officer in charge of the place of internment must have in his possession a copy of the present Convention in the official language, or one of the official languages, of his country and shall be responsible for its application. The staff in control of internees shall be instructed in the provisions of the present Convention and of the administrative measures adopted to ensure its application.

The text of the present Convention and the texts of special agreements concluded under the said Convention shall be posted inside the place of internment, in a language which the internees understand, or shall be in the possession of the Internee Committee.

Regulations, orders, notices and publications of every kind shall be communicated to the internees and posted inside the places of internment, in a language which they understand.

Every order and command addressed to internees individually must likewise be given in a language which they understand.

Article 100

The disciplinary regime in places of internment shall be consistent with humanitarian principles, and shall in no circumstances include regulations imposing on internees any physical exertion dangerous to their health or involving physical or moral victimization. Identification by tattooing or imprinting signs or markings on the body is prohibited.

In particular, prolonged standing and roll-calls, punishment drill, military drill and manoeuvres, or the reduction of food rations, are prohibited.

Article 101

Internees shall have the right to present to the authorities in whose power they are any petition with regard to the conditions of internment to which they are subjected.

They shall also have the right to apply without restriction through the Internee Committee or, if they consider it necessary, direct to the representatives of the Protecting Power, in order to indicate to them any points on which they may have complaints to make with regard to the conditions of internment.

Such petitions and complaints shall be transmitted forthwith and without alteration, and even if the latter are recognized to be unfounded, they may not occasion any punishment.

Periodic reports on the situation in places of internment and as to the needs of the internees may be sent by the Internee Committees to the representatives of the Protecting Powers.

Article 102

In every place of internment, the internees shall freely elect by secret ballot every six months, the members of a Committee empowered to represent them before the Detaining and the Protecting Powers, the International Committee of the Red Cross and any other organization which may assist them. The members of the Committee shall be eligible for re-election.

Internees so elected shall enter upon their duties after their election has been approved by the detaining authorities. The reasons for any refusals or dismissals shall be communicated to the Protecting Powers concerned.

Article 103

The Internee Committees shall further the physical, spiritual and intellectual well-being of the internees.

In case the internees decide, in particular, to organize a system of mutual assistance amongst themselves, this organization would be within the competence of the Committees in addition to the special duties entrusted to them under other provisions of the present Convention.

Article 104

Members of Internee Committees shall not be required to perform any other work, if the accomplishment of their duties is rendered more difficult thereby.

Members of Internee Committees may appoint from amongst the internees such assistants as they may require. All material facilities shall be granted to them, particularly a certain freedom of movement necessary for the accomplishment of their duties (visits to labour detachments, receipt of supplies, etc.).

All facilities shall likewise be accorded to members of Internee Committees for communication by post and telegraph with the detaining authorities, the Protecting Powers, the International Committee of the Red Cross and their

delegates, and with the organizations which give assistance to internees. Committee members in labour detachments shall enjoy similar facilities for communication with their Internee Committee in the principal place of internment. Such communications shall not be limited, nor considered as forming a part of the quota mentioned in Article 105.

Members of Internee Committees who are transferred shall be allowed a reasonable time to acquaint their successors with current affairs.

Chapter VIII

RELATIONS WITH THE EXTERIOR

Article 106

Immediately upon interning protected persons, the Detaining Power shall inform them, the Power to which they owe allegiance and their Protecting Power of the measures taken for executing the provisions of the present Chapter. The Detaining Power shall likewise inform the Parties concerned of any subsequent modifications of such measures.

Article 107

As soon as he is interned, or at the latest not more than one week after his arrival in a place of internment, and likewise in cases of sickness or transfer to another place of internment or to a hospital, every internee shall be enabled to send direct to his family, on the one hand, and to the Central Agency provided for by Article 140, on the other, an internment card similar, if possible, to the model annexed to the present Convention, informing his relatives of his detention, address and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any way.

Article 108

Internees shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each internee, the said number shall not be less than two letters and four cards monthly; these shall be drawn up so as to conform as closely as possible to the models annexed to the present Convention. If limitations must be placed on the correspondence addressed to internees, they may be ordered only by the Power to which such internees owe allegiance, possibly at the request of the Detaining Power. Such letters and cards must be conveyed with reasonable despatch; they may not be delayed or retained for disciplinary reasons.

Internees who have been a long time without news, or who find it impossible to receive news from their relatives, or to give them news by the ordinary postal route, as well as those who are at a considerable distance from their homes, shall be allowed to send telegrams, the charges being paid by them in

the currency at their disposal. They shall likewise benefit by this provision in cases which are recognized to be urgent.

As a rule, internees' mail shall be written in their own language. The Parties to the conflict may authorize correspondence in other languages.

Article 104

Internees shall be allowed to receive, by post or by any other means, individual parcels or collective shipments containing in particular foodstuffs, clothing, medical supplies, as well as books and objects of a devotional, educational or recreational character which may meet their needs. Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present Convention.

Should military necessity require the quantity of such shipments to be limited, due notice thereof shall be given to the Protecting Power and to the International Committee of the Red Cross, or to any other organization giving assistance to the internees and responsible for the forwarding of such shipments.

The conditions for the sending of individual parcels and collective shipments shall, if necessary, be the subject of special agreements between the Powers concerned, which may in no case delay the receipt by the internees of relief supplies. Parcels of clothing and foodstuffs may not include books. Medical relief supplies shall, as a rule, be sent in collective parcels.

Article 105

In the absence of special agreements between Parties to the conflict regarding the conditions for the receipt and distribution of collective relief shipments, the regulations concerning collective relief which are annexed to the present Convention shall be applied.

The special agreements provided for above shall in no case restrict the right of Internee Committees to take possession of collective relief shipments intended for internees, to undertake their distribution and to dispose of them in the interests of the recipients.

Nor shall such agreements restrict the right of representatives of the Protecting Powers, the International Committee of the Red Cross, or any other organization giving assistance to internees and responsible for the forwarding of collective shipments, to supervise their distribution to the recipients.

Article 106

All relief shipments for internees shall be exempt from import, customs and other dues.

All matter sent by mail, including relief parcels sent by parcel post and remittances of money, addressed from other countries to internees or despatched by them through the post office, either direct or through the Information Bureaux provided for in Article 136 and the Central Information Agency provided for in Article 140, shall be exempt from all postal dues both in the countries of origin and destination and in intermediate countries. To this end, in particular, the exemption provided by the Universal Postal Convention of 1947 and by the agreements of the Universal Postal Union in favour of civilians of enemy nationality detained in camps or civilian prisons, shall be extended to the other interned persons protected by the present Convention. The countries not signatory to the above-mentioned agreements shall be bound to grant freedom from charges in the same circumstances.

The cost of transporting relief shipments which are intended for internees and which, by reason of their weight or any other cause, cannot be sent through the post office, shall be borne by the Detaining Power in all the territories under its control. Other Powers which are Parties to the present Convention shall bear the cost of transport in their respective territories.

Costs connected with the transport of such shipments, which are not covered by the above paragraphs, shall be charged to the senders.

The High Contracting Parties shall endeavour to reduce, so far as possible, the charges for telegrams sent by internees, or addressed to them.

Article 111

Should military operations prevent the Powers concerned from fulfilling their obligation to ensure the conveyance of the mail and relief shipments provided for in Articles 106, 107, 108 and 113, the Protecting Powers concerned, the International Committee of the Red Cross or any other organization duly approved by the Parties to the conflict may undertake the conveyance of such shipments by suitable means (rail, motor vehicles, vessels or aircraft, etc.). For this purpose, the High Contracting Parties shall endeavour to supply them with such transport, and to allow its circulation, especially by granting the necessary safe-conducts.

Such transport may also be used to convey:

- (a) Correspondence, lists and reports exchanged between the Central Information Agency referred to in Article 140 and the National Bureaux referred to in Article 136;
- (b) Correspondence and reports relating to internees which the Protecting Powers, the International Committee of the Red Cross or any other organization assisting the internees exchange either with their own delegates or with the Parties to the conflict.

These provisions in no way detract from the right of any Party to the conflict to arrange other means of transport if it should so prefer, nor preclude the

granting of safe-conducts, under mutually agreed conditions, to such means of transport.

The costs occasioned by the use of such means of transport shall be borne, in proportion to the importance of the shipments, by the Parties to the conflict whose nationals are benefited thereby.

Article 112

The censoring of correspondence addressed to internees or despatched by them shall be done as quickly as possible.

The examination of consignments intended for internees shall not be carried out under conditions that will expose the goods contained in them to deterioration. It shall be done in the presence of the addressee, or of a fellow-internee duly delegated by him. The delivery to internees of individual or collective consignments shall not be delayed under the pretext of difficulties of censorship.

Any prohibition of correspondence ordered by the Parties to the conflict, either for military or political reasons, shall be only temporary and its duration shall be as short as possible.

Article 113

The Detaining Powers shall provide all reasonable facilities for the transmission, through the Protecting Power or the Central Agency provided for in Article 140, or as otherwise required, of wills, powers of attorney letters of authority, or any other documents intended for internees or despatched by them.

In all cases the Detaining Power shall facilitate the execution and authentication in due legal form of such documents on behalf of internees, in particular by allowing them to consult a lawyer.

Article 114

The Detaining Power shall afford internees all facilities to enable them to manage their property, provided this is not incompatible with the conditions of internment and the law which is applicable. For this purpose, the said Power may give them permission to leave the place of internment in urgent cases and if circumstances allow.

Article 115

In all cases where an internee is a party to proceedings in any court, the Detaining Power shall, if he so requests, cause the court to be informed of his detention and shall, within legal limits, ensure that all necessary steps are taken to prevent him from being in any way prejudiced, by reason of his

internment, as regards the preparation and conduct of his case or as regards the execution of any judgment of the court.

Article 117

Every internee shall be allowed to receive visitors, especially near relatives, at regular intervals and as frequently as possible.

As far as is possible, internees shall be permitted to visit their homes in urgent cases, particularly in cases of death or serious illness of relatives.

Chapter IX

PENAL AND DISCIPLINARY SANCTIONS

Article 118

Subject to the provisions of the present Chapter, the laws in force in the territory in which they are detained will continue to apply to internees who commit offences during internment.

If general laws, regulations or orders declare acts committed by internees to be punishable, whereas the same acts are not punishable when committed by persons who are not internees, such acts shall entail disciplinary punishments only.

No internee may be punished more than once for the same act, or on the same count.

Article 119

The courts or authorities shall in passing sentence take as far as possible into account the fact that the defendant is not a national of the Detaining Power. They shall be free to reduce the penalty prescribed for the offence with which the internee is charged and shall not be obliged, to this end, to apply the minimum sentence prescribed.

Imprisonment in premises without daylight, and, in general, all forms of cruelty without exception are forbidden.

Internees who have served disciplinary or judicial sentences shall not be treated differently from other internees.

The duration of preventive detention undergone by an internee shall be deducted from any disciplinary or judicial penalty involving confinement to which he may be sentenced.

Internee Committees shall be informed of all judicial proceedings instituted against internees whom they represent, and of their result.

Article 119

The disciplinary punishments applicable to internees shall be the following:

1. A fine which shall not exceed 50 per cent of the wages which the internee would otherwise receive under the provisions of Article 90 during a period of not more than thirty days.
2. Discontinuance of privileges granted over and above the treatment provided for by the present Convention.
3. Fatigue duties, not exceeding two hours daily, in connection with the maintenance of the place of internment.
4. Confinement.

In no case shall disciplinary penalties be inhuman, brutal or dangerous for the health of internees. Account shall be taken of the internee's age, sex and state of health.

The duration of any single punishment shall in no case exceed a maximum of thirty consecutive days, even if the internee is answerable for several breaches of discipline when his case is dealt with, whether such breaches are connected or not.

Article 120

Internees who are recaptured after having escaped or when attempting to escape shall be liable only to disciplinary punishment in respect of this act, even if it is a repeated offence.

Article 114, paragraph 3, notwithstanding, internees punished as a result of escape or attempt to escape, may be subjected to special surveillance, on condition that such surveillance does not affect the state of their health, that it is exercised in a place of internment and that it does not entail the abolition of any of the safeguards granted by the present Convention.

Internees who aid and abet an escape, or attempt to escape, shall be liable on this count to disciplinary punishment only.

Article 121

Escape, or attempt to escape, even if it is a repeated offence, shall not be deemed an aggravating circumstance in cases where an internee is prosecuted for offences committed during his escape.

The Parties to the conflict shall ensure that the competent authorities exercise leniency in deciding whether punishment inflicted for an offence shall be of a disciplinary or judicial nature, especially in respect of acts committed in connection with an escape, whether successful or not.

Article 122

Acts which constitute offences against discipline shall be investigated immediately. This rule shall be applied, in particular, in cases of escape or attempt to escape. Recaptured internees shall be handed over to the competent authorities as soon as possible.

In case of offences against discipline, confinement awaiting trial shall be reduced to an absolute minimum for all internees, and shall not exceed fourteen days. Its duration shall in any case be deducted from any sentence of confinement.

The provisions of Articles 124 and 126 shall apply to internees who are in confinement awaiting trial for offences against discipline.

Article 123

Without prejudice to the competence of courts and higher authorities, disciplinary punishment may be ordered only by the commandant of the place of internment, or by a responsible officer or official who replaces him, or to whom he has delegated his disciplinary powers.

Before any disciplinary punishment is awarded, the accused internee shall be given precise information regarding the offences of which he is accused, and given an opportunity of explaining his conduct and of defending himself. He shall be permitted, in particular, to call witnesses and to have recourse, if necessary, to the services of a qualified interpreter. The decision shall be announced in the presence of the accused and of a member of the Internee Committee.

The period elapsing between the time of award of a disciplinary punishment and its execution shall not exceed one month.

When an internee is awarded a further disciplinary punishment, a period of at least three days shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

A record of disciplinary punishments shall be maintained by the commandant of the place of internment and shall be open to inspection by representatives of the Protecting Power.

Article 124

Internees shall not in any case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) to undergo disciplinary punishment therein.

The premises in which disciplinary punishments are undergone shall conform to sanitary requirements; they shall in particular be provided with adequate bedding. Internees undergoing punishment shall be enabled to keep themselves in a state of cleanliness.

Women internees undergoing disciplinary punishment shall be confined in separate quarters from male internees and shall be under the immediate supervision of women.

Article 125

Internees awarded disciplinary punishment shall be allowed to exercise and to stay in the open air at least two hours daily.

They shall be allowed, if they so request, to be present at the daily medical inspections. They shall receive the attention which their state of health requires and, if necessary, shall be removed to the infirmary of the place of internment or to a hospital.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money, however, may be withheld from them until the completion of their punishment; such consignments shall meanwhile be entrusted to the Internee Committee, who will hand over to the infirmary the perishable goods contained in the parcels.

No internee given a disciplinary punishment may be deprived of the benefit of the provisions of Articles 107 and 143 of the present Convention.

Article 126

The provisions of Articles 11 to 16 inclusive shall apply, by analogy, to proceedings against internees who are in the national territory of the Detaining Power.

Chapter X

TRANSFERS OF INTERNEES

Article 127

The transfer of internees shall always be effected humanely. As a general rule, it shall be carried out by rail or other means of transport, and under conditions at least equal to those obtaining for the forces of the Detaining

Power in their changes of station. If, as an exceptional measure, such removals have to be effected on foot, they may not take place unless the internees are in a fit state of health, and may not in any case expose them to excessive fatigue.

The Detaining Power shall supply internees during transfer with drinking water and food sufficient in quantity, quality and variety to maintain them in good health, and also with the necessary clothing, adequate shelter and the necessary medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during transfer, and shall establish before their departure a complete list of all internees transferred.

Sick, wounded or infirm internees and maternity cases shall not be transferred if the journey would be seriously detrimental to them, unless their safety imperatively so demands.

If the combat zone draws close to a place of internment, the internees in the said place shall not be transferred unless their removal can be carried out in adequate conditions of safety, or unless they are exposed to greater risks by remaining on the spot than by being transferred.

When making decisions regarding the transfer of internees, the Detaining Power shall take their interests into account and, in particular, shall not do anything to increase the difficulties of repatriating them or returning them to their own homes.

Article 121

In the event of transfer, internees shall be officially advised of their departure and of their new postal address. Such notification shall be given in time for them to pack their luggage and inform their next of kin.

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight of such baggage may be limited if the conditions of transfer so require, but in no case to less than twenty-five kilograms per internee.

Mail and parcels addressed to their former place of internment shall be forwarded to them without delay.

The commandant of the place of internment shall take, in agreement with the Internee Committee, any measures needed to ensure the transport of the internees' community property and of the luggage the internees are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph.

Chapter XI

DEATHS

Article 129

The wills of internees shall be received for safe-keeping by the responsible authorities; and in the event of the death of an internee his will shall be transmitted without delay to a person whom he has previously designated.

Deaths of internees shall be certified in every case by a doctor, and a death certificate shall be made out, showing the causes of death and the conditions under which it occurred.

An official record of the death, duly registered, shall be drawn up in accordance with the procedure relating thereto in force in the territory where the place of internment is situated, and a duly certified copy of such record shall be transmitted without delay to the Protecting Power as well as to the Central Agency referred to in Article 140.

Article 130

The detaining authorities shall ensure that internees who die while interned are honourably buried, if possible according to the rites of the religion to which they belonged, and that their graves are respected, properly maintained, and marked in such a way that they can always be recognized.

Deceased internees shall be buried in individual graves unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, on account of the religion of the deceased or in accordance with his expressed wish to this effect. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased. The ashes shall be retained for safe-keeping by the detaining authorities and shall be transferred as soon as possible to the next of kin on their request.

As soon as circumstances permit, and not later than the close of hostilities, the Detaining Power shall forward lists of graves of deceased internees to the Powers on whom the deceased internees depended, through the Information Bureaux provided for in Article 136. Such lists shall include all particulars necessary for the identification of the deceased internees, as well as the exact location of their graves.

Article 131

Every death or serious injury of an internee, caused or suspected to have been caused by a sentry, another internee or any other person, as well as any death the cause of which is unknown, shall be immediately followed by an official enquiry by the Detaining Power.

A communication on this subject shall be sent immediately to the Protecting Power. The evidence of any witnesses shall be taken, and a report including such evidence shall be prepared and forwarded to the said Protecting power.

If the enquiry indicates the guilt of one or more persons, the Detaining Power shall take all necessary steps to ensure the prosecution of the person or persons responsible.

Chapter XII

RELEASE, REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES

Article 132

Each interned person shall be released by the Detaining Power as soon as the reasons which necessitated his internment no longer exist.

The Parties to the conflict shall, moreover, endeavour during the course of hostilities, to conclude agreements for the release, the repatriation, the return to places of residence or the accommodation in a neutral country of certain classes of internees, in particular children, pregnant women and mothers with infants and young children, wounded and sick, and internees who have been detained for a long time.

Article 133

Internment shall cease as soon as possible after the close of hostilities.

Internees, in the territory of a Party to the conflict, against whom penal proceedings are pending for offences not exclusively subject to disciplinary penalties, may be detained until the close of such proceedings and, if circumstances require, until the completion of the penalty. The same shall apply to internees who have been previously sentenced to a punishment depriving them of liberty.

By agreement between the Detaining Power and the Powers concerned, committees may be set up after the close of hostilities, or of the occupation of territories, to search for dispersed internees.

Article 134

The High Contracting Parties shall endeavour, upon the close of hostilities or occupation, to ensure the return of all internees to their last place of residence, or to facilitate their repatriation.

Article 135

The Detaining Power shall bear the expense of returning released internees to the places where they were residing when interned, or, if it took them into custody while they were in transit or on the high seas, the cost of completing their journey or of their return to their point of departure.

Where a Detaining Power refuses permission to reside in its territory to a released internee who previously had his permanent domicile therein, such Detaining Power shall pay the cost of the said internee's repatriation. If, however, the internee elects to return to his country on his own responsibility or in obedience to the Government of the Power to which he owes allegiance, the Detaining Power need not pay the expenses of his journey beyond the point of his departure from its territory. The Detaining Power need not pay the costs of repatriation of an internee who was interned at his own request.

If internees are transferred in accordance with Article 40, the transferring and receiving Powers shall agree on the portion of the above costs to be borne by each.

The foregoing shall not prejudice such special agreements as may be concluded between Parties to the conflict concerning the exchange and repatriation of their nationals in enemy hands.

SECTION V

INFORMATION BUREAUX AND CENTRAL AGENCY

Article 136

Upon the outbreak of a conflict and in all cases of occupation, each of the Parties to the conflict shall establish an official Information Bureau responsible for receiving and transmitting information in respect of the protected persons who are in its power.

Each of the Parties to the conflict shall, within the shortest possible period, give its Bureau information of any measure taken by it concerning any protected persons who are kept in custody for more than two weeks, who are subjected to assigned residence or who are interned. It shall, furthermore, require its various departments concerned with such matters to provide the aforesaid Bureau promptly with information concerning all changes pertaining to these protected persons, as, for example, transfers, release, repatriations, escapes, admittances to hospitals, births and deaths.

Article 137

Each national Bureau shall immediately forward information concerning protected persons by the most rapid means to the Powers of whom the aforesaid persons are nationals, or to Powers in whose territory they resided, through the intermediary of the Protecting Powers and likewise through the Central Agency provided for in Article 140. The Bureaux shall also reply to all enquiries which may be received regarding protected persons.

Information Bureaux shall transmit information concerning a protected person unless its transmission might be detrimental to the person concerned or to his or her relatives. Even in such a case, the information may not be withheld

from the Central Agency which, upon being notified of the circumstances, will take the necessary precautions indicated in Article ١٤٠.

All communications in writing made by any Bureau shall be authenticated by a signature or a seal.

Article ١٣٨

The information received by the national Bureau and transmitted by it shall be of such a character as to make it possible to identify the protected person exactly and to advise his next of kin quickly. The information in respect of each person shall include at least his surname, first names, place and date of birth, nationality, last residence and distinguishing characteristics, the first name of the father and the maiden name of the mother, the date, place and nature of the action taken with regard to the individual, the address at which correspondence may be sent to him and the name and address of the person to be informed.

Likewise, information regarding the state of health of internees who are seriously ill or seriously wounded shall be supplied regularly and if possible every week.

Article ١٣٩

Each national Information Bureau shall, furthermore, be responsible for collecting all personal valuables left by protected persons mentioned in Article ١٣٦, in particular those who have been repatriated or released, or who have escaped or died; it shall forward the said valuables to those concerned, either direct, or, if necessary, through the Central Agency. Such articles shall be sent by the Bureau in sealed packets which shall be accompanied by statements giving clear and full identity particulars of the person to whom the articles belonged, and by a complete list of the contents of the parcel. Detailed records shall be maintained of the receipt and despatch of all such valuables.

Article ١٤٠

A Central Information Agency for protected persons, in particular for internees, shall be created in a neutral country. The International Committee of the Red Cross shall, if it deems necessary, propose to the Powers concerned the organization of such an Agency, which may be the same as that provided for in Article ١٢٣ of the Geneva Convention relative to the Treatment of Prisoners of War of August ١٢, ١٩٤٩.

The function of the Agency shall be to collect all information of the type set forth in Article ١٣٦ which it may obtain through official or private channels and to transmit it as rapidly as possible to the countries of origin or of residence of the persons concerned, except in cases where such transmissions might be detrimental to the persons whom the said information concerns, or to their

relatives. It shall receive from the Parties to the conflict all reasonable facilities for effecting such transmissions.

The High Contracting Parties, and in particular those whose nationals benefit by the services of the Central Agency, are requested to give the said Agency the financial aid it may require.

The foregoing provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross and of the relief Societies described in Article 142.

Article 141

The national Information Bureaux and the Central Information Agency shall enjoy free postage for all mail, likewise the exemptions provided for in Article 110, and further, so far as possible, exemption from telegraphic charges or, at least, greatly reduced rates.

PART IV

EXECUTION OF THE CONVENTION

SECTION I

GENERAL PROVISIONS

Article 142

Subject to the measures which the Detaining Powers may consider essential to ensure their security or to meet any other reasonable need, the representatives of religious organizations, relief societies, or any other organizations assisting the protected persons, shall receive from these Powers, for themselves or their duly accredited agents, all facilities for visiting the protected persons, for distributing relief supplies and material from any source, intended for educational, recreational or religious purposes, or for assisting them in organizing their leisure time within the places of internment. Such societies or organizations may be constituted in the territory of the Detaining Power, or in any other country, or they may have an international character.

The Detaining Power may limit the number of societies and organizations whose delegates are allowed to carry out their activities in its territory and under its supervision, on condition, however, that such limitation shall not hinder the supply of effective and adequate relief to all protected persons.

The special position of the International Committee of the Red Cross in this field shall be recognized and respected at all times.

Article 143

Representatives or delegates of the Protecting Powers shall have permission to go to all places where protected persons are, particularly to places of internment, detention and work.

They shall have access to all premises occupied by protected persons and shall be able to interview the latter without witnesses, personally or through an interpreter.

Such visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure. Their duration and frequency shall not be restricted.

Such representatives and delegates shall have full liberty to select the places they wish to visit. The Detaining or Occupying Power, the Protecting Power and when occasion arises the Power of origin of the persons to be visited, may agree that compatriots of the internees shall be permitted to participate in the visits.

The delegates of the International Committee of the Red Cross shall also enjoy the above prerogatives. The appointment of such delegates shall be submitted to the approval of the Power governing the territories where they will carry out their duties.

Article 144

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population.

Any civilian, military, police or other authorities, who in time of war assume responsibilities in respect of protected persons, must possess the text of the Convention and be specially instructed as to its provisions.

Article 145

The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

Article 146

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be

committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another

High Contracting Party concerned, provided such High Contracting Party has made out a prima facie case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 10^o and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

Article 147

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

Article 148

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

Article 149

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

SECTION 11

FINAL PROVISIONS

Article 100.

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

Article 101

The present Convention, which bears the date of this day, is open to signature until February 12, 1900, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1864.

Article 102

The present Convention shall be ratified as soon as possible and the ratifications shall be deposited at Berne.

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

Article 103

The present Convention shall come into force six months after not less than two instruments of ratification have been deposited.

Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instrument of ratification.

Article 104

In the relations between the Powers who are bound by The Hague Conventions respecting the Laws and Customs of War on Land, whether that of 29 July, 1864, or that of 18 October, 1907, and who are parties to the present Convention, this last Convention shall be supplementary to Sections II and III of the Regulations annexed to the above-mentioned Conventions of The Hague.

Article 100

From the date of its coming into force, it shall be open to any Power in whose name the present Convention has not been signed, to accede to this Convention.

Article 101

Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

Article 102

The situations provided for in Articles 9 and 10 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

Article 103

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release, repatriation and re-establishment of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

Article 104

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform

the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

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