RESPECT FOR HUMAN RIGHTS IN ARMED CONFLICTS

Report of the Secretary-General

1. In paragraph 4 of resolution 3032 (XXVII) of 18 December 1972, the General Assembly, inter alia, requested the Secretary-General to report to it at its twenty-eighth session on relevant developments concerning human rights in armed conflicts. The present report summarizes information concerning such developments communicated to the Secretary-General by the International Committee of the Red Cross (ICRC) and other non-governmental bodies, received up to 31 August 1973. Information received after that date will be summarized in addenda to the present report.

2. It will be recalled that resolution 3032 (XXVII) is the most recent of a series of resolutions in which United Nations bodies have expressed concern for ensuring the better protection of civilians, prisoners and combatants in all armed conflicts as well as the prohibition and limitation of the use of certain methods and means of warfare. The need for additional humanitarian international instruments or for possible revision of existing instruments has been stressed, notably, in resolution XXIII of the International Conference on Human Rights held at Teheran in 1968 1/, and in General Assembly resolutions 2444 (XXIII), 2597 (XXIV), 2673 (XXV), 2677 (XXVI), 2852 (XXVI) and 2853 (XXVI). In response to requests by the General Assembly, the Secretary-General has submitted to it several studies and reports, with various suggestions, concerning respect for human rights in armed conflicts (A/7720, A/8052 and A/8781 and Corr.1). The parallel concern of the International Committee of the Red Cross has been expressed, in particular, in various resolutions adopted by the international conferences of the Red Cross (in particular resolution XIII of the twenty-first International Conference of Istanbul, 1969) and in the work of the first (1971) and second (1972) sessions of the ICRC Conference of Government Experts on the Reaffirmation and Development of International

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* A/9100.

1/ Final Act of the International Conference on Human Rights (United Nations publication, Sales No.: E.68.XIV.2), p. 18.
Humanitarian Law Applicable in Armed Conflicts. 2/ In all those activities, there was, and there continues to be, close and harmonious co-operation between the United Nations and ICRC.

3. In paragraph 1 of resolution 3032 (XXVII), the General Assembly expressed the hope that this preparatory work would result in the adoption of rules which would mark substantial progress on fundamental legal issues connected with modern armed conflicts and which would contribute significantly to the alleviation of the suffering brought about by such conflicts. In the thirteenth preambular paragraph of the same resolution the Assembly welcomed the readiness of the Swiss Federal Council to convoke a diplomatic conference in 1974, with the purpose, essentially, of adopting protocols to the four Geneva Conventions of 1949.

4. As in previous reports on human rights in armed conflicts (see A/8370, sect. III, A/8370/Add.1, A/8781 and Corr.1, part three), the present report contains summaries of information received by the Secretary-General concerning the activities of ICRC and other non-governmental bodies, which have manifested their specific interest in various problems relating to respect for human rights in armed conflicts. The full text of proposals and resolutions contained in the information received from these bodies will be made available to delegations upon request.

5. The International Committee of the Red Cross, in a letter dated 2 August 1973, provided information concerning various activities undertaken in 1973 in preparation for the twenty-second International Conference of the Red Cross to be held at Teheran from 8 to 15 November 1973 and the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts to be held at Geneva from 20 February to 29 March 1974.

6. During the first part of 1973, ICRC convened a series of meetings of experts with a view to harmonizing, as far as possible, the divergent views which had been expressed on certain issues at the 1971 and 1972 conferences of government experts. From 15 to 19 January 1973 and from 5 to 9 March 1973, a consultative group, composed of government experts from Austria, Belgium, Brazil, Canada, China, Egypt, France, India, Indonesia, Iraq, Mexico, the Netherlands, Nigeria, Poland, Romania, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics, examined some of these issues, as submitted to them by ICRC, including questions relating to the protection of the civilian population, guerrilla warfare, the system of protecting Powers, and the scope of the draft Protocol relating to Non-international Armed Conflicts. The ICRC considers that these meetings have achieved useful results.

7. A group of experts of ICRC on the international emblem of Civil Defence Organizations met from 22 to 26 January 1973. The experts proposed a design for

2/ The proceedings of these conferences, where the Secretary-General was represented, have been summarized in earlier reports of the Secretary-General (A/8370 and A/8781 and Corr.1).
the protective emblem of such organizations and suggested certain changes in the 
articles of the draft protocols concerning civil defence.

8. The articles of the draft protocols concerning penal sanctions against 
persons guilty of grave breaches of the Geneva Conventions were examined, from 
29 January to 1 February 1973, by a group of six experts in criminal law convened 
by ICRC.

9. From 5 to 9 February 1973, technical experts of ICRC met to consider various 
problems concerning the signalling and identification of medical vehicles.

10. From 26 February to 2 March 1973, and from 12 to 15 June 1973, a group of 
military, medical and legal experts, convened by ICRC, met to consider questions 
relating to the use of such conventional weapons as may cause unnecessary suffering 
or have indiscriminate effects. The experts were from Austria, Brazil, Denmark, 
Egypt, Germany, Federal Republic of, Iraq, Japan, Kuwait, Lebanon, the Libyan 
Arab Republic, Mexico, the Netherlands, Norway, Spain, Sweden, Switzerland, the 
Syrian Arab Republic, the United Kingdom of Great Britain and Northern Ireland, the 
Union of Soviet Socialist Republics and the United States of America. There were 
also observers from the United Nations, the World Health Organization, the Special 
NGO Committee for Disarmament and the Stockholm International Peace Research 
Institute. These meetings were convened in accordance with suggestions made by 
several participants at the second session of the ICRC Conference of Government 
Experts (May–June 1972). The mandate of this group of experts did not cover the 
study of atomic weapons nor that of incendiary weapons, such as napalm, which were 
under consideration by other bodies including the General Assembly of the United 
Nations. The purpose of the meetings was essentially to make a descriptive study 
of the military characteristics and main effects on the human body of such 
weapons as small calibre high-velocity weapons, fragmentation warheads, 
fragmentation landmines, and of some new or contemplated weapons (for instance 
laser weapons). The meetings were not intended to draw any conclusions on the 
legality of such weapons in the light of present international law nor to make 
proposals concerning the legal prohibition of any weapon. The report of the group 
of experts will not be included in the documentation of the twenty-second 
International Conference of the Red Cross nor of the 1974 Diplomatic Conference, as 
the subject-matter of the experts' meeting is not within the scope of the proposed 
additional protocols to the Geneva Conventions. The ICRC states, however, that the 
report will be given wide distribution.

11. Taking into account the consultations mentioned above, ICRC has prepared 
revised draft additional protocols to the four Geneva Conventions. These drafts 
have been sent to Governments through the good offices of the Swiss Federal 
Council, and they will also be distributed to the delegates to the twenty-second 
International Conference of the Red Cross. The Diplomatic Conference of 1974 will 
consider these documents together with the records of discussion at the Teheran 
Conference.

12. The twenty-second International Conference of the Red Cross will also have 
before it information received from Governments and National Red Cross Societies on 
measures taken or contemplated for the dissemination of the texts of the Geneva 
Conventions.

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13. Caritas Internationalis states that it is following closely the work of the United Nations and ICRC concerning human rights in armed conflicts. It is especially interested in improving the protection of field relief personnel, equipment and transport.

14. The Medical Legal Commission of Monaco recalls that it had submitted to the ICRC Conference of Government Experts, through the good offices of the Government experts from Monaco, several amendments to the ICRC draft protocols, concerning the protection of medical air transport, the protection of relief transport for the civilian population, and the improvement of the system of protecting Powers. The Commission states that it continues to concern itself actively with these questions and with the protection of the civilian population in armed conflicts, in particular as regards the establishment of sanitary zones and safety zones. It recalls that the relevant articles of the Geneva Conventions were adopted in 1949 upon the initiative of the Commission and the Government of Monaco.

15. The Special NGO Committee on Human Rights has forwarded a communication from the American Civil Liberties Union which contains a statement of policy adopted by ACLU concerning guarantees of free speech, due process and equal treatment before the law for persons serving in armed forces.

16. The International Committee of Military Medicine and Pharmacy, in co-operation with the International Institute of Humanitarian Law, has been studying various questions relating to the application of the principles of humanitarian law in armed forces.

17. The International Institute of Human Rights (Fondation René Cassin) has included for the third consecutive year the subject entitled "Human Rights and the Law of Armed Conflicts" in the curriculum of its annual course organized in Strasbourg during the first three weeks of July. The Institute has also undertaken a study on the question of the protection of human rights during armed conflicts, particularly in occupied territories, and in co-operation with the San Remo Institute of Humanitarian Law has organized a colloquium on "Spiritual and Intellectual Assistance in Armed Conflicts and during Internal Troubles".

18. The International Institute of Humanitarian Law (San Remo) organized a seminar on "Instruction on Humanitarian Law in military institutions" in San Remo from 6 to 18 November 1972, which was attended by 60 participants from 24 countries. The final report of the seminar has been published in the "Revue Internationale de la Croix Rouge".

19. The Institute also held, in conjunction with the Medical Legal Commission of Monaco, a round-table conference on "Press Information during Armed Conflicts" on 18 and 19 November 1972. The resolution adopted by the conference draws the attention of the United Nations to the existence in Bern of an International Professional Committee for the Safeguard of Journalists in Dangerous Missions which, it is suggested, could assume on a provisional basis, until the adoption of an international convention, the role of issuing documents for the protection of journalists on dangerous missions in the regions affected by an armed conflict.
20. Another round table was held on 28 and 29 June 1973 on the subject of "Reunion of Divided Families". The resolution adopted stressed the importance of reinforcing and developing those humanitarian rules which have as an aim the protection of the human person with a view to defining more clearly (a) the categories of protected persons in the widest sense and (b) the humanitarian and social criteria according to which the modalities for the reunion of families could be established. The resolution also requested Governments to take all possible measures to facilitate the reunion of families and suggested the convening of a conference of experts to examine what practical solutions could be found to the problem of dispersed families.

21. On 30 June 1973 a colloquium was held on the subject of "International Humanitarian Law and Telecommunications".

22. As mentioned in paragraph 17 above, the Institute collaborated with the International Institute of Human Rights (Fondation René Cassin) in the organization of a colloquium.

23. The Institute has also published the summary records of its 1971 conference on "Humanitarian Rules and Military Instructions".

24. The International Society of Penal Military Law and Law of War held its sixth congress at The Hague from 21 to 25 May 1973. A session of the Committee for the Protection of Human Rights in Armed Conflicts, a subsidiary body of the Society, was held at the same time. A representative of the Secretary-General attended the meetings. On the basis of a general report, the Congress as a whole considered, inter alia, questions relating to cease-fire agreements, including problems of international control. The Committee for the Protection of Human Rights established its future programme of work as follows: (a) reprisals; (b) the concept of neutrality and its significance for the various forms of armed conflicts; (c) the status accorded under international law to nationals of a State who render service to a hostile country during an armed conflict of an international character; (d) the members of armed forces under the terms of national and international law; (e) prohibitions of the use of specified weapons in the light of current international law. Among the papers submitted to the Committee, one dealt with "the medical and legal problems related to the concepts of sanitary zones and localities end of safety zones and localities in time of war". This paper considered problems connected with the implementation of existing international law (article 23 of the First Geneva Convention and articles 14 and 15 of the Fourth Geneva Convention) as well as the proposals made at the ICRC Conference of Government Experts for the protection of non-defended and neutralized localities. Another paper, entitled "Ruses of War and prohibition of perfidy", contained an analysis of and comments on the proposals made on these subjects at the ICRC Conference of Government Experts. Another paper contained a study of the responsibility of States parties to an armed conflict, and of individuals involved in such conflicts, for the application of humanitarian law.

25. The World Confederation of Organizations of the Teaching Profession, at its 1970 and 1971 Assemblies of Delegates, resolved that, in view of recent tragedies
involving the death and wounding of school children as a result of armed conflicts, the special protection afforded to hospitals and ambulances by international agreements and customs should be extended to schools and school vehicles.

26. **The World Conference of Religion for Peace**, at a meeting held in Kyoto, in October 1970, called for the urgent establishment within the framework of the United Nations of a permanent and objective Commission of Enquiry empowered to investigate all violations of humanitarian conventions in armed conflicts which would report publicly to the Security Council and the General Assembly. The organization's International Board of Directors, meeting in Langwaden, Federal Republic of Germany, in March 1973, issued a statement, *inter alia*, urging all Governments to adopt policies which would lead the General Assembly to adopt a United Nations Declaration Against the Use of Napalm and Other Incendiary Weapons, and asking the Geneva Disarmament Conference or the International Committee of the Red Cross to work out legal instruments prohibiting the production, development, and stockpiling of this class of weapons.

27. **The World Peace through Law Center** transmitted some papers which were to be discussed at its August 1973 Conference, including a paper concerning the problem of terrorism.