

The following annotations (references to relevant legal texts and other sources) are illustrative and non exhaustive; they are offered by the Depositary under its own responsibility and for the convenience of the High Contracting Parties.

CONFERENCE OF HIGH CONTRACTING PARTIES
TO THE FOURTH GENEVA CONVENTION

GENEVA, 5 DECEMBER 2001

➤ *Title of the Conference: the same as in 1999*

DECLARATION

1. This Declaration reflects the common understanding reached by the participating High Contracting Parties to the reconvened Conference of High Contracting Parties to the Fourth Geneva Convention. The Conference of 15 July 1999, recommended by United Nations' General Assembly Resolution ES-10/6 in an Emergency Special Session, issued a statement as follows:

"...The participating High Contracting Parties reaffirmed the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including East Jerusalem. Furthermore, they reiterated the need for full respect for the provisions of the said Convention in that Territory. Taking into consideration the improved atmosphere in the Middle East as a whole, the Conference was adjourned on the understanding that it will convene again in the light of consultations on the development of the humanitarian situation in the field."

➤ *References within the text*

2. The participating High Contracting Parties express deep concern about the deterioration of the humanitarian situation in the field. They deplore the great number of civilian victims, in particular children and other vulnerable groups, due to indiscriminate or disproportionate use of force and due to lack of respect for international humanitarian law.

➤ *Reference to international customary law*

3. Taking into account art. 1 of the Fourth Geneva Convention of 1949 and bearing in mind the United Nations' General Assembly Resolution ES-10/7, the participating High Contracting Parties reaffirm the applicability of the Convention to the Occupied Palestinian Territory, including East Jerusalem and reiterate the need for full respect for the provisions of the said Convention in that Territory. Through the present Declaration, they recall in particular the respective obligations under the Convention of all High Contracting Parties (para 4-7), of the parties to the conflict (para 8-11) and of the State of Israel as the Occupying Power (para 12-15).

➤ *References within the text*

➤ *Use of the wording of the Statement 15.7.1999*

4. The participating High Contracting Parties call upon all parties, directly involved in the conflict or not, to respect and to ensure respect for the Geneva Conventions in all circumstances, to disseminate and take measures necessary for the prevention and suppression of breaches of the Conventions. They reaffirm the obligations of the High Contracting Parties under articles 146, 147 and 148 of the Fourth Geneva Convention with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties.

- *Use of the wording of common art. 1 of the Geneva Conventions*
- *Reference to art. 144 of the IVth Geneva Convention (re: dissemination)*
- *Other references within the text; see also art. 29 of the IVth Geneva Convention (re: responsibilities)*

5. The participating High Contracting Parties stress that the Fourth Geneva Convention, which takes fully into account imperative military necessity, has to be respected in all circumstances.

- *Use of the wording of common art. 1 of the Geneva Conventions*
- *Cf. IVth Geneva Convention, passim; reference to international customary law*

6. The participating High Contracting Parties see the need to recall basic humanitarian rules with regard to persons taking no active part in the hostilities, which shall be treated humanely without any discrimination, and to recall the prohibition at any time and in any place whatsoever of acts of violence to life and person, torture, outrages upon personal dignity and of arbitrary or extra-judiciary executions.

- *Use of the wording of common art. 3 of the Geneva Conventions; see also art. 13 and 27 of the IVth Geneva Convention (re: discrimination)*
- *Reference to international customary law*

7. The participating High Contracting Parties express their support for the endeavours of the humanitarian relief societies in the field in ensuring that the wounded and sick receive assistance, and for the activities of the International Committee of the Red Cross (ICRC), the United Nations Relief and Works Agency in the Near East (UNRWA) and of other impartial humanitarian organisations. They also express their support for the efforts of the United Nations High Commissioner for Human Rights and of UN Special Rapporteurs in order to assess the situation in the field and they take note of the reports and recommandations of the High Commissioner for Human Rights (E/CN/4/2001/114) and of the Commission of Inquiry (E/CN/4/2001/121).

- *Reference to art. 10 of the IVth Geneva Convention (re: activities of the ICRC)*
- *References within the text*

8. The participating High Contracting Parties call upon the parties to the conflict to ensure respect for and protection of the civilian population and civilian objects and to distinguish at all times between the civilian population and combatants and between civilian objects and military objectives. They also call upon the parties to abstain from any measures of brutality and violence against the civilian population whether applied by civilian or military agents and to abstain from exposing the civilian population to military operations.

- *Reference to international customary law; see also art. 3, 13 and 27 of the IVth Geneva Convention (re: use of force and protection of civilians)*

9. The participating High Contracting Parties call upon the parties to the conflict to respect and to protect at all times the fixed establishments and mobile medical units of the Medical Services and to facilitate the operations of the humanitarian relief societies in the field, including the free passage of their ambulances and medical personnel, and to guarantee their protection.

➤ *Use of the wording of art. 21 of the 1st Geneva Convention and reference to art. 19 of the IVth Geneva Convention*

10. The participating High Contracting Parties call upon the parties to the conflict to facilitate the activities of the ICRC, within its particular role conferred upon it by the Geneva Conventions, the UNRWA and of other impartial humanitarian organisations. They recognise and support their efforts to assess and to improve the humanitarian situation in the field. They invite the parties to the conflict to co-operate with independent and impartial observers such as the Temporary International Presence in the City of Hebron (TIPH).

➤ *Reference to art. 10 of the IVth Geneva Convention*

11. The participating High Contracting Parties call upon the parties to the conflict to consider anew suggestions made at the meeting of experts of High Contracting Parties in 1998 to resolve problems of implementation of the Fourth Geneva Convention and to respect and to ensure respect in all circumstances for the rules of international humanitarian law and to co-operate within the framework of direct contacts, including procedures of inquiry and of conciliation. They encourage any arrangements and agreements supported by the parties to the conflict on the deployment of independent and impartial observers to monitor, inter alia, breaches of the Fourth Geneva Convention as a protection and confidence building measure, with the aim to ensure effectiveness of humanitarian rules.

➤ *Reference to: Expert Meeting on the Fourth Geneva Convention (Geneva, 27-29 October 1998), Chairman's Report (Ambassador Gyger, 11 December 1998)*

➤ *Use of the wording of common art. 1 of the Geneva Conventions*

➤ *Reference to art. 12 of the IVth Geneva Convention*

12. The participating High Contracting Parties call upon the Occupying Power to fully and effectively respect the Fourth Geneva Convention in the Occupied Palestinian Territory, including East Jerusalem, and to refrain from perpetrating any violation of the Convention. They reaffirm the illegality of the settlements in the said territories and of the extension thereof. They recall the need to safeguard and guarantee the rights and access of all inhabitants to the Holy Places.

➤ *Reference to the IVth Geneva Convention as a whole, in particular Part III, Section III "Occupied territories" (art. 47-78)*

➤ *Reference to art. 49 of the IVth Geneva Convention*

13. The participating High Contracting Parties call upon the Occupying Power to immediately refrain from committing grave breaches involving any of the acts mentioned in art. 147 of the Fourth Geneva Convention, such as wilful killing, torture, unlawful deportation, wilful depriving of the rights of fair and regular trial, extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly. The participating High Contracting Parties recall that according to art. 148 no High Contracting Party shall be allowed to absolve itself of any liability incurred by itself in respect to grave breaches. The participating High Contracting Parties

also recall the responsibilities of the Occupying Power according to art. 29 of the Fourth Geneva Convention for the treatment of protected persons.

➤ *References within the text*

14. The participating High Contracting Parties also call upon the Occupying Power to refrain from perpetrating any other violation of the Convention, in particular reprisals against protected persons and their property, collective penalties, unjustified restrictions of free movement, and to treat the protected persons humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

➤ *Reference to the IVth Geneva Convention as a whole, in particular Part III, Section III "Occupied territories" (art. 47-78)*

➤ *Use of the wording of common art. 3 of the Geneva Conventions; see also art. 13, 27, 31-33 of the IVth Geneva Convention*

➤ *Reference to international customary law*

15. The participating High Contracting Parties call upon the Occupying Power to facilitate the relief operations and free passage of the ICRC, UNRWA, as well as any other impartial humanitarian organisation, to guarantee their protection and, where applicable, to refrain from levying taxes and imposing undue financial burdens on these organisations.

➤ *Use of the wording of art. 59 of the IVth Geneva Convention*

16. The participating High Contracting Parties stress that respect for the Fourth Geneva Convention and international humanitarian law in general is essential to improve the humanitarian situation in the field and to achieve a just and lasting peace. The participating High Contracting Parties invite the parties concerned to bring the conflict to an end by means of negotiation and to settle their disputes in accordance with applicable international law.

➤ *Reference to the IVth Geneva Convention as a whole*

17. The participating High Contracting Parties welcome and encourage the initiatives by States Parties, both individually and collectively, according to art. 1 of the Convention and aimed at ensuring the respect of the Convention, and they underline the need for the Parties, to follow up on the implementation of the present Declaration.

➤ *Reference within the text*

18. The participating High Contracting Parties express their gratitude to the Depositary of the Fourth Geneva Convention for its good services and offices.

CONFERENCE OF HIGH CONTRACTING PARTIES
TO THE FOURTH GENEVA CONVENTION

GENEVA, 5 DECEMBER 2001

Practical information

1. Date and place of the Conference

The Conference is foreseen to take place on 5 December 2001 at the

International Conference Centre Geneva (CICG)
15, rue de Varembé
1202 Geneva

Tel: +41 22 791 91 11

Fax: +41 22 733 81 06

in Room 1

The Conference may be opened at 10 a.m. and concluded on the same day.

2. Accreditation

Delegations are kindly requested to complete the attached registration form and return it in due time to the Ad hoc Service Conference IVth Geneva Convention – p.o. Permanent Mission of Switzerland to the International Organizations at Geneva – 9-11, Rue de Varembé – 1211 Geneva 20, preferably by e-mail (melanie.balmer@eda.admin.ch) or by facsimile transmission (+41 22 749 24 37).

The ad hoc Service Conference IVth Geneva Convention will furnish badges to the participants. Badges will be available starting on 3 December 2001 from 8.30 a.m. to 5.30 p.m. at the Permanent Mission of Switzerland to the International Organisations at Geneva (9-11, rue de Varembé).

3. Travel, visas and lodging

The relevant services of the governments participating are kindly requested to arrange for travel, entry formalities for Switzerland and hotel reservations for their conference participants.

4. Interpretation and translation, reproduction and distribution of documentation

Simultaneous interpretation for the plenary meeting of the Conference is foreseen in the six official languages of the UNO and the final document of the Conference will be available in the six official languages of the UN at the beginning of the Conference.

CONFERENCE OF HIGH CONTRACTING PARTIES
TO THE FOURTH GENEVA CONVENTION

GENEVA, 5 DECEMBER 2001

Timing, venue, objectives & modalities

Timing and venue

1) Date (etc.):

Date: Wednesday 5 December 2001

Duration: 1 day

Place: *Centre international de Conférences Genève (CICG)*, Geneva

2) Programme:

a. Opening statement by the Chair (welcome, context, technicalities, procedure)

b. Statements (each one max. 10') on the situation in the field (predefined speakers' list):

- *International Committee of the Red Cross (ICRC)*
- *United Nations Relief and Works Agency in the Near East (UNRWA)*
- *Office of the United Nations High Commissioner for Human Rights (OHCHR)*

c. Statements (each one max. 10') by High Contracting Parties (HCP) (predefined speakers' list; *name of countries and sequence of speeches to be defined*):

- 1 HCP on behalf of the HCP members of the *League of Arab States (LAS)*
- 1 HCP on behalf of the HCP members of the *European Union (EU)*
- 1 HCP on behalf of the HCP members of the *Non Aligned Movement (NAM)*
- 1 HCP on behalf of the HCP members of the *Organisation of the Islamic Conference (OIC)*
- 1 HCP from the Eastern and Central European countries
- 1 HCP from the Western and other countries

d. Reading of the final document by the Chair (& approval without vote)

e. Conclusion by the Chair

3) Participation:

Participants: all High Contracting Parties invited; Palestinian delegation called "Palestine" (= UN designation)

Observers (in alphabetic order): *European Commission, International Committee of the Red Cross (ICRC); International Federation of Red Cross and Red Crescent Societies, League of Arab States (LAS); Office of the United Nations High Commissioner for Human Rights (OHCHR); Organisation of the Islamic Conference (OIC); Secretariat of the European Council; United Nations Relief and Works Agency in the Near East (UNRWA); UN Secretary-General.*

- 4) Reconvening:
Meeting to be reconvened by the participant HCP themselves, through inscription with the Depositary (inscription forms sent by the Depositary as annex with a note of information & consultation with regard to the final document drafted within the Group of "Friends of the Depositary")
- 5) Logistics and costs:
- rooms in the *Centre international de Conférences Genève (CICG)*
 - badges and accreditation through Swiss Government
 - ad hoc secretariat (inscriptions and transmission of Conference documents) by the Depositary
 - interpretation (French, English, Spanish, Arabic, Chinese, Russian)
 - costs covered by the Depositary (*subject to the acceptance of the other elements of the proposal and without prejudice of possible future meetings*)

Objectives

- 6) General:
- humanitarian, based on art. 1 of the Geneva Convention ("*The HCP undertake to respect and to ensure respect for the present Convention in all circumstances*")
 - directed primarily towards the protected people and not against the occupying power
- 7) Substantial:
Adoption by consensus of the final document drafted within the Group of "Friends of the Depositary" and read by the chair; no other decision to be taken.

Modalities

8) Chair and Secretariat

Chairperson: representative of the Depositary (*subject to the acceptance of the other elements of the proposal and without prejudice of possible future meetings*)

Secretariat: by the Depositary

9) Procedure of the Conference

No formal rules of procedure – procedure according to programme

In camera. No public, no press.

Public distribution of the final document at the end of the Conference

10) Procedure of follow-up

Forward by the Depositary to all HCP, to Palestine and to observers to the Conference of:

- final document (*French, English, Spanish, Arabic, Chinese, Russian*)
 - all statements according to programme (points 2 a, b and c) (*original version without translation*)
 - list of participants
- No other official Conference Documents.