

## 2.2 Geneva Convention of 1864

In 1864, sixteen European countries and several American states attended a conference in Geneva, at the invitation of the Swiss Federal Council, on the initiative of the Geneva Committee. The diplomatic conference was held for the purpose of adopting a convention for the treatment of wounded soldiers in combat.

The main principles laid down in the Convention and maintained by the later Geneva Conventions provided for the obligation

- To extend care without discrimination to wounded and sick military personnel and marking of medical personnel transports and equipments with the distinctive sign of the red cross on a white background.

In 1859 Henry Dunant, a Swiss citizen, witnessed the aftermath of the Battle of Solferino and was horrified by the sight of thousands of wounded soldiers lying helpless and abandoned with no one to care for them. This experience led him to suggest the setting up of voluntary relief societies who could be trained, during peacetime, to care for the wounded in time of war. He also called for an international agreement to be drawn up to protect the wounded, and those who looked after them, from further attack.

In 1863 Henri Dunant arranged an unofficial international conference at which it was agreed that each country should form a relief organization capable of assisting the Army Medical Services in wartime. This was how the Red Cross began. In 1864 governments were invited to send representatives to a diplomatic conference. As a result 12 European nations signed a treaty stating that in future wars they would care for all sick and wounded military personnel, regardless of nationality. They would also recognize the neutrality of medical personnel, hospitals and ambulances identified by the emblem of a red cross on a white background. The treaty was called the Geneva Convention. This Convention was concerned only with soldiers wounded on the battlefield.

Over the years, however, it has been expanded to cover everyone caught up in conflicts but not actually taking an active part in the fighting. There are now four Geneva Conventions, which were drawn up in 1949. They cover;

- Armed forces on land and at sea, prisoners of war, and civilians.

And all of them have now been accepted by virtually every State in the world. Britain ratified the four Conventions in 1957.

In addition, two new Protocols (a Protocol is an addition or amendment to a Convention) were drawn up in 1977 at a diplomatic conference (attended by Britain).

## CONTENT

The Conventions are long and complicated, but they are essentially a series of 'do's' and 'don'ts' to apply during conflict to protect vulnerable and defenseless individuals. Their underlying principles can be simply stated.

The human dignity of all individuals must be respected at all times. Everything possible must be done, without any kind of discrimination, to reduce the suffering of people who have been put out of action by sickness, wounds or captivity whether or not they have taken direct part in the conflict.

- The First Protocol extends the Conventions, taking into consideration modern means of warfare and transport and aiming to give further protection to civilians
- The Second Protocol provides a code of minimum protection for the combatants and the civilian population during civil wars.

The distinctive emblems defined in the Geneva Conventions are the Red Cross on a white background. In order to retain their protective status in wartime, these emblems may not be used either in peace or war except to indicate or to protect the medical personnel, establishments and material protected by the Conventions.(National Societies may, in accordance with their national legislation, make use of the emblem for their other peacetime activities). In wartime they must not use the emblem to signify that 'protection' is conferred by it, unless specifically authorized to do by their

governments: in this way the sign of the Red Cross or Red Crescent is itself protected from abuse.

- The first Geneva Convention ("for the Amelioration of the Wounded and Sick in Armed Forces and Field") and
- The second Geneva Convention ("for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea") are similar, covering land and sea respectively.
- ✓ They embody the main idea which led to the founding of the Red Cross: if a member of the armed forces is wounded or sick, and therefore in no condition to take an active part in the hostilities, he is no longer part of the fighting force and becomes a vulnerable person in need of protection and care.

The main points of these two Conventions are:

- The sick, wounded and shipwrecked must be cared for adequately.
  - Belligerents must treat members of the enemy force who are wounded, sick or shipwrecked as carefully they would their own.
  - All efforts should be made to collect the dead quickly; to confirm death by medical examination;
  - To identify bodies and protect them from robbery.
  - Medical equipment must not be intentionally destroyed and medical establishments and vehicles must not be attacked, damaged or prevented from operating even if, for the moment, they do not contain patients.
- The third Geneva Convention ("Relative to the Treatment of Prisoners of War") covers members of the armed forces who fall into enemy hands. They are in the power of the enemy State, not of the individuals or troops who have captured them

Prisoners of war must be:

- Treated humanely with respect for their persons and their honour.
- Enabled to inform their next of kin and the Central Prisoners of War Agency (ICRC, the International Red Cross) of their capture.
- Allowed to correspond regularly with relatives and to receive relief parcels.
- Allowed to keep their clothes, feeding utensils and personal effects.
- Supplied with adequate food and clothing.
- Provided with quarters not inferior to those of their captor's troops.
- Given the medical care their state of health demands.
- Paid for any work they do.
- Repatriated if certified seriously ill or wounded, (but they must not resume active military duties afterwards).
- Quickly released and repatriated when hostilities cease.

Prisoners of war must NOT be:

- Compelled to give any information other than their name, age, rank and service number.
  - Deprived of money or valuables without a receipt (and these must be returned at the time of release).
  - Given individual privileges other than for reasons of health, age, military rank or professional qualifications.
  - Held in close confinement except for breaches of the law, although their liberty can be restricted for security reasons.
  - Compelled to do military work, nor work which is dangerous, unhealthy or degrading.
- The fourth Geneva Convention ("Relative to the Protection of Civilian Persons in Time of War") covers all individuals "who do not belong to the armed forces, take

no part in the hostilities and find themselves in the hands of the Enemy or an Occupying Power"

Protected civilians must be:

- Treated humanely at all times and protected against acts or threats of violence, insults and public curiosity.
- Entitled to respect for their honour, family rights, religious convictions and practices, and their manners and customs.
- Specially protected, for example in safety zones, if wounded, sick, old, children under 15, expectant mothers or mothers of children under 7.
- Enabled to exchange family news of a personal kind. - Helped to secure news of family members dispersed by the conflict
- Allowed to practice their religion with ministers of their own faith. Civilians who are interned have the same rights as prisoners of war. They may also ask to have their children interned with them, and wherever possible families should be housed together and provided with the facilities to continue normal family life. Wounded or sick civilians, civilian hospitals and staff, and hospital transport by land, sea or air must be specially respected and may be placed under protection of the red cross/crescent emblem.

Protected civilians must NOT be:

- Discrimination against because of race, religion or political opinion- Forced to give information.
- Used to shield military operations or make an area immune from military operations.
- Punished for an offence he or she has not personally committed. - Women must not be indecently assaulted, raped, or forced into prostitution.