

First draft Convention adopted in Monaco (Sanitary cities and localities), 27 July 1934.

I. - SANITARY CITIES AND LOCALITIES

Article 1. A particular protection is guaranteed to sanitary towns by belligerents on the following conditions:

Art.2. The town must be reserved for the particular requirements of the medical service to the exclusion of any military utilization.

This exclusion does not comprise:

- a) The utilization in transit of the roads of communication and transportation by military convoys;
- b) The presence of soldiers on furlough originating from the town;
- c) The cases referred to in Article 8 of the Geneva Convention;
- d) The activity of industrial plants other than important and well-known centres utilized for the manufacture of arms, ammunition or characterized military supplies.

Art.3. The town must be notified either in time of peace or at the opening of or during the hostilities.

Such notification shall be made:

- a) In time of peace, through the diplomatic channel, to all Governments;
- b) At the opening of or during the hostilities, between belligerents, through the medium of the Protecting Power.

'Variant or better':

... as well in time of peace as in time of war through the medium of an international organ (to be defined).

Art.4. The choice of the town can be made the subject of a protestation duly notified within a reasonable period.

The examination of the motives of such protestation shall be made at the request of the notifier, in time of peace within a reasonable period and, in time of war with all possible speed, by:

- a) In time of peace: the Permanent Court of International Justice;
- b) In time of war: the special Committee appointed at the outbreak of hostilities by the non-belligerent Powers which are signers of the Convention;

'Or better: '

... in both cases, by the aforesaid international organisation.

Art.5. The town has obligatorily to admit, in time of war, a commission of control whose members, appointed by one of the aforesaid authorities, must be approved by the interested Government.

They shall act under the control of the protecting Power.

'Or better: '

... in both cases, by the aforesaid international organisation.

Art.6. The Commission of control of the non-belligerents has not to interfere with the exercise of the territorial sovereignty. On the other hand, the local authorities must give the Commission all the necessary facilities for the fulfillment of its task.

Art.7. The proceeding required to give a town the character of a sanitary town shall also be followed for the withdrawal of this character.

In case of occupation by the enemy, such character shall be maintained, unless he makes a notification to the contrary.

Art.8. The guarantees granted to sanitary towns can be extended to localities wherein mobile or fixed medical units, operating in close contact with the battle front, are gathered, on the following conditions:

1. They may receive at the interior and in a surrounding zone of 500 metres, no other military units than those properly belonging to the medical service, taking into account the case referred of Art.8 of the Geneva Convention;

2. They must place the emblems of the Red Cross at the exits of the locality; placing such emblems replaces the notification, which the adversary must ipso facto consider as having been made, unless he contests the legitimacy thereof in accordance with the proceedings of common law (parlementaires, wireless communication, ballasted message);

3. If no other decision has been made, the control will be carried out under the terms of Article 30 of the Geneva Convention.

It is however recommended to the interested parties to utilize, as far as ever possible, the good offices of the controlling organs composed of non-belligerents.

Art.9. None of the preceding rules may be interpreted in a sense that would restrict the rights which humanity has acquired by virtue of any other convention.

II. - SANITARY ASSISTANCE BY NON-BELLIGERENTS

Article 1. Sanitary assistance lent by a Government to any of the belligerents does not break the neutrality.

Art.2. Such assistance consists in the intervention:

a) Of a recognised aid society with previous consent of its own Government and the authorization of the belligerent himself;

b) Of the military medical service.

Art.3. Each belligerent determines the employment of the sanitary assistance thus put at his disposal.

Art.4. Every belligerent who has accepted the assistance is bound, before making use thereof, to notify the enemy accordingly.

Art.5. The sanitary assistance may include: personnel, material and complete medical units.

Art.6. The personnel, material and medical units thus placed at the disposal of the belligerents, are governed by the stipulations of the Geneva Convention, completed, if necessary, by the particular conventions to be made between the interested countries.

Art.7. Nevertheless, the belligerent may, at any time, renounce the benefit of the assistance.

No country may withdraw the benefit of its assistance from a belligerent unless it be for strong reasons which might be brought before the Permanent Court of International Justice.

Art.8. In that case, all necessary measures should be taken in order that the withdrawal of the assistance may not be prejudicial to the treatment of the sick and wounded.

Art.9. The vow is expressed that it may be examined whether at a later stage of international relations it would not be possible to form, for the purpose of acting, if necessary, in time of war, an interstate organ of non-belligerents at whose direct disposal would be placed the contingents of military medicine and voluntary assistance, freely supplied by the different countries and which the said organ would then distribute.

III. - PROTECTION OF PRISONERS OF WAR

Medical assistance shall be afforded to prisoners of war under all circumstances.

It will be given by means of a medical personnel chosen, by preference, among the prisoners of the same nationality or, in default of this, by a medical personnel belonging to non-belligerent States and approved by the interested protecting Power or Powers.

It is recommended to belligerents to authorize each other by particular agreements to employ, in the camps, medical personnel belonging to the adversary.

By virtue of the provisions of Article 9 of the Geneva Convention, the medical personnel thus employed shall not be treated as prisoners of war.

The physicians designated for the treatment of prisoners of war shall compulsorily take part in the controlling of the hygienic measures referred to in Articles 13, 14 and 15 of the Geneva Convention.

IV. - PROTECTION OF THE CIVIL POPULATION

Article 1. The civil population shall be left out of any form of hostilities.

Should the form of war used be prohibited between combatants, such use would call for a reinforcement of sanctions as it becomes more serious.

Art.2. The civil population includes all persons who are not enlisted in the army.

Art.3. In case of invasion or occupation, the civil population should be respected as regards freedom of worship, loyalty of patriotic sentiment, the physical integrity and moral dignity of the individual. Subject to the exercise - against payment or a fair indemnity - of requisitions necessary for the maintenance of the army, the civil population should also be respected in the integrity of its property. It should be loyal towards the local authorities, i.e. comply with the prescriptions required by public order.

The occupant may arrest every person who, as a member of the civil population, fails in his duties.

A special division of the Permanent Court of International Justice has been set up to deal with all disputes arising in this connection, as well as with all other disputes, between the occupant and the occupied.

Proceedings will be taken through the medium of the respective Powers which are protecting the interests of the belligerent enemies.

Art.4. The following can be the subject of an act of war:

1. All military units other than those belonging to the medical service;
2. Every fighting organ and every organ of direct revictualling of the armies;
3. Every industrial establishment used for the manufacture of arms, ammunition or characterized military supplies;
4. All lines of communication or transportation used for military purposes, except the case of sanitary towns and security towns.

The civil population is in no case a military objective.

If there are any military objectives in large cities the means of attacking such military objectives as are situated in immediate contact with the population must be chosen and employed in such a manner as not to extend their effects beyond a radius of 500 metres, reckoned from the exterior limit of such objectives.

Art.5. Defended towns may be attacked with all licit means of war.

Belligerent should do their utmost to hit in such towns none of the buildings dedicated to public worship, charity, and science or having a historic or artistic character.

Such buildings must be indicated by conspicuous signs and, every way, be rendered notorious by suitable means.

Belligerents must respect the provisions of the Geneva Convention of July 27, 1929, for the amelioration of the condition of the wounded and sick in armies in the field: these provisions are, by the present agreement, extended to the civil population.

Art.6. Undefended towns containing no military objectives, may be transformed into security towns.

Security towns enjoy the status of sanitary towns, on condition that they submit to the same formalities of notification and control as sanitary towns.

Art.7. The foregoing provisions also apply to seaports.

Art.8. The preparation and the execution of defensive measures on the part of the civil population against risks of war are not violations of the present Convention.

Art.9. The observation of the Convention is placed under the protection of an international organ (e.g. the Council of the League of Nations or, within a wider scope and at a later stage of international relations, the Committee of non-belligerents with, if necessary, the right to appeal to the Permanent Court of International Justice).

Art.10. The forgoing rules are the expression of human conscience.

V. - SANCTIONS

Article 1. In case of violation, by one party, of the rules concerning the protection of the rights of humanity in time of war by one of the belligerents, the other party may demand that such violation should be ascertained by a non-belligerent organization.

Art.2. Every belligerent State must facilitate the investigations of this organization on the territory of the countries where it exercises its authority itself.

Art.3. This organization is constituted of:

a) In the battle area, a field Commission of Control composed, at least, of three members, of whom two are representatives of the Powers protecting the interests of the belligerents, whereas the third member is elected, by common agreement, by the other two;

b) In sanitary towns and security towns, a fixed Commission of Control, composed in the same manner;

c) In all other cases, a Central Commission residing in the capital of each belligerent State and composed on the same lines.

Under all circumstances, one of the members of the Commission must compulsorily be a medical officer whenever it is a question of violations concerning the sick and wounded.

Art.4. The Commission of control thus constituted has the duty to proceed immediately to a thorough inquiry and to draw up, with the utmost speed, a report in consequence.

The Commission of control transmits the report to the registry of the Permanent Court of International Justice.

The registrar of the Court communicates it to all governments without exception.

The case occurring, the appreciation of the juridical consequences of such act appertains, in such occurrence, to the Permanent Court of International Justice.

Art.5 When it has been ascertained a first time that the rights of humanity have been violated, especially against sanitary towns and security towns, and a second and, much more, a third violation is committed, the belligerent, victim of such repeated violations, is disengaged from his obligations in the same measure in which the adversary has disengaged himself from his own obligations.

In such case, the non-belligerents may withdraw their medical assistance from the author of such violations.

Art.6. The responsibility of the State and of the particulars shall be judged, after appreciation, in the first instance by the internal justice, and in the last instance by the Permanent Court of International Justice.

Art.7. In the event of such violation being directed against the right to life of the wounded, the sick and the civil population, it appertains to every State to bring the matter ex officio before the Permanent Court of International Justice.

ADDITIONAL ARTICLE

The assembly expresses the wish that the resolution of the Committee charged with the preparation of the draft of the statutes of the Permanent Court of International Justice (1920) aiming at the organization of an international jurisdiction with competency for the punishment of war crimes, may be complied with.