

Changes to legislation: There are currently no known outstanding effects for the Geneva Conventions Act 1957, Article 44—. (See end of Document for details)

SCHEDULES

[^{F2}FIFTH SCHEDULE

PROTOCOL I

Textual Amendments

F2 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

^{F1}PART III

METHODS AND MEANS OF WARFARE COMBATANT AND PRISONER-OF-WAR STATUS

Textual Amendments

F1 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

^{F1}ARTICLE 44—

COMBATANTS AND PRISONERS OF WAR

Textual Amendments

F1 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

^{F3}₁ Any combatant, as defined in Article 43, who falls into the power of an adverse Party shall be a prisoner of war.

Textual Amendments

F3 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

^{F4}₂ While all combatants are obliged to comply with the rules of international law applicable in armed conflict, violations of these rules shall not deprive a combatant of his right to be a combatant or, if he falls into the power of an adverse Party, of his right to be a prisoner of war, except as provided in paragraphs 3 and 4.

Textual Amendments

F4 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

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- ^{F53} In order to promote the protection of the civilian population from the effects of hostilities, combatants are obliged to distinguish themselves from the civilian population while they are engaged in an attack or in a military operation preparatory to an attack. Recognising, however, that there are situations in armed conflicts where, owing to the nature of the hostilities an armed combatant cannot so distinguish himself, he shall retain his status as a combatant, provided that, in such situations, he carries his arms openly:
- (a) during each military engagement, and
 - (b) during such time as he is visible to the adversary while he is engaged in a military deployment preceding the launching of an attack in which he is to participate.

Acts which comply with the requirements of this paragraph shall not be considered as perfidious within the meaning of Article 37, paragraph 1(c).

Textual Amendments

F5 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

- ^{F64} A combatant who falls into the power of an adverse Party while failing to meet the requirements set forth in the second sentence of paragraph 3 shall forfeit his right to be a prisoner of war, but he shall, nevertheless, be given protections equivalent in all respects to those accorded to prisoners of war by the Third Convention and by this Protocol. This protection includes protections equivalent to those accorded to prisoners of war by the Third Convention in the case where such a person is tried and punished for any offences he has committed.

Textual Amendments

F6 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

- ^{F75} Any combatant who falls into the power of an adverse Party while not engaged in an attack or in a military operation preparatory to an attack shall not forfeit his rights to be a combatant and a prisoner of war by virtue of his prior activities.

Textual Amendments

F7 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

- ^{F86} This Article is without prejudice to the right of any person to be a prisoner of war pursuant to Article 4 of the Third Convention.

Textual Amendments

F8 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

- ^{F97} This Article is not intended to change the generally accepted practice of States with respect to the wearing of the uniform by combatants assigned to the regular, uniformed armed units of a Party to the conflict.

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Textual Amendments

F9 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

^{F10}8 In addition to the categories of persons mentioned in Article 13 of the First and Second Conventions, all members of the armed forces of a Party to the conflict, as defined in Article 43 of this Protocol, shall be entitled to protection under those Conventions if they are wounded or sick or, in the case of the Second Convention, shipwrecked at sea or in other waters.]

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Textual Amendments

F10 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

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