

Translation

FEDERAL DEPARTMENT OF FOREIGN AFFAIRS

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Notification

to the Governments of the States Parties  
to the Geneva Conventions of August 12, 1949  
for the Protection of War Victims

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Protocol Additional to the Geneva Conventions  
of August 12, 1949, and relating to the Protection  
of Victims of International Armed Conflicts  
(Protocol I)

Protocol Additional to the Geneva Conventions  
of August 12, 1949, and relating to the Protection  
of Victims of Non-international Armed Conflicts  
(Protocol II)

adopted in Geneva on June 8, 1977

I

Ratification by Norway

On December 14, 1981, Norway has deposited with the  
Swiss Government the instrument of ratification of the Protocols  
I and II mentioned above.

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The instrument of ratification includes the following declaration:

"We simultaneously declare that we recognize *ipso facto* and without special agreement, in relation to any other High Contracting Party accepting the same obligation, the competence of the International Fact Finding Commission referred to in article 90 of Protocol I."

According to Article 95, Paragraph 2, of Protocol I, and to Article 23, Paragraph 2, of Protocol II, the said Protocols shall enter into force for Norway on June 14, 1982, i.e. six months after the deposit of the instrument of ratification.

## II

### Ratification by the Republic of Korea

On January 15, 1982, the Republic of Korea has deposited with the Swiss Government the instrument of ratification of the Protocols I and II mentioned above.

The instrument of ratification includes the following four declarations:

" 1. In relation to Article 44 of Protocol I, the "situation" described in the second sentence of paragraph 3 of the Article can exist only in occupied territory or in armed conflicts covered by paragraph 4 of Article 1, and the Government of the

Republic of Korea will interpret the word "deployment" in paragraph 3 (b) of the Article as meaning "any movement towards a place from which an attack is to be launched";

2. in relation to paragraph 4 (b) of Article 85 of Protocol I, a party detaining prisoners of war may not repatriate its prisoners agreeably to their openly and freely expressed will, which shall not be regarded as unjustifiable delay in the repatriation of prisoners of war constituting a grave breach of this Protocol;

3. in relation to Article 91 of Protocol I, a party to the conflict which violates the provisions of the Conventions or of this Protocol shall take the responsibility for paying compensation to the party damaged from the acts of violation, whether the damaged party is a legal party to the conflict or not;  
and

4. in relation to paragraph 3 of Article 96 of Protocol I, only a declaration made by an authority which genuinely fulfills the criteria of paragraph 4 of Article 1 can have the effects stated in paragraph 3 of Article 96, and it is also necessary that the authority concerned be recognized as such by the appropriate regional intergovernmental organization."

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According to Article 95, paragraph 2, of Protocol I, and to Article 23, Paragraph 2, of Protocol II, the said Protocols shall enter into force for the Republic of Korea on July 15, 1982, i.e. six months after the deposit of the instrument of ratification.

### III

#### Ratification by Switzerland

On February 17, 1982, Switzerland has deposited the instruments of ratification of the Protocols I and II mentioned above.

The instrument of ratification of Protocol I includes the following two reservations and a declaration:

" 1. Réserve portant sur l'article 57:

Les dispositions du paragraphe 2 de l'article 57 ne créent des obligations que pour les commandants au niveau du bataillon ou du groupe et aux échelons plus élevés. Sont déterminantes les informations dont les commandants disposent au moment de leur décision.

2. Réserve portant sur l'article 58:

Etant donné que l'article 58 contient l'expression "dans toute la mesure de ce qui est pratiquement possible", les alinéas a et b seront appliqués sous réserve des exigences de la défense du territoire national.

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De plus, la Suisse reconnaît, conformément à l'article 90, paragraphe 2, du Protocole I, de plein droit et sans accord spécial, à l'égard de toute autre Haute Partie contractante qui accepte la même obligation, la compétence de la Commission internationale d'établissement des faits pour enquêter sur les allégations d'une telle autre Partie."

According to Article 95, Paragraph 2, of Protocol I, and to Article 23, Paragraph 2, of Protocol II, the said Protocols shall enter into force for Switzerland on August 17, 1982, i.e. six months after the deposit of the instruments of ratification.

The present notification is made in application of Article 100 of Protocol I and of Article 26 of Protocol II.

Bern, March 1, 1982

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