

AGREEMENT RELATING TO THE ESTABLISHMENT
OF A PROTECTED ZONE AROUND THE HOSPITAL OF OSIJEK

During a meeting held in Pécs (Hungary) on 27.12.91 and chaired by Mr. Thierry Germond, Delegate General for Europe of the International Committee of the Red Cross (ICRC),

Dr. Ljiljana Stojanovic, Federal Secretariat for Labour, Health, Veterans Affairs and Social Policy

Col. Dr. Miodrag Starcevic, Federal Secretariat for Defense

Mr. Dragan Knezevic, Expert on International Humanitarian Law for the Yugoslav People's Army

Col. Dr. Darko Ropac, Representative of the Croatian Army

Prim. Dr. Kresimir Glavina, Director of the General Hospital in Osijek

Prof. Dr. Antun Tucak, Representative of the General Hospital in Osijek

Dr. Sava Novakovic, Ministry of Health, Serbia

agreed upon the following:

1. Accepting an initiative made by the ICRC under its right of initiative, the parties declare the hospital of Osijek and a zone around it as drawn on the annexed map, a protected zone according to the principles of Article 23 of the First Geneva Convention of 1949 and of Articles 14 and 15 of the Fourth Geneva Convention.
2. (1) The protected zone will be placed under the supervision and control of the ICRC.
2. (2) There will be ICRC delegates permanently present in the zone.
2. (3) The ICRC may engage, as ICRC local staff, any civilian or group of civilians it considers suitable and reliable to assist it in supervising and controlling the protected zone.
2. (4) Parties to the agreement shall take every measure to ensure free entrance to and exit from the protected zone for the ICRC delegates and the local staff.
3. The protected zone is clearly delimited and marked by means of red crosses of as large dimensions as possible. The red crosses shall be made visible at night by means of appropriate illumination.

4. (1) Access to the protected zone is restricted to the following categories of persons:
 - sick and wounded civilian and military personnel;
 - family members visiting patients recovering in the hospital;
 - persons aged over 65 years, children under 15, expectant mothers and mothers of children under seven, taking no part in the hostilities;
 - medical and administrative personnel of the hospital of Osijek;
 - ICRC delegates and ICRC local staff.
- (2) The ICRC may extend admission to the protected zone to other civilians not taking part in the hostilities and seeking refuge in the protected zone.
- (3) The parties shall permit and facilitate at all times the access of the above-mentioned persons to the protected zone.
- (4) Persons whose permanent residence is within the protected zone shall have the right to stay in the zone if they take no part in the hostilities.
5. (1) The ICRC shall control that only persons of the above-mentioned categories shall be present or enter into the protected zone.
- (2) The access of any person not corresponding to the above-mentioned categories is subject to the authorization of the ICRC.
6. The parties to this agreement shall take all necessary measures to prohibit access to all persons who have no right to reside in or to visit the protected zone.
7. (1) No weapon is allowed inside the protected zone and military material will be removed from the zone.
- (2) Only the military medical personnel accompanying ambulances may retain their light personal weapons when bringing in sick or wounded persons for emergency treatment to the hospital. They must leave the protected zone immediately after conveying the sick or wounded persons to the hospital.
- (3) Armed hospital guards must remain at the border of the protected zone.
8. The arms and ammunition taken from the wounded, sick or other persons residing in the zone will be stored outside the protected zone. However, the fact that these weapons and ammunition have not yet been handed to the proper service, and stored outside the zone, shall not be considered as depriving the zone of its protection.

9. The arms and ammunition carried by the persons referred to in Article 5 (2) of the present agreement shall be stored in a locked premises inside the protected zone or left with their escort outside the zone.
10. No persons residing in or visiting, in whatever capacity, the protected zone shall perform any work directly connected with or contributing to the military operations.
11. In no circumstances may the protected zone be the object of attack. It shall be respected and protected at all times by the parties to the conflict.
12. The protected zone will continue to receive the necessary food, water and power supply as well as the necessary medical supplies to ensure its functioning. It will also be entitled to humanitarian assistance by the ICRC or any other humanitarian organization.
13. The competent authorities of the parties of this agreement will take all necessary measures to enable the functioning of the protected zone. They will in particular give all necessary collaboration to the ICRC and the staff in charge of administering the protected zone in order to implement the present agreement.
14. The parties to this agreement will take all necessary measures to make sure that the provisions of this agreement are made known to all persons under their command, control or political influence and to paramilitary and irregular units not formally under their command, control or political influence.
15. The parties to this agreement undertake to respect the present agreement in all circumstances and to ensure its respect by any paramilitary or irregular units not formally under their command, control or political influence.
16. (1) Nothing in this agreement shall be interpreted as diminishing the obligations of the parties under International Humanitarian Law and their Memorandum of Understanding of 27 November 1991.
(2) The parties in particular reaffirm that hospitals even if not situated in a protected zone may in no circumstances be the object of attack or be used to commit hostile acts.
17. (1) The present agreement enters into force on 3 January 1992 at 24.00 hours if all parties have communicated their formal acceptance of the present agreement by 30 December 1991 at 24.00 hours.
(2) Should a party to the present agreement or the ICRC witness or allege any acts or situations which it considers contrary to the stipulations of the present agreement, it shall at once draw the attention of the ICRC and the party governing the protected zone to

these acts or situations, and shall demand an immediate rectification of the matter.

(3) The ICRC shall examine the matter and report, as quickly as possible at the latest within 48 hours, to all parties on its findings on the alleged or witnessed acts or situations. The party which alleged acts or situations contrary to the present agreement may request the ICRC to convene, within five days, a meeting of the parties chaired by the ICRC which will discuss the matter. If no agreement can be reached at this meeting, the party which alleged acts or situations contrary to the present agreement may then declare that, within 24 hours, it is no longer bound by the present agreement.

(4) The ICRC may at any time, after consultation with the parties, terminate its involvement in the implementation of the present agreement by written advance notice of five days.

18. A map of Osijek indicating the limits of the protected zone is annexed to the present agreement and is an integral part of it.

Pècs, 27 December 1991

For the Yugoslav Federal Executive Council:

Dr. Ljiljana Stojanović

For the Yugoslav People's Army:

Đurađević

For the Republic of Croatia: the representatives of the Republic of Croatia being plenipotentiaries, their signatures constitute a formal acceptance of this agreement in the sense of Article 17 (1) by the Republic of Croatia:

Đuro Zupar
Antoni Mijatović
Miroslav Đukić

For the Republic of Serbia:

Al. Čoban Stojanović