

INTERNATIONAL COMMITTEE OF THE RED CROSS

Revised and New Draft
Conventions for the Protection
of War Victims

TEXTS APPROVED AND AMENDED
BY THE
XVIIth INTERNATIONAL RED CROSS CONFERENCE



(Revised Translation)

G E N E V A
1948

U.S. Army JAG School Library



005143

**Colonel Howard S. Levie
Collection**



**The Judge Advocate General's
Legal Center and School
United States Army
Charlottesville, Virginia**

INTERNATIONAL COMMITTEE OF THE RED CROSS

Revised and New Draft
Conventions for the Protection
of War Victims

TEXTS APPROVED AND AMENDED
BY THE
XVIIth INTERNATIONAL RED CROSS CONFERENCE

(Revised Translation)

G E N E V A

1948

PROPERTY OF U.S. ARMY
THE JUDGE ADVOCATE GENERAL'S SCHOOL
LIBRARY

LIBRARY
THE UNIVERSITY OF GENERAL'S SCHOOL
JAN 10 1961

INTRODUCTION

In May 1948, the International Committee of the Red Cross submitted to all Governments and States signatory to the Geneva Convention and to all National Red Cross Societies a Document (No. 4a), to which the reader is asked to refer, entitled—

“Draft Revised or New Conventions for the Protection of War Victims. Established by the International Committee of the Red Cross with the assistance of Government Experts, National Red Cross Societies and other Humanitarian Associations.”

This Draft was presented for discussion at the XVIIth International Red Cross Conference, which met in Stockholm from August 20 to 30, 1948, and which was attended by the representatives of fifty Governments and fifty-two National Red Cross Societies.

The study of the revision of the Geneva Conventions and of the draft new Convention for the protection of Civilians were referred to a Legal Commission, set up within the Conference. The Commission took the above-mentioned Draft as the basis of its discussions.

Each article of the Draft was examined separately and approved with slight amendments, some of which were proposed by the International Committee itself.

The XVIIth International Red Cross Conference adopted the conclusions of the Legal Commission and passed the following resolutions.

DRAFT INTERNATIONAL CONVENTIONS

1. *Geneva Convention.*

The XVIIth International Red Cross Conference, having studied and approved the draft revised text of the Geneva Convention of July 27, 1929, for the Relief of the Wounded and Sick in Armies in the Field, drawn up by the International Committee of the Red Cross with the assistance of Government Experts, National Red Cross Societies and other humanitarian associations,

requests the International Committee of the Red Cross to take all necessary steps to ensure that the said Draft, with the amendments which the Conference has made therein, be transmitted to all Governments with a view to its adoption by a Diplomatic Conference,

attaches thereto the Report of its discussions and expresses the hope that this Draft be implemented at the earliest possible moment.

2. *Maritime Convention.*

The XVIIth International Red Cross Conference, having studied and approved the draft revised text of the Tenth Hague Convention of October 18, 1907, for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of July 6, 1906, drawn up by the International Committee of the Red Cross with the assistance of Government Experts, National Red Cross Societies and other humanitarian associations,

requests the International Committee of the Red Cross to take all necessary steps to ensure that the said Draft, with the amendments which the Conference has made therein, be transmitted to the Governments, with a view to its adoption by a Diplomatic Conference,

attaches thereto the Report of its discussions and recommends that this Draft be implemented at the earliest possible moment.

3. *Prisoners of War Convention.*

The XVIIth International Red Cross Conference, having studied and approved the draft revised text of the Convention concluded at Geneva on July 27, 1929, relative to the Treatment of Prisoners of War, drawn up by the International Committee of the Red Cross with the assistance of Government Experts, National Red Cross Societies and other humanitarian associations,

requests the International Committee of the Red Cross to take all necessary steps to ensure that the said Draft, with the amendments which the Conference has made therein, be transmitted to the Governments, with a view to its adoption by a Diplomatic Conference,

attaches thereto the Report of its discussions and recommends that this Draft be implemented at the earliest possible moment.

4. *Convention relating to Civilians.*

The XVIIth International Red Cross Conference, having studied and approved the draft Convention for the Protection of Civilians in time of war, drawn up by the International Committee of the Red Cross with the assistance of Government Experts, National Red Cross Societies and other humanitarian associations,

requests the International Committee of the Red Cross to take all necessary steps to ensure that the said Draft, with the amendments which the Conference has made therein, be transmitted to the Governments, with a view to its adoption by a Diplomatic Conference,

attaches thereto the Report of its discussions and recommends that this Draft be implemented at the earliest possible moment.

5. *General Recommendations.*

The XVIIth International Red Cross Conference, having studied the text of the Revised and New Conventions for the Protection of War Victims submitted by the International Committee of the Red Cross, and having introduced a certain number of amendments and recorded the reservations which have been expressed, states its approval of these Drafts ;

notes that these Drafts, in particular the new Convention on the Protection of Civilians, correspond to the fundamental aspirations of the peoples of the world and that they define the essential rules for that protection to which every human being is entitled ;

considers that the Draft Convention relative to the protection of Civilians merely completes and defines what may be regarded either as the customs of civilized nations, or as ideas already embodied in previous treaties, in particular the Hague Convention of 1907, or as the most obvious demands of the world's conscience ;

draws especially the attention of Governments to the urgent necessity of ensuring the effective protection of civilians in time of war by a Convention, the lack of which was so cruelly felt during the last war, and urges that all States, immediately and without awaiting the conclusion of this Convention, apply its principles in the cases provided for ;

recommends furthermore that all Governments meet at the earliest possible moment in Diplomatic Conference for the adoption and signature of the texts now approved and requests the International Committee of the Red Cross to take all useful measures to hasten the meeting of the said Conference.

In pursuance of the above Resolutions the International Committee have, for the benefit of Governments, established the present document which contains the texts approved and amended by the XVIIth Conference. The *amendments* voted

during the Conference are shown in *italics*, whereas the wording of the International Committee, approved by the Conference, is in ordinary type. The reservations made by some delegations present in Stockholm will be found at the end of each Convention.

For fuller understanding of the texts, reference should be made to the volume No. 4a submitted by the International Committee to the Conference (*Draft Revised or New Conventions for the Protection of War Victims—Geneva, May 1948*), and to the minutes of the debates of the Legal Commission of the Conference, which will shortly be available.

In order not to delay the circulation of the wording approved at Stockholm, this wording is given below in the form approved by the XVIIth Conference, without any subsequent modifications. It should, however, be observed that the short time allotted to the Conference did not allow for certain adaptations which are the natural consequence of the amendments introduced. The International Committee will ultimately submit suggestions regarding these adaptations, together with the final proposals which, after three years study of the question, they may still believe to be necessary.

NOTE

The following is a revised version of the translation submitted to the XVIIth International Red Cross Conference, Stockholm, August 1948.

Close attention has been paid to the valuable suggestions made in writing by members of the Conference, to whom the International Committee is much indebted for their cooperation.

REVISION OF THE GENEVA CONVENTION
OF JULY 27, 1929,
FOR THE RELIEF OF THE WOUNDED
AND SICK IN ARMIES IN THE FIELD

TITLE

GENEVA CONVENTION
FOR THE RELIEF OF THE WOUNDED AND SICK
OF ARMED FORCES IN THE FIELD ¹

CHAPTER I

General Provisions

ARTICLE I

The High Contracting Parties undertake ² to respect, and to ensure respect for the present Convention in all circumstances.

Respect of the
Convention

ARTICLE 2

In addition to the stipulations which shall be implemented in peace time, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

Application of
the Convention

¹ Title amended in view of present-day conditions.

² The words " in the name of their peoples " have been deleted.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

If one of the Powers in conflict is not party to the present Convention, the Powers who are party thereto shall, notwithstanding be bound by it in their mutual relations.

In all cases of armed conflict not of an international character¹ which may occur in the territory of one or more of the High Contracting Parties, each of the adversaries shall be bound to implement the provisions of the present Convention. The Convention shall be applicable in these circumstances, whatever the legal status of the Parties to the conflict and without prejudice thereto.

ARTICLE 3

Application by
neutral Powers

Neutral Powers shall apply by analogy the provisions of the present Convention to the wounded and sick, and to members of the medical personnel and to chaplains of belligerent armed forces interned in their territory.

ARTICLE 4

Special
agreements

Besides the agreements expressly provided for in Articles 12, 18 and 24, the Parties to the conflict may conclude special agreements for all matters concerning which they may deem it suitable to make separate provision. Such agreements shall in no case adversely affect the situation of the wounded and sick, or of the members of medical personnel and of chaplains, as defined by the present Convention, nor restrict the rights which it confers upon them.

Wounded and sick, as also members of medical personnel and chaplains shall benefit by these agreements as long as the Convention is applicable to them, subject to express stipulations to the contrary in the said or subsequent agreements, or again subject to more favourable measures taken in their behalf by one or other of the Parties to the conflict.

¹ The words " especially cases of civil war, colonial conflicts or wars of religion " have been deleted.

ARTICLE 5

Wounded and sick, as also members of the medical personnel and chaplains may in no circumstances¹ abandon partially or wholly the rights conferred upon them by the present Convention, and, should the case arise, by the particular agreements provided for in the foregoing Article.

Acquired rights

ARTICLE 6

The present Convention shall be applied with the co-operation and under the supervision of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. To this effect, the Protecting Powers may appoint, apart from their diplomatic staff, delegates from amongst their own nationals, or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power in whose territory they are to carry out their duties. *The said Power may only refuse its approval if serious grounds are adduced.*

Protecting Powers

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

ARTICLE 7

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross may undertake for the protection of wounded and sick, medical personnel and chaplains, and for their relief, subject to the consent of the Parties to the conflict concerned.

Activities of the International Committee of the Red Cross

ARTICLE 8

The Contracting Parties may at any time agree to entrust to a body which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

Substitutes for Protecting Powers

Furthermore, if wounded and sick, or members of the medical personnel and chaplains do not benefit, or cease to benefit, by the activities of a Protecting Power or of the said body, the

¹ The words " be induced by constraint or by any other means of coercion, to " have been deleted.

Party to the conflict in whose hands they may be, shall be under the obligation to make up for this lack of protection by inviting either a neutral State or an impartial humanitarian body such as the International Committee of the Red Cross, to assume in their behalf the duties devolving by virtue of the present Convention on the Protecting Powers.

Whenever the Protecting Power is named in the present Convention, such reference also designates the bodies replacing it in the sense of the present Article.

ARTICLE 9

Procedure of
conciliation

Whenever the Protecting Powers consider it desirable in the interest of wounded and sick, and of members of medical personnel and chaplains, particularly in the event of disagreement between the Parties to the conflict regarding the application of the provisions of the present Convention, the said Powers shall lend their good offices in order to facilitate such application.

To this effect, each of the Protecting Powers may, either at the invitation of one Party, or of its own motion, propose to the Parties to the conflict a meeting of their representatives, in particular of the authorities responsible for the wounded and sick, members of medical personnel and chaplains, eventually in suitably chosen neutral territory. The Parties to the conflict shall be required to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, submit to the approval of the Parties to the conflict the name of a person belonging to a neutral Power, or delegated by the International Committee of the Red Cross, who shall be invited to take part in this meeting.

CHAPTER II

Wounded and Sick

ARTICLE 10

Protection
and care

Members of the armed forces and *the other* persons designated in Article 3 of the Convention of relative to the treatment of Prisoners of War who are wounded or sick, shall be respected and protected in all circumstances.

They shall be treated humanely and cared for by the belligerent in whose power they may be, without any distinction of race, nationality, religion or political opinions, or any other distinction founded on similar criteria. *Priority treatment is permissible only for urgent medical reasons.*

Women shall be treated with all consideration due to their sex.

Nevertheless, the belligerent who is compelled to abandon wounded or sick to the enemy shall, as far as military considerations permit, leave with them a portion of his medical personnel and material to assist in their care.

ARTICLE 11

Subject to the provisions of the foregoing Article, the wounded and sick of a belligerent who fall into enemy hands shall be prisoners of war, and the provisions of international law concerning prisoners of war shall apply to them.

Status

ARTICLE 12

At all times, and particularly after an engagement, belligerents shall without delay take all possible measures to search for and collect the sick and wounded, protect them against pillage and ill-treatment, and ensure their adequate care, and to search for the dead and prevent their being despoiled.

Search for the wounded and dead.

Evacuation

Whenever circumstances permit, a local armistice or suspension of fire shall be arranged to permit the removal and transport of the wounded.

Likewise, local arrangements may be concluded between belligerents for the removal of wounded and sick from a besieged or encircled area, and for the passage of medical personnel and equipment bound for the said area.

ARTICLE 13

Belligerents shall communicate to each other, as soon as possible, according to the procedure described in Art. 112 of the Convention of relative to the Treatment of Prisoners of War, the names of the wounded, sick and dead discovered and collected, together with any indications which may assist in their identification.

Communication of information. Prescriptions regarding the dead

They shall establish and forward to each other, by the same channel, certificates of death or, in lieu thereof, duly authenticated lists of the dead, *together with one half of the identity discs of the dead, which should be of a standard pattern, the other half to remain attached to the body.*

They shall likewise collect and exchange, by the same channel, all articles of a personal nature having an intrinsic or sentimental value which are found on the dead.

Bodies shall not be cremated except for imperative reasons of hygiene, or for motives *based on the religious tenets of the deceased.* In case of cremation, the circumstances and motives shall be stated in detail in the death certificate of the cremated person.

Belligerents shall ensure that the burial or cremation of the dead, *carried out individually as far circumstances permit,* is preceded by a careful, and if possible medical examination of the bodies, with a view to confirming death, establishing identity and enabling a report to be made.

They shall further ensure that the dead are honourably interred, if possible according to the rites of the religion to which they belonged, that their graves are respected, assembled if possible and marked so that they may always be found. To this effect, they shall organize at the commencement of hostilities an official graves registration service, to allow subsequent exhumations and to ensure the identification of bodies, whatever the ulterior site of the graves, and the possible transportation to the home country. These provisions likewise apply, so far as may be, to the ashes, which shall be kept by the graves registration service until the close of hostilities.

As soon as circumstances permit, and at latest at the end of hostilities, these services shall exchange the lists of the graves and of the dead interred in their cemeteries and elsewhere.

ARTICLE 14

Role of the population

The military authorities may appeal to the charity of the inhabitants to collect, under their direction, *and give first aid to the wounded or sick of armed forces, and may grant persons who have responded to this appeal the necessary protection and facilities. Should the enemy belligerent take or retake control of the area, he shall likewise grant these persons the same protection and the same facilities.*

The military authorities shall permit the inhabitants and relief societies, even in invaded or occupied areas, to offer in

collecting and giving first aid to wounded or sick members of the armed forces, of whatever nationality, on condition that the latter shall not be withheld from the possible control of national or occupying authorities. The civilian population shall respect these wounded and sick, and in particular abstain from offering them violence.

Members of medical personnel and civilians may at no time be molested or convicted for having nursed the wounded or sick.

The provisions of the present Article do not relieve the occupying Power of its obligations to give both physical and moral care to sick and wounded members of the forces.

CHAPTER III

Medical Units and Establishments

ARTICLE 15

Fixed establishments and mobile hospital units of the Medical Service may in no circumstances be the object of attack, but shall at all times be respected and protected by the belligerents. Should they fall into the hands of the adverse party, their personnel shall be free to pursue their duties, as long as the capturing Power has not itself ensured the necessary care of the wounded and sick found in such establishments and units.

Protection

The responsible authorities shall ensure that the said medical establishments and units are, *as far as possible*, located in such a manner that attacks against military objectives cannot imperil their safety.

ARTICLE 16

The protection to which medical units and establishments are entitled shall not cease unless they are used to commit acts *not compatible with their humanitarian duties*. Protection may, *however, cease only after due warning, naming a reasonable time limit, which warning remains unheeded.*

End of
protection

ARTICLE 17

Facts not
cancelling
protection

The following conditions shall not be considered as depriving a medical unit or establishment of the protection guaranteed by Article 15:

(1) That the personnel of the unit or establishment are armed, and that they use the arms in their own defence, or in that of the sick and wounded in their charge.

(2) That in the absence of armed orderlies, the unit or establishment is protected by a picket or by sentries.

(3) That small arms and ammunition taken from the wounded and sick, and which have not yet been handed to the proper service, are found in the unit or establishment.

(4) That personnel and material of the veterinary service are found in the unit or establishment, without forming an integral part thereof;

(5) That the humanitarian activities of medical units and establishments or of their personnel extend to the care of civilian wounded or sick.

ARTICLE 18

Hospital Zones
and Localities

In time of peace already, the Contracting Parties and, in case of conflict, the Parties thereto *may* create, in their own territory and, if the need arises, in occupied areas, hospital zones and localities so organized as to protect from the effects of war the wounded and sick ¹.

Upon the outbreak and during the course of hostilities, the parties concerned shall agree on mutual recognition of the zones and localities they have created, and may, for this purpose, implement the provisions of the Draft Agreement ² annexed to the present Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross *are invited* to lend their good offices in order to facilitate the institution and recognition of these hospital zones and localities.

¹ The close of this paragraph has been deleted.

² The said Draft Agreement applies also to the institution of security zones and localities for civilians. It therefore forms an annexe to the Convention for the Protection of Civilian Persons in time of war. See below.

CHAPTER IV

Personnel

ARTICLE 19

Medical personnel exclusively engaged in the search, collection, transport and treatment of the wounded and sick *belonging to the categories named in Article 3 of the Convention of..... relative to the treatment of Prisoners of War*, and occupied in the prevention of disease, furthermore, staff exclusively engaged in the administration of medical units and establishments, and chaplains attached to the armed forces, shall be respected and protected in all circumstances.

Protection

ARTICLE 20

The staff of National Red Cross Societies and that of other Voluntary Aid Societies, duly recognized and authorized by their Governments, who may be employed on the same duties as the personnel named in Article 19, are placed on the same footing as the personnel named in the said Article, provided that the staff of such societies are subject to military laws and regulations.

Red Cross
Societies

Each High Contracting Party shall notify to the other, either in time of peace or at the commencement of, or during hostilities, but in any case before actually employing them, the names of the societies which it has authorized, under its responsibility, to render assistance to the regular medical service of its armed forces.

ARTICLE 21

A recognized Society of a neutral country can only lend the assistance of its medical personnel and units to a belligerent, with the previous consent of its own Government and the permission of the belligerent concerned. The neutral Government shall notify this consent to the adversary of the State which accepts such assistance.

Neutral Societies

The belligerent accepting assistance is bound to notify the adverse party thereof before making any use of it.

In no circumstances shall this assistance be considered as interference in the conflict.

The members of the personnel named in paragraph 1 shall be duly furnished, before leaving the neutral country to which they belong, with the identity cards provided for in Article 33.

ARTICLE 22

Retained
personnel

The members of personnel designated in Articles 19 and 20 who fall into the hands of the adverse party, shall be held in captivity only in so far as the state of health, the spiritual needs and the number of prisoners of war demand. Under the authority of the Detaining Power, and particularly of its medical service, *the personnel thus detained* shall continue to carry out their medical or spiritual duties, in accordance with their professional ethics, for the benefit of prisoners of war, preferably those of their own nationality.

The foregoing provision does not relieve the Detaining Power of its obligations to provide medical and spiritual care to prisoners of war.

Members of personnel designated in paragraph 1 of the present Article *shall not be deemed to be prisoners of war. but shall enjoy all the rights of the latter.* To allow them to carry out their humanitarian duties under the best possible conditions, the detaining authorities shall grant them, as far as is necessary, certain privileges, particularly as to accommodation, food, correspondence relating to their special duties, the election of a spokesman from amongst themselves, and such travel facilities, with or without escort, as may be necessary for their work. *Belligerents shall grant such personnel the same allowances and the same pay as to the corresponding personnel in their own forces.*

Upon the outbreak of hostilities, belligerents shall make agreements as to the corresponding ranks of medical personnel, including those of the societies designated in Article 20.

ARTICLE 23

Return to the
belligerent

Members of personnel designated in Articles 19 and 20, whose detention in captivity is not made indispensable by the exigencies mentioned in Article 22, shall be returned to the belligerent to whom they belong, as soon as a route is open for their return and military considerations permit. Pending their return, they *shall not be regarded as prisoners of war, but shall enjoy all the rights of the latter.*

On their departure, they shall take with them the effects, instruments, arms and means of transport belonging to them.¹

¹ Paragraph 3 has been deleted.

ARTICLE 24

The selection of repatriates shall be made irrespective of any consideration of race, religion or political opinion, but preferably according to the chronological order of their capture and their state of health.

Selection of
repatriates

As from the outbreak of hostilities, belligerents may determine by special arrangement the percentage of personnel to be retained captive, in proportion to the number of prisoners and the distribution of the said personnel in the camps.

ARTICLE 25

The persons designated in Article 21 may not be detained after they have fallen into the hands of the adverse party.

Return of
neutrals

Unless agreed otherwise, they shall have permission to return to their country, or if this is not possible, to the territory of the belligerent in whose service they were, as soon as a route for their return is open and military considerations permit.

Pending their release, they shall continue their work under the direction of the adverse party; they shall preferably be engaged in the care of the wounded and sick of the belligerent in whose service they were.

On their departure, they shall take with them their effects, personal articles and valuables, instruments, arms and, *if possible*, the means of transport belonging to them.

Belligerents shall secure to this personnel, while in their power, the same food, lodging, allowances and pay as are granted to the corresponding personnel of their armed forces. *The food shall in any case be sufficient in quantity, quality and variety to keep the said personnel in a normal state of health.*

CHAPTER V

Buildings and Material

ARTICLE 26

The material of mobile medical units which are in the hands of the adverse party, shall continue to serve for the care of wounded and sick, by priority those of the same nationality as the said units.

Buildings,
material and
stores

The buildings, material and stores of fixed medical establishments of the armed forces shall remain subject to the laws of war, but may not be diverted from their purpose, as long so they are required for the care of the wounded and sick accommodated therein.

ARTICLE 27

Material of
Relief Societies

The *real and personal property* of aid societies which are admitted to the privileges of the Convention shall be regarded as private property.

The right of requisition recognized for belligerents by the laws and customs of war shall not be exercised except in case of urgent necessity, and only after the welfare of the wounded and sick has been ensured.

CHAPTER VI

Medical Transports

ARTICLE 28

Protection

Transport of wounded and sick or of medical equipment shall be respected and protected in the same way as mobile medical units. The same shall apply to vehicles temporarily employed for the above purposes, as long as they are so employed.

If such transports or vehicles fall into the hands of the adverse party, they shall be subject to the laws of war, on condition that the belligerent who captures them shall in all cases ensure the care of the wounded and sick whom they contain.¹

ARTICLE 29

Hospital aircraft

Hospital aircraft described in the present Article and used as a means of medical transport may not be the object of attack, but shall be respected by belligerents, in so far as they are

¹ This Article was adopted without amendment. The Conference drew attention, however, to the complexity of the problem raised by the employment of vehicles temporarily detached for medical purposes. It was recommended that the Diplomatic Conference which will be called upon to give the Conventions their definite form should consider this matter with particular care.

exclusively employed for the removal of wounded and sick, or the transport of medical personnel and material.

They shall be painted white and bear, clearly marked, the distinctive emblem prescribed in Article 31, together with their national colours, on their lower, upper and lateral surfaces. *They shall be provided with any other markings or means of identification which may be agreed upon between the belligerents at the outbreak or during the course of hostilities.*

To facilitate their identification, they shall endeavour to inform the enemy of their route, altitude and time of flight.

Unless agreed otherwise, flights over enemy or enemy-occupied territory are prohibited.¹

Hospital aircraft shall obey every summons to land.

In the event of involuntary landings in enemy or enemy-occupied territory, the wounded and sick, as well as the crew of the aircraft shall be prisoners of war. The medical personnel shall be treated according to Articles 19 and following.

In the event of a forced landing, the aircraft with its occupants may continue its flight after examination, if any.

ARTICLE 30

Subject to the provisions of paragraph 2, hospital aircraft of belligerents may fly over the territory of neutral Powers, land on it in case of necessity, or use it as a port of call. They shall give the neutral Powers previous notice of their passage over the said territory and obey all summons to alight, on land or water.

Flight over
neutral countries

The neutral Powers may, however, place conditions or restrictions on the passage or landing of hospital aircraft on their territory. Such possible conditions or restrictions shall be applied equally to all belligerents.

Unless agreed otherwise between the neutral Power and the belligerent Powers, the wounded or sick who are landed, with the consent of the local authorities, on neutral territory by hospital aircraft, shall be detained by the neutral Power in such a manner that they cannot again take part in operations of war. The cost of their accommodation and internment shall be borne by the Power on which they depend.

¹ This paragraph has been simplified.

CHAPTER VII

The Distinctive Emblem

ARTICLE 31

Emblem of the
Convention

As a compliment to Switzerland, the heraldic emblem of the red cross on a white ground, formed by reversing the Federal colours, is retained as the emblem and distinctive sign of the Medical Service of armed forces.

Nevertheless, in the case of countries which already use, in place of the red cross, the red crescent or the red lion and sun on a white ground, those emblems are also recognized by the terms of the present Convention ¹.

ARTICLE 32

Use of the
emblem

The emblem shall be displayed on the flags, armllets and on all equipment employed in the Medical Service, with the permission of the competent military authority.

ARTICLE 33

Identification
of medical
personnel

The personnel designated in Articles 19, 20 and 21 shall wear, affixed to the left arm, a water-resistant armllet, bearing the distinctive emblem, issued and stamped by the military authority.

Such personnel shall also carry an identity card attesting their status, and which can be put in the pocket. This card, *worded in the national language, likewise in French and English*, shall be water-resistant, bear the photograph and finger-prints of the owner, and be embossed with the stamp of the military authority.

The identity card shall be uniform throughout the same armed forces and, as far as possible, of a similar type in the armed forces of the Contracting Parties. At the outbreak of hostilities, belligerents shall inform each other of the model in use in their armed forces. Identity cards shall be established at least in

¹ The Conference decided not to delete this paragraph for the time being; it expressed, however, the wish that the Governments and National Societies concerned should endeavour to return as soon as possible to the unity of the Red Cross emblem.

duplicate, one copy being given to the owner and the other kept by the home country.

In no circumstances may the said personnel be deprived of their armlets or identity cards. In case of loss, they are entitled to duplicates.

ARTICLE 34

The distinctive flag of the Convention shall be hoisted only over such medical units and establishments as are entitled to be respected under the Convention, and with the consent of the military authorities.

Medical units

In mobile units, as in fixed establishments, it may be accompanied by the national flag of the belligerent to whom the unit or establishment belongs.

Nevertheless, medical units which have fallen into the hands of the enemy shall not fly any other flag than that of the Convention.

Belligerents shall take the necessary steps, in so far as military considerations permit, to make the distinctive emblems indicating medical units and establishments clearly visible to the enemy land, air or naval forces, in order to obviate the possibility of any hostile action.

ARTICLE 35

The medical units belonging to neutral countries, which may have been authorized to lend their services under the conditions laid down in Article 21, shall fly along with the flag of the Convention, the national flag of the belligerent to whom they are attached, wherever the latter makes use of the faculty conferred on him by Article 34.

Neutral units

Subject to orders to the contrary by the responsible military authorities, they may, on all occasions, fly their national flag, even if they fall into the hands of the adverse party.

ARTICLE 36

With the exception of the cases mentioned in the last three paragraphs of the present Article, the emblem of the red cross on a white ground and the words "Red Cross", or "Geneva Cross" may not be employed, either in time of peace or in time of war, except to protect or to indicate the medical units

Restrictions
and exceptions

and establishments, the personnel and material protected by the Convention. The same shall apply to the emblems mentioned in Article 31, paragraph 2, in respect of the countries which use them.

The National Red Cross Societies and the other Societies designated in Article 20 shall have the right, in all places and in all circumstances, to use the distinctive emblem conferring the protection of the Convention, for all activities defined in the said Article.

National Red Cross Societies may at any time, in accordance with their national legislation, make use of the name and emblem of the Red Cross for their other activities *which are in conformity with the principles laid down by the International Red Cross Conferences. Such use is, however, prohibited in fighting areas.* The conditions of the use of the emblem shall moreover be such that it cannot be considered, *in time of war*, as conferring the protection of the Convention. The dimensions of the emblem shall then be restricted *and its use on armlets shall be prohibited.*

The international Red Cross organizations and their duly authorized personnel shall be similarly permitted to make use, at all times, of the emblem of the Red Cross on a white ground.

As an exceptional measure, in conformity with national legislation and with the express permission of one of the National Red Cross (Red Crescent, Red Lion and Sun) Societies, the emblem of the Convention may be employed in time of peace to identify ambulances and to mark the position of aid stations exclusively assigned to the purpose of giving free treatment to the wounded or sick.

CHAPTER VIII

Execution of the Convention

ARTICLE 37

Implementing.
Prohibition
of reprisals

Belligerents shall ensure, through their commanders-in-chief, the proper implementing of the foregoing Articles and shall arrange for unforeseen cases, in accordance with the instructions of their Governments and in conformity with the general principles of the present Convention.

In no case shall reprisals be taken against the wounded, sick, buildings, personnel or equipment protected by the Conventions.

ARTICLE 38

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to incorporate the study thereof in their programmes of military and, *if possible*, civil instruction, so that the principles thereof may become known to the entire population, in particular to the armed fighting forces, the medical personnel and the chaplains.

Dissemination
of the
Convention

CHAPTER IX

Repression of Abuses and Infractions

ARTICLE 39

Within a maximum period of two years, the governments of the High Contracting Parties shall, if their penal laws are inadequate, enact or propose to their legislative assemblies the measures required to make unlawful, in time of war, all acts contrary to the provisions of the present Convention.

Legislation

The Contracting Parties shall communicate to one another, through the Swiss Federal Council, any *such legislative provisions*.

ARTICLE 40

The Contracting Parties shall be under the obligation to apprehend persons charged with acts contrary to the present Convention, regardless of their nationality. They shall furthermore, in obedience to their national legislation or to the conventions for the repression of acts that may be defined as war crimes, refer such persons for trial by their own courts, or *if they so prefer*, hand them over for trial to another Contracting Party.

Penal sanctions

ARTICLE 41

In addition to the procedure indicated in Article 9, any High Contracting Party alleging a violation of the present Convention may demand the institution of an inquiry.

Investigation
procedure

Such inquiry shall be undertaken as soon as possible by a Commission appointed for each particular case, comprising three neutral members chosen from a list of qualified persons, drawn up by the High Contracting Parties in time of peace, each Party nominating four such persons.

The plaintiff and defendant States shall each appoint one member of the Commission. The third member shall be designated by the other two, and in case they cannot agree, by the President of the Court of International Justice or, if the latter is a national of a belligerent State *or incapacitated, by his substitute, or failing the latter*, by the President of the International Committee of the Red Cross.

As soon as the inquiry is closed, the Commission shall report to the Parties concerned on the reality and nature of the alleged facts, and may make appropriate recommendations.

All facilities shall be extended by the High Contracting Parties to the Commission of enquiry for the fulfilment of its duties. Its members shall enjoy diplomatic privileges and immunities.

ARTICLE 42

Misuse of the emblem

The High Contracting Parties whose legislation is not at present adequate for the purpose, shall take the measures necessary to prevent at any time:

(a) The use by private individuals, societies, firms or companies other than those entitled thereto under the present Convention, of the emblem or the designation "Red Cross" or "Geneva Cross", as well as any sign or designation constituting an imitation thereof, whatever the object of such use.

(b) By reason of the compliment paid to Switzerland by the adaption of the reversed Federal colours, the use by private individuals or associations of the arms of the Swiss Confederation or marks constituting an imitation, whether as trade-marks or commercial marks, or as parts of such marks, or for a purpose contrary to commercial honesty, or in circumstances capable of wounding Swiss national sentiment.

The States not party to the Convention of July, 1929 for the Relief of the Wounded and Sick of Armies in the Field, and which may subsequently ratify the present Convention or adhere thereto, shall take the measures required to prevent at all times the acts mentioned under (a) and (b), so that the said interdiction may become operative five years at latest after the said ratification or adhesion.

The prohibition to adopt a trade or commercial mark which is contrary to the above interdictions, already enacted by the Convention of July 27, 1929, is maintained.

In States not party to the present Convention, and which may subsequently ratify it or adhere thereto, it shall no longer be lawful, as from the filing of the act of adhesion, to adopt a trade or commercial mark contrary to these prohibitions. Within five years, at most, from the coming into effect of the Convention, the trade-marks, commercial titles and names of associations or firms which are contrary to these prohibitions shall be amended, whatever the previous date of their adoption.

Final Provisions

ARTICLE 43

The present Convention is established in French and English. Both texts are equally authentic. In case of doubt as to the interpretation of any particular stipulation the French text shall be considered as authoritative.

Languages

ARTICLE 44

The present Convention, which bears the date of this day, is open to signature for a period of six months, that is to say, until, in the name of all the Powers represented at the Conference which opened at Geneva on ; furthermore, by Powers not represented at that Conference but which are party to the Geneva Conventions of 1864, 1906 or 1929 for the Relief of the Wounded and Sick of Armies in the Field.

Signature

ARTICLE 45

The present Convention shall be ratified as soon as possible. The ratifications shall be deposited at Berne.

Ratification

A procès-verbal of the deposit of each instrument of ratification shall be drawn up, copy of which, certified to be correct, shall be transmitted by the Swiss Federal Council to the Governments of all Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 46

Effect The present Convention shall come into force after not less than two instruments of ratification have been deposited.

 Thereafter, it shall come into force for each High Contracting Party after the deposit of the instrument of ratification¹.

ARTICLE 47

Effect on The present Convention shall replace the Convention of previous August 22, 1864, July 6, 1906, and July 27, 1929, in relations Conventions between the High Contracting Parties.

ARTICLE 48

Accessions From the date of its coming into force, the present Convention shall be open to accession, duly notified, by any Power in whose name this Convention has not been signed.

ARTICLE 49

Notification Accessions shall be notified in writing to the Swiss Federal of accessions Council, and shall take effect after the date on which they are received.

 The Swiss Federal Council shall communicate the accessions to the Governments of all the Powers in whose name the Convention has been signed or whose accession has been notified.

ARTICLE 50

Immediate The situations defined in Article 2 shall give immediate effect effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the outbreak of hostilities. The Swiss Federal Council shall communicate by the quickest method any ratifications or adhesions received from Parties to the conflict.

¹ The XVIIth International Red Cross Conference decided to leave to the Diplomatic Conference the care of fixing the time-limits named in the present Article, adding a recommendation that these limits should be as short as possible. The same applies to Article 49.

ARTICLE 51

Each of the High Contracting Parties shall be at liberty to denounce the present Convention. The notice of termination shall not take effect until one year after the notification thereof has been made in writing to the Swiss Federal Council. The latter shall communicate such notification to the Governments of all the High Contracting Parties.

Notice of
termination

The denunciation shall have effect only in respect of the High Contracting Party which has made notification thereof.

Furthermore, this denunciation shall not take effect during a conflict in which the denouncing Power is involved. In such a case, the present Convention shall continue binding beyond the period of one year, until the conclusion of peace, and in any case until the operations connected with the release and repatriation of the persons protected by the present Convention are terminated. *Lastly, the denunciation shall in no way affect the other obligations, even if similar, by which the denouncing Party is bound by virtue of any other rules of international law.*

ARTICLE 52

*The present Convention shall be transmitted by the Swiss Federal Council to the United Nations Organization, for the purpose of registration.*¹ Similarly, ratifications, accessions and notices of termination which are notified to the Swiss Federal Council shall be communicated by them to the United Nations Organization.

Reservations

On the occasion of the XVIIth International Red Cross Conference, reservations were recorded in respect of the following Articles:

GOVERNMENT OF TURKEY:

Article 42

GOVERNMENT OF THE UNITED STATES: Articles 2, 14, 19, 22, 41 and 42.

¹ The words "A certified copy of the present Convention shall be deposited in the archives of the United Nations" have been deleted.

**STIPULATIONS FOR INSERTION
IN THE FINAL ACT OF THE FUTURE
DIPLOMATIC CONFERENCE**

The XVIIth International Red Cross Conference was of opinion that the two following recommendations, which were approved by the Government Experts (1947), could be included in the Final Act of the Diplomatic Conference called upon to give the Geneva Convention its definite form :

(1) Whereas Article 33, concerning the identity documents to be carried by medical personnel, was only partially observed during the course of the recent war, thus creating serious difficulties for many members of this personnel, the Conference recommends that States and National Red Cross Societies take all necessary steps in time of peace to have medical personnel duly provided with the badges and identity cards prescribed by Article 33 of the new Convention.

(2) Whereas misuse has frequently been made of the Red Cross emblem, the Conference recommends that States take strict measures to ensure that the said emblem is used only within the limits prescribed by the Geneva Conventions, in order to safeguard its authority and protect its high significance.

REVISION OF THE TENTH HAGUE
CONVENTION OF OCTOBER 18, 1907 FOR
THE ADAPTATION TO MARITIME WARFARE
OF THE PRINCIPLES OF THE GENEVA
CONVENTION OF 1906

TITLE

CONVENTION
FOR THE RELIEF OF WOUNDED,
SICK AND SHIPWRECKED MEMBERS
OF ARMED FORCES ON SEA ¹

CHAPTER I

General Provisions

ARTICLE I

The High Contracting Parties undertake ² to respect, and to ensure respect for the present Convention in all circumstances.

Respect of
the Convention

¹ In view of the peculiarly technical nature of the Revised Draft Maritime Convention, the Legal Commission of the XVIIth International Red Cross Conference left its study to a Sub-commission of naval experts. The said Sub-commission stressed the desirability of revising the Xth Hague Convention and adapting it to the Geneva Convention. Such revision was, however, a task requiring the most careful scrutiny, owing to the circumstances which are particular to maritime warfare. Seeing the number and importance of the amendments tabled by members of the Sub-commission, and as several maritime Powers were not represented by naval experts, the Sub-commission passed a recommendation that a further meeting of Government Experts be held before the coming Diplomatic Conference.

² The words "in the name of their peoples" have been deleted.

ARTICLE 2

Application of
the Convention

In addition to the stipulations which shall be implemented in peace time, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

If one of the Powers in conflict is not party to the present Convention, the Powers who are party thereto shall notwithstanding be bound by it in their mutual relations.

In all cases of armed conflict not of an international character¹ which may occur in the territory of one or more of the High Contracting Parties, each of the adversaries shall be bound to implement the provisions of the present Convention. The Convention shall be applicable in these circumstances, whatever the legal status of the Parties to the conflict and without prejudice thereto.

ARTICLE 3

Obligatory
character

In case of hostilities between land and naval forces of belligerents, the provisions of the present Convention shall apply only to forces on board ship.

Forces put ashore shall immediately become subject to the provisions of the Geneva Convention (date) for the Relief of Sick and Wounded in Armed Forces in the Field.

ARTICLE 4

Application by
neutral Powers

Neutral Powers shall apply by analogy the provisions of the present Convention to the wounded and sick, and to members of the medical personnel and to chaplains of belligerent armed forces interned in their territory.

ARTICLE 5

Special
agreements

Besides the agreements expressly provided for in Articles 23, 26, 33 and 35, the Parties to the conflict may conclude special agreements for all matters concerning which they may deem it

¹ The words "especially cases of civil war, colonial conflicts, or wars of religion" have been deleted.

suitable to make separate provision. Such agreements shall in no case adversely affect the situation of the wounded and sick, or of the members of medical personnel and of chaplains, as defined by the present Convention, nor restrict the rights which it confers upon them.

Wounded, sick, and shipwrecked as also members of medical personnel and chaplains shall benefit by such agreements as long as the Convention is applicable to them, subject to express stipulations to the contrary in the said or subsequent agreements, or again subject to more favourable measures taken in their behalf by one or other of the Parties to the conflict.

ARTICLE 6

Wounded and sick, as also members of the medical personnel and chaplains, may in no circumstances abandon¹ partially or wholly the rights conferred upon them by the present Convention, and, should the case arise, by the particular agreements provided for in the foregoing Article.

Acquired rights

ARTICLE 7

The present Convention shall be applied with the co-operation and under the supervision of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. To this effect, the Protecting Powers may appoint, apart from their diplomatic staff, delegates from amongst their own nationals, or from amongst the nationals of other neutral Powers. Such delegates shall be subject to approval by the Power near which they will carry out their duties. *The said Power may only refuse its approval if serious grounds are adduced.*

Protecting
Powers

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

ARTICLE 8

The provisions of the present Convention constitute no obstacle to the humanitarian activity which the International Committee of the Red Cross may undertake for the protection of wounded, sick and shipwrecked, medical personnel and chaplains, and for their relief, subject to the consent of the Parties to the conflict concerned.

Activity of the
International
Committee of
the Red Cross

¹ The words "be induced by constraint or by any other means of coercion" have been deleted.

ARTICLE 9

Substitutes for
Protecting
Powers

The Contracting Parties may at any time agree to entrust to a body which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

Furthermore, if wounded, sick and shipwrecked, members of the medical personnel and chaplains do not benefit, or cease to benefit, by the activity of a Protecting Power or of the said body, the Party to the conflict in whose hands they may be, shall be under the obligation to make up for this lack of protection by inviting either a neutral State or an impartial humanitarian agency, such as the International Committee of the Red Cross, to assume in their behalf the duties devolving by virtue of the present Convention on the Protecting Powers.

Whenever the Protecting Power is named in the present Convention, such reference also designates the bodies replacing the said Power it in the sense of the present Article.

ARTICLE 10

Procedure of
conciliation

Whenever the Protecting Powers consider it desirable in the interest of wounded, sick and shipwrecked, and of members of medical personnel and chaplains, particularly in the event of disagreement between the Parties to the conflict regarding the application of the provisions of the present Convention, the said Powers shall lend their good offices in order to facilitate such application.

To this effect, each of the Protecting Powers may, either at the invitation of one Party, or of its own motion, propose to the Parties to the conflict a meeting of their representatives, in particular of the authorities responsible for the wounded, sick and shipwrecked, medical personnel and chaplains, eventually in suitably chosen neutral territory. The Parties to the conflict shall be required to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, submit to the approval of the Parties to the conflict the name of a person belonging to a neutral Power, or delegated by the International Committee of the Red Cross, who shall be invited to take part in this meeting.

CHAPTER II

Wounded, Sick and Shipwrecked

ARTICLE II

Members of the land, sea and air forces and *the other* persons designated in Article 3 of the Convention of relative to the treatment of Prisoners of War who may be on sea and who are wounded, sick or shipwrecked, shall be respected and protected in all circumstances.

Protection
and care

They shall be treated humanely and cared for by the belligerent in whose power they may be, without any distinction of race, nationality, religion or political opinions, or any other distinction founded on similar criteria. *Priority treatment is permissible only for urgent medical reasons.*

Women shall be treated with all consideration due to their sex ¹.

ARTICLE I2

Subject to the provisions of the foregoing Article, the wounded, sick and shipwrecked of a belligerent who fall into enemy hands shall be prisoners of war, and the provisions of international law concerning prisoners of war shall apply to them. The captor may decide, according to circumstances, whether it is expedient to hold them, or to convey them to a port in the captor's own country, to a neutral port or even to a port in enemy territory. In the last case, prisoners thus returned to their home country may not serve for the duration of the war.

Status

Uninjured shipwrecked persons found at sea who do not freely surrender shall not be captured or detained against their will on board a hospital ship.

ARTICLE I3

All warships of a belligerent Party shall have the right to demand that the wounded, sick or shipwrecked on board military hospital ships, hospital ships belonging to relief societies

Surrender of
wounded

¹ In connexion with this Article and in all similar cases, i. e. whenever reference is made to an Article or a paragraph of another Convention, the Sub-commission of naval experts recommended that the final draft of the Maritime Convention should quote as foot-notes the full text of the Article or paragraph to which reference is made.

or to private individuals, merchant vessels, yachts and other craft shall be surrendered, whatever their nationality, provided that the wounded and sick are in a fit state to be moved.

ARTICLE 14

Wounded taken
on board a
neutral warship

If wounded, sick or shipwrecked persons are taken on board a neutral warship *on the high seas*, it shall be ensured that they can take no further part in operations of war.

ARTICLE 15

Wounded
landed in a
neutral port

Wounded, sick or shipwrecked persons who are landed by the warships, *hospital ships or merchant vessels* of belligerents in neutral ports, with the consent of the local authorities, shall, failing arrangements to the contrary between the neutral and the belligerent Powers, be so guarded by the neutral Power that the said persons cannot again take part in operations of war.

The costs of hospital accommodation and internment shall be borne by the Power on whom the wounded, sick or shipwrecked persons depend.

If wounded, sick or shipwrecked persons are landed in a neutral port by neutral or private merchant shipping, vessels, or aircraft, which have assumed no obligation towards one of the belligerent Powers, the said wounded, sick or shipwrecked persons shall be free.

Any warship arriving in a neutral port shall have the option, with the consent of the neutral Power, of landing wounded, sick or shipwrecked persons who may be on board.

ARTICLE 16

Search for the
shipwrecked
and the dead

After each engagement, belligerents shall without delay take all possible measures to search for and collect the shipwrecked, wounded and sick, to protect them against pillage and ill-treatment, and ensure their adequate care, and to search for the dead and prevent their being despoiled.

ARTICLE 17

Communication
of information
Prescriptions
regarding the dead

Belligerents shall communicate to each other as soon as possible, according to the procedure described in Article 112 of the Convention of relative to the

Treatment of Prisoners of War, the names of the wounded, sick, shipwrecked and dead discovered and collected, together with any indications which may assist in their identification.

They shall establish and forward to each other, by the same channel, certificates of death or, in lieu thereof, duly authenticated lists of the dead, *together with one half of the identity discs of the dead, which should be of a standard pattern, the other half to remain attached to the body.*

They shall likewise collect and exchange by the same channel, all articles of a personal nature having an intrinsic or sentimental value which are found in captured vessels or on the dead.

Bodies shall not be cremated, except for imperative reasons of hygiene or for motives *based on the religious tenets of the deceased.* In case of cremation, the circumstances and motives shall be stated in detail in the death certificate of the cremated person.

Belligerents shall ensure that burial on land or at sea, or cremation of the dead, *carried out individually as far as circumstances permit,* is preceded by a careful, and if possible medical examination of the bodies, with a view to confirming death, establishing identity and enabling a report to be made.

They shall further ensure that the dead are honourably interred, if possible according to the rites of the religion to which they belonged, that their graves are respected, assembled if possible and marked so that they may always be found. To this effect, they shall organize at the commencement of hostilities an official graves registration service, to allow subsequent exhumations and to ensure the identification of bodies, whatever the ulterior site of the graves, and the possible transportation to the home country. These stipulations likewise apply, so far as may be, to the ashes, which shall be kept by the graves registration service until the close of hostilities.

As soon as circumstances permit, and at latest at the end of hostilities, these services shall exchange the lists of the graves and of the dead interred in their cemeteries and elsewhere.

Should wounded, sick, shipwrecked or dead be collected by neutrals, the latter shall assume towards the belligerents the obligations indicated in the preceding paragraphs.

ARTICLE 18

The belligerents may appeal to the charity of commanders of neutral merchant vessels, yachts or other craft, to take on board and care for wounded, sick or shipwrecked persons, and to collect the dead.

Appeals to
merchant and
private vessels

Vessels responding to this appeal, and those having of their own accord collected wounded, sick or shipwrecked persons shall be granted, *as far as possible*, special protection and facilities to carry out such assistance.

They may in no case be captured on account of any such transport ; in the absence of any promise to the contrary they shall, however, remain liable to capture, *should facts occur which justify such capture by virtue of the rules of maritime warfare.*

CHAPTER III

Hospital Ships

ARTICLE 19

Military hospital ships

Military hospital ships, that is to say, ships built or equipped by the Powers specially and solely with a view to assisting the wounded, sick and shipwrecked, may in no circumstances be attacked or captured, but shall at all times be respected and protected by the belligerents, *on condition that their gross tonnage is not less than one thousand tons, that their names and descriptions have been notified to the belligerent Powers and that the handing out of this notification has been confirmed by the Protecting Power thirty days before the said ships are employed.*

ARTICLE 20

Red Cross and private hospital ships

Hospital ships utilized by National Red Cross Societies, by officially recognized relief societies or by private persons shall likewise be respected and exempt from capture, if the belligerent Power on which they depend has given them an official commission, *in so far as the provisions of Article 19 concerning tonnage and notification have been complied with.*

These ships must be provided with certificates of the responsible authorities, stating that the vessels have been under their control while fitting out and on departure.

In the same conditions, coastal life-boats of low speed, not exceeding twelve knots, of small tonnage and attached to a fixed base, which are employed by private persons or officially recognized relief associations, shall benefit by the same protection as the vessels described in paragraph 1.

ARTICLE 21

Hospital ships utilized by National Red Cross Societies, officially recognized relief societies, or private persons of neutral countries shall be respected and exempt from capture, on condition that they have placed themselves under the control of one of the belligerents, with the previous consent of their own Governments and with the authorization of the belligerent concerned, *in so far as the provisions of Article 19 concerning tonnage and notification have been complied with.*

Neutral
hospital ships

ARTICLE 22

Notification of a hospital ship, as provided for in Articles 19, 20 and 21, shall not be effective if, at the time of the communication made by the Protecting Power to the belligerent Powers, the ship is in a port which is besieged by land or sea and in imminent danger of being occupied.

Hospital ships
in besieged
ports

ARTICLE 23

When circumstances permit, local arrangements may be entered into between the belligerents for the removal of the wounded and sick by sea from a besieged or encircled area and for the passage of medical personnel and equipment intended for the said area.

Removal of
wounded

ARTICLE 24

Any hospital ship in a port which falls into the hands of the enemy shall be authorized to leave the said port.

Hospital ships
in occupied
ports

ARTICLE 25

The ships described in Articles 19, 20 and 21 shall afford relief and assistance to the wounded, sick and shipwrecked of the belligerents, without distinction of nationality.

Use of
hospital ships

Governments undertake not to use these ships for any military purpose.

Such vessels shall in no wise hamper the movements of the combatants.

During and after an engagement, they will act at their own risk.

ARTICLE 26

Rights of
belligerents

The belligerents shall have the right to control and search the vessels mentioned in Articles 19, 20 and 21. They can refuse their help, order them off, make them take a certain course, and put a commissioner temporarily on board ; they can even detain them for a maximum period of seven days *from the time of interception*, if the gravity of the circumstances requires. ¹

As far as possible, the belligerents shall enter in the log of the hospital ship, in a language he can understand, the orders they give the captain of the vessel.

Belligerents may, either unilaterally or by particular agreements, put on board their ships neutral observers who shall verify the strict observation of the provisions contained in the present Convention.

ARTICLE 27

Stay in a
neutral port

Vessels described in Articles 19, 20 and 21 are not assimilated to warships as regards their stay in a neutral port.

ARTICLE 28

Transformation
of merchant
vessels

Merchant vessels which have been transformed into hospital ships cannot be put to any other use throughout the duration of hostilities.

ARTICLE 29

Lapse
of protection

The protection to which hospital ships and sick-bays are entitled cannot lapse unless they are used to commit acts harmful to the enemy, and after due warning, naming a reasonable time limit, which warning is unheeded.

In particular, hospital ships provided with wireless or any other means of communication shall not be in possession of a secret code. All their communications shall be made in clear.

The following conditions shall not be considered as justifying the withdrawal of protection :

(1) The fact that the crew of these ships is armed for the maintenance of order and for the defence of the sick and wounded.

¹ The Sub-commission of naval experts considered it desirable that the status and powers of the commissioner named in this Article should be subsequently defined.

(2) The presence on board of apparatus exclusively intended to facilitate navigation or communication.

(3) The discovery on board hospital ships or in sick-bays of portable arms and ammunition taken from the wounded, sick and shipwrecked, and which have not yet been handed to the proper service.

(4) The fact that the humanitarian activities of hospital ships and sick-bays or of the crews extend to the care of wounded, sick or shipwrecked civilians.

CHAPTER IV

Personnel

ARTICLE 30

The religious, medical and hospital personnel of hospital ships and their crews shall be respected and protected; they may not be captured during the time they are pursuing their duties, whether or not there are wounded and sick on board.

Personnel of
hospital ships

ARTICLE 31

The religious, medical and hospital personnel of any captured ship shall be respected and protected; they may continue to carry out their duties as long as this is necessary for the care of the wounded and sick.

Personnel of
captured ships

The members of such personnel shall be held in captivity only in so far as the state of health, the spiritual needs and the number of prisoners of war demand. Under the authority of the Detaining Power and particularly of its medical service, the personnel thus detained shall continue to carry out their medical or spiritual duties, in accordance with their professional ethics, for the benefit of prisoners of war, preferably those of their own nationality.

The foregoing provision does not relieve the Detaining Power of its obligations to provide medical and spiritual care to prisoners of war.

Members of personnel designated in the present Article shall not be deemed to be prisoners of war, but shall enjoy all the rights of the latter. To allow them to carry out their humanitarian duties under the best possible conditions, the detaining authorities shall grant them, as far as is necessary, certain privileges, particularly

as to correspondence relating to their special duties, the election of a spokesman from amongst themselves and such travel facilities, with or without escort, as may be necessary for their work. Belligerents shall grant such personnel the same allowances and the same pay as to the corresponding personnel in their own forces.

Upon the outbreak of hostilities, belligerents shall make agreements as to the corresponding ranks of medical personnel.

ARTICLE 32

Return to the
belligerents

Members of personnel designated in Article 31, whose detention in captivity is not made indispensable by the exigencies mentioned in the said Article, shall be returned to the belligerent on whom they depend as soon as a route is open for their return and military considerations permit. Pending their return, they shall not be regarded as prisoners of war, but shall enjoy all the rights of the latter.

On their departure they shall take with them the effects, instruments, arms and means of transport belonging to them.

ARTICLE 33

Selection of
repatriates

The selection of repatriates by virtue of the foregoing Article shall be made irrespective of any consideration of race, religion or political opinion, but preferably according to the chronological order of their capture and their state of health.

As from the outbreak of hostilities, belligerents may determine by special arrangement the percentage of personnel to be retained captive, in proportion to the number of prisoners and their distribution in the camps.

CHAPTER V

Material

ARTICLE 34

Protection of
sick-bays

Should fighting occur on board a warship, the sick-bays shall be respected and spared as far as possible. Sick-bays and their equipment shall remain subject to the laws of warfare, but may not be diverted from their purpose so long as they are required for the wounded and sick. Nevertheless, the commander into whose power they have fallen may, after ensuring the proper care of the wounded and sick who are accommodated therein, apply them to other purposes in case of urgent military necessity.

CHAPTER VI

Medical Transports

ARTICLE 35

Ships chartered for that purpose shall be authorized to transport medical equipment, provided their routes and duties have been notified to the adverse Power and approved by the latter. The adverse Power, duly advised, shall preserve the right to board, but not to capture them.

Transport of
medical
equipment

By agreement amongst the belligerents, neutral observers may be placed on board such ships to verify the medical equipment carried.

Hospital ships may be used to transport medical personnel and equipment in addition to those which they usually require.

ARTICLE 36

Hospital aircraft described in the present Article and used as a means of medical transport, in particular seaplanes, may not be the object of attack, but shall be respected by belligerents, in so far as they are exclusively employed for the removal of wounded, sick and shipwrecked, or the transport of medical personnel and material.

Hospital
aircraft

They shall be painted white and bear, clearly marked on their lower, upper and lateral surfaces, the distinctive emblem prescribed in Article 38, together with their national colours. They shall be provided with any other markings or means of identification which may be agreed upon between the belligerents upon the outbreak or during the course of hostilities.

To facilitate their identification, they shall endeavour to inform the enemy of their route, altitude and time of flight.

Unless agreed otherwise, flights over enemy or enemy-occupied territory, territorial waters, likewise any enemy military objectives or formations on land or sea, are prohibited.

Hospital aircraft shall obey every summons to land.

In the event of involuntary landings in enemy or enemy-occupied territory, the wounded and sick, as well as the crew of the aircraft shall be prisoners of war. The medical personnel shall be treated in conformity with Articles 31 and following.

Any aircraft which is compelled to alight on land or water may continue its flight with its occupants, after examination if required.

ARTICLE 37

Flight over
neutral countries

Subject to the provisions of paragraph 2, medical aircraft of belligerents may fly over the territory of neutral Powers, land thereon in case of necessity, or use it as a port of call. They shall give neutral Powers prior notice of their passage over the said territory, and obey all summons to alight, on land or water.

The neutral Powers may, however, place conditions or restrictions on the passage or landing of medical aircraft on their territory. Such possible conditions or restrictions shall be applied equally to all belligerents.

Unless otherwise agreed between the neutral Power and the belligerent Powers, the wounded or sick who are landed with the consent of the local authorities on neutral territory by medical aircraft shall be detained by the neutral Power, so that they cannot again take part in operations of war. The cost of their accommodation and internment shall be borne by the Power on which they depend.

CHAPTER VII

The Distinctive Emblem

ARTICLE 38

Use of the
Emblem

The emblem of the Red Cross shall be displayed on the flags, armlets and all equipment employed in the Medical Service, with the permission of the competent military authority.

ARTICLE 39

Identification
of medical
personnel

The personnel designated in Articles 30 and 31 shall wear, affixed to the left arm, a water-resistant armlet bearing the distinctive emblem, issued and stamped by the military authority

Such personnel shall also carry an identity card attesting their status, and which can be put in the pocket. This card, *worded in the national language, likewise in French and in English*, shall be water-resistant, bear the photograph and finger-prints of the owner, and be embossed with the stamp of the military authority.

The identity card shall be uniform throughout the same armed forces, and, as far as possible, of a similar type in the armed forces of the Contracting Parties. At the outbreak of hostilities, belligerents shall inform each other of the model in use in their armed forces. Identity cards shall be established

at least in duplicate, one copy being given to the owner and the other kept by the home country.

In no circumstances may the said personnel be deprived of their armlets or identity cards. In case of loss, they are entitled to duplicates.

ARTICLE 40

The ships designated in Articles 19, 20 and 21 shall be distinguished by being painted white on all the exterior vertical surfaces and furthermore on such exterior horizontal and sloping surfaces as may be required to make plainly visible the red crosses hereunder prescribed.

Marking of
hospital ships

Vermilion red crosses shall be painted and displayed as follows :

(a) *Three (3) crosses three metres high at least on each side of the hull, so placed as to permit identification to the greatest extent from ahead, astern and abeam.*

(b) *Two (2) crosses of maximum practicable size on the horizontal surfaces, so placed as to afford the greatest visibility from the air.*

(c) *One (1) cross of maximum practicable size placed vertically above the level of the main deck, in such a position as to be clearly visible from astern.*

(d) *One (1) cross of maximum practicable size placed vertically above the level of the main deck, in such a position as to be clearly visible from ahead.*

In order to allow their character to be recognized during darkness and in times of reduced visibility, hospital ships shall be illuminated as follows :

(a) *The centre and aftermost crosses on each side of the hull shall be floodlit, so as to ensure adequate and uninterrupted luminosity, unless this hampers navigation. Ships may also floodlight the crosses placed on the forepart of the hull.*

(b) *A luminous red cross of maximum practicable size to be placed as high as possible above the superstructure, in such a manner as to ensure maximum visibility from all points of the horizon, both on the surface and from the air. This cross shall consist of three luminous members, of which one is vertical and two horizontal. Of the horizontal members, one shall be placed lengthwise to the ship and the other at right angles. The cross may have an automatic switching mechanism to provide flashing and alternating illumination of the two horizontal members.*

Lifeboats of hospital ships and all small craft used by the medical service shall be painted white with vermilion red crosses prominently displayed and shall, in general, comply with the identification system above prescribed for hospital ships.

All hospital ships shall make themselves known by hoisting, besides their national flag, the white flag with a red cross and further, if they belong to a neutral State, by flying at the mainmast the national flag of the belligerent whose direction they have accepted.

Hospital ships which, in accordance with Article 26, are provisionally detained by the enemy, must haul down the national flag of the belligerent on whom they depend.

As soon as technically possible, all hospital ships shall be provided with radar and underwater sound apparatus, to permit their identification by the detecting apparatus of belligerents and neutrals.

CHAPTER VIII

Execution of the Convention

ARTICLE 41

**Implementing
Prohibition of
reprisals**

Belligerents shall ensure, through their naval commanders-in-chief, the proper implementing of the foregoing Articles and shall arrange for unforeseen cases, in accordance with the instructions of their Governments and in conformity with the general principles of the present Convention.

In no case shall reprisals be taken against the wounded, sick and shipwrecked persons, the vessels, personnel or equipment protected by the Convention.

ARTICLE 42

**Dissemination
of the
Convention**

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to incorporate the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population, in particular to the armed fighting forces, the medical personnel and the chaplains.

CHAPTER IX

Repression of Abuses and Infractions

ARTICLE 43

Within a maximum period of two years the governments of the High Contracting Parties shall, if their penal laws are inadequate, enact or propose to their legislative assemblies the measures required to make unlawful in time of war any act contrary to the provisions of the present Convention. The misuse of the distinctive markings named in Article 40, by vessels not protected by the present Convention shall be punished as an illegal use of military markings.

Legislation

The Contracting Parties shall communicate to one another, through the Swiss Federal Council, *any such legislative provisions.*

ARTICLE 44

The Contracting Parties shall be under the obligation to apprehend persons charged with acts contrary to the present Convention, regardless of their nationality. They shall furthermore, in obedience to their national legislation or to the conventions for the repression of acts which may be defined as war crimes, refer such persons for trial by their own courts, or *if they so prefer*, hand them over for trial to another Contracting Party.

Penal sanctions

ARTICLE 45

In addition to the procedure indicated in Article 10, any High Contracting Party alleging a violation of the present Convention may demand the institution of an inquiry.

Investigation procedure

Such inquiry shall be undertaken as soon as possible by a Commission appointed for each particular case, comprising three neutral members chosen from a list of qualified persons, drawn up by the High Contracting Parties in time of peace, each Party nominating four such persons.

The plaintiff and defendant States shall each appoint one member of the Commission. The third member shall be designated by the other two and, in case they cannot agree, by the President of the Court of International Justice, or if the latter is a national of a belligerent State, *or incapacitated, by his substitute, or failing the latter*, by the President of the International Committee of the Red Cross.

As soon as the inquiry is closed, the Commission shall report to the Parties concerned on the reality and nature of the alleged facts, and may make appropriate recommendations.

Final Provisions

ARTICLE 46

Languages The present Convention is established in French and in English. Both texts are equally authentic. In case of doubt as to the interpretation of any particular stipulation the French text shall be considered as authoritative.

ARTICLE 47

Signature The present Convention, which bears the date of this day, is open to signature for a period of six months, that is to say, until the, in the name of all the Powers represented at the Conference which opened at Geneva on ; furthermore, by Powers not represented at that Conference, but which are party to the Xth Hague Convention of October 18, 1907, for the adaptation to Maritime Warfare of the principles of the Geneva Convention, or to the Geneva Conventions of 1864, 1906 or 1929 for the Relief of the Wounded and Sick of Armies in the Field.

ARTICLE 48

Ratification The present Convention shall be ratified as soon as possible. The ratification shall be deposited at Berne.
A procès-verbal of the deposit of each instrument of ratification shall be drawn up, copy of which, certified to be correct, shall be transmitted by the Swiss Federal Council to the Governments of all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 49

Effect The present Convention shall come into force after not less than two instruments of ratification have been deposited.

Thereafter, it shall come into force for each High Contracting Party after the deposit of the instrument of ratification ¹.

ARTICLE 50

The present Convention shall replace the Xth Hague Convention of October 18, 1907, for the adaptation to Maritime Warfare of the principles of the Geneva Convention of 1906, in relations between the High Contracting Parties.

Effect on previous Conventions

ARTICLE 51

From the date of its coming into force, the present Convention shall be open to accession, duly notified, by any Power in whose name this Convention has not been signed.

Accessions

ARTICLE 52

Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect after the date on which they are received.

Notification of accessions

The Swiss Federal Council shall communicate the accessions to the Governments of all the Powers in whose name the Convention has been signed or whose accession has been notified.

ARTICLE 53

The situations defined in Article 2 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the outbreak of hostilities. The Swiss Federal Council shall communicate by the quickest means any ratifications or adhesions received from Parties to the conflict.

Immediate effect

¹ The XVIIth International Red Cross Conference decided to leave to the Diplomatic Conference the care of fixing the periods named in the present Article, adding a recommendation that these periods named in the present Article, adding a recommendation that these periods should be as short as possible. The same applies to Article 52.

ARTICLE 54

Notice of
termination

Each of the High Contracting Parties shall be at liberty to denounce the present Convention. The notice of termination shall not take effect until one year after the notification thereof in writing has been made to the Swiss Federal Council. The Council shall communicate such notification to the Governments of all the High Contracting Parties.

The denunciation shall have effect only in respect of the High Contracting Party which has made notification thereof.

Furthermore, this denunciation shall not take effect during a conflict in which the denouncing Power is involved. In such a case, the present Convention shall continue binding beyond the period of one year, until the conclusion of peace, and in any case until the operations connected with the release and repatriation of the persons protected by the present Convention are terminated.

Lastly, the denunciation shall in no way affect the other obligations, even if similar, by which the denouncing Party is bound by virtue of any other rules of international law.

ARTICLE 55

Transmission
to the United
Nations

*The present Convention shall be transmitted by the Swiss Federal Council to the United Nations Organization, for the purpose of registration*¹. Similarly, ratifications, accessions and notices of termination which are notified to the Swiss Federal Council shall be communicated by them to the United Nations Organization.

¹ The words "A certified copy of the present Convention shall be deposited in the archives of the United Nations" have been deleted.

REVISION OF THE CONVENTION CONCLUDED
AT GENEVA ON JULY 27, 1929, RELATIVE
TO THE TREATMENT OF PRISONERS
OF WAR

PART I

GENERAL PROVISIONS

ARTICLE I

The High Contracting Parties undertake ¹ to respect and to ensure respect for the present Convention in all circumstances.

Respect of the
Convention

ARTICLE 2

In addition to the stipulations which shall be implemented in peace time, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

Application of the
Convention

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party even if the said occupation meets with no armed resistance.

If one of the Powers in conflict is not party to the present Convention, the Powers who are party thereto shall notwithstanding be bound by it in their mutual relations.

In all cases of armed conflict not of an international character ² which may occur in the territory of one or more of the

¹ The words " in the name of their peoples " have been deleted.

² The words " especially cases of civil war, colonial conflicts or wars of religion " have been deleted.

High Contracting Parties, each of *the Parties to the conflict* shall be bound to implement the provisions of the present Convention, *subject to the adverse party likewise acting in obedience thereto*. The Convention shall be applicable in these circumstances, whatever the legal status of the Parties to the conflict and without prejudice thereto.

ARTICLE 3

Prisoners of war

Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy :

(1) Members of the armed forces of the Parties to the conflict, including members of ¹ voluntary corps which are regularly constituted.

(2) Members of regular armed forces who profess allegiance to a Government or an authority not recognized by the Detaining Power ².

(3) Persons who accompany the armed forces without actually being members thereof, such as *civil members of military aircraft crews*, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the military, provided they are in possession or identity cards similar to the annexed model and issued by the armed forces which they are accompanying.

(4) Members of crews of the merchant marine of the Parties to the conflict *who do not benefit by more favourable treatment, under any other provisions in international law* ³.

(5) Inhabitants of a non-occupied territory who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

(6) Persons belonging to a military organization *or to an organized resistance movement* constituted in an occupied territory to resist the occupying Power, on condition :

¹ The words "militias and" have been deleted.

² The words "particularly if they act in liaison with the armed forces of one of the Parties to the conflict" have been deleted.

³ The words "who have been captured at sea" have been deleted.

(a) that such organization has, either through its responsible leader, *through the Government which it acknowledges*, or through the mediation of a Party to the conflict¹, notified the occupying Power of its participation in the conflict.

(b) that its members are under the command of a responsible leader ; that they wear at all times a fixed distinctive emblem, recognizable at a distance ; that they carry arms openly ; that they conform to the laws and customs of war ; and in particular, that they treat nationals of the occupying Power who fall into their hands in accordance with the provisions of the present Convention.

The following shall likewise be treated as prisoners of war under the present Convention :

(1) Persons who are, or who have been members of the armed forces of an occupied country, if by reason of such membership the occupying Power considers it necessary to intern them for reasons of security.

(2) Persons belonging to one of the categories designated in the present Article², who have been accommodated by neutral or non-belligerent Powers in their territories, subject to the rules of international law peculiar to maritime warfare. The Convention shall apply to these persons without prejudice to any more favourable treatment which the said Powers may think fit to grant them, and with the reservation of the provisions contained in Articles 7, 9, 14 (par. 1), 28 (par. 5), 49-57 inclusive, 72-107 inclusive and 116. The situations governed by the said Articles may be made the subject of special agreements between the Powers concerned.

The present Convention shall also provide a minimum standard of protection for any other category of persons who are captured or detained as the result of an armed conflict and whose protection is not specifically provided for in any other Convention.

ARTICLE 4

The present Convention shall apply to the persons referred to in Article 3, from the time they fall into the power of the enemy and until their final release and repatriation.

Should any doubt arise whether one of the aforesaid persons belongs to any of the categories named in the said Article,

Beginning and
end of application

¹ The words " or that it has secured the effective, albeit temporary control of a determined area " have been deleted.

² The words " in the preceding paragraph " have been deleted.

the said person shall have the benefit of the present Convention until his or her status has been determined by a responsible authority.

ARTICLE 5

Special
agreements

In addition to the agreements expressly provided for in Articles 9, 26, 51, 56, 57, 61, 62, 65, 100, 101, 102, 108 and 109, the Parties to the conflict may conclude special agreements for all matters relating to prisoners of war, concerning which they may deem it suitable to make separate provision. Such agreements shall in no case adversely affect the situation of prisoners of war, as defined by the present Convention, nor restrict the rights which it confers upon them.

Prisoners of war shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except for express stipulations to the contrary contained in the aforesaid or in subsequent agreements, or except also for more favourable measures taken with respect to them by one or the other of the Parties to the conflict.

ARTICLE 6

Acquired rights

Prisoners of war may in no circumstances ¹ renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

ARTICLE 7

Protecting
Powers

The present Convention shall be applied with the co-operation and under the supervision of the Protecting Powers responsible for safeguarding the interests of the Parties to the conflict. To that effect, the Protecting Powers may, apart from their diplomatic staff, appoint delegates from amongst their own nationals or the nationals of other neutral Powers. Such delegates shall be subject to approval by the Power near which they will carry out their duties. *The said Power may only refuse its approval if serious grounds are adduced.*

The Parties to the conflict shall, to as great a degree as possible, facilitate the task of the representatives or delegates of the Protecting Powers.

¹ The words "be induced by constraint or by any other means of coercion" have been deleted.

ARTICLE 8

The provisions of the present Convention constitute no obstacle to the humanitarian activity which the International Committee of the Red Cross may undertake for the protection of prisoners of war and for the relief to be given them, with the consent of the interested Parties to the conflict.

Activity of the International Committee of the Red Cross

ARTICLE 9

The Contracting Parties may, at any time, agree to entrust to a body which offers all guarantees of impartiality and efficacy the duties imposed upon the Protecting Powers by the present Convention.

Substitutes for the Protecting Powers

Furthermore, if prisoners of war do not profit, or cease to profit by the activity of a protecting Power or of the above-mentioned body, the Party to the conflict in whose power they are shall be under the obligation to make up for this lack of protection by requesting either a neutral State or an impartial humanitarian body, such as the International Committee of the Red Cross, to assume in their behalf the duties imposed on the Protecting Powers by the present Convention.

If the territory of the Power on which the prisoners of war depend is occupied by the Detaining Power or by one of its allies, and if the Government of the aforesaid territory is approved by the Detaining Power and remains on occupied soil, the interests of the prisoners of war shall in no case be entrusted to a body set up or appointed by agreement between the Detaining Power and the aforesaid Government.

Whenever in the present Convention mention is made of a Protecting Power, such mention shall also designate substitute bodies in the sense of the present Article.

ARTICLE 10

In cases where they deem it advisable in the interest of prisoners of war, particularly in cases of disagreement between the Parties to the conflict as to the application of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to facilitating such application.

Procedure of conciliation

To that effect, each of the Protecting Powers may, at the invitation of one Party, or by its own motion, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for prisoners of war,

in suitably chosen neutral territory, if circumstances permit. The Parties to the conflict shall be bound to give effect to the proposals made to them in this respect. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict a person belonging to a neutral Power, or delegated by the International Committee of the Red Cross, who shall be called upon to participate in such a meeting.

PART II

GENERAL PROTECTION OF PRISONERS OF WAR

ARTICLE 11

Responsibility for
the treatment of
prisoners

Prisoners of war are in the hands of the enemy Power, but not of the individuals or military units who have captured them. Irrespective of the individual responsibilities that may exist, the Detaining Power is responsible for the treatment given them.

Prisoners of war may not be transferred by the Detaining Power to a Power which is not party to the Convention. If they are transferred to a Power which is party to the Convention, responsibility for the application of the Convention rests on the two Powers jointly.

ARTICLE 12

Humane
treatment of
prisoners

Prisoners of war must at all times be humanely treated and protected, particularly against acts of violence and intimidation, against insults and public curiosity.

Measures of reprisal against them are prohibited.

No prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind.

ARTICLE 13

Respect
for the person of
prisoners of war

Prisoners of war are entitled in all circumstances to respect for their persons and their honour.

Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favourable as that granted to men.

Prisoners of war shall retain their full civil capacity, in conformity with the legislation of their home country ; they may exercise all the rights which are granted to them by the Detaining Power.

ARTICLE 14

The Power detaining prisoners of war is bound to provide for their free maintenance and likewise to afford them the medical care which their state of health requires.

Maintenance and preferential treatment

Taking into consideration the provisions of the present Convention relative to rank and sex, and subject to any privileged treatment which may be accorded to them by reason of their state of health, age or professional qualifications, all prisoners of war shall be treated alike by the Detaining Power, without discrimination of race, nationality, religious belief or political opinions, or any other distinction founded on similar criteria.

PART III

CAPTIVITY

SECTION I

Beginning of Captivity

ARTICLE 15

Every prisoner of war, if questioned on the subject, is bound to give only his name and rank, date of birth, army, regimental or serial number, or failing this, equivalent information.

Questioning of prisoners

Should he wilfully infringe this rule, he is liable to curtailment of the privileges which the Convention grants to prisoners of war of his rank or status.

Each belligerent is required to furnish the persons under his jurisdiction who are liable to become prisoners of war, with an identity card showing the owner's name, first names, rank,

army, regimental or serial number, or equivalent information, and date of birth. Such identity cards may bear the finger-prints of the owner, but will not contain any information other than that specified above.

No physical or mental torture, nor any other form of coercion may be inflicted on prisoners of war, in particular to secure from them information regarding either the condition of their armed forces or their country, or their personal situation. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind.

Prisoners of war who, owing to their physical or mental condition, are unable to state their identity shall be handed over to the Medical Service. The identity of such prisoners shall be established by all possible means, particularly by the taking of finger-prints.

ARTICLE 16

Property of
prisoners

All effects and articles of personal use, except arms, horses, military equipment and military documents, shall remain in the possession of prisoners of war, likewise their metal helmets and gas masks. Effects and articles serving for their clothing or feeding shall likewise remain in their possession, even if such effects and articles belong to their regulation military equipment.

At no time shall prisoners of war be without identity documents. The Detaining Power shall supply such documents to prisoners of war who possess none when they are taken.

Badges of rank and nationality, decorations and articles having only a personal or sentimental value may not be taken from prisoners of war.

Sums of money carried by prisoners of war may not be taken away from them except by order of an officer, and after the amount has been verified. Receipts shall be given. The same rule shall apply to all objects of value which are impounded. Such objects, likewise the sums taken away in any currency other than of the Detaining Power and the conversion of which has not been asked for by the owners, shall be returned in their initial shape to prisoners of war when they are liberated.

ARTICLE 17

Evacuation of
prisoners

Prisoners of war shall be removed as soon as possible after their capture to camps located in an area far enough from the combat zone for them to be out of danger.

Prisoners of war who, owing to wounds or sickness, would run greater risks, by being evacuated than by remaining where they are, may alone be temporarily kept back in a danger zone.

Prisoners of war shall not be unnecessarily exposed to danger while awaiting removal from a fighting zone.

ARTICLE 18

The evacuation of prisoners of war shall always be effected humanely and in conditions ¹ similar to those for the forces of the Detaining Power in their changes of station.

Methods of
evacuation

The Detaining Power shall supply prisoners of war who are being evacuated with sufficient food and water, and with the necessary clothing and medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during removal, and shall establish as soon as possible a list of the prisoners of war who are evacuated.

If prisoners of war must, during removal, pass through transit camps, their stay in such camps shall be as brief as possible.

SECTION II

INTERNMENT OF PRISONERS OF WAR

CHAPTER I

General Observations

ARTICLE 19

The Detaining Power may subject prisoners of war to internment. It may impose on them the obligation of not leaving the camp where they are interned beyond certain limits or, if the said camp is fenced in, of not going outside its perimeter. Subject to the provisions of the present Convention which are relative

Restriction
of liberty of
movement

¹ The words " as far as possible " have been deleted.

to penal and disciplinary sanctions, prisoners of war may not be held in close confinement except as an imperative health measure, and only so long as circumstances require.

Prisoners of war may be partially or wholly released on parole or promise, in so far as allowed by the laws of the Power on which they depend. Such measures shall be taken particularly in cases where they can contribute to the improvement of their state of health. *No prisoner of war shall be compelled to accept liberty on parole or promise.*

Upon the outbreak of hostilities, each belligerent Power shall notify the opposing Power of the laws and regulations allowing or prohibiting its own nationals to accept liberty on parole or promise. Prisoners of war who are paroled or who have given their promise in conformity with the laws and regulations so notified, are bound on their personal honour scrupulously to fulfil, both towards the Power on which they depend and the Power which has captured them, the engagements of their paroles or promises. In such cases, the Power on which they depend is bound neither to require nor to accept from them any service incompatible with the parole or promise given.

Prisoners of war partially liberated on parole or promise who attempt to escape and are recaptured before the escape is successful, are only liable to the disciplinary penalties provided for by Articles 79 to 89 inclusive.

ARTICLE 20

Places
and methods of
internment

Prisoners of war may be interned only in premises located on land and affording every guarantee of hygiene and healthfulness. Except in particular cases which are justified by the interest of the prisoners themselves, they shall not be interned durably in penitentiaries.

Prisoners of war interned in unhealthy areas, or where the climate is injurious for them, shall be removed as soon as possible to a more favourable climate.

The Detaining Power shall assemble prisoners of war in camps or camp compounds according to their nationality, language and customs.

ARTICLE 21

Safety
of prisoners

No prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone,

nor may his presence be used to render certain points or areas immune from military operations.

Prisoners of war shall have shelters against air bombardment and other hazards of war, to the same extent as the local civilian population. In case of alarms, they *may* enter such shelters as soon as possible, excepting those engaged in the defence of their quarters against the aforesaid hazards. Any other protective measure taken in favour of the population shall also apply to them.

The Detaining Powers shall communicate to one another, through the medium of the Protecting Powers, all useful information regarding the geographical location of prisoner of war camps.

Prisoner of war camps shall be indicated in the day-time by the letters "PW" or "PG", placed so as to be clearly visible from the air. The Detaining Powers may, however, agree upon any other system of marking.

ARTICLE 22

Transit or screening camps of a permanent kind shall be fitted out under conditions similar to those described in the present Section, and the prisoners therein shall have the same treatment as in other camps.

Permanent
transit camps

CHAPTER 2

Quarters, Food and Clothing of Prisoners of War

ARTICLE 23

Prisoners of war shall be quartered under conditions as favourable as those for the forces of the Detaining Power who are billeted in the same area. The said conditions shall make allowance for the habits and customs of the prisoners and shall in no case be prejudicial to their health.

Quarters

The foregoing provisions shall apply in particular to the dormitories of prisoners of war, as regards both total surface

and minimum cubic space, and the general installations, bedding and blankets.

The premises shall be entirely protected from dampness, adequately heated and lighted, in particular between dusk and lights out. All precautions must be taken against the danger of fire.

ARTICLE 24

Food *The Detaining Power shall furnish gratuitously the food rations for all prisoners of war. The basic daily food rations shall be sufficient in quantity, quality and variety to keep prisoners of war in good health and to prevent loss of weight or the development of nutritional deficiencies. Account shall also be taken of the habitual diet of the prisoners*¹.

Prisoners of war who are obliged to work shall receive additional rations proportionate to the labour they perform.

Sufficient drinking water shall be supplied to prisoners of war. The use of tobacco shall be permitted.

Prisoners of war shall as far as possible be associated in the preparation of their meals; they may be employed for that purpose in the kitchens. Furthermore, they shall be given the means of preparing themselves the additional food in their possession.

Collective disciplinary measures affecting food are prohibited.

ARTICLE 25

Clothing Clothing, underwear and footwear shall be supplied to prisoners of war in sufficient quantities by the Detaining Power, which shall² make allowance for the climate of the region where the prisoners are detained.

The replacement and repair of the above articles shall be assured regularly by the Detaining Power. In addition, prisoners of war who work shall receive appropriate clothing, wherever the nature of the work demands.

Uniforms of enemy armed forces which are taken by the Detaining Power shall² be used for clothing prisoners of war belonging to the said forces.

¹ This paragraph now replaces the wording submitted by the International Committee.

² The words "as far as possible" have been deleted.

ARTICLE 26

Canteens shall be installed in all camps, where prisoners of war may procure foodstuffs, ordinary articles of daily use and soap. *The tariff shall never be in excess of local market prices.* Canteens

The profits made by canteens for camp administrations shall be used for the benefit of the prisoners ; a special fund shall be created for that purpose. The spokesman shall have the right to check the management of the canteens and of the said fund.

When a camp is closed down, the profits of canteens shall *be handed to an international welfare organization*, to be employed for the benefit of prisoners of war of the same nationality as those who have contributed to the constitution of the fund. In case of a general repatriation, such profits shall be kept by the Detaining Power, subject to any agreement to the contrary between the Powers concerned.

CHAPTER 3

Hygiene and Medical Attention

ARTICLE 27

The Detaining Power shall be bound to take all sanitary measures necessary to ensure the cleanliness and healthfulness of camps, and to prevent epidemics. Hygiene

Prisoners of war shall have for their use, day and night, conveniences which conform to the rules of hygiene and are constantly maintained in a state of cleanliness.

Furthermore, and without prejudice to the baths and showers with which the camps shall be furnished, prisoners of war shall be provided with sufficient water and soap for their personal toilet and for washing their underwear ; the necessary installations and facilities shall be granted them for that purpose.

ARTICLE 28

Every camp shall have an adequate infirmary where prisoners of war may have the attention they require, as well as appro- Medical attention

priate diet. Isolation wards shall, if necessary, be set aside for cases of contagious disease.

Prisoners of war suffering from serious disease, or whose condition necessitates special treatment, a surgical operation or hospital care, must be admitted to any military or civil medical unit where such treatment can be given, even if their repatriation is contemplated in the near future. Special facilities shall be afforded for the care to be given to *the disabled, in particular* to the blind, and for their rehabilitation, pending repatriation.

Prisoners of war shall have the attention preferably of medical personnel of their own nationality.

Prisoners of war may not be prevented from presenting themselves to the medical authorities for examination. The detaining Authorities shall, upon request, issue to every prisoner having undergone treatment, an official certificate indicating the nature of his illness or injury, and the duration and kind of treatment received. A duplicate of this certificate shall be forwarded to the Central Prisoners of War Agency.

The costs of treatment, including those of any apparatus necessary for the maintenance of prisoners of war in good health, particularly dentures and other prostheses, and spectacles, shall be borne by the Detaining Power.

ARTICLE 29

Medical
inspections

Medical inspections of prisoners of war shall be made at least once a month. Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of prisoners and to detect contagious diseases, especially tuberculosis, malaria and venereal complaints. Such examinations shall¹ include periodical radioscopic examination and the checking of weight of each prisoner.

CHAPTER 4

Religion, Intellectual and Physical Activities

ARTICLE 30

Religion

Prisoners of war shall enjoy complete liberty in the exercise of their religious duties, including attendance at the services

¹ The words " if possible " have been deleted.

of their faith, on the sole condition that they comply with the measures of order prescribed by the military authorities. *The Detaining Power shall provide them with adequate premises.*

Ministers of religion who are prisoners of war shall, whatever their religious denomination, be allowed to minister freely to the members of their community. For that purpose, the Detaining Power shall ensure their equitable allocation amongst the various camps and labour detachments. They shall enjoy all facilities for moving about ¹ from one camp or detachment to another. Any prisoner of war who can furnish proof to the Detaining Power of his status as a minister of religion shall be exempt from work. *Failing any minister of the prisoners' faith, the Detaining Power shall allow religious assistance to be given by a minister of the same denomination, or in the absence of such a minister, by a minister of a similar denomination, if such a course is feasible from a sectarian point of view.*

Ministers of religion shall be at liberty to correspond on matters concerning their ministry, with the ecclesiastical authorities in the country of detention.

Furthermore, *duly mandated* representatives of religious organizations, who have been chosen by agreement between the Detaining and the Protecting Powers, preferably from amongst the nationals of neutral countries, may, subject to the approval of the Detaining Power, visit the prisoners of war and provide for their religious needs.

In the official reports sent to the Governments on the condition of prisoners of war, explicit mention shall be made of the religious assistance by which they benefit.

ARTICLE 31

While respecting *the individual preferences* of every prisoner, the Detaining Power shall encourage the practice of intellectual, educational, and recreational pursuits, sports and games amongst prisoners, and shall take the measures necessary to ensure the exercise thereof, in particular by providing adequate premises.

Recreation,
instruction, sports
and games

Prisoners shall have opportunities for taking physical exercise and being out of doors. Open spaces shall be provided for the purpose in all camps.

¹ The words "in case of need" have been deleted.

CHAPTER 5

Discipline

ARTICLE 32

Administration
Salute

Every prisoner of war camp shall be put under the authority of a responsible officer belonging to the regular armed forces of the Detaining Power. The said officer shall have in his possession a copy of the present Convention ; he shall ensure that its provisions are known to the camp guard and shall be responsible, *under the direction of his government*, for its application.

Prisoners of war, with the exception of officers, must salute and show to all officers of the Detaining Power the marks of respect provided for by the regulations applying in their own forces.

Officer prisoners of war are bound to salute only officers of a higher rank of the Detaining Power ; they must, however, salute the camp commander regardless of his rank.

ARTICLE 33

Badges
and decorations

The wearing of badges of rank and nationality, as well as of decorations shall be permitted.

ARTICLE 34

Conventions
regulations and
orders intended
for prisoners

In every camp the text of the present Convention and its annexes and of the special agreements provided for in Article 5, shall be posted, in the prisoners' own language, at places where all may read it. Copies shall be supplied, on request, to the prisoners who cannot have access to the copy which has been posted.

Regulations, orders, notices and publications of every kind relating to the conduct of prisoners of war shall be issued to them in a language which they understand. Such regulations, orders and publications shall be posted in the manner described above and copies shall be handed to the spokesman. Every order and command addressed to prisoners of war individually must likewise be given in a language which they understand.

The same principle shall apply to questionings.

ARTICLE 35

Use of weapons

The use of weapons against prisoners of war, especially against those who are escaping or attempting to escape, shall constitute an extreme measure, which shall always be preceded by warnings appropriate to the circumstances.

CHAPTER 6

Rank of Prisoners of War

ARTICLE 36

Upon the outbreak of hostilities, belligerents shall communicate to one another the titles and ranks of all the persons designated in Article 3 of the present Convention, in order to ensure equality of treatment between prisoners of equivalent rank. Titles and ranks which are subsequently created shall form the subject of similar communications.

Communication
of ranks

The Detaining Power shall recognize the promotions in rank accorded to prisoners of war and which have been duly notified by the Power on which these prisoners depend ¹.

ARTICLE 37

Officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

Treatment
of officers

In order to ensure service in officers' camps, other ranks of the same armed forces who, so far as possible, speak the same language, shall be assigned in sufficient numbers, account being taken of the rank of officers and prisoners of equivalent status. Such orderlies shall not be required to perform any other work.

Supervision of the mess by the officers themselves should be facilitated in every way.

CHAPTER 7

Transfer of Prisoners of War after their arrival in camp

ARTICLE 38

The transfer of prisoners of war shall always be effected humanely and in conditions similar to those for the forces of the Detaining Power in their changes of station.

Conditions

¹ Paragraph 2 of the International Committee's draft has been deleted.

The Detaining Power shall supply prisoners of war during transfer with sufficient food and water, likewise with the necessary clothing and medical attention. The Detaining Power shall take adequate precautions, especially in case of transport by sea or by air, to ensure their safety during transfer, and shall draw up a complete list of all transferred prisoners before their departure.

ARTICLE 39

Exceptions Sick or wounded prisoners of war shall not be transferred as long as their recovery may be endangered by the journey, unless their safety imperatively demands.

If the combat zone draws closer to a camp, the prisoners of war in the said camp shall not be transferred unless their removal can be carried out in adequate conditions of safety, or if they are exposed to greater risks by remaining on the spot than by being removed.

ARTICLE 40

Procedure In the event of removal, prisoners of war shall be officially advised of their departure and of their new postal address. Such notification shall be given in time for them to pack their luggage and inform their next of kin.

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight of such baggage may be limited, if the conditions of removal so require, *to what each prisoner can reasonably carry*, but in no case to less than twenty-five kilograms per head.

Mail and parcels addressed to their former camp shall be forwarded to them without delay. The camp commandant shall, if necessary, take in agreement with the spokesman any measures needed to ensure the transport of the prisoners' community kit and of the luggage they are unable to take with them, in consequence of restrictions imposed by virtue of paragraph 2.

The costs of transfers shall be borne by the Detaining Power.

SECTION III

Labour of Prisoners of War

ARTICLE 41

The Detaining Power may utilise the labour of prisoners of war who are physically fit, officers and persons of equivalent status excepted, taking into account their age, sex, rank and physical aptitude, and with a view particularly to maintaining them in a good state of physical and mental health.

General
observations

Non-commissioned officers who are prisoners of war shall only be required to do supervisory work. Those not so required may request other suitable occupation which shall, so far as possible, be secured for them.

If officers or persons of equivalent status request suitable work, it shall be found for them, so far as possible.

Prisoners who are physicians, medical orderlies or chaplains, whatever their rank, may be required, under authority of the Detaining Power and especially of its medical service, to exercise their medical or spiritual functions in accordance with their professional or religious ethics, for the benefit of prisoners of war, preferably of their compatriots.

ARTICLE 42

In addition to labour performed in connection with camp administration, installation or maintenance, prisoners of war may only be required to do work ¹ *which is normally required for the feeding, sheltering, clothing, transportation and health of human beings, but may not be employed in work which is otherwise of value in assisting the conduct of active military operation.*

Authorized
labour

Should the above provisions be violated, prisoners of war shall be allowed to exercise their right of complaint, in conformity with Article 68.

ARTICLE 43

No prisoner of war may be employed on labour which is of an unhealthy or dangerous nature, *in view of climatic conditions* ².

Dangerous
or humiliating
labour

¹ The words "included in the following classes of economic activity" and the items (a) to (e) inclusive of the International Committee's draft, listing the said activities, have been deleted.

² The words "unless he has received... on similar work" have been deleted.

No prisoner of war shall be assigned to labour which would be looked upon as humiliating for a member of the Detaining Power's own forces.

Conditions of labour shall in no case be rendered more arduous by disciplinary measures.

ARTICLE 44

Duration
of labour

The duration of the daily labour of prisoners of war, including the time of the journey to and fro, shall not be excessive, and must in no case exceed that permitted for civilian workers in the district, who are nationals of the Detaining Power and employed on the same work.

Prisoners of war must be allowed one hour's rest in the middle of the day's work, and a rest of twenty-four consecutive hours every week, preferably on Sunday. Furthermore, every prisoner who has worked for one year shall be granted a rest of eight consecutive days, during which his wages shall be paid him.

If methods of labour such as piece work are employed, the length of the working period shall not be rendered excessive thereby.

ARTICLE 45

Wages
and accidents

The wages due to prisoners of war shall be fixed in conformity with the provisions of Article 51 of the present Convention.

Prisoners of war who sustain accidents in connection with work, or who contract a disease in the course, or in consequence of their work, shall receive the attention their condition may require. The Detaining Power shall furthermore deliver to prisoners of war a medical certificate enabling them to put in their claims with the Power on which they depend, and shall send a duplicate thereof to the Central Prisoners of War Agency.

ARTICLE 46

Medical
supervision

The fitness of prisoners of war for work shall be periodically verified by medical examinations, *at least once a month*.

If any prisoner of war considers himself incapable of working, he shall be permitted to appear before the medical authorities of his camp. Prisoner of war physicians may recommend that the prisoners who, in their opinion, are unfit for work, be exempted therefrom.

ARTICLE 47

The organization and administration of labour detachments shall be similar to those of prisoner of war camps, particularly with regard to hygiene, food, medical attention in case of accidents or sickness, correspondence and the receipt of parcels.

Labour
detachments

Every labour detachment shall be dependent on a prisoner of war camp. The military authorities and the commander of the said camp shall be responsible, *under the direction of their government*, for the observance of the provisions of the present Convention in labour detachments.

The camp commander shall keep an up to date record of the labour detachments dependent on his camp, and shall communicate it to the delegates of the Protecting Power, of the International Committee of the Red Cross, or of other agencies giving relief to prisoners of war, who may visit the camp.

ARTICLE 48

The treatment of prisoners of war working for the account of private persons and placed under their direct control shall not be inferior to that which is provided for by the present Convention. The Detaining Power shall supervise their treatment and assume full responsibility therefor.

Prisoners detailed
to private
employers

Such prisoners of war shall have the right to remain in communication with the spokesmen of the camps on which they depend.

SECTION IV

Financial Resources of Prisoners of War

ARTICLE 49

Upon the outbreak of hostilities, the Detaining Power may determine, in agreement with the Protecting Power, the maximum amount of money, in cash or in any similar form, that prisoners may have in their possession. Any amount in excess which has been taken or withheld from them, shall be placed to their account, together with any monies deposited by them, and shall not be converted into any other currency without their consent.

Resources in
ready money

If prisoners of war are permitted to purchase services or commodities outside the camp against payment in cash, such payments shall be made by the camp administration and charged to the account of the prisoners concerned.

ARTICLE 50

Cash taken from
prisoners

Cash taken from prisoners of war at the time of their capture, and which is in the currency of the Detaining Power, shall be placed to their separate accounts, by virtue of the provisions of Article 54 of the present Section.

The said accounts shall also be credited with the amounts in the currency of the Detaining Power, due to the conversion of sums in other currencies that are taken from prisoners of war at the same time.

ARTICLE 51

Pay

The Detaining Power shall grant all prisoners of war monthly pay, the amount of which shall be fixed by conversion, into the currency of the said Power, of the following amounts :

- Category I : Prisoners ranking below sergeants : eight Swiss gold francs.
- Category II : Sergeants and other non-commissioned officers, or prisoners of equivalent rank : twelve Swiss gold francs.
- Category III : Warrant officers and commissioned officers below the rank of major, or prisoners of equivalent rank : fifty Swiss gold francs.
- Category IV : Majors, lieutenant-colonels, colonels and prisoners of equivalent rank : sixty Swiss gold francs.
- Category V : General officers or prisoners of equivalent rank : seventy-five Swiss gold francs.

The Swiss gold franc aforesaid is the franc containing... milligrammes of fine gold.

Belligerents may, by special agreements, change the amount of pay due to prisoners of war in the above categories.

The Detaining Power shall at all times accept remittances of money that the Power on which prisoners depend may forward

to them as additional pay through the Protecting Power, on condition that all prisoners belonging to the same category receive the same amount.

ARTICLE 52

Prisoners of war shall be paid fair wages by their employers, or direct by the detaining Authorities. The rate shall be fixed by the said authorities, but shall at no time be less than one-fourth of one Swiss gold franc for a full working day. The Detaining Power shall inform prisoners of war, as well as the Power on which they depend, of the rate of daily wages that it has fixed.

Wages

Wages shall likewise be paid by the detaining Authorities to prisoners of war permanently detailed to duties or to an artisanal occupation in connection with the administration, installation or maintenance of camps, *furthermore to the prisoners who are required, in conformity with Article 41, to carry out spiritual or medical duties in favour of their comrades.*

The wages of the spokesman, and of his assistants and possible advisers, shall be paid out of the fund maintained by canteen profits. The scale of these wages shall be fixed by the spokesman and approved by the camp commander. If there is no such fund, the detaining Authorities shall pay these prisoners a fair wage.

Belligerents may, by special agreements, change the scale of wages paid to prisoners of war.

ARTICLE 53

Prisoners of war shall be permitted to receive remittances of money addressed to them individually, subject to the restrictions that the Protecting Power concerned may suggest to impose on these remittances, in the interest of the prisoners themselves.

Transfer of funds

Every prisoner of war shall have at his disposal the credit balance of his account, as provided for in the following Article, within the limits fixed by the Detaining Power, which shall make such payments as are requested. Subject to financial or monetary restrictions applicable to the whole population of the said Power, prisoners may also have payments made abroad.

In any event, and subject to the consent of the Power on which they depend, prisoners may have payments made in their own country, as follows: the Detaining Power shall send to the

aforesaid Power, through the Protecting Power, a notification giving all necessary particulars concerning the prisoners of war, the beneficiaries of the payments, and the amount of the sums to be paid, expressed in the Detaining Power's currency. The said notification shall be signed by the prisoners and countersigned by the camp commander. The Detaining Power shall debit the prisoners' account by a corresponding amount; the sums thus debited shall be placed by it to the credit of the Power on which the prisoners depend.

ARTICLE 54

Prisoner of war
accounts

The Detaining Power shall hold an account for each prisoner, of war, showing in substance the following :

(1) The amounts received by the prisoner in the shape of pay or wages, or derived from any other source; the sums in the currency of the Detaining Power which were taken from him; the sums taken from him and converted at his request into the currency of the said Power.

(2) The payments made to the prisoner in cash, or in any other similar form; the payments made on his behalf and at his request; the sums transferred under Article 53, paragraph 3.

ARTICLE 55

Management of
prisoner of war
accounts

Every item entered in the account of a prisoner of war shall be countersigned by him, or by the spokesman acting on his behalf.

Prisoners of war shall at all times be afforded reasonable facilities for consulting their accounts, which may likewise be inspected by the representatives of the Protecting Powers, at the time of visits to the camp.

When prisoners of war are transferred from one camp to another ¹, their personal accounts shall follow them. *In case of transfer from one Detaining Power to another, their personal effects and the monies which are their property and not in the currency of the Detaining Power, shall follow them. They shall be given certificates for any other monies standing to the credit of their account.*

¹ The words " or from one Detaining Power to another " have been deleted.

ARTICLE 56

In case of the death of a prisoner, a document attesting the credit balance of his account shall be sent to the Power on which he depended.

Liquidation of accounts

The same shall hold true in case a prisoner of war is repatriated during hostilities ; a duplicate of any such document shall likewise be handed to the repatriate.

Failing any special agreement between the Powers concerned as to the settlement of credit balances of the accounts of prisoners released and repatriated after the close of hostilities, such balances shall be paid in cash by the Detaining Power to the persons concerned.

ARTICLE 57

The pay issued to prisoners of war in conformity with Article 51 shall be considered as an advance made on behalf of the Power on which they depend. Such pay, as well as all payments made by the said Power by virtue of Article 52, paragraph 3, shall form the subject of arrangements between the Powers concerned, at the close of hostilities.

Compensation between belligerents concerned

SECTION V

External Relations of Prisoners of War

ARTICLE 58

Immediately upon prisoners of war falling into their hands the Detaining Powers shall inform them and the Powers on which they depend, through the Protecting Power, of the measures taken for implementing the provisions of the present Section. They shall likewise inform the parties concerned of any subsequent modifications of such measures.

Notification of measures taken

ARTICLE 59

Immediately upon capture, or not more than one week after arrival at a camp, even if it is a transit camp, likewise in case of sickness or transfer to hospital or another camp, every prisoner

Capture card

of war shall be enabled to write direct to his family, on the one hand, and to the Central Prisoners of War Agency provided for by Article 113, on the other hand, a card similar, if possible, to the model annexed to the present Convention, informing his relatives of his capture, address and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any manner.

ARTICLE 60

Correspondence

Prisoners of war shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each prisoner of war, the said number shall not be less than two letters and four cards monthly, *exclusive of the capture cards provided for in Article 59*, and shall be drawn up, in so far as possible, according to the models annexed to the present Convention. If limitations must be placed on the correspondence addressed to prisoners of war, they may be ordered only by the Power on which the prisoners depend, at the possible request of the Detaining Power. Such letters and cards must be conveyed by the most rapid means; they may not be delayed or retained for disciplinary reasons.

Prisoners of war who have been without news for a long period, or who are unable to have news from their next of kin or to give them news by the ordinary postal route, furthermore, those who are separated from home by great distances, shall be permitted to send telegrams, against payment of the charges in the currency at their disposal. *They shall likewise benefit by this measure in cases of recognized urgency.*

As a general rule, the correspondence of prisoners of war shall be written in their native language. The belligerents may allow correspondence in other languages.

Sacks containing prisoner of war mail must be securely sealed and labelled so as clearly to indicate their contents, and addressed to offices of destination.

ARTICLE 61

Relief shipments. General principles

Prisoners of war shall be allowed to receive, by post or by any other means, individual parcels or collective shipments containing in particular foodstuffs, clothing, medicaments and articles of a devotional, educational and recreational character which may meet their needs. Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present Convention.

The only limits which may be placed on these shipments shall be those which are proposed in the interest of the prisoners themselves by the Protecting Power, the International Committee of the Red Cross or any other body giving assistance to the prisoners and which may be responsible for the forwarding of such shipments.

The conditions for the sending of individual parcels and collective shipments shall, if necessary, be the subject of special agreements between the Powers concerned. *Books may not be included in parcels of clothing and foodstuffs. Medical supplies shall, as a rule, be sent in collective parcels.*

ARTICLE 62

In the absence of special agreements between the Powers concerned on the conditions for the receipt and distribution of collective relief shipments, the rules and regulations concerning collective shipments which are annexed to the present Convention shall be applied.

The special agreements provided for above shall in no case limit the right of spokesmen to take possession of collective relief shipments intended for prisoners of war, to proceed to their distribution and to dispose of them in the interest of the recipients.

Nor shall such agreements restrict the right of representatives of the Protecting Powers, the International Committee of the Red Cross or any other body giving assistance to prisoners of war and responsible for the forwarding of collective shipments, to supervise their distribution to the recipients.

Collective relief

ARTICLE 63

Prisoners of war shall have permission to receive individual parcels of books.

The Protecting Powers and the bodies giving assistance to prisoners of war may send single works and collections of books to prisoner camps, likewise devotional articles, scientific equipment, musical instruments, sports outfits and material allowing prisoners of war to pursue their studies or their artistic activities.

Devotional articles, books, etc.

ARTICLE 64

All shipments of relief for prisoners of war shall be exempt from import, customs and other dues.

Correspondence, relief shipments and authorized remittances of money addressed to prisoners of war or dispatched by them

Free postage and transportation

through the post office, either direct or through the Information Bureaux provided for in Article 112 and the Central Prisoners of War Agency provided for in Article 113, shall be exempt from any postal dues, both in the countries of origin and destination, and in intermediate countries.

*Relief shipments intended for prisoners of war and which, by reason of their weight or of any other cause, cannot be sent through the post office, shall benefit by free transport in all the territory under the control of the Detaining Power. If conveyed by rail, they shall also benefit by free transport in the territories of the other Powers party to the Convention*¹.

The costs incident to the transport of such shipments and which are not covered by the above exemption, shall be charged to the senders.

The High Contracting Parties shall endeavour to reduce, so far as possible, the charges for telegrams sent by prisoners of war, or addressed to them.

ARTICLE 65

Special
transportation

Should military operations prevent the Powers concerned from fulfilling their obligation to assure the transport of the shipments provided for in Articles 59, 60, 61, 63 and 67 of this Section, the Protecting Powers concerned, the International Committee of the Red Cross or any other body duly approved by the belligerents may undertake to ensure the conveyance of such shipments, by suitable means (railway cars, motor vehicles, vessels or aircraft, etc.). The High Contracting Parties shall endeavour to supply them for that purpose with such means of transport, and shall allow their traffic, in particular by granting the necessary safe-conducts.

The said means of transport may also be used to convey:

(a) *the correspondence, lists and reports despatched by the Central Information Agency provided for in Article 113 to the National Bureaux provided for in Article 112, or forwarded by these Bureaux to the said Agency;*

(b) *The correspondence and reports relating to prisoners of war which the Protecting Powers, the International Committee of the Red Cross or any other body assisting the prisoners, exchange either with their own delegates or with the belligerents*².

¹ The paragraph beginning thus: "Individual parcels ..." has been deleted.

² The foregoing paragraphs replace the first two paragraphs of the draft submitted by the International Committee.

The costs occasioned by the use of these means of transportation shall be borne proportionally by the belligerents whose nationals are benefited thereby.

ARTICLE 66

The censoring of correspondence addressed to prisoners of war or dispatched by them shall be effected as quickly as possible. Mail shall be censored only by the shipping State and the receiving State and ¹ once only by each.

Censorship and supervision

The examination of consignments intended for prisoners of war shall be carried out in conditions such as will not expose to damage the goods contained therein ; it shall be done ¹ in the presence of the addressee, or of a fellow-prisoner duly delegated by him. The transmission to prisoners of light reading matter or educational works shall not be delayed under the pretext of difficulties of censorship.

Any prohibition of correspondence ordered by belligerents, either for military or political reasons, shall only be temporary and its duration shall be as short as possible.

ARTICLE 67

The Detaining Powers shall assure all facilities for the transmission, through the Protecting Power or the Central Prisoners of War Agency provided for in Article 113, of instruments, papers or documents intended for prisoners of war or despatched by them, in particular powers of attorney and wills.

Drafting and transmission of legal documents

In any case they shall facilitate for prisoners of war the preparation of such documents, in particular by allowing them to consult a lawyer in their camp, and assuring if necessary the authentication of their signatures ².

SECTION VI

Relations of Prisoners of War with the Authorities

CHAPTER I

Complaints of Prisoners of War respecting the conditions of captivity

ARTICLE 68

Prisoners of war shall have the right to make known to the military authorities in whose power they are, their requests

Complaints and requests

¹ The words " if possible " have been deleted.

² The words " by their representative " have been deleted.

with regard to the conditions of captivity to which they are subjected.

They shall also have the right to apply without restriction through their spokesman, or if they consider it necessary, direct to the representatives of the Protecting Powers, in order to indicate to them any points on which they may have complaints to make with regard to the conditions of captivity.

Such requests and complaints must be transmitted forthwith. Even if they are recognized to be unfounded, they may not occasion any punishment.

Brief periodic reports on the situation in camps and the needs of prisoners of war may be sent by the spokesmen to the representatives of the Protecting Powers.

CHAPTER 2

Representatives of Prisoners of War

ARTICLE 69

Election

In every place where there are prisoners of war, *except where officers are present*, the said prisoners shall freely elect every six months, *likewise in case of vacancies*, spokesmen entrusted with representing them before the military authorities, the Protecting Powers, the International Committee of the Red Cross and any other body which may assist them. These spokesmen shall be eligible for re-election.

In camps for officers and persons of equivalent status *or in mixed camps*, the senior officer prisoner of the highest rank shall be recognized as the camp spokesman. *In camps for officers*, he shall be assisted by one or more advisers chosen by the officers; *in mixed camps his assistants shall be chosen from amongst the enlisted men*.

Such elections shall be subject to the approval of the detaining authorities. The reasons for any refusal shall be communicated to the Protecting Powers concerned.

ARTICLE 70

Duties

Spokesmen shall contribute to the physical, spiritual and intellectual well-being of prisoners of war.

In case the prisoners decide, in particular, to organize a system of mutual assistance amongst themselves, this organization would be within the competence of the spokesman,

in addition to the special duties entrusted to him by other provisions of the present Convention, especially by Articles 26, 40, 62, 67, 68, 69, 86, 89, 96 and 103.

ARTICLE 71

Spokesmen shall not be required to perform any other work, if the accomplishment of their duties is rendered more difficult thereby.

Prerogatives

Spokesmen may appoint from amongst the prisoners such assistants as they may require. All material facilities shall be granted them, particularly a certain freedom of movement necessary for the accomplishment of their duties, *in particular* inspections of labour detachments, receipt of supplies.

Spokesmen shall be permitted to visit premises where prisoners of war are detained, and every prisoner of war shall have free access to his spokesman.

All facilities shall likewise be accorded to the spokesmen for communication by post and telegraph with the detaining Authorities, the Protecting Powers, the International Committee of the Red Cross and their delegates, the Mixed Medical Commissions and with the bodies which give assistance to prisoners of war. Spokesmen of labour detachments shall enjoy the same facilities of communication with the spokesman of the principal camp. Such communication shall not be limited, nor considered as forming a part of the quota mentioned in Article 60.

Spokesmen who are transferred shall be allowed a reasonable time to acquaint their successors with current affairs.

In case of dismissal, the reasons therefor shall be communicated to the Protecting Power.

CHAPTER 3

Penal and Disciplinary Sanctions

I. — General Provisions

ARTICLE 72

Prisoners of war shall be subject to the laws, regulations, and orders in force in the armed forces of the Detaining Power.

If a prisoner of war commits any act contrary to such laws, regulations and orders, the Detaining Power shall be justified

Law applicable
I. Law in force
in the
armed forces of
the Detaining
Power

¹ The parentheses and "etc." of the draft have been deleted.

in taking in his case the measures provided for by the said laws, regulations and orders.

The provisions of the present Chapter are, however, controlling.

ARTICLE 73

II. Special regulations and orders relating to prisoners

If general laws, regulations or orders declare to be punishable acts committed by prisoners of war, whereas the same acts are not punishable when committed by members of the forces of the Detaining Power, such acts shall entail only disciplinary penalties as punishments.

ARTICLE 74

Offences committed before capture

Prisoners of war prosecuted under the laws of the Detaining Power for acts committed prior to capture shall enjoy, even if convicted, the benefits of the present Convention ¹.

ARTICLE 75

Courts

Prisoners of war shall be tried only by military courts, unless the laws of the Detaining Power expressly reserve the competence of the regular courts for certain violations committed by members of the national armed forces.

In no case shall prisoners of war be tried by courts that do not offer essential guarantees of independence and impartiality, *and the procedure of which does not afford the accused the rights and means of defence provided for in Article 95.*

ARTICLE 76

“ Non bis in idem ”

No prisoner of war may be punished more than once for the same act, or on the same count.

ARTICLE 77

Penalties

Prisoners of war may not be sentenced by the military authorities and courts of the Detaining Power to any penalties except those provided for in respect of members of the armed forces of the said Power who have committed the same acts.

When fixing the penalty, the courts or authorities of the Detaining Power shall take into consideration, to the widest

¹ The remainder of the paragraph has been deleted.

extent possible, the fact that the accused, not being a national of the Detaining Power, is not bound to it by any duty of allegiance, and that he is in its power as the result of circumstances independent of his own will. The said courts or authorities shall be at liberty to reduce the penalty provided for the violation of which the prisoner of war is accused, and shall therefore not be bound to apply the kind of penalty or the minimum penalty prescribed.

Collective punishment for individual acts, corporal punishments, imprisonment in premise without daylight and in general, any form of torture or cruelty, are forbidden.

No prisoner of war may be deprived of his rank by the Detaining Power, or prevented from wearing his badges.

ARTICLE 78

Rank being identical, officers, non-commissioned officers and men who are prisoners of war undergoing a disciplinary or judicial punishment shall not be subjected to less favourable treatment than that applied, in respect of the same punishment, in the armed forces of the Detaining Power.

Prisoners of war who have served disciplinary or judicial sentences may not be treated differently from other prisoners of war.

II. — Disciplinary Punishments

ARTICLE 79

The disciplinary penalties applicable to prisoners of war are the following :

- (1) Fines not exceeding fifty per cent of the monthly pay *and monthly wages* provided for in Articles 51 and 52 ;
- (2) Discontinuance of privileges granted over and above the treatment provided for by the present Conventions ;
- (3) Fatigue, *not to exceed two hours daily* ;
- (4) Confinement.

The punishment referred to under (3) shall not be applied to officers.

In no case shall disciplinary penalties be inhuman, brutal or dangerous to the health of prisoners of war.

ARTICLE 80

The duration of any single punishment shall in no case exceed thirty consecutive days.

Execution of punishment

General observations
I. Punishments

II. Duration of punishments

The maximum of thirty days provided above may not be exceeded, even if the prisoner of war is answerable for several acts at the time when judgment is pronounced on him, whether such acts are related or not.

ARTICLE 81

I. Successful escape

The escape of a prisoner of war shall be deemed to have succeeded when :

(1) He has joined the armed forces of the Power on which he depends, or those of an allied Power.

(2) He has left the territory under the control of the Detaining Power, or of an ally of the said Power.

(3) He has joined a ship flying the flag of the Power on which he depends, or of an allied Power, in the territorial waters of the Detaining Power, the said ship not being under the control of the last named Power.

Prisoners of war who have made good their escape in the sense of this Article and who are recaptured, shall not be liable to any punishment in respect of their previous flight.

ARTICLE 82

II. Unsuccessful escape

Prisoners of war who have escaped or who attempt to escape, and who are recaptured before having made good their escape in the sense of Article 81, shall be liable only to disciplinary punishment in respect of this act, even if it is a repeated offence.

Article 78, paragraph 2 notwithstanding, prisoners of war punished as a result of escape, or attempt to escape, may be subjected to special surveillance, on condition however that such surveillance does not affect the state of their health, that it is undergone in a prisoner of war camp, and that it does not entail the suppression of any of the safeguards granted them by the present Convention.

The same provisions shall apply to prisoners of war who have been released from internment, likewise to members of an army that has capitulated and who have been sent home :

(a) in the case of an unsuccessful attempt to join the armed forces to which they belong and which are still engaged in hostilities ;

(b) in the case of failure to answer a summons in view of renewed internment.

ARTICLE 83

Escape, or attempt to escape, even if it is a repeated offence, shall not be deemed an aggravating circumstance, if the prisoner of war is given over to the courts in respect of offences committed during his escape.

Belligerents shall see that the responsible authorities exercise the greatest leniency in deciding whether an infraction committed by a prisoner of war shall be punished by disciplinary or judicial measures, particularly in respect of acts committed in connexion with the escape, whether successful or not.

In particular, offences without violence against persons, offences against public property, theft without intention of self-enrichment, the drawing up and use of false papers and the wearing of civilian clothing, shall occasion disciplinary punishment only, provided such violations have been committed with the sole intent of facilitating escape.

After an escape, or attempt to escape, the fellow-prisoners who aided and abetted the offender shall be liable on this count to disciplinary punishment only.

III. Related violations

ARTICLE 84

If an escaped prisoner of war is recaptured, the Power on which he depends shall be notified thereof in the manner defined in Article 112, provided notification of his escape has been made.

IV. Notification of recapture of prisoners of war

ARTICLE 85

Facts constituting offences against discipline shall be investigated immediately. This rule shall be especially applied in case of an escape or attempt to escape. Recaptured prisoners of war shall be handed over to the competent military authorities as soon as possible.

In case of offences against discipline, confinement awaiting trial shall be reduced for all prisoners of war to an absolute minimum, and shall not exceed fourteen days. Its duration shall in any case be deducted from any sentence of confinement.

The provisions of Article 88 and 89 of this Chapter shall apply to prisoners of war who are under confinement awaiting trial for offences against discipline.

Procedure
I. Confinement awaiting trial (regime, deduction)

ARTICLE 86

Excepting the competence of courts and higher military authorities, disciplinary punishment be ordered only by an

II. Competent authorities and procedure

officer having disciplinary powers in his capacity as camp commandant, or by a responsible officer who replaces him or to whom he has delegated his disciplinary powers.

The decision shall be made in the presence of the accused prisoner of war and of the spokesman. The accused shall be able to use his means of defence.

ARTICLE 87

Execution of penalties
I. Time limits for execution

The period elapsing between the pronouncing of a disciplinary penalty and its execution shall not exceed one month.

When a prisoner of war is sentenced to a further disciplinary penalty, a period of three days at least shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

ARTICLE 88

II. Premises for disciplinary punishments

Prisoners of war shall not in any case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) to undergo disciplinary punishments therein.

The premises in which disciplinary punishments are undergone shall conform to sanitary requirements ; they shall in particular be provided with adequate bedding. Prisoners of war undergoing punishment shall be enabled to keep themselves in a state of cleanliness.

Prisoners of war given disciplinary punishment may not be deprived of the prerogatives attaching to their rank. In particular, officers and persons of equivalent status shall not be lodged in the same quarters as non-commissioned officers or men.

ARTICLE 89

III. Essential safeguards

Prisoners of war given disciplinary punishment shall be allowed to exercise and to stay in the open air at least two hours daily.

They shall be allowed, on their request, to be present at the daily medical inspections. They shall receive the attention which their state of health requires and, if necessary, shall be removed to the camp infirmary or to hospitals.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money, however, may not be handed to them until the expiration of the sentence ; they shall meanwhile be handed to the spokesman, who will turn over to the infirmary the perishable goods contained in such parcels.

No prisoner of war given a disciplinary punishment may be deprived of the benefit of the provisions of Articles 68 and 116 of the present Convention.

III. — Judicial Proceedings

ARTICLE 90

No prisoner of war may be punished for an act which is not expressly forbidden *by the laws in force at the time the said act was committed.*

No moral or physical coercion may be exerted on a prisoner of war in order to induce him to admit himself guilty of the act of which he is accused.

No prisoner of war may be convicted without having had an opportunity to present his defence and the assistance of qualified counsel.

General observations
I. General principles

ARTICLE 91

The prisoners of war and the Protecting Powers shall be informed, as soon as possible, of the offences which are punishable by the death sentence under the laws of the Detaining Power.

Other offences shall not thereafter be made punishable by the death penalty without the concurrence of the Power upon which the prisoners of war depend.

The death sentence can not be pronounced against a prisoner of war unless the attention of the court has, in accordance with Article 77, paragraph 2, been particularly called to the fact that the accused, not being a national of the Detaining Power, is not bound to it by any duty of allegiance, and that he is in its power as the result of circumstances independent of his own will.

II. Death penalty

ARTICLE 92

A sentence cannot be validly rendered against a prisoner of war unless it has been pronounced by the same courts and according to the same procedure as in the case of members of the armed forces of the Detaining Power, and unless furthermore the provisions of the present Chapter have been observed.

Procedure
I. Conditions for validity of sentences

ARTICLE 93

II. Preventive imprisonment (regime, deduction)

Judicial investigations relating to prisoners of war shall be conducted as rapidly as circumstances permit. Confinement while awaiting trial shall be restricted so far as possible ¹; its duration shall in any case be deducted from the punishment imposed.

During such detention, prisoners of war shall benefit by the provisions of Articles 88 and 89 relating to the execution of disciplinary penalties.

ARTICLE 94

III. Notification of prosecutions

When judicial proceedings are opened against a prisoner of war, the Detaining Power shall advise the Protecting Power as soon as possible, and three weeks at least before the date of the trial. The period of three weeks shall run as from the day on which the notification of the Detaining Power reaches the Protecting Power, at the address the latter has previously indicated.

The said notification shall contain the following information :

(1) Surname and first names of the prisoner of war, rank, army or serial number, date of birth, and profession or trade, if any.

(2) Place of internment or confinement.

(3) Specification of the count or counts of the indictment, giving the legal provisions applicable.

(4) Designation of the court which will try the case, likewise the date and place fixed for the opening of the trial.

The same communication shall be made by the Detaining Power to the prisoner's spokesman.

No judicial proceedings against a prisoner of war may be pursued unless at the opening of the trial evidence is submitted to the court that the notification specified in the present Article was received by the Protecting Power at least three weeks prior to the opening of the trial ².

ARTICLE 95

IV. Rights and means of defence

The prisoner of war shall be entitled to assistance by one of his prisoner comrades, to defence by qualified counsel of his choice and, *if he deems necessary*, to the services of a competent

¹ The words " and shall not exceed three months " have been deleted.

² This paragraph replaces paragraph 4 of the International Committee's draft.

interpreter *and to the calling of witnesses*. He shall be advised of this right by the Detaining Power in due time before the trial.

Failing a choice by the prisoner of war, the Protecting Power shall be bound to find him an advocate, and shall have at least one week at its disposal for the purpose. The Detaining Power shall deliver to the said Power, on request, a list of persons qualified to present the defence. *Failing a choice of counsel by the prisoner of war and the Protecting Power, the Detaining Power shall appoint competent counsel to conduct the defence.*

The defence counsel chosen by the Protecting Power or by the prisoner of war shall have at his disposal a period of two weeks at least before the opening of the trial, as well as the necessary facilities, to prepare the defence of the accused. He may, in particular, freely visit the accused, interview him in private, likewise any witnesses for the defence, including prisoners of war. He shall have the benefit of these facilities until the term of appeal or petition has expired.

The indictment, as well as the documents which are generally communicated to the accused by virtue of the laws in force in the armed forces of the Detaining Power, shall be communicated to the accused prisoner of war in a language which he understands, and in good time before the opening of the trial.

The representatives of the Protecting Power shall be entitled to attend the trial of the case, unless this is exceptionally held *in camera*, in the interest of State security. In such a case the Detaining Power shall advise the Protecting Power accordingly.

ARTICLE 96

All judgments and sentences rendered with respect to a prisoner of war shall be immediately reported to the Protecting Power in the form of a summary communication. This communication shall likewise be sent to the spokesman concerned.

V. Notification of judgments

Furthermore, if a prisoner of war is finally convicted, the Detaining Power shall as soon as possible address to the Protecting Power a detailed communication containing :

- (1) The motives and wording of the judgment and sentence.
- (2) A summarized report of the judicial enquiry and trial, emphasizing in particular the elements of the defence.
- (3) Indication, if necessary, of the establishment where the sentence will be served.

The communications provided for in the foregoing subparagraphs shall be sent to the Protecting Power at the address previously indicated to the Detaining Power.

ARTICLE 97

VI. Appeals

Every prisoner of war shall have, in the same manner as the members of the armed forces of the Detaining Power, the right of appeal from any sentence rendered with regard to him, with a view to the quashing of the sentence or the reopening of the trial.

ARTICLE 98

Execution of penalties
I. Period of time allowed in case of the death penalty

If the death penalty is pronounced against a prisoner of war, the sentence shall not be executed before the expiration of a period of six months at least from the date of receipt by the Protecting Power, at the address fixed, of the detailed communication provided for in Article 96.

ARTICLE 99

II. Penitentiary regime

Sentences pronounced against prisoners of war after convictions regularly put into force, shall be served in the same establishments and under the same conditions as for members of the armed forces of the Detaining Power. These conditions shall in all cases conform to the requirements of health *and humanity*.

However, prisoners of war sentenced to a penalty depriving them of their liberty shall retain the benefit of the provisions of Articles 68 to 116 of the present Convention. Furthermore, they shall be entitled to receive and dispatch correspondence, to receive at least one relief parcel monthly, to take regular exercise in the open air, to have the medical care *their state of health may require, and the spiritual assistance they may desire*. Penalties to which they may be subjected shall be in conformity with the provisions of Article 77, paragraph 3.

PART IV

TERMINATION OF CAPTIVITY

SECTION I

Direct Repatriation and Accommodation in a Neutral Country

ARTICLE 100

Subject to the provisions of paragraph 3, belligerents are bound to send back to their own country, regardless of number or rank, seriously sick and seriously injured prisoners of war, after having brought them to a condition where they can be transported, in conformity with paragraph 1 of the following Article.

General
observations

Throughout the duration of hostilities, belligerents shall endeavour, with the co-operation of the neutral Powers concerned, to make arrangements for the accommodation in neutral countries of the sick and wounded prisoners of war designated in paragraph 2 of the following Article. They may, in addition, conclude agreements with a view to the direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity.

No *sick or injured* prisoner of war who is eligible for repatriation *under paragraph 1*, may be repatriated against his will during hostilities.

ARTICLE 101

The following shall be repatriated direct :

Cases of
repatriation or
accommodation

(1) Sick and wounded who, according to medical opinion, are not likely to recover within one year, whose condition requires treatment and whose mental or physical fitness seems to have been gravely diminished.

(2) Incurably sick and wounded whose mental or physical fitness seems to have been gravely diminished.

(3) Sick and wounded who have recovered, but whose mental or physical fitness seems to have been gravely and permanently diminished.

The following may be accommodated in a neutral country :

(1) Sick and wounded whose recovery may be expected within one year of the date of wound or the inception of illness, if treatment in a neutral country would increase the prospects of a more certain or speedy recovery.

(2) Prisoners of war whose mental or physical health, according to medical opinion, is seriously threatened by continued captivity, but whom accommodation in a neutral country might remove from such a threat.

The conditions which prisoners of war accommodated in a neutral country must fulfil in order to permit their repatriation shall be fixed, as shall likewise their status, by agreement between the Powers concerned.

In default of special agreements concluded between the belligerents concerned to determine the cases of disablement or sickness entailing direct repatriation or accommodation in a neutral country, such cases shall be settled in accordance with the model agreement annexed to the present Convention.

ARTICLE 102

Mixed Medical
Commissions

Upon the outbreak of hostilities, mixed medical commissions shall be appointed to examine sick and wounded prisoners of war, and to make all due decisions regarding them. The appointment, duties and functioning of these commissions shall be in conformity with the provisions of the regulations annexed to the present Convention.

However, prisoners of war who, in the opinion of the medical authorities of the Detaining Power, are manifestly seriously injured or seriously sick shall be repatriated without having to be examined by a mixed medical commission.

ARTICLE 103

Prisoners of war
subject to
examination by
Mixed Medical
Commissions

Besides those who are designated by the medical authorities of the Detaining Power, sick and injured prisoners of war belonging to the categories listed below shall be entitled to present themselves for examination by the mixed medical commissions provided for in the foregoing Article :

(1) Sick and wounded prisoners designated by a prisoner medical officer who is of the same nationality, or national of a belligerent allied with the Power on which the said prisoners depend, and who exercises his functions in the camp.

(2) Sick and wounded prisoners presented by their spokesman.

(3) Sick and wounded prisoners proposed by the Power on which they depend, or by a body duly recognized by the said Power and giving assistance to the prisoners.

Prisoners of war who do not belong to one of the three foregoing categories may nevertheless present themselves for examination by mixed medical commissions, but shall be examined by them only after those belonging to the said categories.

The prisoner of war medical officer of the same nationality as the prisoners who present themselves for examination by the mixed medical commission, likewise the spokesman of the said prisoners, shall have permission to be present at the examination.

ARTICLE 104

Prisoners of war who meet with accidents at work shall, unless the injury is self inflicted, have the benefit of the same provisions as regards repatriation or accommodation in a neutral country.

Prisoners of war who meet with accidents at work

ARTICLE 105

No prisoner of war on whom a disciplinary punishment has been imposed and who might be eligible for repatriation, may be kept back on the plea that he has not served his sentence.

Prisoners undergoing punishment

Prisoners of war detained in connection with a judicial prosecution or conviction and who are designated for repatriation or accommodation in a neutral country, may benefit by such measures before the end of the proceedings or the completion of the punishment, if the Detaining Power consents.

Belligerents shall communicate to each other the names of those who will be detained *until the end of the proceedings or the completion of the punishment.*

ARTICLE 106

The costs of repatriating prisoners of war or of transporting them to a neutral country shall be borne, from the frontiers of the Detaining Power, by the Power on which the said prisoners depend.

Expenses

ARTICLE 107

No repatriated person may be employed on active military service.

Activity after repatriation

SECTION II

Release and Repatriation of Prisoners of War upon the cessation of hostilities

ARTICLE 108

Release and
repatriation

Prisoners of war shall be released and repatriated *without delay*¹ after the cessation of *active hostilities*².

In the absence of stipulations to the above effect in any agreement concluded between the belligerents with a view to the cessation of hostilities, or failing any such agreement, each of the Detaining Powers shall itself establish *and execute without delay* a plan of repatriation in conformity with the principle laid down in the foregoing paragraph.

In either case, the measures adopted shall be brought to the knowledge of the prisoners of war.

The costs of repatriation shall be borne by the Power on which the prisoners of war depend, from the frontiers of the Detaining Power, if the two Powers are contiguous. In any other case, such costs shall be apportioned equitably, in conformity with the model agreement³ annexed to the present Convention, failing any special agreement between the Powers concerned.

ARTICLE 109

Sundry
conditions

Repatriations shall be effected in conditions similar to those laid down in Articles 38 to 40 inclusive of the present Convention, for the transfer of prisoners of war.

With regard to the order of departure, no differences between prisoners of war shall be made except such as are based on sex, health, age and duration of internment. Priority shall further be given to married prisoners of war who have children.

Prisoners of war against whom penal prosecution for a crime or an offence under common law is pending may, however, be detained until the end of the proceedings, and, if necessary, until the completion of the punishment. The same shall hold true of prisoners of war already sentenced for a crime or offence at common law.

¹ The words "as quickly as possible" have been deleted.

² The words "account being taken... these operations" have been deleted.

³ The Conference expressed the recommendation that the International Committee should undertake to draft such a Model Agreement, to be submitted to the Diplomatic Conference.

By agreement between the belligerents, commissions *shall* be established for the purpose of searching for dispersed prisoners and assuring their repatriation.

SECTION III

Death of Prisoners of War

ARTICLE IIO

The wills of prisoners of war shall be received and drawn up under the same conditions as for members of the forces of the Detaining Power.

Wills, death certificates, burial, cremation

In default of a single form, adopted as far as possible by all belligerents and a model of which is annexed to the present Convention, the same rules shall be followed in the case of documents relative to the certification of death.

The detaining Authorities shall ensure that prisoners of war dying in captivity are honourably buried, if possible according to the rites of the religion to which they belonged, and that their graves are respected, properly maintained, marked in such a way that they can always be recognized, and grouped as far as possible.

Deceased prisoners of war shall be buried individually, unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, or for religious motives. In case of cremation, mention thereof shall be made on the death certificate of the deceased prisoner of war, with indication of the reasons.

ARTICLE III

Every death or injury of a prisoner of war caused by a sentry, another prisoner of war, or any other person, shall be immediately followed by an official inquiry by the Detaining Power.

Prisoners killed or injured in special circumstances

A relevant communication shall be sent immediately to the Protecting Power. The testimony of any witnesses shall be taken and a transcript of the proceedings shall be prepared and forwarded to the Protecting Power.

In the inquiry indicates the guilt of one or more persons, the Detaining Power shall take all measures for the prosecution of the person or persons responsible.

PART V

INFORMATION BUREAUX AND RELIEF SOCIETIES FOR PRISONERS OF WAR

ARTICLE 112

National Bureaux

Upon the outbreak of a conflict and in all cases of occupation each of the Parties to the conflict shall institute an official Information Bureau for prisoners of war who are in its power. Neutral or non-belligerent Powers who may have received within their territory persons belonging to one of the categories referred to in Article 3, paragraph 1, shall take the same action with respect to such persons.

Within the shortest possible period, each of the Parties to the conflict shall give its Bureau information regarding any enemy person belonging to one of the categories referred to in Article 3, paragraph 1, who has fallen into its power. Neutral or non-belligerent Powers shall take the same action with regard to persons whom they have received under the conditions named in the preceding paragraph.

The Bureau shall immediately forward such information by the most rapid means to the Powers concerned through the medium of the Protecting Powers, and likewise of the Central Agency provided for in Article 113.

This information shall make it possible quickly to advise the next of kin concerned. Subject to the provisions of Article 15, the information shall include for each prisoner of war his surname, first name, army or regimental number, rank, place and full date of birth, nationality, first name of the father and maiden name of the mother, name and address of the person to be informed and the address to which correspondence for the prisoner may be sent.

The Information Bureaux charged with replying to all enquiries about prisoners of war shall receive from the various departments concerned information respecting transfers, releases, repatriations, escapes, admittances to hospital and deaths, and shall transmit such information in the manner described in paragraph 3 above.

Likewise, information regarding the state of health of prisoners of war who are seriously ill or seriously wounded shall be supplied regularly, every week if possible.

All *written* communications made by the Bureau shall be authenticated by a signature or a seal.

The Information Bureau shall furthermore be charged with collecting all personal valuables left by prisoners of war who have been repatriated or released, or who have escaped or died, and shall forward the said valuables to the Powers concerned. Such articles shall be sent by the Bureau in sealed packets.

ARTICLE II3

A Central Prisoners of War Information Agency shall be created in a neutral country. The International Committee of the Red Cross shall, if it deems necessary, propose to the Powers concerned the organization of such an Agency.

Central Agency

The function of the Agency shall be to collect all information it may obtain through official or private channels respecting prisoners of war, and to transmit it by the most rapid means to the country of origin of the prisoners of war or to the Power on which they depend. It shall receive from the Parties to the conflict all facilities for effecting such transmissions.

The costs of operating the Central Information Agency shall be borne proportionately by the belligerents whose nationals have the benefit of its services.

The foregoing provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross, or of the relief Societies provided for in Article II5.

ARTICLE II4

The national Bureaux and the Central Information Agency shall enjoy free postage for mail, likewise all the exemptions provided for in Article 64, and further, so far as possible, exemption from telegraphic charges, or at least, greatly reduced rates.

Exemption
from charges

ARTICLE II5

¹ Subject to the measures which the Detaining Powers may consider essential to ensure their security, or to meet any other reasonable need, Relief Societies or any other body assisting prisoners of war shall receive from the said Powers, for themselves or for their duly accredited agents, all facilities for distributing to prisoners of war relief supplies and material from any source intended for recreative, educational and religious purposes, and for assisting them in organizing their leisure time within the

Relief Societies
and other
agencies

¹ The words "In principle and" have been deleted.

camps. Such Societies or bodies may be constituted in the territory of the Detaining Power, or in any other country, where they may have an international character.

The Detaining Power may limit the number of Societies and bodies whose delegates are allowed to function in its territory and under its supervision, on condition, however, that such limitation shall not hinder the supply of effective and sufficient relief to all prisoners of war.

The special position of the International Committee of the Red Cross in this field shall be recognized and respected at all times.

When relief supplies or material intended for the above mentioned purposes are handed over to prisoners of war, receipts for each consignment, signed by the spokesman of these prisoners shall be addressed forthwith, or at least soon thereafter, to the Relief Society or body making the shipment. At the same time, receipts relative to these consignments shall be supplied by the administrative authorities responsible for guarding the prisoners.

PART VI

EXECUTION OF THE CONVENTION

SECTION I

General Provisions

ARTICLE II6

Control Representatives or delegates of the Protecting Powers shall have permission to go to all places where prisoners of war may be, particularly to places of internment, imprisonment and labour, and shall have access to all premises occupied by prisoners of war ; they shall also be allowed to go to the places of departure, passage and arrival of prisoners who are being transferred. They shall be able to interview the prisoners, and in particular the spokesmen, without witnesses, personally or through an interpreter.

Representatives and delegates of the Protecting Powers shall have full liberty to select the places they wish to visit. The duration and frequency of these visits shall not be limited

Visits may not be prohibited except for reasons of imperative military necessity, and only as an exceptional and temporary measure.

The Detaining Power and the Power on which the said prisoners of war depend may agree, if necessary, that compatriots of these prisoners of war shall be permitted to participate in the visits.

The delegates of the International Committee of the Red Cross shall enjoy the same prerogatives. The appointment of such delegates shall be submitted to the approval of the Power detaining the prisoners of war to be visited.

The Detaining Powers may allow the representatives of other bodies to visit the prisoners of war to whom such bodies may desire to convey spiritual aid or material relief.

ARTICLE II7

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries and, in particular, to incorporate the study thereof in their programme of military and civil instruction, so that the principles thereof may become known to all their armed forces and, if possible, to the population.

Dissemination
of the
Convention

Any authorities, military or other, who in time of war assume responsibilities with respect to prisoners of war, must possess the text of the Convention, and be specially instructed as to its provisions.

ARTICLE II8

The High Contracting Parties shall communicate to one another through the Swiss Federal Council, and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

Translations

ARTICLE II9

Within a maximum period of two years, the governments of the High Contracting Parties shall, if their penal laws are inadequate, enact or propose to their legislative assemblies the measures necessary for the repression, in time of war, of all acts contrary to the provisions of the present Convention.

Violation

Each Contracting Party shall be under the obligation to apprehend, regardless of their nationality, the persons accused

MS -
see
Annex 5D

of acts contrary to the present Convention, and in conformity with its own laws or with the conventions prohibiting acts that may be defined as war crimes, to indict such persons before its own tribunals, or *if it prefers*, to hand them over for trial to another Contracting Party.

SECTION II

Final Provisions

ARTICLE 120

Languages

The present Convention is established in French and English. Both texts are equally authentic. In case of doubt as to the interpretation of any particular stipulation, the French text shall be considered as authoritative.

ARTICLE 121

Relations with the Convention of 1929

This Convention replaces the Convention of July 27, 1929, in the relations between the High Contracting Parties.

ARTICLE 122

Relations with the Hague Convention

In the relations between the Powers which are bound by the Hague Convention relative to the laws and customs of war on land, whether that of July 29, 1899, or that of October 18, 1907, and who are parties to the present Convention, this last Convention shall complete Chapter II of the Regulations annexed to the aforesaid Hague Conventions.

ARTICLE 123

Signature

The present Convention, which bears the date of this day, is open to signature for a period of six months, that is to say, until the, in the name of the Powers represented at the Conference which opened at on ; furthermore, by Powers not represented at the said Conference, but which are parties to the Convention of July 29, 1929.

ARTICLE 124

The present Convention shall be ratified as soon as possible.
The ratifications shall be deposited at Berne.

Ratification

A procès-verbal of the deposit of each instrument of ratification shall be drawn up, copy of which, certified to be correct, shall be transmitted by the Swiss Federal Council to the Governments of all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 125

The present Convention shall come into force after not less than two instruments of ratification have been deposited.

Effect

Thereafter, it shall enter into force for each High Contracting Party after the deposit of the instrument of ratification ¹.

ARTICLE 126

From the date of its coming into force, the present Convention shall be open to accession duly notified by any Power in whose name this Convention has not been signed.

Accessions

ARTICLE 127

Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect after the date on which they are received.

Notification of accessions

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed or whose accession has been notified.

ARTICLE 128

The situations provided for in Article 2 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the outbreak of hostilities. The Swiss Federal Council shall communicate by the quickest means any ratifications or adhesions received from Parties to the conflict.

Immediate effect

¹ The XVIIth International Red Cross Conference decided to leave to the Diplomatic Conference the care of fixing the periods provided for in this Article, while recommending that they should be as brief as possible. The same remark applies to Article 127.

ARTICLE 129

Notice of
termination

Each of the High Contracting Parties shall be at liberty to denounce the present Convention. The notice of termination shall not take effect until one year after the notification thereof has been made in writing to the Swiss Federal Council. The Council shall communicate any such notification to the Governments of all the High Contracting Parties.

The denunciation shall have effect only in respect of the High Contracting Party which has made notification thereof.

Furthermore, this denunciation shall not take effect during a conflict in which the denouncing Power is involved. In such a case, the present Convention shall continue binding beyond the period of one year, until the conclusion of peace, and in any case until the operations connected with the release and repatriation of the persons protected by the present Convention are terminated. *Lastly, the denunciation shall in no way impair the other obligations, even if similar, by which the denouncing Party is bound under any other rules of international law.*

ARTICLE 130

Transmission
to the
United Nations

The present Convention shall be *transmitted* by the Swiss Federal Council *to the United Nations Organization, for the purpose of registration*¹. Similarly, ratifications, accessions and notices of termination which are notified to the Swiss Federal Council shall be communicated by them to the United Nations Organization.

Reservations

On the occasion of the XVIIth International Red Cross Conference reservations were recorded in respect of the following Articles :

GOVERNMENT OF BELGIUM :	Article 41 ;
GOVERNMENT OF ITALY :	Articles 5 and 55 ;
GOVERNMENT OF NORWAY :	Article 74 ;
GOVERNMENT OF THE UNITED STATES :	Articles 3, 36, 93 and 100.

¹ The words " A certified copy of the present Convention shall be deposited in the archives of the United Nations " have been deleted.

ANNEX I¹

DRAFT MODEL AGREEMENT CONCERNING DIRECT REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES OF WOUNDED AND SICK PRISONERS OF WAR

CHAPTER I

PRINCIPLES FOR DIRECT REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES

A. DIRECT REPATRIATION

The following shall be repatriated direct :

(1) All wounded prisoners of war suffering from definite lesions, equivalent at least to the loss of a hand or a foot, as for instance :

(a) Loss of a hand, or of all the fingers, or of the thumb and forefinger of one hand ; loss of a foot, or of all the toes and metatarsals of one foot.

(b) Ankylosis, loss of osseous tissue, cicatricial contracture preventing the functioning of one of the large articulations or of all the digital joints of one hand.

(c) Pseudarthrosis of the long bones.

(d) Shortening of one leg by more than five centimetres.

(2) All wounded prisoners of war whose condition has become chronic, to the extent that prognosis appears to exclude recovery—in spite of treatment—within one year from the date of the injury, as for example in case of :

(a) Projectile in the heart, even if the Mixed Medical Commission should fail, at the time of their examination, to detect any serious disorders.

(b) Metallic splinter in the brain or the lungs, even if the Mixed Medical Commission cannot, at the time of examination, detect any local or general reaction.

(c) Osteomyelitis, when recovery cannot be foreseen in the course of the year following the injury, and which seems

¹ The Conference was unable to find time for the discussion of Annexes I, II and III.

likely to result in ankylosis of a joint, or other impairments equivalent to the loss of a hand or a foot.

(d) Perforating and suppurating injury to the large joints.

(e) Injury to the skull, with loss or shifting of bony tissue.

(f) Injury or burning of the face with loss of tissue and functional lesions.

(g) Injury to the spinal cord.

(h) Lesion of the peripheral nerves, the sequelae of which are equivalent to the loss of a hand or foot, and the cure of which requires more than a year from the date of injury, for example : injury to the brachial or lumbosacral plexus, median or sciatic nerves, likewise combined injury to the radial and cubital nerves or to the lateral popliteal nerve (*N. peroneus communis*) and medial popliteal nerve (*N. tibialis*). The separate injury of the radial (musculo-spiral), cubital, lateral or medial popliteal nerves shall not, however, warrant repatriation except in case of contractures or of serious physiopathic disturbance.

(i) Injury to the urinary system; fistulae; loss of vesical tissue.

(3) All sick prisoners of war whose condition has become chronic to the extent that prognosis seems to exclude recovery—in spite of treatment—within one year from the inception of the disease, for instance :

(a) All forms of progressive tuberculosis which, whatever organ is affected, can neither be cured nor improved by treatment in a neutral country; all cases of pulmonary tuberculosis which have shown signs of activity in the course of detention.

(b) Exudative pleurisy, occurring during captivity.

(c) Non-tubercular diseases of the respiratory organs, presumed incurable, or recurrent : serious pulmonary emphysema, with or without bronchitis; chronic asthma*; chronic bronchitis* lasting more than one year in captivity, bronchiectasis*, etc.

(d) Serious chronic affections of the circulatory system; valvular lesions and myocarditis*, which have shown signs of circulatory failure during captivity, even though the Mixed Medical Commission cannot detect any such signs at the time of examination; affections of the pericardium and the vessels (Buerger's disease, aneurisms of the large vessels).

(e) Serious chronic affections of the digestive organs ; clinically or radiologically confirmed gastric or duodenal ulcer ; sequelae of gastric operations performed in captivity ; chronic gastritis, enteritis or colitis, having lasted more than one year and seriously affecting the general condition ; cirrhosis of the liver ; chronic cholecystopathy*.

(f) Serious chronic affections of the genito-urinary organs ; chronic nephritis lasting more than one year with consequent disorders ; nephrectomy of a tubercular kidney ; pyelitis and chronic cystitis ; hydronephrosis and pyonephrosis.

(g) Serious chronic diseases of the central and peripheral nervous system*, such as all obvious mental diseases duly verified by a specialist* ; cerebral arteriosclerosis ; any idiopathic or traumatic epilepsy duly verified by the camp physician* ; serious hysteria ; captivity psychosis ; chronic neuritis lasting more than one year.

(h) Serious chronic diseases of the neuro-vegetative system, with considerable diminution of mental or physical fitness, noticeable loss of weight and general asthenia.

(i) Ocular affections, such as unilateral amaurosis, even though the vision of the other eye is normal ; diminution of acuteness of vision that cannot be corrected to one-half, for one eye at least* ; glaucoma ; iritis ; choroiditis ; trachoma.

(k) Auditive disorders, such as total unilateral deafness, if the other ear does not discern the ordinary spoken word at a distance of one metre*.

(l) Serious affections of metabolism, such as diabetes mellitus requiring insulin treatment.

(m) Serious disorders of the endocrine glands, such as thyrotoxicosis, hypothyrosis, Addison's disease, Simmonds' cachexia, tetany, etc.

(n) Chronic diseases of the blood.

(o) Serious cases of chronic intoxication, such as lead poisoning, mercury poisoning, morphinism, cocaineism, alcoholism, etc. ; gas or radiation poisoning.

(p) Chronic affections of locomotion, with obvious functional disorders ; arthritis deformans ; primary and secondary progressive chronic polyarthritis ; rheumatism with serious clinical symptoms.

(q) Serious chronic skin diseases, not amenable to treatment.

(r) Any malignant growth.

(s) Serious chronic infectious diseases, persisting for one year after their inception, such as malaria with chronic impairment of the blood and decided cachexia ; amebic and bacillary dysentery with grave disorders ; tertiary syphilis ; leprosy.

(t) Serious avitaminosis.

B. ACCOMMODATION IN NEUTRAL COUNTRIES

The following shall be eligible for accommodation in a neutral country :

(1) All wounded prisoners of war who have better chances of recovery in a neutral country than in captivity.

(2) Prisoners of war suffering from any form of tuberculosis, of whatever organ, and whose treatment in a neutral country would—according to the present state of medical knowledge—lead to recovery or at least to considerable improvement, with the exception of primary tuberculosis cured before captivity—

(3) Prisoners of war suffering from affections requiring treatment of the respiratory, circulatory, digestive, nervous, sensory, genito-urinary, cutaneous, or locomotive organs, if such treatment would clearly have better results in a neutral country than in captivity.

(4) Prisoners of war who have undergone a nephrectomy in captivity for a non-tubercular renal affection ; cases of osteomyelitis, on the way to recovery or latent ; diabetes mellitus not requiring insulin treatment ; exanthematic typhus acquired in captivity.

(5) Prisoners of war suffering from war or captivity neuroses.

Cases of captivity neurosis which are not cured after three months of accommodation in a neutral country, or which after that length of time are not clearly on the way to complete cure, shall be repatriated.

(6) All prisoners of war suffering from chronic intoxication (gases, metals, alkaloids, etc.), for whom the prospects of cure in a neutral country are especially favourable.

The following cases shall be excluded from accommodation in a neutral country :

(1) All duly verified mental affections.

(2) All organic or functional nervous affections considered to be incurable.

(3) Serious chronic alcoholism.

(4) All contagious diseases during the period in which they are transmissible, with the exception of tuberculosis.

CHAPTER II

GENERAL OBSERVATIONS

(1) The conditions given above should, generally speaking, be interpreted and applied in as broad a spirit as possible.

Neuropathic and psychopathic conditions caused by war or captivity, as well as cases of tuberculosis in all stages, should especially benefit by such liberal interpretation. Prisoners of war who have sustained several wounds, none of which, considered by itself, warrants repatriation, shall be examined in the same spirit, with due regard for the psychic traumatism due to the number of their wounds.

(2) All unquestionable cases giving the right to direct repatriation (amputation, total blindness or deafness, open pulmonary tuberculosis, mental disorder, malignant growth) shall be examined and repatriated forthwith by the camp physicians or by military medical commissions appointed by the Detaining Power.

(3) Injuries and diseases which existed before the war and which have not become worse, likewise war injuries which have not prevented subsequent military service, shall not entitle to direct repatriation.

(4) The present stipulations shall be interpreted and applied in a similar manner in all belligerent countries. To that effect, the Mixed Medical Commissions must be able to count on the support of the Powers and Authorities concerned.

(5) The examples quoted above in Chapter I represent only typical cases. Cases which do not correspond exactly to these stipulations shall be judged in the spirit of the provisions of Article 101 of the present Convention, and of the principles embodied in the present Agreement.

* The decision of the Mixed Medical Commission shall be based to a great extent on the records kept by camp physicians and prisoner doctors of the same nationality, or on an examination by medical specialists of the Detaining Power.

ANNEX II

DRAFT REGULATIONS CONCERNING MIXED MEDICAL COMMISSIONS

ARTICLE I

The Mixed Medical Commissions provided for in Article 102 of the Convention shall be composed of three members, two of whom shall belong to a neutral country, the third being appointed by the Detaining Power. One of the neutral members shall take the chair.

ARTICLE 2

The two neutral members shall be appointed by the International Committee of the Red Cross, acting in agreement with the Protecting Power, at the request of the Detaining Power. They may be domiciled either in their country of origin, in any other neutral country, or in the territory of the Detaining Power.

ARTICLE 3

The neutral members shall be approved by the two adverse parties, who shall notify their approval to the International Committee of the Red Cross and to the Protecting Power. Upon such notification, the neutral members shall be considered as effectively appointed.

ARTICLE 4

Deputy members shall also be appointed in sufficient number to replace the regular members in case of need. They shall be appointed at the same time as the regular members, or at least, as soon as possible.

ARTICLE 5

If for any reason the International Committee of the Red Cross cannot proceed to the appointment of the neutral members, this shall be done by the Power protecting the interests of the prisoners of war to be examined.

ARTICLE 6

So far as possible, one of the two neutral members shall be a surgeon and the other a physician.

ARTICLE 7

The neutral members shall be entirely independent of the belligerent Powers, which shall grant them all facilities in the accomplishment of their duties.

ARTICLE 8

By agreement with the Detaining Power, the International Committee of the Red Cross shall settle the terms of service of the nominees, when making the appointments provided for in Articles 2 and 4 of the present Regulations.

ARTICLE 9

The Mixed Medical Commission shall begin their work as soon as possible after the neutral members have been approved, in any case within a period of three months from the date of such approval.

ARTICLE 10

The Mixed Medical Commissions shall examine all the prisoners designated in Article 103 of the Convention. They shall propose repatriation, rejection, or reference to a later examination. Their decisions shall be made by a majority vote.

ARTICLE 11

The decisions made by the Mixed Medical Commission in each specific case shall be communicated during the month following its visit, to the Detaining Power, the Protecting Power and the International Committee of the Red Cross. The Mixed Medical Commission shall also inform each prisoner of war examined of the decision made, and shall issue certificates to those whose repatriation has been proposed.

ARTICLE 12

The Detaining Power shall be required to carry out the decisions of the Mixed Medical Commissions within three months after it has been duly informed thereof.

ARTICLE 13

If there is no neutral physician in a country where the service of a Mixed Medical Commission seems required, and if it is for any reason impossible to appoint neutral doctors who are resident in another country, the Detaining Power, acting in agreement with the Protecting Power, shall set up a Medical Commission which shall undertake the same duties as a Mixed Medical Commission, subject to the provisions of Articles 1, 2, 3, 4, 5 and 8 of the present Regulations.

ARTICLE 14

Mixed Medical Commissions shall function permanently and shall visit each camp at intervals not exceeding six months.

ANNEX III

DRAFT REGULATIONS CONCERNING COLLECTIVE RELIEF

ARTICLE 1

Prisoners' representatives (spokesmen) shall be allowed to distribute collective relief shipments for which they are responsible, to all prisoners of war administratively subordinate to their camp, including those who are in hospitals, in prisons or other penal establishments.

ARTICLE 2

The distribution of collective relief shipments shall be effected in accordance with the instructions of the donors and with the

plan drawn up by the spokesmen. The issue of medical stores shall, however, be made by preference in agreement with the senior medical officers, and these may, in hospitals and infirmaries, disregard the said instructions, if the needs of their patients so demand. Within the limits thus defined, the distribution shall always be carried out equitably.

ARTICLE 3

To enable the spokesmen or their assistants to verify the quality as well as the quantity of the goods received, and to make out detailed reports thereon for the donors, the said spokesmen or their assistants shall be allowed to go to the railway stations or other places of arrival near their camps, where the shipments of collective supplies arrive for them.

ARTICLE 4

Spokesmen shall be given the facilities necessary for verifying whether the distribution of collective relief in all subdivisions and annexes of their camps has been carried out in accordance with their instructions.

ARTICLE 5

Spokesmen shall be allowed to fill up, and cause to be filled up by the spokesmen of labour detachments or by the senior medical officers of infirmaries and hospitals, the forms or questionnaires intended for the donors, bearing on collective relief supplies (distribution, requirements, quantities, etc.).

ARTICLE 6

In order to secure the regular issue of collective relief to the prisoners of war in their camp, and to meet any needs that may arise from the arrival of new contingents of prisoners, spokesmen shall be allowed to constitute and maintain adequate reserve stocks of collective relief. For that purpose, they shall have suitable warehouses at their disposal; each warehouse shall be provided with two locks, the spokesman holding the keys of one lock and the camp commandant the keys of the other.

ARTICLE 7

When collective consignments of clothing are available, each prisoner of war shall have the property of a complete set of clothes. If a prisoner has more than one set of clothes, the spokesman shall be permitted to withdraw excess articles and hand them to prisoners who are less well provided.

ARTICLE 8

The High Contracting Parties and the Detaining Powers in particular shall, as far as in any way possible, and subject to the regulations governing the food-supply of the population, authorize all purchases of goods made in their territories for the distribution of collective relief to prisoners of war. They shall also facilitate the transfer of funds and other financial measures of a technical or administrative nature taken for the purpose of making such purchases.

ARTICLE 9

The foregoing provisions shall not constitute an obstacle to the right of prisoners of war to receive collective relief before their arrival in a camp, or in the course of transfer, nor to the possibility for representatives of the Protecting Power, the International Committee of the Red Cross, or any other body giving assistance to prisoners which may be responsible for the forwarding of such supplies, to ensure the distribution thereof to the addressees by any other means they may deem useful.

CONVENTION FOR THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR

PREAMBLE

The High Contracting Parties, conscious of their obligation to come to an agreement in order to protect civilian populations from the horrors of war, undertake to respect the principles of human rights which constitute the safeguard of civilisation and, in particular, to apply, at any time and in all places, the rules given hereunder :

(1) *Individuals shall be protected against any violence to their life and limb.*

(2) *The taking of hostages is prohibited.*

(3) *Executions may be carried out only if prior judgment has been passed by a regularly constituted court, furnished with the judicial safeguards that civilised peoples recognize to be indispensable.*

(4) *Torture of any kind is strictly prohibited.*

These rules, which constitute the basis of universal human law, shall be respected without prejudice to the special stipulations provided for in the present Convention in favour of protected persons.

PART I

GENERAL PROVISIONS

ARTICLE I

Respect of the Convention The High Contracting Parties undertake ¹ to respect and to ensure respect for the present Convention in all circumstances.

ARTICLE 2

Application of the Convention In addition to the stipulations which shall be implemented in peace time, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

If one of the Powers in conflict is not party to the present Convention, the Powers who are party thereto shall notwithstanding be bound by it in their mutual relations.

In all cases of armed conflict not of an international character ² which may occur in the territory of one or more of the High Contracting Parties, each of the *Parties to the conflict* shall be bound to implement the provisions of the present Convention, *subject to the adverse party likewise acting in obedience thereto*. The Convention shall be applicable in these circumstances, whatever the legal status of the Parties to the conflict and without prejudice thereto.

ARTICLE 3

Definition of protected persons Persons protected under the present Convention are those who, at a given moment and in whatever manner, find themselves, in the case of a conflict or occupation, in the hands of a Power of which they are not nationals; furthermore, in case of a conflict not international in character, the nationals of the country where the conflict takes place *and who are not covered by other international conventions*, are likewise protected by the present Convention.

¹ The words "in the name of their peoples" have been deleted.

² The words "especially cases of civil war, colonial conflicts or wars of religion" have been deleted.

The provisions of Part II are, however, wider in application, as defined in Article 11.

Persons such as prisoners of war, the sick and wounded, the members of medical personnel, who are the subject of other international conventions, remain protected by the said conventions.

ARTICLE 4

The present Convention shall apply from the outset of any conflict covered by Article 2. The application thereof shall cease on the close of hostilities or of occupation, except as regards protected persons whose release, repatriation or re-establishment may take place subsequently and who, until such operations are terminated, shall continue to benefit by the present Convention.

Beginning and end of application

ARTICLE 5

Besides the agreements expressly provided for in Articles 12, 33, 52, 85, 97, 98, 121 and 122, the Parties to the conflict may conclude special agreements for all matters concerning which they may deem it suitable to make separate provision. Such agreements shall in no case adversely affect the situation of protected persons, as defined in the present Convention, nor restrict the rights which it confers upon them.

Special agreements

Protected persons shall benefit by the agreements that concern them as long as the Convention is applicable to them, except for express stipulations to the contrary in the aforementioned or in subsequent agreements, or except also for more favourable measures taken with respect to them by one or the other of the Parties to the conflict.

ARTICLE 6

Protected persons may in no circumstances¹ renounce in part or in entirety the rights secured to them by the present Convention and by the special agreements referred to in the foregoing Article, if such there be.

Acquired rights

ARTICLE 7

The present Convention shall be applied with the co-operation and under the supervision of the Protecting Powers responsible

Protecting Powers

¹ The words " be induced by constraint, or by any other means of coercion " have been deleted.

for safeguarding the interests of the Parties to the conflict. To that effect, the Protecting Powers may, apart from their diplomatic staff, appoint delegates from amongst their own nationals or the nationals of other neutral Powers. Such delegates shall be subject to approval by the Power near which they will carry out their duties. *The said Power may only refuse its approval if serious grounds are adduced.*

The Parties to the conflict shall, to as great a degree as possible, facilitate the task of the representatives or delegates of the Protecting Powers.

ARTICLE 8

Activity of the
International
Committee of
the Red Cross

The provisions of the present Convention constitute no obstacle to the humanitarian activity which the International Committee of the Red Cross may undertake for the protection of civilian persons and for the relief to be given them, with the consent of the interested Parties to the conflict.

ARTICLE 9

Substitutes for
Protecting
Powers

The Contracting Parties may at any time agree to entrust to a body which offers all guarantees of impartiality and efficacy, the duties imposed upon the Protecting Powers by the present Convention.

Furthermore, if persons protected by the present Convention do not profit or cease to profit by the activity of a Protecting Power, or of the above-mentioned body, the Party to the conflict in whose power they are shall be under the obligation to make up for this lack of protection by requesting either a neutral State or an impartial humanitarian body, such as the International Committee of the Red Cross, to assume in their behalf the duties imposed on the Protecting Powers by the present Convention.

Whenever in the present Convention mention is made of a Protecting Power, such mention shall also designate substitute bodies in the sense of the present Article.

ARTICLE 10

Procedure of
conciliation

In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to facilitating such application.

To that effect, each of the Protecting Powers may, at the invitation of one Party, or by its own motion, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for protected persons, in suitably chosen neutral territory, if circumstances permit. The Parties to the conflict shall be bound to give effect to the proposals made to them in this respect. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict a person belonging to a neutral Power, or delegated by the International Committee of the Red Cross, who shall be called upon to participate in such a meeting.

PART II

GENERAL PROTECTION OF POPULATIONS AGAINST CERTAIN CONSEQUENCES OF WAR ¹

ARTICLE II

The provisions of Part II cover the whole of the population of the countries in conflict, irrespective of race, nationality, religion, political opinions or any other distinction based on similar criteria, and are intended to attenuate ² the sufferings caused by war.

Field of
application
of Part II

ARTICLE I2

In time of peace already, the Contracting Parties and, in case of conflict, the Parties thereto, shall endeavour to set up in their own territory, and, if the need arises, in occupied areas, hospital and safety zones and localities so organized as to protect from the effects of war the wounded and sick, children under fifteen, expectant mothers, mothers of children under seven, persons over sixty-five and the personnel entrusted with the organization and administration of such zones and localities, and with the care of the persons assembled therein.

Hospital and
safety zones
and localities

¹ The Sub-commission instructed to study this Convention recommended that Part II should be placed at the end of the Convention, in order to clarify its lay-out. This recommendation was not examined by the Commission, doubtless owing to an oversight.

² The words "as far as possible" have been deleted.

Upon the outbreak and during the course of hostilities, the Parties concerned shall agree on mutual recognition of the zones and localities they have set up, and may, for this purpose, implement the provisions of the Draft Agreement annexed to the present Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross shall lend their good offices in order to facilitate the institution and recognition of these hospital and security zones and localities.

ARTICLE 12 (b)

Neutralized zones

Any Party to the conflict may, either direct or through some humanitarian organization, propose to the adverse Party to establish, in the regions where fighting is taking place, neutralized zones intended to shelter from the effects of war the following persons, without distinction:

(a) *Wounded and sick combatants or non-combatants.*

(b) *Persons taking no active part in the fighting, as for example the personnel responsible for the administration, supervision and food-supply of the said zones.*

When the Parties concerned have agreed upon the geographical position, administration and food-supply of the proposed neutralized zone, a written agreement shall be concluded and signed by the representatives of the Parties to the conflict. The agreement shall fix the date from, and the period during which the said zone shall remain in force.

ARTICLE 13

Wounded and sick I. General protection

The Parties to the conflict shall, so far as possible, ensure medical care and hospital treatment to civilians; they shall allow medical personnel of all categories to carry out their duties. The wounded and sick shall be the object of particular protection and respect.

As far as military considerations allow, every Party to the conflict shall facilitate the measures taken to search for the killed and wounded, to assist the shipwrecked and other persons exposed to grave danger, and to protect them against pillage and ill-treatment.

ARTICLE 14

II. Evacuation

The Parties to the conflict shall endeavour to conclude local agreements for the removal from besieged or encircled areas of

wounded and sick, *infirm and aged persons*, children and maternity cases, and for the passage of medical personnel and equipment intended for such areas.

ARTICLE 15

Civilian hospitals, recognized as such by the State and organized on a permanent basis to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be attacked, but shall at all times be respected and protected by the Parties to the conflict.

The recognition of such establishment by the State shall be certified by a document delivered to each of them. In view of the danger incurred by hospitals being close to military objectives, the responsible authorities shall ensure that such hospitals are situated as far as possible from the said objectives.

ARTICLE 16

The protection to which civilian hospitals are entitled cannot lapse unless they are used to commit acts harmful to the enemy, and only after due warning which is unheeded. In any case, a sufficient period shall be allowed for the removal of the wounded and sick.

The fact that sick or wounded members of the armed forces are nursed in these hospitals, and the presence of portable arms and ammunition taken from such combatants and which have not yet been handed to the proper service, shall not be considered as acts harmful to the enemy.

ARTICLE 17

Civilian hospitals in enemy or occupied territory may pursue their activities and shall be protected against pillage.

In cases of urgent necessity, however, the military authorities governing the territory where such hospitals are situated may employ them for the care of civil or military wounded and sick, on condition of having previously ensured the care of the sick and wounded accommodated therein.

The material and stores of civilian hospitals cannot be requisitioned and diverted from their *normal* purpose, so long as they are necessary for the wounded and sick.

III. Protection of hospitals

IV. Lapse of protection of hospitals

V. Protection of hospitals in enemy or occupied territory

ARTICLE 18

VI. Hospital
personnel
Register of
wounded
and sick

Members of the personnel of civilian hospitals shall be respected and protected by the Parties to the conflict. The said personnel shall carry identity cards certifying their status, provided with the photograph and fingerprints of the holder, and embossed with the stamp of the responsible authority.

Personnel exclusively engaged in collecting, transporting and caring for wounded and sick civilians, the infirm and maternity cases, likewise medical personnel exclusively engaged in the administration of the hospitals provided for in Article 15, shall when carrying out their duties, wear on the left arm a water-resistant armlet bearing the emblem provided for in Article 19 of the Convention of 1929, delivered by the State and the National Red Cross Society.

The management of every civilian hospital shall be at all times in possession of an up-to-date list of members of the personnel ¹.

ARTICLE 19

VII. Marking

Civilian hospitals shall be marked by means of the emblem of the red cross (red crescent, red lion and sun) on a white ground, *with the permission of the State and of the National Red Cross Society* ².

The Parties to the conflict shall, in so far as military considerations permit, take the necessary steps to make the distinctive emblems indicating civilian hospitals clearly visible to the enemy land, air and naval forces, in order to obviate the possibility of any hostile action.

ARTICLE 19 (b)

Hospital
transports

Transports conveying wounded and sick civilians, the infirm and maternity cases shall be respected and protected in the same manner as the hospitals provided for in Article 15, and shall be marked by means of the emblem of the red cross (red crescent, red lion and sun) on a white ground,

Any such transports of vehicles falling into the power of the adverse party shall be subject to the laws of war, on condition that the capturing belligerent on all occasions takes charge of the wounded and sick who are conveyed therein.

¹ The remainder of the paragraph "and of patients..." has been deleted.

² The words "subject to the consent of the responsible authorities" have been deleted.

ARTICLE 20

The Contracting Parties shall allow the free passage of all consignments of medical and hospital stores intended for *civilians* of another Contracting Party, even if the latter is their adversary.

Dispatch of
medicaments,
foodstuffs
and tonics

They shall likewise permit the free passage of all shipments of foodstuffs, clothing and tonics intended for children under fifteen and expectant mothers. The Power which allows the passage of foodstuffs, clothing and tonics may make such permission conditional to the fact that the distribution to the persons benefited thereby is made under the supervision of the Protecting Powers, and that the persons benefited perform no work of a military¹ character.

Such shipments shall be forwarded as rapidly as possible *and may be checked by the Power which permits such consignment.*

ARTICLE 21

The Parties to the conflict shall take the necessary measures to ensure that children under fifteen who are orphaned or separated from their parents as a result of the war, are not left to their own resources, and that their maintenance and education are *facilitated* in all circumstances.

Special measures
in behalf of
children

The Parties shall facilitate the accommodation of such children in a neutral country, for the duration of the conflict.

They shall furthermore ensure that all children under fifteen can be identified at any time, in particular by the wearing of identity discs.

ARTICLE 22

All persons in the territory of a Party to the conflict, or in a territory occupied by it, shall be enabled to give news of a strictly personal nature to members of their families, wherever they may be, and to receive news from them. This correspondence shall be forwarded as rapidly as possible.

Right to
family news

If, as a result of circumstances, it becomes difficult or impossible to exchange family correspondence by the ordinary post, the States concerned shall apply to a neutral intermediary, such as the Central Agency provided for in Article 124, and shall decide in consultation with it how to ensure the fulfilment of their obligations under the best possible conditions, *in particular with the co-operation of the National Red Cross Societies.*

If the Parties to the conflict deem necessary to restrict family correspondence, such restrictions shall be confined to the

¹ The words "or civilian" have been deleted.

compulsory use of standard forms containing twenty-five freely chosen words, and to the dispatch of only one of these forms a month.

ARTICLE 23

Dispersed families

The Parties to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting, if possible. They shall encourage, in particular, the work of agencies engaged on this task.

PART III

**STATUS AND TREATMENT
OF PROTECTED PERSONS**

SECTION I

**Provisions common to the Territories
of the Parties to the conflict,
and to Occupied Territories**

ARTICLE 24

Particular risks

No protected person may at any time be sent to, or detained in areas which are particularly exposed, nor may his or her presence be used to render certain points or areas immune from military operations.

ARTICLE 25

Treatment
I. General
remarks

Protected persons are entitled, in all circumstances, to respect for their persons and their honour. They shall at times be humanely treated and protected, particularly against acts of violence or intimidation, against insults and public curiosity.

Without prejudice to the provisions relative to their state of health, age and sex, all protected persons shall be treated alike by the Party to the conflict in whose power they are, without any difference founded on race, religious belief or political opinions, or any other distinction based on similar criteria.

ARTICLE 26

II.
Responsibilities

The Party to the conflict in whose hands protected persons may be, is responsible for the treatment granted to them, irres-

pective of any individual responsibility that may rest in this matter on officials, law officers, members of the armed or police forces, or on any other person.

ARTICLE 27

Women shall be specially protected against any attacks on their honour or dignity.

Children under fifteen shall in all circumstances enjoy preferential treatment, particularly as regards food, medical care and protection against the effects of war.

Expectant mothers and mothers of children under seven shall also enjoy such preferential treatment.

III. Women and children

ARTICLE 28

Protected persons shall have every facility for making application to the Protecting Powers, the International Committee of the Red Cross; the National Red Cross Society of the country where they may be, as also to any body that might assist them.

These several bodies shall be granted by the authorities, to that purpose, all facilities within the bounds set by military considerations.

In addition to the visits of the delegates of the Protecting Powers and of the International Committee of the Red Cross, provided for by Article 126, the Detaining or Occupying Powers may allow the representatives of other bodies to visit the protected persons to whom they may desire to give spiritual aid or material relief.

Application to Protecting Powers and relief organizations

ARTICLE 29

No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

Torture and corporal punishments are prohibited.

Prohibition of torture, duress and corporal punishment

ARTICLE 30

No protected person may be punished for an offence he or she has not personally committed. Collective penalties are prohibited.

Measures of reprisal against protected persons or their property are prohibited. Any destruction of personal or real property which is not made absolutely necessary by military operations, is prohibited, as are likewise all measures of intimidation or terrorism.

Individual responsibility, collective penalties, reprisals

ARTICLE 31

Hostages The taking of hostages is prohibited.

SECTION II

Aliens in the Territory of a Party to the conflict

ARTICLE 32

**Repatriation
and detention**

All aliens, whether of enemy nationality or not, of uncertain nationality or stateless, who may desire to leave the territory at the outset of, or during a conflict, shall be entitled to do so, subject to the provisions of the following paragraph. They may provide themselves with the necessary funds for their journey and take with them their effects and articles of personal use ¹.

Only persons whose departure the Detaining Power may reasonably oppose on urgent grounds of security, may be refused permission to leave.

Such refusal shall be decided on only after regular proceedings before a special tribunal for aliens, before which the persons concerned may freely plead their case.

If the tribunal decides that the protected person shall not be allowed to leave, it shall also decide whether he or she shall be left at liberty, placed in assigned residence or interned, in conformity with Articles 38, 39 and 40. If the person concerned has been placed in assigned residence or interned, the tribunal shall periodically, and at least twice yearly, review his or her case, with a view to the favourable amendment of the initial decision, if circumstances permit.

The representatives of the Protecting Power shall be entitled to attend the hearing of the case, unless the proceedings must exceptionally be held secret for reasons of state security. The Detaining Power shall in such cases notify the Protecting Power.

In any case, the decision of the tribunal shall be communicated with all speed to the Protecting Power, together with the grounds adduced.

ARTICLE 33

**Methods of
repatriation**

Repatriations shall be carried out in satisfactory conditions as regards security, hygiene, healthfulness and food.

¹ The clause " No person shall be repatriated against his will " has been deleted.

The practical details of such repatriations may, if necessary, be settled by particular agreements between the Parties to the conflict.

ARTICLE 34

Protected persons who, at the outset of the conflict, are confined pending trial, or serving a sentence involving loss of liberty, shall not be subjected to more stringent conditions owing to the outbreak of hostilities.

Detained persons

As soon as they are released they may ask to leave the territory, in conformity with the foregoing Articles.

ARTICLE 35

The situation of protected persons shall continue to be governed, in principle, by the provisions relating to the treatment of aliens in time of peace, subject to such measures of control or security as may be ordered with respect to them, as a result of the war. They shall be enabled to receive the individual or collective relief that may be sent them.

Persons not repatriated.

I. General remarks

ARTICLE 36

Protected persons who, as a result of the war, have lost their gainful employment, shall be granted the opportunity to meet the cost of their maintenance, either by finding paid employment under the provisions of Article 37, or by receiving allowances from the Power in whose hands they may be. Protected persons may in any case receive allowances from their home country, the Protecting Powers, or the relief societies referred to in Article 28.

II. Means of existence

ARTICLE 37

Protected persons may only be required to do work which is normally necessary for the feeding, sheltering, clothing, transportation and health of human beings, but they not be employed in work that is moreover of value in assisting the conduct of active military operations.

III. Labour

If the above provisions are infringed, the protected persons shall be allowed to exercise their right of complaint, in conformity with Article 28¹.

¹ This Article replaces a much more detailed draft submitted by the International Committee.

ARTICLE 38

IV. Assigned
residence.
Internment

If the Power in whose hands protected persons may be considers that the measures of control referred to in Article 35 are inadequate, it may have recourse only to assigned residence and, by way of exception, to internment, in conformity with the provisions of Articles 39 and 40.

ARTICLE 39

V. Reasons for
internment.
Voluntary
internment

The internment of protected persons in fenced camps may not be ordered unless the security of the Detaining Power imperatively demands.

Should any person, acting through the representatives of the Protecting Power, voluntarily ask to be interned because his or her situation renders that course necessary, the said person shall be interned by the Power in whose hands he or she may be.

ARTICLE 40

VI. Procedure of
internment

Decisions regarding the internment of protected persons, and any subsequent decisions leading to a change of their status, shall be made according to regular procedure, to include the right of the protected persons to appeal, in conformity with Article 32, to the special tribunal for aliens.

In any case, the decisions made by the Detaining Power shall be speedily brought to the knowledge of the Protecting Power.

ARTICLE 41

VII. Transfers
to another Power

Protected persons may not be transferred *against their will* to a Power which is not party to the Convention.

This provision shall in no way constitute an obstacle to the repatriation of protected persons, or to their return to their country of residence *after the cessation of hostilities or of occupation.*

If they are transferred to a Power which is party to the Convention, the responsibility for the application of the Convention shall rest conjointly on the Power which transfers and the Power which receives them.

During hostilities or occupation, no protected person shall be transferred to a country where he or she may have reason to fear persecution for his or her political opinions or religious beliefs.

ARTICLE 42

If not rescinded previously, restrictive measures taken in respect of protected persons shall cease as rapidly as possible after the close of hostilities.

End of restrictive measures

SECTION III

Occupied Territories

ARTICLE 43

Protected persons who may find themselves in occupied territories cannot in any case or in any manner whatsoever be deprived of the benefit of the present Convention, either by virtue of changes introduced as the result of the occupation into the institutions or government of the said territories, or of arrangements which may be concluded between the authorities of the occupied territories and the occupying Power.

Inviolable rights

ARTICLE 44

Persons who are not nationals of the Power whose territory is occupied, may avail themselves of the provisions of Article 32, in order to secure permission to leave the territory.

Special cases of repatriation

ARTICLE 45

Deportations or transfers *against their will* of protected persons out of occupied territory are prohibited, whether such deportations or transfers are individual or collective, and regardless of their motive.

Deportations.
Transfers.
Evacuations

The occupying Power shall not undertake total or partial evacuation of a given area, unless the security of the population or imperative military considerations demand. Such evacuations may not involve displacements outside the bounds of the occupied territory, except in cases of physical necessity.

The occupying Power shall not carry out such transfers and evacuations unless it has ensured proper accommodation to receive the protected persons. Such removals shall be effected in satisfactory conditions of hygiene, healthfulness, security and nutrition. Members of the same family shall not be separated.

The Protecting Power shall be informed of any proposed transfers and evacuations. It may supervise the preparations and the conditions in which such operations are carried out.

The occupying Power shall not deport or transfer parts of its own civil population into the territory it occupies.

ARTICLE 46

Children The occupying Power shall, with the co-operation of the national and local authorities, *facilitate* the proper working of all institutions devoted to the care of children.

The occupying Power shall take all necessary steps to allow identification of children and registration of their parentage. It may not, in any case, change their personal status, nor enlist them in formations or organizations subordinate to it.

Children who are orphaned or separated from their parents as a result of war, and who cannot be handed over to the care of near relatives, shall be entrusted to institutions for children, where their education shall be ensured as far as possible by persons of their own nationality *and religion*.

ARTICLE 47

Enlistment. The occupying Power may not compel protected persons to
Labour serve in its combatant or auxiliary forces. No propaganda which aims at securing voluntary enlistment is permitted.

The occupying Power may not compel protected persons to work unless they are over eighteen years of age, and only to ensure the proper functioning of public utility services, *such as water, gas, electricity, transport, public health and other similar services*. It may not, however, compel requisitioned protected persons to employ forcible means to ensure the security of the installations where they are performing compulsory labour.

The work shall be carried out only in the occupied territory where the requisitioned persons may be. Every requisitioned person shall, so far as possible, be kept in his usual place of employment. Workers shall be paid a fair wage and the work shall be proportionate to their physical and intellectual capacities. The work shall be neither unhealthy, nor dangerous.

In any case, requisition of labour shall only be of a temporary nature, and shall in no case lead to the mobilization of workers for the duration of hostilities.

ARTICLE 48

No contract, agreement or regulation shall impair the right of every worker, whether voluntary or not, and wherever he may be, to apply to the representatives of the Protecting Power, in order to request the said Power's intervention.

Protection of
workers

Artificially created unemployment, and all planned schemes for restricting the opportunities offered to workers in an occupied territory, in order to induce them to work for the occupying Power, are prohibited.

ARTICLE 49

The occupying Power is bound to assure the food supply of the civilian population. *If international standards of nutrition have been established, they shall be applied.*

Food supplies.
Relief
consignments

The occupying Power shall, in particular, import the necessary foodstuffs and products, if the resources of the occupied territory are inadequate to ensure such subsistence ; it may not commandeer or use for its own purposes, in particular for the occupation forces or administration personnel, foodstuffs or products available in the occupied territory, unless the subsistence of the civilian population is sufficiently provided for.

The Protecting Powers shall, at any time, be at liberty to verify the state of the food supply in occupied territories.

If the whole or part of the population of an occupied territory is inadequately supplied, the occupying Power shall agree to relief schemes in behalf of the said population, and shall facilitate them by all the means at its disposal.

Such schemes, which may be undertaken either by States or by impartial humanitarian bodies such as the International Committee of the Red Cross, shall consist, in particular, of shipments of foodstuffs, tonics and clothing.

All Contracting Parties shall permit the free passage of these shipments and shall guarantee their protection.

ARTICLE 50

The occupying Power is bound to ensure and maintain, with the co-operation of national and local authorities, public health and hygiene in the occupied territories. The said Power must, in particular, continue to apply or introduce health or prophylactic measures proper to combat the spread of conta-

Hygiene and
public health

gious diseases or epidemics, *facilitate* the proper working of hospital establishments and dispensaries, the adequate supply of medicaments, vaccines, serums, dressings and medical stores, in the occupied territory.

The occupying Power shall accept consignments of such articles from abroad, and facilitate their allocation in occupied territories.

ARTICLE 51

Relief
consignments
I. Obligations of
the occupying
Power

Relief consignments shall in no way relieve the occupying Power of its responsibility to ensure the subsistence and hygiene of the occupied territories.

The occupying Power may neither requisition relief consignments, nor divert them in any way from their destination.

ARTICLE 52

II. Collective
relief

The distribution of the relief consignments referred to in the foregoing Articles shall be carried out with the co-operation and under the supervision of the Protecting Powers, or of other neutral Powers. This duty may also be *undertaken* by an existing humanitarian body, such as the International Committee of the Red Cross, or by an agency specially set up for that purpose.

Such consignments shall be exempt from all charges, such as customs dues and registration fees, transit or import dues, and others. The occupying Power shall transport them rapidly and free of charge in the territories which it governs.

ARTICLE 53

III. Individual
relief

Furthermore, subject to imperative reasons of security which the occupying Power may advance, protected persons in occupied territories shall receive the individual relief supplies that may be sent them.

ARTICLE 54

National Red
Cross and other
relief societies

In occupied territories, recognized National Red Cross Societies shall be able to pursue their activities in accordance with Red Cross principles, as defined by the International Red Cross Conferences.

The occupying Power may not require any changes in the personnel or structure of these Societies, which would prejudice the aforesaid activities.

*The other relief societies shall be permitted to continue their humanitarian activities under similar conditions, provided that they refrain from any act harmful to the occupying Power*¹.

ARTICLE 55

The penal laws of the occupied Power shall remain in force and the tribunals thereof shall continue to function in respect of all offences covered by the said laws.

The occupying Power may, however, subject the population of the occupied territory to provisions intended to assure the security of the members and property of the forces or administration of the occupying Power, and likewise of the establishments used by the said forces and administration.

Penal laws.
I. General remarks

ARTICLE 56

The penal provisions enacted by the occupying Power shall not come into force before they have been brought to the knowledge of the inhabitants, in their own language.

II. Publication

ARTICLE 57

In case of a breach of the penal provisions published by it by virtue of Article 55, paragraph 2, the occupying Power may hand over the accused to its regular, *non-political* military or civil courts, on condition that the said courts sit in occupied territory. Courts of appeal are not subject to the obligation of sitting in occupied territory.

III. Competent tribunals

ARTICLE 58

The courts shall apply solely the provisions published prior to the offence, and which are in conformity with the general principles of law, in particular the principle that the penalty

IV. Applicable provisions

¹ The text submitted by the International Committee ran as follows :

“ National Red Cross Societies and other Relief Societies which, prior to occupation, have likewise been recognized by the State whose territory is occupied, shall be allowed to pursue their activities without hindrance during occupation, and no changes shall be made by the occupying Power in their structure or managing staff.”

shall be proportionate to the offence. They shall take into consideration the fact that the accused owes no duty of allegiance to the occupying Power.

ARTICLE 59

V. Penalties

Protected persons who commit an offence intended to harm *the occupying Power*, but which but does not constitute an attempt on the life or limb of members of the occupying forces or administration, nor a grave collective danger, nor seriously damage the property of *the occupying Power* or the installations used by it, are liable to internment, according to Part III, Section IV, as the only penalty depriving them of liberty.

The courts of the occupying Power shall not pass the death sentence on a protected person unless he is guilty of an offence which was punishable by the death penalty under the law of the occupied Power at the outbreak of hostilities.

The death penalty may not be pronounced against a protected person unless the attention of the Court has been particularly called to the fact that the accused, not being a national of the occupying Power, is not bound to it by any duty of allegiance and is in its power by reason of circumstances independent of his will.

The three preceding paragraphs do not apply to the case of a protected person who is guilty of espionage to the detriment of the occupying Power.

The death penalty may not be pronounced against a protected person under eighteen years of age for any offence whatsoever.

ARTICLE 60

VI. Breaches committed before occupation Penal procedure.

Protected persons shall not be arrested, prosecuted or convicted by the occupying Power for acts committed or for opinions expressed before the occupation, or during a temporary interruption thereof, with the exception of breaches of the laws and customs of war.

Nationals of the occupying Power who, before the outbreak of hostilities, have sought refuge in the territory of the occupied State *from the consequences of an offence committed outside the occupied territory*, shall not be arrested, prosecuted, convicted or deported out of the occupied territory *for that offence, unless according to the law of the occupied State, the said offence would have justified extradition in time of peace.*

ARTICLE 61

No conviction shall be pronounced except after a regular trial.

I. General
remarks

Accused persons who are prosecuted by the occupying Power shall be promptly informed, in a language they understand, of the particulars of the charge preferred against them. They shall be brought to trial as rapidly as possible. The Protecting Power shall be immediately informed of all proceedings instituted by the occupying Power against protected persons, and shall be enabled, at any time, to obtain information regarding the state of such proceedings.

ARTICLE 62

Accused persons shall have the right to be assisted by qualified counsel of their own choice, who shall be able to visit them freely and shall enjoy every facility for preparing the defence.

II. Right to
defence

Failing a choice by the accused, the Protecting Power may provide them with counsel.

Accused persons may, if they desire, be assisted by an interpreter, both during preliminary investigation and during the hearing in court.

ARTICLE 63

Accused persons shall have the right to adduce all evidence necessary to their defence and may, in particular, call witnesses.

III. Means of
defence

Convicted persons shall have the right of appeal provided for by the laws applied by the court.

ARTICLE 64

The representatives of the Protecting Power shall have the right to attend the sessions of any court judging a protected person, unless the hearing has, exceptionally, to be secret in the interests of the safety of the occupying Power, which shall then notify the Protecting Power.

IV. Assistance
by the
Protecting Power

Any judgments pronounced shall be communicated, with the relevant grounds, as rapidly as possible to the Protecting Power, and shall contain, if the case arises, the name of the place where sentence is to be served. Judgments shall not be enforced until the expiration of the period allowed for appeal; the said period shall not run until notification of judgment to the Protecting Power has been made.

ARTICLE 65

V. Death
sentence

No death sentence shall be carried out before the expiration of a period of six months at least from the notification of judgment to the Protecting Power.

In no case shall persons condemned to death be deprived of the right of petition for pardon or reprieve.

ARTICLE 66

Treatment of
detainees

Protected persons who are indicted or convicted by the courts of the occupying Power shall be kept apart from other detainees and shall enjoy conditions of food and hygiene sufficient to keep them in good health, and similar at least to those obtaining in penitentiaries in the occupied territory. Proper regard shall be paid to the special treatment due to minors.

Such protected persons shall have the right to be visited by delegates of the Protecting Power and of the International Committee of the Red Cross, in conformity with the provisions of Article 126.

Detained protected persons shall have the right to receive at least one relief parcel a month.

ARTICLE 67

Handing over of
detainees at the
lose of occupation

Protected persons indicted or convicted by the courts in occupied territory, shall in no case be taken outside the said territory, but shall be handed over, at the close of occupation to the authorities of the liberated territory, together with the relevant records.

ARTICLE 68

Security measures

If the occupying Power deems necessary, for imperative reasons of security, to take safety measures with respect to persons against whom no specific charge can be preferred, the said Power may at most subject them, *as an exceptional measure*, to assigned residence or, *in especially serious cases*, to internment.

SECTION IV

Regulations for the Treatment of Internees

CHAPTER I

General Provisions

ARTICLE 69

The Parties to the conflict may not intern protected persons except in the cases provided for in Articles 32, 38, 39, 59 and 68.

Cases of internment and applicable regulations

ARTICLE 70

Internees shall retain their full civil capacity and shall exercise their attendant rights, as far as may be compatible with their internment.

Civil capacity

ARTICLE 71

The Parties to the conflict who intern protected persons shall be bound to provide for their free maintenance, and to grant them the medical attention required by their state of health.

Maintenance

No deduction shall be made for the repayment of these costs from the allowances, salaries or credits due to the internees.

ARTICLE 72

The Detaining Power shall assemble the internees so far as possible in camps or camp compounds according to their nationality, language and customs.

Assembling of internees

Furthermore, members of the same family, and in particular parents and children, shall be lodged in the same camp throughout the duration of their internment. Internees may request that their children who are left at liberty shall be interned with them. So far as possible, specially arranged camps for family units shall be reserved for members of such units. They may not be separated, except temporarily for reasons of employment.

CHAPTER 2

Places of Internment

ARTICLE 73

Location of
camps

Detaining Powers shall give the enemy Powers, through the medium of the Protecting Powers, *all useful information* regarding the geographical location of places of internment.

Places of internment shall be indicated in the day-time by the letters "IC", placed so as to be clearly visible from the air. The Detaining Powers may, however, agree upon any other system of marking.

ARTICLE 74

Separate places
of internment

Places of internment for protected persons shall be distinct from places of internment for prisoners of war, and from places where persons deprived of liberty for any other reason are confined.

ARTICLE 75

Quarters,
hygiene

The Detaining Power is bound to take all necessary and possible measures to ensure that protected persons shall, from the outset of their internment, be accommodated in buildings or quarters which afford all possible safeguards as regards hygiene and healthfulness, and efficient protection against the rigours of the climate and the effects of the war. In no case shall places of internment be located in unhealthy areas, or in districts the climate of which is injurious for the internees.

The premises shall be fully protected from dampness, adequately heated and lighted, in particular between dusk and lights out. The sleeping quarters shall be sufficiently roomy and well ventilated, and the internees shall have suitable bedding and sufficient blankets, account being taken of the climate and the age, sex, and state of health of the internees.

Internees shall have for their use, day and night, sanitary conveniences which conform to the rules of hygiene, and are constantly maintained in a state of cleanliness. They shall be provided daily with sufficient water for their personal toilet and

for washing their underwear. Showers or baths shall also be available. Internees shall be provided periodically with sufficient quantities of soap. The necessary time shall be set aside for washing and cleaning.

ARTICLE 76

Canteens shall be installed in all places of internment, where internees may procure ordinary articles and soap at the local market prices.

Canteens

The profits made by canteens for camp administrations shall be used for the benefit of the internees; a special fund shall be created for that purpose. The internee committee shall have the right to check the management of the canteens and of the said fund.

When a place of internment is closed down, the profits of canteens shall be employed for the benefit of internees of the same nationality as those who have contributed to the constitution of the fund. In case of a general release, the said profits shall be kept by the Detaining Power, subject to any agreement to the contrary between the Powers concerned.

ARTICLE 77

Internees shall have shelters against air bombardments and other hazards of war, to the same extent as the local civilian population. In the case of alarms, they shall be permitted to enter such shelters as soon as possible, except those internees engaged in the defence of their quarters against the aforesaid hazards. Any other protective measure taken in favour of the population shall also apply to them.

Shelters,
measures of
protection

All precautions must be taken in places of internment against the danger of fire.

CHAPTER 3

Food and Clothing

ARTICLE 78

Food rations for internees shall be sufficient in quantity, quality, and variety to keep internees in a good state of health. Account shall also be taken of the habitual diet of the internees. *International standards bearing on nutrition that may be adopted shall be applied to internees.*

Food

Internees shall also be given the means for preparing themselves any additional food in their possession.

Sufficient drinking water shall be supplied to internees. The use of tobacco shall be permitted.

Internees who work shall receive additional rations proportionate to the kind of labour which they perform.

Expectant and nursing mothers and their children shall be given additional food, proportionate to their physiological needs.

ARTICLE 79

Clothing

When arrested, internees shall be given all facilities to provide themselves with the necessary clothing, footwear and change of underwear, and later on, to procure further supplies, if required. Should the internees not have sufficient clothing and cannot procure any, it shall be provided free of charge by the Detaining Power.

The clothing supplied by the Detaining Power to internees and the outward markings placed on their own clothes, shall not be ignominious nor expose them to ridicule.

Workers shall receive suitable working kit, whenever the kind of labour requires.

CHAPTER 4

Hygiene and Medical Attention

ARTICLE 80

Medical attention

Every place of internment shall have an adequate infirmary, under the direction of a qualified doctor, where internees may have the attention they require, as well as appropriate diet. Isolation wards shall, if necessary, be set aside for cases of contagious disease.

Internees suffering from serious disease, or whose condition necessitates special treatment, a surgical operation or hospital care, must be admitted to any institution where such treatment can be given *and shall receive care not inferior to that provided for the population.*

Internees shall have the attention preferably of medical personnel of their own nationality.

Internees may not be prevented from presenting themselves to the medical authorities for examination. The detaining authorities shall, upon request, issue to every internee having undergone treatment an official certificate indicating the nature of his illness or injury, and the duration and kind of treatment given. A duplicate of this certificate shall be forwarded to the Central Agency provided for in Article 124.

The costs of treatment, including those of any apparatus necessary for the maintenance of internees in good health, particularly dentures and other prostheses, and spectacles, shall be borne by the Detaining Power.

ARTICLE 81

Medical inspections of internees shall be made at least once a month. Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of internees, and to detect contagious diseases, especially tuberculosis, malaria and venereal complaints. Such examinations shall include, if possible, periodical radioscopic examination and the checking of weight of each internee.

Medical
inspections

CHAPTER 5

Religion, Intellectual and Physical Activities

ARTICLE 82

Internees shall enjoy complete liberty in the exercise of their religious duties, including attendance at the services of their faith, on the sole condition that they comply with the measures of order prescribed by the detaining authorities. The Detaining Power shall provide them with adequate premises.

Ministers of religion who are interned shall, whatever their religious denomination, be allowed to minister freely to the members of their community. For that purpose, the Detaining Power shall ensure their equitable allocation amongst the various places of internment. They shall enjoy all facilities for moving about ¹ from one camp to another.

Religion

¹ The words "in case of need" have been deleted.

If there is no minister of the internees' faith, the Detaining Power shall allow religious assistance to be given by a minister of the same denomination, or failing such a minister, by a minister of a similar denomination, if such a course is feasible from a sectarian point of view.

Ministers of religion shall be at liberty to correspond on matters concerning their ministry with the ecclesiastical authorities in the country of detention.

Furthermore, duly mandated representatives of religious organizations, who have been chosen by agreement between the Detaining and the Protecting Powers, preferably amongst the nationals of neutral countries, may, subject to the approval of the Detaining Power, visit the internees and provide for their religious needs.

In the officials reports sent to the Governments on the condition of internees, explicit mention shall be made of the religious assistance by which they benefit.

ARTICLE 83

Recreation,
instruction,
sports and games

While respecting the individual liberty of every internee, the Detaining Power shall encourage the practice of intellectual, educational, and recreational pursuits, sports and games amongst internees, and shall take the measures necessary to ensure the exercise thereof, in particular by providing suitable premises.

Internees shall have opportunities for taking physical exercise and being out of doors. Open spaces shall be provided for the purpose in all places of internment.

All possible facilities shall be granted to internees to continue their studies, or to take up new subjects.

Special play-grounds shall be set aside for children and young people. The latter's education shall be ensured; they shall be allowed to attend schools, either within the place of internment or outside.

ARTICLE 84

Labour

The Detaining Power shall not employ internees as workers, unless they so desire.

After a working period of three months, internees shall be free to give up work at any moment, subject to eight days notice.

These provisions constitute no obstacle to the right of the Detaining Power to employ medical practitioners, or persons of equivalent status and members of the medical service in their professional capacity and in behalf of their interned compatriots,

nor to the right of the Detaining Power to employ internees for administrative and maintenance work in places of internment. Internees may also be detailed for work in the kitchens and for other domestic tasks.

Wages, insurance and all other working conditions shall be determined by agreements between the internees, the employers and the Detaining Power. Internees permanently detailed for the administration, kitchen, maintenance and medical services shall be paid fair wages by the Detaining Power, and shall be insured against accidents.

The Detaining Power shall take entire responsibility for working conditions and the payment of wages.

ARTICLE 85

All labour detachments shall be subordinate to a camp. The authorities and the camp commandant shall be responsible for the observance in the labour detachment of the provisions of the present Convention. The commandant shall keep an up-to-date list of the labour detachments subordinate to him, and shall communicate it to the delegates of the Protecting Power, of the International Committee of the Red Cross and of other humanitarian organizations who are authorized to visit the camp.

Labour
detachments

CHAPTER 6

Personal Property and Financial Resources

ARTICLE 86

Internees shall remain in possession of all personal effects and personal articles. Monies, cheques, bonds, etc., and valuables in their possession may not be taken from them except by the order of an officer, or of a civilian official of equivalent status. Detailed receipts shall be given therefor.

Valuables and
personal effects

The amounts shall be paid into the account of every internee, as provided for in Article 87. Such amounts may not be converted into any other currency without the owner's consent.

Articles of a personal or sentimental value may not be taken away.

On release or repatriation, internees shall be given all articles, monies or other valuables taken from them during internment and shall receive in currency the balance of any credit to their accounts kept in conformity with Articles 87, with the exception of any articles or amounts to be held by the Detaining Power by virtue of the alien enemy property laws in force under public international law. If internee property is withheld under the alien enemy property laws of the Detaining Power, the owners shall receive detailed certificates ¹.

Family or identity documents in the possession of internees may not be taken away without a receipt given. At no time shall internees be left without identity documents. If they have none, they shall be given special documents issued by the detaining authorities, to serve as identity papers until the end of their internment.

Internees may keep on their persons a certain amount of money, in cash or in the shape of purchase coupons, to enable them to buy foodstuffs, tobacco and toilet requisites.

ARTICLE 87

Financial
resources and
individual
accounts

All internees shall receive regular allowances, sufficient to enable them to purchase goods and articles, such as tobacco, toilet requisites, etc. Such allowances shall take the form of credits or purchase coupons, and shall be paid to all internees, regardless whether they perform labour or not.

Furthermore, internees may receive allowances from their Home Power, the Protecting Powers, the bodies which may assist them, or their next of kin. *The amount of the allowances granted by the Home Power shall, however, be identical for all internees belonging to the same category.*

The Detaining Power shall open a regular account for every internee, to which shall be credited the sums taken from him, the allowances named in the present Article, the wages earned and the remittances received. Internees shall be granted all facilities to make remittances to their families and to other dependents. They may draw from their accounts the amounts necessary for their personal expenses, within the limits fixed by the Detaining Power. A statement of accounts shall

¹ The wording submitted by the International Committee ran as follows :

“At the time of release or repatriation, internees shall receive in currency the amount of their credit balances. The Detaining Power shall also hand back to them all articles, bonds, valuables, etc., which may have been taken from them.”

be furnished to the Protecting Power, on request, and shall accompany the internee in case of transfer.

CHAPTER 7

Administration and Discipline

ARTICLE 88

Every place of internment shall be put under the authority of a responsible officer, chosen from amongst the regular military forces or the regular civil administration of the Detaining Power. The officer in charge of the place of internment *must have in his possession* a copy of the present Convention, in his own language, and shall be responsible for its application. The supervising personnel shall be instructed in the provisions of the present Convention *and of the regulations adopted to ensure its application.*

Camp
administration

The text of the present Convention shall be posted inside the place of internment, in the language of the internees, or be in the possession of the internee committee.

Regulations, orders, notices and publications of every kind shall be issued to the internees and posted inside the places of internment, in a language which the internees understand.

Every order and command addressed to internees individually must likewise be given in a language which they understand.

ARTICLE 89

The disciplinary regime in places of internment shall be consistent with humanitarian principles, and shall in no circumstances include regulations imposing on internees any physical exertion dangerous to their health, or involving physical or moral victimization. Identification by tattooing or imprinting signs and markings on the body, is prohibited.

General
discipline

In particular, prolonged standing and roll-calls, punishment drill, military drill and manœuvres, *or the reduction of food rations*, are prohibited.

ARTICLE 90

Internees shall have the right to make known to the authorities in whose power they are, their requests with regard to the conditions of internment to which they are subjected.

Complaints
and requests

They shall also have the right to apply without restriction through the internee committee, or if they consider it necessary direct to the representatives of the Protecting Powers, in order to indicate to them any points on which they may have complaints to make with regard to the conditions of internment.

Such petitions and complaints shall be transmitted forthwith *and without alteration*. Even if they are recognized to be unfounded, they may not occasion any punishment.

Periodic reports on the situation in places of internment and the needs of the internees may be sent by the internee committees to the representatives of the Protecting Powers.

ARTICLE 91

Internee Committees. I. Composition

In every place of internment, the internees shall freely elect *by secret ballot* every six months, the members of a committee empowered to represent them before the Detaining and the Protecting Powers, the International Committee of the Red Cross and any other body which may assist them. The members of the committee shall be eligible for re-election.

Such elections shall be subject to the approval of the detaining Authorities. The reasons for any refusal shall be communicated to the Protecting Powers concerned.

ARTICLE 92

II. Duties

The committees shall contribute to the physical, spiritual and intellectual well-being of the internees.

In case the internees decide, in particular, to organize a system of mutual assistance amongst themselves, this organization would be within the competence of the committees, in addition to the special duties entrusted to them by other provisions of the present Convention.

ARTICLE 93

III. Prerogatives

Members of committees shall not be required to perform any other work, if the accomplishment of their duties is rendered more difficult thereby.

Members of committees may appoint from amongst the internees such assistants as they may require. All material facilities shall be granted them, particularly a certain freedom of movement necessary for the accomplishment of their duties (visit to labour detachments, receipt of supplies, etc.).

All facilities shall likewise be accorded to committee members for communication by post and telegraph with the Detaining Authorities, the Protecting Powers, the International Committee of the Red Cross and their delegates, and with the bodies which give assistance to internees. Committee members in labour detachments shall enjoy the same facilities for communication with the committee in the principal camp. Such communication shall not be limited, nor considered as forming a part of the quota mentioned in Article 96.

Committee members who are transferred shall be allowed a reasonable time to acquaint their successors with current affairs ¹.

CHAPTER 8

Relations with the Exterior

ARTICLE 94

Immediately upon interning protected persons, the Detaining Power shall inform them and their Home Power, either direct or through the Protecting Power, of the measures taken for executing the provisions of the present Chapter. The Detaining Power shall likewise inform the parties concerned of any subsequent modifications of such measures.

Notification of
measures taken

ARTICLE 95

Immediately upon arrest, or not more than one week after arrival in a place of internment, likewise in case of sickness or transfer to hospital or to another place of internment, every internee shall be enabled to write direct to his family, on the one hand, and to the Central Agency provided for by Article 124, on the other, a card similar, if possible, to the model annexed to the present Convention, informing his relatives of his arrest, address and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any manner.

Internments
cards

ARTICLE 96

Internees shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the

Correspondence

¹ The clause "Should they be dismissed..." has been deleted.

number of letters and cards sent by each internee, the said number shall not be less than two letters and four cards monthly; these shall be drawn up, in so far as possible, according to the models annexed to the present Convention. If limitations must be placed on the correspondence addressed to internees they may be ordered only by the Power of origin, at the possible request of the Detaining Power. Such letters and cards must be conveyed by the most rapid means; they may not be delayed or retained for disciplinary reasons.

Internees who have been without news for a long time, or who are unable to have news from their next of kin, or to give them news by the ordinary postal route, furthermore, those who are separated from home by great distances, shall be permitted to send telegrams, against payment of the charges in the currency at their disposal.

As a general rule, the correspondence of internees shall be written in their native language. The Parties to the conflict may allow correspondence in other languages.

ARTICLE 97

Relief
shipments.
I. General
principles

Internees shall be allowed to receive, by post or by any other means, individual parcels or collective shipments containing in particular foodstuffs, clothing, medicaments and articles of a devotional, educational and recreational character which may meet their needs. Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present Convention.

The only limits which may be placed on these shipments shall be those which are proposed in the interest of the internees themselves by the Protecting Power, the International Committee of the Red Cross, or any other body giving assistance to the internees and which may be responsible for the forwarding of such shipments.

The conditions for the sending of individual parcels and collective shipments shall, if necessary, be the subject of special agreements between the Powers concerned.

ARTICLE 98

II. Collective
relief

In the absence of special agreements between the Powers concerned on the conditions for the receipt and distribution of relief shipments, the rules and regulations concerning collective shipments which are annexed to the present Convention shall be applied.

The special agreements provided for above shall in no case limit the right of internee committees to take possession of collective relief shipments intended for internees, to proceed to their distribution and to dispose of them in the interest of the recipients.

Nor shall such agreements restrict the right of representatives of the Protecting Powers, the International Committee of the Red Cross, or any other body giving assistance to internees and responsible for the forwarding of collective shipments, to supervise their distribution to the recipients.

ARTICLE 99

Internees shall have permission to receive individual parcels of books.

The Protecting Powers and the bodies giving assistance to internees may send single works and collections of books to internee camps, likewise devotional articles, scientific equipment, musical instruments, sports outfits and material allowing the internees to pursue their studies or their artistic activities.

III. Devotional articles, books, etc.

ARTICLE 100

All shipments of relief for internees shall be exempt from import, customs and other dues.

Correspondence, relief shipments and remittances of money addressed to internees or dispatched by them through the post office, either direct or through the Information Bureaux provided for in Article 123 and the Central Information Agency provided for in Article 124, shall be exempt from any postal dues, both in the countries of origin and destination, and in intermediate countries.

Relief shipments intended for internees and which, by reason of their weight or any other cause, cannot be sent through the post office, shall benefit by free transport in all the territory under the control of the Detaining Power. If conveyed by rail, they shall also benefit by free transport in the territories of the other Powers party to the Convention¹.

The costs incident to the transport of such shipments and which are not covered by the above exemption shall be charged to the senders.

Free postage and transportation

¹ The paragraph beginning : " Individual parcels..." has been deleted.

The High Contracting Parties shall endeavour to reduce, so far as possible, the charges for telegrams sent by internees, or addressed to them.

ARTICLE 101

Special transportation

Should military operations prevent the Powers concerned from fulfilling their obligation to assure the transport of the shipments provided for in Articles 95, 96, 97, 99 and 103 of this Chapter, the Protecting Powers concerned, the International Committee of the Red Cross or any other body duly approved by the belligerents may undertake to ensure the conveyance of such shipments by suitable means (railway cars, motor vehicles, vessels or aircraft, etc.). The High Contracting Parties shall endeavour to supply them for that purpose with such means of transport, and shall allow their traffic, in particular by granting them, the necessary safe-conducts.

The said means of transport may also be used to convey :

(a) the correspondence, lists and reports despatched by the Central Information Agency provided for in Article 124 to the National Bureaux provided for in Article 124, or forwarded by these Bureaux to the said Agency ;

(b) the correspondence and reports relating to internees which the Protecting Powers, the International Committee of the Red Cross or any other body assisting the internees, exchange either with their own delegates or with the belligerents ¹.

The costs occasioned by the use of these means of transportation shall be borne proportionally by the belligerents whose nationals are benefited thereby.

ARTICLE 102

Censorship and control

The censoring of correspondence addressed to internees or dispatched by them shall be effected as quickly as possible. Mail shall be censored only by the shipping State and the receiving State, and if possible, once only by each.

The examination of consignments intended for internees shall be carried out in conditions such as will not expose to damage the goods contained therein. It shall be done, if possible,

¹ The foregoing paragraphs replace the first two paragraphs of the draft submitted by the International Committee.

in the presence of the addressee, or of a fellow-internee duly delegated by him. The transmission to internees of light reading matter or educational works shall not be delayed under the pretext of difficulties of censorship.

Any prohibition of correspondence ordered by the Parties to the conflict either for military or political reasons, shall only be temporary and its duration shall be as brief as possible.

ARTICLE 103

The Detaining Powers shall assure all facilities for the transmission, through the Protecting Power or the Central Agency provided for in Article 124, of instruments, papers or documents intended for internees or despatched by them, in particular powers of attorney and wills.

In any case, they shall facilitate for internees the preparation of such documents, in particular by allowing them to consult a lawyer and by arranging, if necessary, for the authentication of their signatures by a responsible official, or by a member of the internee committee.

Drafting and transmission of legal documents

ARTICLE 104

The Detaining Power shall afford internees all facilities compatible with internment conditions, to enable them to manage their property. *The said Power may give them for that purpose permission to leave the camp in urgent cases and if circumstances allow.*

To that effect, internees may appoint an agent to look after their interests, with whom they will be permitted to communicate.

Management of property

ARTICLE 105

No measure of distraint may be taken in occupied territory against internees or their dependents, during the internment of such internees and the month following their return to their domicile. Civil suits in which internees are engaged may, on their request or on that of their agents, be suspended for the duration of the internment.

If an internee in the territory of a Party to the conflict is engaged in a civil suit, the Detaining Power shall, if required to do so by the internee or his agent, advise the tribunal of the detention of the internee, and shall take such other steps as will facilitate justice.

Suspension of suits

ARTICLE 106

Visits

Every internee shall be allowed to receive visitors, in particular their near relatives, periodically and as frequently as possible.

In urgent cases, and so far as possible, internees shall be permitted to visit their homes, particularly in cases of death or serious illness of relatives.

CHAPTER 9

Penal and Disciplinary Sanctions

ARTICLE 107

General provisions. Applicable legislation

Internees who commit offences during internment are subject to the laws of the territory where they are detained, except for the provisions of the present Chapter.

If general laws, regulations or orders declare acts committed by internees to be punishable, whereas the same acts are not punishable when committed by persons who are not internees, such acts shall entail only disciplinary penalties as punishments.

No internee may be punished more than once for the same act, or on the same count.

ARTICLE 108

Penalties

(The Conference requested the International Committee to submit a new draft of this Article.) ¹

¹ The text submitted by the International Committee ran as follows :

“The courts or authorities shall, to the widest extent possible, take into consideration, in fixing the penalty, the fact that the accused, not being a national of the Detaining Power, is not bound to it by any duty of allegiance, and that he or she is in its power as the result of circumstances independent of his own will. They shall be at liberty to reduce the penalty provided for the violation with which the internee is charged, and shall therefore not be bound, to this effect, to apply the kind of penalty or the minimum penalty prescribed.

“Imprisonment in premises without daylight, and in a general manner, any form whatsoever of cruelty are forbidden.

“Internees who have served disciplinary or judicial sentences may not be treated differently from other internees.

“The duration of confinement awaiting trial of an internee shall be deducted from any disciplinary or judicial penalty involving deprivation of liberty.

“Internee committees shall be informed of any judicial proceedings against internees whom they represent, and of their results.”

ARTICLE 109

The disciplinary penalties applicable to internees shall be the following :

Disciplinary sanctions.
Nature of penalties

- (1) Fines up to and not exceeding fifty per cent of the *monthly* allowance and wages ;
- (2) Discontinuance of privileges granted over and above the treatment provided for by the present Convention ;
- (3) Fatigue duties ;
- (4) For working internees, additional labour of the same kind as their usual employment and not exceeding two hours daily ;
- (5) Confinement.

In no case shall disciplinary penalties be inhuman, brutal or dangerous for the health of internees. Account shall be taken of the internees' age, sex and state of health.

The duration of any single punishment shall in no case exceed thirty consecutive days. The said maximum of thirty days may not be exceeded, even should the internee, when his case is dealt with, be answerable for several breaches of discipline, whether such breaches are connected or not.

ARTICLE 110

Internees who are recaptured after having escaped or when attempting to escape, shall be liable only to disciplinary punishment in respect of this act, even if it is a repeated offence.

Escapes

Article 108, paragraph 3 notwithstanding, internees punished as a result of escape or attempt to escape may be subjected to special surveillance, on condition that such surveillance does not affect the state of their health, that it is exercised in a place of internment, and that it does not entail the abolition of any of the safeguards granted by the present Convention.

After an escape or attempt to escape, fellow-internees who aided and abetted the offender shall be liable on this count to disciplinary punishment only.

ARTICLE 111

Escape, or attempt to escape, even if it is a repeated offence, shall not be deemed an aggravating circumstance, if the internee is given over to the courts in respect of offences committed during his escape.

Connected offences

The Parties to the conflict shall see that the responsible authorities exercise the greatest leniency in deciding whether an infraction committed by an internee shall be punished by disciplinary or judicial measures, especially in respect of acts committed in connexion with the escape, whether successful or not.

In particular, offences without violence against persons, offences against public property, theft without intention of self-enrichment, the drawing up and use of false papers, shall occasion disciplinary punishment only, provided such violations have been committed with the sole intent of facilitating escape.

ARTICLE II2

Confinement
awaiting trial
(regime,
deduction)

Facts constituting offences against discipline shall be investigated immediately. This rule shall be especially applied in cases of escape or attempt to escape. Recaptured internees shall be handed over to the competent authorities as soon as possible.

In case of offences against discipline, confinement awaiting trial shall for all internees be reduced to an absolute minimum, and shall not exceed fourteen days. Its duration shall in any case be deducted from any sentence of confinement.

The provisions of Articles II4 and II5 shall apply to internees who are under confinement awaiting trial for offences against discipline.

ARTICLE II3

Competent
authorities and
procedure

Excepting the competence of courts and higher authorities, disciplinary punishment may be ordered only by the commandant of the place of internment, or by a responsible officer or official who replaces him, or to whom he has delegated his disciplinary powers.

The decision shall be made in the presence of the internee and of a member of the internee committee. The accused shall be able to use his means of defence.

The period elapsing between the pronouncing of a disciplinary penalty and its execution shall not exceed one month.

When an internee is sentenced to a further disciplinary penalty, a period of three days at least shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

ARTICLE II4

Premises for
disciplinary
punishments

Internees shall not in any case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.), to undergo disciplinary punishment therein.

The premises in which disciplinary punishments are undergone shall conform to sanitary requirements; they shall in particular be provided with adequate bedding. Internees undergoing punishment shall be enabled to keep themselves in a state of cleanliness.

Men and women shall be confined separately.

ARTICLE 115

Internees given disciplinary punishment shall be allowed to exercise and to stay in the open air at least two hours daily.

Essential
safeguards

They shall be allowed, on their request, to be present at the daily medical inspections. They shall receive the attention which their state of health requires, and if necessary, shall be removed to the camp infirmary or to hospitals.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money, however, may not be handed to them until the expiration of the sentence; such consignments shall meanwhile be sent to the internee committee, who will turn over to the infirmary the perishable goods contained in the parcels.

No internee given a disciplinary punishment may be deprived of the benefit of the provisions of Article 96 and 126 of the present Convention.

ARTICLE 116

The provisions of Articles 60 to 67 inclusive shall apply, by analogy, to proceedings against internees who are in the national territory of the Detaining Power.

Judicial
proceedings

CHAPTER 10

Transfers of Internees

ARTICLE 117

Transfers must always be effected humanely. As a general rule, they shall be carried out by rail or other means of transport, and in conditions at least equal to those for the forces of the Detaining Power, in their changes of station. If such removals have to be exceptionally effected on foot, they may not take place unless the internees are in a fit state of health, and may not in any case expose them to excessive fatigue.

Conditions

The Detaining Power shall supply transferred internees with sufficient food and water, and with the necessary medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during transfer, and shall establish before their departure a complete list of all internees transferred.

Sick or wounded internees shall not be removed as long as their recovery may be endangered by the journey, unless their safety imperatively demands.

If the combat zone draws closer to a camp, the internees in the said camp shall not be transferred, unless their removal can be carried out in adequate conditions of safety, or if they are exposed to greater risks by remaining on the spot than by being transferred.

ARTICLE 118

Procedure

In the event of removal, internees shall be officially advised of their departure and of their new postal address. Such notification shall be given in time for them to pack their luggage and inform their next of kin.

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight of such baggage may be limited, if the conditions of removal so require, but in no case to less than twenty-five kilograms per head.

Mail and parcels addressed to their former place of internment shall be forwarded to them without delay.

The commandant of the place of internment shall, if necessary, take in agreement with the internee committee any measures needed to ensure the transport of the internees' community kit and of the luggage the internees are unable to take with them, in consequence of restrictions imposed by virtue of paragraph 2.

CHAPTER II

Deaths

ARTICLE 119

Wills,
death certificates,
burial, cremation

The wills of internees shall be received and drawn up under the same conditions as for the civilian population of the country of internment, *and shall be promptly transmitted to the persons designated by the internee.*

Deaths of internees shall be certified in every case by a doctor, and a death certificate shall be established, showing the causes of death and the conditions under which it occurred.

Failing a certificate issued by the district official registrar, the death certificate shall be made out and signed by the camp commandant.

The detaining authorities shall ensure that internees dying in captivity are honourably buried, if possible according to the rites of the religion to which they belonged, and that their graves are respected, properly maintained, marked in such a way that they can always be recognized, and grouped as far as possible.

Deceased internees shall be buried individually, unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, *or in consequence of the religion of the deceased, or if he or she has expressed the wish*¹. In case of cremation, mention thereof shall be made on the death certificate of the deceased internee, with indication of the reasons.

ARTICLE 120

Every death or serious injury of an internee caused by a sentry, another internee, or any other person, shall be immediately followed by an official inquiry by the Detaining Power.

Internees killed or injured in special circumstances

A relevant communication shall be sent immediately to the Protecting Power. The testimony of any witnesses shall be taken, and a transcript of the proceedings shall be prepared and forwarded to the said Protecting Power.

If the enquiry indicates the guilt of one or more persons, the Detaining Power shall take all measures for the prosecution of the person or persons responsible.

CHAPTER 12

Release, Repatriation and Accommodation in Neutral Countries

ARTICLE 121

All interned persons shall be released by the Detaining Power as soon as the reasons which necessitated their internment no longer exist.

During hostilities or occupation

¹ The words "for religious motives" have been deleted.

The Parties to the conflict shall, moreover, endeavour, during the course of hostilities, to conclude agreements for the release, repatriation, return to places of residence or accommodation in a neutral country of certain classes of internees, in particular children, wounded and sick and internees who have been detained for a long time.

*Throughout the course of hostilities or occupation, no internee may be removed to a country where he may have reason to fear persecution for his political opinions or religious beliefs*¹.

ARTICLE 122

After the close
of hostilities

Internment shall cease as soon as possible after the close of hostilities and, in occupied territories, at latest at the close of the occupation.

Internees in the territory of a Party to the conflict against whom penal proceedings are pending for offences not exclusively subject to disciplinary penalties, may be detained until the close of such proceedings and, if circumstances require, until the completion of the penalty. The same shall apply to internees who have been previously sentenced to a punishment depriving them of liberty.

By agreement between the Detaining Power and the Powers concerned, commissions may be set up after the close of hostilities or of the occupation of territories to search for dispersed internees.

SECTION V

Information Bureaux and Central Agency

ARTICLE 123

National Bureaux

Upon the outbreak of a conflict and in all cases of occupation, each of the Parties to the conflict shall institute an official Information Bureau for the protected persons who are in its power.

Within the shortest possible period, each of the Parties to the conflict shall give its Bureau information concerning

¹ The text submitted by the International Committee ran as follows: "No internee may be repatriated, returned to his place of residence or accommodated in a neutral country against his will."

any persons it may have arrested, subjected to assigned residence or interned.

The Bureau shall immediately forward such information by the most rapid means to the Powers of whom the aforesaid persons are nationals, or to the Power in whose territory they resided, through the Protecting Powers, and likewise through the Central Agency provided for in Article 124.

This information shall make it possible quickly to advise the next of kin concerned. The information shall include for each person his or her surname, first name, place and full date of birth, nationality, last domicile, the first name of the father and maiden name of the mother, name and address of the person to be informed, and the address to which correspondence may be sent for the person who is under arrest, in assigned residence or interned.

The Information Bureaux charged with replying to all enquiries about protected persons shall receive from the various departments concerned information respecting transfers, assigned residences, releases, repatriations, escapes, admittances to hospitals and deaths, and shall transmit such information in the manner described in paragraph 3 above.

Likewise, information regarding the state of health of internees who are seriously ill or seriously wounded shall be supplied regularly, every week if possible.

All communications made by the Bureau shall be authenticated by a signature or a seal.

The Information Bureau shall furthermore be charged with collecting all personal valuables left by protected persons designated in this Article, who have been repatriated or released, or who have escaped or died, and shall forward the said valuables to those concerned. Such articles shall be sent by the Bureau in sealed packets.

ARTICLE 124

A Central Information Agency for protected persons, in particular for internees, shall be created in a neutral country. The International Committee of the Red Cross shall, if it deems necessary, propose to the Powers concerned the organization of such an Agency, which may be the same as that provided for in Article 113 of the Convention relative to Prisoners of War.

Central Agency

The function of the Agency shall be to collect all information it may obtain through official or private channels respecting protected persons, and to transmit it by the most rapid means to the countries of origin or of domicile of the persons concerned, *except in cases where such transmissions might be detrimental*

to the persons whom the said information concerns, or to their relatives. It shall receive from the Parties to the conflict all facilities for effecting such transmissions.

The foregoing provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross.

ARTICLE 125

Exemption
from charges

The national Information Bureaux and the Central Information Agency shall enjoy free postage for mail, likewise all the exemptions provided for in Article 100, and further, so far as possible, exemption from telegraphic charges, or at least, greatly reduced rates.

PART IV

EXECUTION OF THE CONVENTION

ARTICLE 126

Control

Representatives or delegates of the Protecting Powers shall have permission to go to all places where protected persons may be, particularly to places of internment and detention.

They shall have access to all premises occupied by protected persons and shall be able to interview the latter without witnesses, personally or through an interpreter.

Such visits may not be prohibited except for reasons of imperative military necessity, and only as an exceptional and temporary measure. Their duration and frequency shall not be limited.

Representatives and delegates shall have full liberty to select the places they wish to visit. The detaining or occupying Power, the Protecting Power and ultimately the Power of origin of the persons to be visited, may agree that compatriots of the internees shall be permitted to participate in the visits.

The delegates of the International Committee of the Red Cross shall enjoy the same prerogatives. The appointment of such delegates shall be submitted to the approval of the Power governing the territories where they will carry out their duties ¹.

¹ The paragraph beginning with the words "The Detaining or Occupying Powers..." has been deleted.

ARTICLE 127

The High Contracting Parties shall endeavour, upon the close of hostilities or occupation, to facilitate the return to their domicile, or the settlement in a new residence of all persons who, as the result of war or occupation, are unable to live under normal conditions at the place where they may be.

Return to
domiciles.
Emigration

The High Contracting Parties shall, in particular, ensure that these persons may be able to travel, if they so desire, to other countries and that they are provided for this purpose with passports or equivalent documents.

ARTICLE 128

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries and, in particular, to incorporate the study thereof in their programmes of civil and military instruction, so that the principles thereof may become known to the whole of the population.

Dissemination
of the
Convention

Any civilian, military, police or other authorities who, in time of war, assume responsibilities in respect of protected persons must possess the text of the Convention, and be specially instructed as to its provisions.

ARTICLE 129

The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

Translations

ARTICLE 130

Within a maximum period of two years, the governments of the High Contracting Parties shall, if their penal laws are inadequate, enact or propose to their legislative assemblies the measures necessary for the repression, in time of war, of all acts contrary to the provisions of the present Convention.

Violation

Each Contracting Party shall be under the obligation to apprehend, regardless of their nationality, the persons accused of acts contrary to the present Convention, and in conformity with its own laws or with the Conventions prohibiting acts that

may be defined as war crimes, to indict such persons before its own tribunals or, *if it prefers*, to hand them over for trial to another Contracting Party.

Final Provisions

ARTICLE 131

Languages The present Convention is established in French and English. Both texts are equally authentic. In case of doubt as to the interpretation of any particular stipulation, the French text shall be considered as authoritative.

ARTICLE 132

Signature The present Convention, which bears the date of this day, is open to signature for a period of six months, that is to say, until the, in the name of the Powers represented at the Conference which opened at on

ARTICLE 133

Ratifications The present Convention shall be ratified as soon as possible. The ratifications shall be deposited at Berne.
A procès-verbal of the deposit of each instrument of ratification shall be drawn up, copy of which, certified to be correct, shall be transmitted by the Swiss Federal Council to the Governments of all countries in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 134

Effect The present Convention shall come into force. after not less than two instruments of ratification have been deposited. Thereafter, it shall come into force for each High Contracting Party after the deposit of the instrument of ratification ¹.

¹ The XVIIth International Red Cross Conference decided to leave to the Diplomatic Conference the care of fixing the periods provided for in this Article, while recommending that they should be as brief as possible. The same remark applies to Article 137.

ARTICLE 135

The present Convention shall replace, in respect of the matters treated therein, the Convention of The Hague relating to the Laws and Customs of War, both as regards that of July 29, 1899, as that of October 18, 1907, in relations between the High Contracting Parties.

Effect on previous Conventions

ARTICLE 136

From the date of its coming into force, the present Convention shall be open to accession duly notified by any Power in whose name this Convention has not been signed.

Accessions

ARTICLE 137

Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect after the date on which they are received.

Notification of accessions

The Swiss Federal Council shall communicate the accessions to the Powers in whose name the Convention has been signed or whose accession has been notified.

ARTICLE 138

The situations provided for in Article 2 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict, before or after the outbreak of hostilities. The Swiss Federal Council shall communicate by the quickest means any ratifications or adhesions received from Parties to the conflict.

Immediate effect

ARTICLE 139

Each of the High Contracting Parties shall be at liberty to denounce the present Convention. The notice of termination shall not take effect until one year after the notification thereof has been made in writing to the Swiss Federal Council. The latter shall communicate such notification to the Governments of all the High Contracting Parties.

Notice of termination

The denunciation shall have effect only in respect of the High Contracting Party which has made notification thereof.

Furthermore, this denunciation shall not take effect during a conflict in which the denouncing Power is involved. In such a case, the present Convention shall continue binding beyond the

period of one year, until the conclusion of peace, and in any case until the operations connected with the release and repatriation of the persons protected by the present Convention are terminated. *Lastly, the denunciation shall in no way impair the other obligations, even if similar, by which the denouncing Party is bound under any other rules of international law.*

ARTICLE 140

Transmission
to the
United Nations

*The present Convention shall be forwarded by the Swiss Federal Council to the United Nations Organization, for the purpose of registration*¹. Similarly, ratifications, accessions and notices of termination which are notified to the Swiss Federal Council shall be communicated by them to the United Nations Organization.

Reservations

On the occasion of the XVIIth International Red Cross Conference, reservations were recorded in respect of the following Articles :

GOVERNMENT OF DENMARK :	Articles 3, 25, 29 and 89.
GOVERNMENT OF NORWAY :	Articles 41, 47, 57, 60, 88 and 130.
GOVERNMENT OF TURKEY :	Article 100.
GOVERNMENT OF THE UNITED STATES :	Articles 18, 55 and 80

¹ The words " A certified copy of the present Convention shall be deposited in the archives of the United Nations " have been deleted.

ANNEX A

DRAFT AGREEMENT RELATING TO HOSPITAL AND SAFETY ZONES AND LOCALITIES ¹

ARTICLE 1

Hospital and safety zones shall be strictly reserved for the persons designated in Article 18 of the Geneva Convention relating to the sick and wounded, and in Article 12 of the Convention relating to the protection of civilians.

Persons benefited

Notwithstanding, persons whose permanent domicile lies within the zone thus created shall have the right to remain there.

ARTICLE 2

Persons residing, in whatever capacity, in a hospital or safety zone shall perform no work, either within or without the zone, which is directly connected with military operations of the production of war material.

Prohibited labour

ARTICLE 3

The Power creating a hospital or safety zone shall take all necessary measures to prohibit access to persons who have no right of entry or of residence therein by virtue of Articles 1 and 2 of the present Agreement.

Prohibition
of access

ARTICLE 4

The said hospital and safety zones shall fulfil the following conditions :

Conditions

(a) They shall not constitute more than a small area of the territory governed by the Power on which they depend.

(b) They shall be thinly populated in relation to the opportunities of accommodation.

(c) They shall be removed and free from all military objectives, or large industrial or administrative establishments.

(d) They shall not be located in areas which, according to every probability, may become important for the conduct of the war.

¹ Annexes A and B were not discussed by the Conference, owing to lack of time.

ARTICLE 5

Obligations They shall be subject to the following obligations :

(a) The lines of communication and means of transport which they possess shall not be used for the transportation of military personnel or material.

(b) They shall in no circumstance be defended by any military means.

ARTICLE 6

Marking They shall be marked by means of oblique red bands on a white ground, placed on the buildings and outer precincts.

They may be similarly marked at night by means of appropriate illumination.

Zones reserved exclusively for the wounded and sick may be marked by means of the Red Cross emblem.

ARTICLE 7

Notification and opposition Every Power shall communicate to all the Contracting Powers, not later than on the outbreak of hostilities, a list of the hospital and safety zones in the territories it may govern. It shall also give notice of any new zones created during hostilities.

As soon as the adverse party has received the above notification, the zone shall be regularly constituted.

If the adverse Party deems that the conditions of the present agreement have not been fulfilled, it may refuse to recognize the zone, by giving immediate notice of its refusal to the Party responsible for the said zone.

ARTICLE 8

Supervision Any Power which has recognized one or more hospital or safety zones created by the adversary shall be entitled to request the Power protecting its interests, to ascertain if the said zones fulfil the conditions and obligations stipulated in the present Agreement.

To this effect, the representatives of the Protecting Power shall at all times have free access to the various zones, and all facilities shall be given them to exercise their control duties.

ARTICLE 9

If the Protecting Powers ascertain any facts which they deem contrary to the provisions of the present Agreement, they shall at once draw the attention of the Power governing the zone thereto, and shall grant it a period of five days to regulate the matter. They shall duly notify the Power whose interests they protect.

Sanctions

If, on expiration of the said period, the Power governing the zone has not complied with the above warning, the adverse Party may declare that it is no longer bound by the present Agreement in respect of the said zone.

ARTICLE 10

In no circumstances may hospital or safety zones be attacked ; they shall be protected and respected at any time by the Parties to the conflict.

Respect of zones

Enemy forces reaching their outskirts may nevertheless cross the zones without halting therein.

ARTICLE 11

If a territory is occupied, the hospital and safety zones therein shall continue to be respected and utilized as such.

Occupation

Their use may, however, be modified by the occupying Power, on condition that all measures are taken to ensure the security of the persons they accommodate.

ARTICLE 12

The present Agreement also applies to localities which the Powers may assign to the same purpose as hospital and safety zones.

Localities

ANNEX B

DRAFT REGULATIONS CONCERNING COLLECTIVE RELIEF

ARTICLE I

The internee committees shall have permission to distribute collective relief shipments for which they are responsible, to all internees who are, administratively speaking, dependent on the said committees' place of internment, including those internees who are in hospital, in prison or in other penitentiary establishments.

ARTICLE 2

The distribution of collective relief shipments shall be effected in conformity with the instructions of the donors and with the plan drawn up by the internee committees. The distribution of medical stores shall, however, be made preferably in agreement with the senior medical officers, and the latter may, in hospitals and infirmaries, override the said instructions, in so far as the needs of their patients demand. Within the limits thus defined, distribution shall always be made equitably.

ARTICLE 3

To enable members of internee committees to check the quality and quantity of the goods received and to make detailed reports thereupon for the donors, the said committee members shall have permission to proceed to the railway stations or other places of arrival near their places of internment, where the shipments of collective supplies reach them.

ARTICLE 4

Internee committees shall be given the necessary opportunities of verifying whether the distribution of collective relief supplies in all subdivisions and annexes of their places of internment has been made in conformity with their instructions.

ARTICLE 5

Internee committees shall be permitted to fill up, and to have filled up by the internee committees of labour detachments or by the senior medical officers of infirmaries and hospitals, forms or questionnaires intended for the donors, relating to collective relief supplies (distribution, requirements, quantities, etc.):

ARTICLE 6

In order to ensure the regular distribution of collective relief supplies to the internees of their place of internment, and eventually to meet the needs which may arise through the arrival of fresh parties of internees, the internee committees shall be permitted to create and maintain sufficient reserve stocks of collective relief supplies. For that purpose, they shall have adequate warehouses ; each warehouse shall be provided with two locks, the internee committee to hold the keys of one lock, and the commandant of the place of internment the keys of the other.

ARTICLE 7

The High Contracting Parties and the Detaining Powers in particular shall, so far as in any way possible and subject to the regulations governing the food supply of the population, allow purchases of goods to be made in their territories, for the distribution of collective relief supplies to the internees. They shall likewise facilitate the transfers of funds and any other financial measures of a technical and administrative nature which are taken for the purpose of making such purchases.

ARTICLE 8

The above provisions constitute no obstacle to the right of internees to receive collective relief before their arrival in a place of internment, or during their transfer. Furthermore, the said provisions shall not be a hindrance to any opportunity for the representatives of the Protecting Power, the International Committee of the Red Cross, or any other body giving assistance to internees which may be responsible for the forwarding of such supplies, to ensure the distribution to the recipients by any other means they may deem suitable.

TABLE OF CONTENTS

	Pages
INTRODUCTION	5
REVISION OF THE GENEVA CONVENTION OF JULY 27, 1929, FOR THE RELIEF OF THE WOUNDED AND SICK IN ARMIES IN THE FIELD	
Chapter I. — General Provisions	9
Chapter II. — Wounded and Sick	12
Chapter III. — Medical Units and Establishments	15
Chapter IV. — Personnel	17
Chapter V. — Buildings and Material	19
Chapter VI. — Medical Transports	20
Chapter VII. — The Distinctive Emblem	22
Chapter VIII. — Execution of the Convention	24
Chapter IX. — Repression of Abuses and Infractions	25
Final Provisions	27
RESERVATIONS	29
STIPULATIONS FOR INSERTION IN THE FINAL ACT OF THE FUTURE DIPLOMATIC CONFERENCE	30
REVISION OF THE TENTH HAGUE CONVENTION OF OCTOBER 18, 1907, FOR THE ADAPTATION TO MARITIME WARFARE OF THE PRINCIPLES OF THE GENEVA CONVEN- TION OF 1906.	
Chapter I. — General Provisions	31
Chapter II. — Wounded, Sick and Shipwrecked	35
Chapter III. — Hospital Ships	38
Chapter IV. — Personnel	41
Chapter V. — Material	42
Chapter VI. — Medical Transports	43
Chapter VII. — The Distinctive Emblem	44

	Pages
Chapter VIII. — Execution of the Convention	46
Chapter IX. — Repression of Abuses and Infractions	47
Final Provisions	48

REVISION OF THE CONVENTION CONCLUDED AT GENEVA ON JULY 27, 1929, RELATIVE TO THE TREATMENT OF PRISONERS OF WAR	51
--	----

PART I

General Provisions	51
------------------------------	----

PART II

General Protection of Prisoners of War	56
--	----

PART III

Captivity	57
Section I. — Beginning of Captivity	57
Section II. — Internment of Prisoners of War	59
Chapter 1. — General Observations	59
Chapter 2. — Quarters, Food and Clothing of Prisoners of War	61
Chapter 3. — Hygiene and Medical Attention	63
Chapter 4. — Religion, Intellectual and Physical Activities	64
Chapter 5. — Discipline	66
Chapter 6. — Rank of Prisoners of War	67
Chapter 7. — Transfer of Prisoners of War after their arrival in camp	67
Section III. — Labour of Prisoners of War	69
Section IV. — Financial Resources of Prisoners of War	71
Section V. — External Relations of Prisoners of War	75
Section VI. — Relations of Prisoners of War with the Authorities	79
Chapter 1. — Complaints of Prisoners of War respecting the conditions of captivity	79
Chapter 2. — Representatives of Prisoners of War	80
Chapter 3. — Penal and Disciplinary Sanctions	81
I. General Provisions	81
II. Disciplinary Punishments	83
III. Judicial Proceedings	87

	Pages
PART IV	
Termination of Captivity.	91
Section I. — Direct Repatriation and Accommodation in a Neutral Country	91
Section II. — Release and Repatriation upon cessation of hostilities	94
Section III. — Death of Prisoners of War	95
PART V	
Information Bureaux and Relief Societies for Prisoners of War	96
PART VI	
Execution of the Convention	98
Section I. — General Provisions	98
Section II. — Final Provisions	100
RESERVATIONS	102
ANNEX I	
DRAFT MODEL AGREEMENT CONCERNING DIRECT REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES OF WOUNDED AND SICK PRISONERS OF WAR	103
I. — Principles for Direct Repatriation and Accommodation in Neutral Countries	103
A. Direct Repatriation.	103
B. Accommodation in Neutral Countries	106
II. — General Observations	107
ANNEX II	
DRAFT REGULATIONS CONCERNING MIXED MEDICAL COMMISSIONS	108
ANNEX III	
DRAFT REGULATIONS CONCERNING COLLECTIVE RELIEF	110
CONVENTION FOR THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR	
	113
PREAMBLE	113
PART I	
General Provisions	114
PART II	
General Protection of Populations against certain Consequences of War	117

PART III

Status and Treatment of Protected Persons	122
Section I. — Provisions common to the Territories of the Parties to the conflict, and to Occupied Territories	122
Section II. — Aliens in the Territory of a Party to the conflict	124
Section III. — Occupied Territories	127
Section IV. — Regulations for the Treatment of Internees .	135
Chapter 1. — General Provisions	135
Chapter 2. — Places of Internment	136
Chapter 3. — Food and Clothing	137
Chapter 4. — Hygiene and Medical Attention	138
Chapter 5. — Religion, Intellectual and Physical Activities	139
Chapter 6. — Personal Property and Financial Resources	141
Chapter 7. — Administration and Discipline	143
Chapter 8. — Relations with the Exterior	145
Chapter 9. — Penal and Disciplinary Sanctions	150
Chapter 10. — Transfers of Internees	153
Chapter 11. — Deaths	154
Chapter 12. — Release, Repatriation and Accom- modation in Neutral Countries	155
Section V. — Information Bureaux and Central Agency . .	156

PART IV

Execution of the Convention	158
Final Provisions	160
RESERVATIONS	162

ANNEX A

DRAFT AGREEMENT RELATING TO HOSPITAL AND SAFETY ZONES AND LOCALITIES	163
---	-----

ANNEX B

DRAFT REGULATIONS CONCERNING COLLECTIVE RELIEF	166
--	-----

IMPRIMERIE DU JOURNAL DE GENÈVE

JX 5136 .A43 1948 c.1
ICRC.
Revised and New Draft
Conventions...(1948)
LEVIE COLLECTION

**The Judge Advocate General's
Legal Center and School**

United States Army

600 Massie Road

Charlottesville, VA 22903-1781

DEMCO

U.S. Army JAG School Library



005143