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FINAL RECORD  
OF THE  
DIPLOMATIC CONFERENCE OF GENEVA  
OF 1949

VOL. I



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70042

*Diplomatic Conference for the Establishment of International  
"Conventions for the Protection of Victims of War,"  
Geneva, 1949.*

# FINAL RECORD

OF THE

DIPLOMATIC CONFERENCE OF GENEVA

OF 1949

VOL. I



# FINAL RECORD

OF THE

DIPLOMATIC CONFERENCE

CONVENED BY THE

SWISS FEDERAL COUNCIL

FOR THE ESTABLISHMENT

OF INTERNATIONAL CONVENTIONS

FOR THE PROTECTION OF WAR VICTIMS

AND HELD AT GENEVA

FROM APRIL 21st TO AUGUST 12th, 1949



## REVISION OF

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

THE HAGUE CONVENTION OF OCTOBER 18th, 1907,  
FOR THE ADAPTATION TO MARITIME WARFARE  
OF THE PRINCIPLES OF THE GENEVA CONVENTION  
OF JULY 6th, 1906

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

\*

## THE ESTABLISHMENT

OF A CONVENTION FOR THE PROTECTION OF CIVILIAN  
PERSONS IN TIME OF WAR

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PART I



I

TEXT OF THE GENEVA CONVENTIONS OF 1929  
AND OF THE Xth HAGUE CONVENTION OF 1907 WITH LISTS OF  
PARTICIPATING STATES



(a) GENEVA CONVENTION OF JULY 27th, 1929, FOR THE RELIEF OF THE  
WOUNDED AND SICK IN ARMIES IN THE FIELD

CHAPTER I

WOUNDED AND SICK

ARTICLE 1. — Officers and soldiers and other persons officially attached to the armed forces who are wounded or sick shall be respected and protected in all circumstances; they shall be treated with humanity and cared for medically, without distinction of nationality, by the belligerent in whose power they may be.

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

ARTICLE 2. — Except as regards the treatment to be provided for them in virtue of the preceding article, the wounded and sick of an army who fall into the hands of the enemy shall be prisoners of war, and the general provisions of international law concerning prisoners of war shall be applicable to them.

Belligerents shall, however, be free to prescribe, for the benefit of wounded or sick prisoners, such arrangements as they may think fit beyond the limits of the existing obligations.

ARTICLE 3. — After each engagement the occupant of the field of battle shall take measures to search for the wounded and dead, and to protect them against pillage and maltreatment.

Whenever circumstances permit, a local armistice or a suspension of fire shall be arranged to permit the removal of the wounded remaining between the lines.

ARTICLE 4. — Belligerents shall communicate to each other reciprocally, as soon as possible, the names of the wounded, sick and dead, collected or discovered, together with any indications which may assist in their identification.

They shall establish and transmit to each other the certificates of death.

They shall likewise collect and transmit to each other all articles of a personal nature found on the field of battle or on the dead, especially one half of their identity discs, the other half to remain attached to the body.

They shall ensure that the burial or cremation of the dead 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, that their graves are respected and marked so that they may always be found.

To this end, at the commencement of hostilities, they shall organize officially a graves registration service, to render eventual exhumations possible and to ensure the identification of bodies whatever may be the subsequent site of the grave.

After the cessation of hostilities they shall exchange the list of graves and of dead interred in their cemeteries and elsewhere.

ARTICLE 5. — The military authorities may appeal to the charitable zeal of the inhabitants to collect and afford medical assistance, under their direction, to the wounded or sick of armies, and may accord to persons who have responded to this appeal special protection and certain facilities.

## CHAPTER II

### MEDICAL FORMATIONS AND ESTABLISHMENTS

ARTICLE 6. — Mobile medical formations, that is to say, those which are intended to accompany armies in the field, and the fixed establishments of the medical service shall be respected and protected by the belligerents.

ARTICLE 7. — The protection to which medical formations and establishments are entitled shall cease if they are made use of to commit acts harmful to the enemy.

ARTICLE 8. — The following conditions are not considered to be of such a nature as to deprive a medical formation or establishment of the protection guaranteed by article 6 :

- (1) that the personnel of the formation or establishment is armed, and that they use the arms in their own defence or in that of the sick and wounded in charge;
- (2) that in the absence of armed orderlies the formation or establishment is protected by a piquet or by sentries;
- (3) that small arms and ammunition taken from the wounded and sick, which have not yet been transferred to the proper service, are found in the formation or establishment;
- (4) that personnel and material of the veterinary service are found in the formation or establishment, without forming an integral part of the same.

## CHAPTER III

### PERSONNEL

ARTICLE 9. — The personnel engaged exclusively in the collection, transport and treatment of the wounded and sick, and in the administration of medical formations and establishments, and chaplains attached to armies, shall be respected and protected under all circumstances. If they fall into the hands of the enemy they shall not be treated as prisoners of war.

Soldiers specially trained to be employed, in case of necessity, as auxiliary nurses or stretcher-bearers for the collection, transport and treatment of the wounded and sick, and furnished with a proof of identity, shall enjoy the same treatment as the permanent medical personnel if they are taken prisoners while carrying out these functions.

ARTICLE 10. — The personnel of Voluntary Aid Societies, duly recognized and authorized by their Government, who may be employed on the same duties as those of the personnel mentioned in the first paragraph of article 9, are placed on the same footing as the personnel contemplated in that paragraph, provided that the personnel of such societies are subject to military law and regulations.

Each High Contracting Party shall notify to the other, either in time of peace or at the commencement of or during the course of hostilities, but in every 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 11. — A recognized society of a neutral country can only afford the assistance of its medical personnel and formations to a belligerent with the previous consent of its own Government and the authorization of the belligerent concerned.

The belligerent who accepts such assistance is bound to notify the enemy thereof before making any use of it.

ARTICLE 12. — The persons designated in articles 9, 10 and 11 may not be retained after they have fallen into the hands of the enemy.

In the absence of an agreement to the contrary, they shall be sent back to the belligerent to which they belong as soon as a route for their return shall be open and military considerations permit.

Pending their return they shall continue to carry out their duties under the direction of the enemy; they shall preferably be engaged in the care of the wounded and sick of the belligerent to which they belong.

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

ARTICLE 13. — Belligerents shall secure to the personnel mentioned in articles 9, 10 and 11, while in their hands, the same food, the same lodging, the same allowances and the same pay as are granted to the corresponding personnel of their own armed forces.

At the outbreak of hostilities the belligerents will notify one another of the grades of their respective medical personnel.

## CHAPTER IV

### BUILDINGS AND MATERIAL

ARTICLE 14. — Mobile medical formations, of whatsoever kind, shall retain, if they fall into the hands of the enemy, their equipment and stores, their means of transport and the drivers employed.

Nevertheless, the competent military authority shall be free to use the equipment and stores for the care of the wounded and sick; it shall be restored under the conditions laid down for the medical personnel, and as far as possible at the same time.

ARTICLE 15. — The buildings and material of the fixed medical establishments of the army shall be subject to the laws of war, but may not be diverted from their purpose as long as they are necessary for the wounded and the sick.

Nevertheless, the commanders of troops in the field may make use of them, in case of urgent military necessity, provided that they make previous arrangements for the welfare of the wounded and sick who are being treated therein.

ARTICLE 16. — The buildings of aid societies which are admitted to the privileges of the Convention shall be regarded as private property.

The material of these societies, wherever it may be, shall similarly be considered as private property.

The right of requisition recognized for belligerents by the laws and customs of war, shall only be exercised in case of urgent necessity and only after the welfare of the wounded and sick has been secured.

## CHAPTER V

### MEDICAL TRANSPORT

ARTICLE 17. — Vehicles equipped for the evacuation of wounded and sick, proceeding singly or in convoy, shall be treated as mobile medical formations, subject to the following special provisions:

A belligerent intercepting vehicles of medical transport, singly or in convoy, may, if military exigencies demand, stop them, and break up the convoy, provided he takes charge in every case of the wounded and sick who are in it. He can only use the vehicles in the sector where they have been intercepted, and exclusively for medical requirements. These vehicles, as soon as they are no longer required for local use, shall be given up in accordance with the conditions laid down in article 14.

The military personnel in charge of the transport and furnished for this purpose with authority in due form, shall be sent back in accordance with the conditions prescribed in article 12 for medical personnel, subject to the condition of the last paragraph of article 18.

All means of transport specially organized for evacuation and the material used in equipping these means of transport belonging to the medical service shall be restored in accordance with the provisions of Chapter IV. Military means of transport other than those of the medical service may be captured, with their teams.

The civilian personnel and all means of transport obtained by requisition shall be subject to the general rules of international law.

ARTICLE 18. — Aircraft used as means of medical transport shall enjoy the protection of the Convention during the period in which they are reserved exclusively for the evacuation of wounded and sick and the transport of medical personnel and material.

They shall be painted white and shall bear, clearly marked, the distinctive emblem prescribed in article 19, side by side with their national colours, on their lower and upper surfaces.

In the absence of special and express permission, flying over the firing line, and over the zone situated in front of clearing or dressing stations, and generally over all enemy territory or territory occupied by the enemy, is prohibited.

Medical aircraft shall obey every summons to land.

In the event of a landing thus imposed, or of an involuntary landing in enemy territory or territory occupied by the enemy, the wounded and sick, as well as the medical personnel and material, including the aircraft, shall enjoy the privileges of the present Convention.

The pilot, mechanics and wireless telegraph operators captured shall be sent back, on condition that they shall be employed until the close of hostilities in the medical service only.

## CHAPTER VI

### THE DISTINCTIVE EMBLEM

ARTICLE 19. — 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 as a distinctive sign, these emblems are also recognized by the terms of the present Convention.

ARTICLE 20. — The emblem shall figure on the flags, armlets, and on all material belonging to the medical service, with the permission of the competent military authority.

ARTICLE 21. — The personnel protected in pursuance of articles 9 (paragraph 1), 10 and 11, shall wear, affixed to the left arm, an armlet bearing the distinctive sign, issued and stamped by a military authority.

The personnel mentioned in article 9, paragraphs 1 and 2, shall be provided with a certificate of identity, consisting either of an entry in their small book (paybook) or a special document.

The persons mentioned in articles 10 and 11 who have no military uniform shall be furnished by the competent military authority with a certificate of identity, with photograph, certifying their status as medical personnel.

The certificates of identity shall be uniform and of the same pattern in each army.

In no case may the medical personnel be deprived of their armlets or the certificates of identity belonging to them.

In case of loss they have the right to obtain duplicates.

ARTICLE 22. — The distinctive flag of the Convention shall be hoisted only over such medical formations and establishments as are entitled to be respected under the Convention, and with the consent of the military authorities. In fixed establishments it shall be, and in mobile formations it may be, accompanied by the national flag of the belligerent to whom the formation or establishment belongs.

Nevertheless, medical formations which have fallen into the hands of the enemy, so long as they are in that situation, shall not fly any other flag than that of the Convention.

Belligerents shall take the necessary steps, so far as military exigencies permit, to make clearly visible to the enemy forces, whether land, air, or sea, the distinctive emblems indicating medical formations and establishments, in order to avoid the possibility of any offensive action.

ARTICLE 23. — The medical units belonging to neutral countries which shall have been authorized to lend their services under the conditions laid down in article 11, shall fly, along with the flag of the Convention, the national flag of the belligerent to whose army they are attached.

They shall also have the right, so long as they shall lend their services to a belligerent, to fly their national flag.

The provisions of the second paragraph of the preceding article are applicable to them.

ARTICLE 24. — The emblem of the red cross on a white ground and the words " Red Cross " or " Geneva Cross " shall not be used, either in time of peace or in time of war, except to protect

or to indicate the medical formations and establishments and the personnel and material protected by the Convention.

The same shall apply, as regards the emblems mentioned in article 19, paragraph 2, in respect of the countries which use them.

The Voluntary Aid Societies mentioned in article 10, may, in accordance with their national legislation, use the distinctive emblem in connexion with their humanitarian activities in time of peace.

As an exceptional measure, and with the express authority of one of the national societies of the Red Cross (Red Crescent, Red Lion and Sun), use may be made of the emblem of the Convention in time of peace to mark the position of aid stations exclusively reserved for the purpose of giving free treatment to the wounded or the sick.

## CHAPTER VII

### APPLICATION AND EXECUTION OF THE CONVENTION

ARTICLE 25. — The provisions of the present Convention shall be respected by the High Contracting Parties in all circumstances. If, in time of war, a belligerent is not a party to the Convention, its provisions shall, nevertheless, be binding as between all the belligerents who are parties thereto.

ARTICLE 26. — The Commanders-in-Chief of belligerent armies shall arrange the details for carrying out the preceding articles, as well as for cases not provided for, in accordance with the instructions of their respective Governments and in conformity with the general principles of the present Convention.

ARTICLE 27. — The High Contracting Parties shall take the necessary steps to instruct their troops, and in particular the personnel protected, in the provisions of the present Convention, and to bring them to the notice of the civil population.

## CHAPTER VIII

### SUPPRESSION OF ABUSES AND INFRACTIONS

ARTICLE 28. — The Governments of the High Contracting Parties whose legislation is not at present adequate for the purpose, shall adopt or propose to their legislatures the measures necessary to prevent at all times:

- (a) the use of the emblem or designation "Red Cross" or "Geneva Cross" by private individuals or associations, firms or companies, other than those entitled thereto under the present Convention, as well as the use of any sign or designation constituting an imitation, for commercial or any other purposes;
- (b) by reason of the compliment paid to Switzerland by the adoption of the reversed Federal colours, the use by private individuals or associations, firms or companies of the arms of the Swiss Confederation, or marks constituting an imitation, whether as trade-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 prohibition indicated in (a) of the use of marks or designations constituting an imitation of the emblem or designation of "Red Cross" or "Geneva Cross", as well as the prohibition in (b) of the use of the arms of the Swiss Confederation or marks constituting an imitation, shall take effect as from the date fixed by each legislature, and not later than five years after the coming into force of the present Convention. From the date of such coming into force, it shall no longer be lawful to adopt a trade-mark in contravention of these rules.

ARTICLE 29. — The Governments of the High Contracting Parties shall also propose to their legislatures, should their penal laws be inadequate, the necessary measures for the repression in time of war, of any act contrary to the provisions of the present Convention.

They shall communicate to one another, through the Swiss Federal Council, the provisions relative to such repression not later than five years from the ratification of the present Convention.

ARTICLE 30. — On the request of a belligerent, an enquiry shall be instituted, in a manner to be decided between the interested parties, concerning any alleged violation of the Convention; when such violation has been established the belligerents shall put an end to and repress it as promptly as possible.

## FINAL PROVISIONS

ARTICLE 31. — The present Convention, which shall bear this day's date, may be signed, up to the 1st February, 1930, on behalf of all the countries represented at the Conference which opened at Geneva on the 1st July, 1929, as well as by countries not represented at that Conference but which were parties to the Geneva Conventions of 1864 and 1906.

ARTICLE 32. — 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, one copy of which, certified to be correct, shall be transmitted by the Swiss Federal Council to the Governments of all countries on whose behalf the Convention has been signed, or whose accession has been notified.

ARTICLE 33. — The present Convention shall come into force six months after not less than two instruments of ratification have been deposited.

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

ARTICLE 34. — The present Convention shall replace the Conventions of the 22nd August, 1864, and the 6th July, 1906, in relations between the High Contracting Parties.

ARTICLE 35. — From the date of its coming into force, the present Convention shall be open to accession duly notified on behalf of any country on whose behalf this Convention has not been signed.

ARTICLE 36. — Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.

The Swiss Federal Council shall communicate the accessions to the Governments of all the countries on whose behalf the Convention has been signed or whose accession has been notified.

ARTICLE 37. — A state of war shall give immediate effect to ratifications deposited and accessions notified by the belligerent Powers before or after the outbreak of hostilities. The communication of ratifications or accessions received from Powers in a state of war shall be made by the Swiss Federal Council by the quickest method.

ARTICLE 38. — Each of the High Contracting Parties shall be at liberty to denounce the present Convention. The denunciation shall not take effect until one year after the notification thereof in writing has been made to the Swiss Federal Council. The latter shall communicate such notification to the Governments of all the High Contracting Parties.

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

Moreover, this denunciation shall not take effect during a war 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.

ARTICLE 39. — A certified copy of the present Convention shall be deposited in the Archives of the League of Nations by the Swiss Federal Council. Similarly, ratifications, accessions and denunciations which shall be notified to the Swiss Federal Council shall be communicated by them to the League of Nations.

LIST OF STATES PARTIES TO THE GENEVA CONVENTION OF JULY 27th, 1929,  
FOR THE RELIEF OF THE WOUNDED AND SICK IN ARMIES IN THE FIELD

ARGENTINA  
AUSTRALIA  
AUSTRIA  
BELGIUM  
BOLIVIA  
BRAZIL  
BULGARIA  
BURMA  
CANADA  
CHILE  
CHINA  
CZECHOSLOVAKIA  
DENMARK  
EGYPT  
EL SALVADOR  
ESTHONIA  
ETHIOPIA  
FINLAND  
FRANCE  
GERMANY  
GREAT BRITAIN  
GREECE  
HUNGARY  
ICELAND  
INDIA  
IRAQ  
ISRAEL  
ITALY

JAPAN  
JUGOSLAVIA  
LATVIA  
LEBANON  
LIECHTENSTEIN  
LITHUANIA  
MEXICO  
MONACO  
NETHERLANDS  
NEW ZEALAND  
NORWAY  
PAKISTAN  
PERU  
PHILIPPINES  
POLAND  
PORTUGAL  
RUMANIA  
SIAM  
SPAIN  
SWEDEN  
SWITZERLAND  
SYRIA  
TRANSJORDANIA  
TURKEY  
UNION OF SOUTH AFRICA  
UNION OF SOVIET SOCIALIST REPUBLICS  
UNITED STATES OF AMERICA  
VENEZUELA

(b) HAGUE CONVENTION OF OCTOBER 18th, 1907, FOR THE ADAPTATION TO MARITIME WARFARE OF THE PRINCIPLES OF THE GENEVA CONVENTION OF JULY 6th, 1906

ARTICLE 1. — Military hospital ships, that is to say, ships constructed or assigned by States specially and solely with a view to assisting the wounded, sick, and shipwrecked, the names of which have been communicated to the belligerent Powers at the commencement or during the course of hostilities, and in any case before they are employed, shall be respected, and can not be captured while hostilities last.

These ships, moreover, are not on the same footing as warships as regards their stay in a neutral port.

ARTICLE 2. — Hospital ships, equipped wholly or in part at the expense of private individuals or officially recognized relief societies, shall be likewise respected and exempt from capture, if the belligerent Power to whom they belong has given them an official commission and has notified their names to the hostile Power at the commencement of or during hostilities, and in any case before they are employed.

These ships must be provided with a certificate from the competent authorities declaring that the vessels have been under their control while fitting out and on their final departure.

ARTICLE 3. — Hospital ships, equipped wholly or in part at the expense of private individuals or officially recognized societies of neutral countries, shall be respected and exempt from capture, on condition that they are placed under the control of one of the belligerents, with the previous consent of their own Government and with the authorization of the belligerent himself, and that the latter has notified their names to his adversary at the commencement of or during hostilities, and in any case, before they are employed.

ARTICLE 4. — The ships mentioned in Articles 1, 2, and 3 shall afford relief and assistance to the wounded, sick, and shipwrecked of the belligerents without distinction of nationality.

The Governments undertake not to use the ships for any military purpose.

These vessels must in no wise hamper the movements of the combatants.

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

The belligerents shall have the right to control and search them; they can refuse to help them, order them off, make them take a certain course, and put a commissioner on board; they can even detain them, if important circumstances require it.

As far as possible, the belligerents shall enter in the log of the hospital ships the orders which they give them.

ARTICLE 5. — Military hospital ships shall be distinguished by being painted white outside with a horizontal band of green about a meter and a half in breadth.

The ships mentioned in Articles 2 and 3 shall be distinguished by being painted white outside with a horizontal band of red about a meter and a half in breadth.

The boats of the ships above mentioned, as also small craft which may be used for hospital work, shall be distinguished by similar painting.

All hospital ships shall make themselves known by hoisting, with their national flag, the white flag with a red cross provided by the Geneva Convention, and further, if they belong to a neutral State, by flying at the mainmast the national flag of the belligerent under whose control they are placed.

Hospital ships which, in the terms of Article 4, are detained by the enemy must haul down the national flag of the belligerent to whom they belong.

The ships and boats above mentioned which wish to ensure by night the freedom from interference to which they are entitled, must, subject to the assent of the belligerent they are accompanying, take the necessary measures to render their special painting sufficiently plain.

ARTICLE 6. — The distinguishing signs referred to in Article 5 can only be used, whether in time of peace or war, for protecting or indicating the ships therein mentioned.

ARTICLE 7. — In the case of a fight on board a warship, the sick wards shall be respected and spared as far as possible.

The said sick wards and the *matériel* belonging to them remain subject to the laws of war; they cannot, however, be used for any purpose other than that for which they were originally intended, so long as they are required for the sick and wounded.

The commander, however, into whose power they have fallen may apply them to other purposes, if the military situation requires it, after seeing that the sick and wounded on board are properly provided for.

ARTICLE 8. — Hospital ships and sick wards of vessels are no longer entitled to protection if they are employed for the purpose of injuring the enemy.

The fact of the staff of the said ships and sick wards being armed for maintaining order and for defending the sick and wounded, and the presence of wireless telegraphy apparatus on board, is not a sufficient reason for withdrawing protection.

ARTICLE 9. — Belligerents may appeal to the charity of the commanders of neutral merchant ships, yachts, or boats to take on board and tend the sick and wounded.

Vessels responding to this appeal, and also vessels which have of their own accord rescued sick, wounded, or shipwrecked men, shall enjoy special protection and certain immunities. In no case can they be captured for having such persons on board, but, apart from special undertakings that have been made to them, they remain liable to capture for any violations of neutrality they may have committed.

ARTICLE 10. — The religious, medical, and hospital staff of any captured ship is inviolable, and its members cannot be made prisoners of war. On leaving the ship they take away with them the objects and surgical instruments which are their own private property.

This staff shall continue to discharge its duties while necessary, and can afterwards leave, when the Commander-in-Chief considers it possible.

The belligerents must guarantee to the said staff, when it has fallen into their hands, the same allowances and pay which are given to the staff of corresponding rank in their own navy.

ARTICLE 11. — Sailors and soldiers on board, when sick or wounded, as well as other persons officially attached to fleets or armies, whatever their nationality, shall be respected and tended by the captors.

ARTICLE 12. — Any war-ship belonging to a belligerent may demand that sick, wounded, or shipwrecked men on board military hospital ships, hospital ships belonging to relief societies or to private individuals, merchant ships, yachts, or boats, whatever the nationality of these vessels, should be handed over.

ARTICLE 13. — If sick, wounded, or shipwrecked persons are taken on board a neutral war-ship, every possible precaution must be taken that they do not again take part in the operations of the war.

ARTICLE 14. — The shipwrecked, wounded, or sick of one of the belligerents who fall into the power of the other belligerent are prisoners of war. The captor must decide, according to circumstances, whether to keep them, send them to a port of his own country, to a neutral port, or even to an enemy port. In this last case, prisoners thus repatriated cannot serve again while the war lasts.

ARTICLE 15. — The shipwrecked, sick, or wounded, who are landed at a neutral port with the consent of the local authorities, must, unless an arrangement is made to the contrary between the neutral State and the belligerent States, be guarded by the neutral State so as to prevent them again taking part in the operations of the war.

The expenses of tending them in hospital and interning them shall be borne by the State to which the shipwrecked, sick, or wounded persons belong.

ARTICLE 16. — After every engagement, the two belligerents, so far as military interests permit, shall take steps to look for the shipwrecked, sick, and wounded, and to protect them, as well as the dead, against pillage and ill-treatment.

They shall see that the burial, whether by land or sea, or cremation of the dead shall be preceded by a careful examination of the corpse.

ARTICLE 17. — Each belligerent shall send, as early as possible, to the authorities of their country, navy, or army the military marks or documents of identity found on the dead and the description of the sick and wounded picked up by him.

The belligerents shall keep each other informed as to internments and transfers as well as to the admissions into hospital and deaths which have occurred among the sick and wounded in their hands. They shall collect all the objects of personal use, valuables, letters, etc., which are found in the captured ships, or which have been left by the sick or wounded who died in hospital, in order to have them forwarded to the persons concerned by the authorities of their own country.

ARTICLE 18. — The provisions of the present Convention do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE 19. — The Commanders-in-Chief of the belligerent fleets must see that the above articles are properly carried out; they will have also to see to cases not covered thereby, in accordance with the instructions of their respective Governments and in conformity with the general principles of the present Convention.

ARTICLE 20. — The signatory Powers shall take the necessary measures for bringing the provisions of the present Convention to the knowledge of their naval forces, and especially of the members entitled thereunder to immunity, and for making them known to the public.

ARTICLE 21. — The signatory Powers likewise undertake to enact or to propose to their Legislatures, if their criminal laws are inadequate, the measures necessary for checking in time of war individual acts of pillage and ill-treatment in respect to the sick and wounded in the fleet, as well as for punishing, as an unjustifiable adoption of naval or military marks, the unauthorized use of the distinctive marks mentioned in Article 5 by vessels not protected by the present Convention.

They will communicate to each other, through the Netherland Government, the enactments for preventing such acts at the latest within five years of the ratification of the present Convention.

ARTICLE 22. — In the case of operations of war between the land and sea forces of belligerents, the provisions of the present Convention do not apply except between the forces actually on board ship.

ARTICLE 23. — The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the Powers taking part therein and by the Netherland Minister for Foreign Affairs.

Subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of instruments of ratification, shall be at once sent by the Netherland Government through the diplomatic channel to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph the said Government shall inform them at the same time of the date on which it received the notification.

ARTICLE 24. — Non-signatory Powers which have accepted the Geneva Convention of July 6, 1906, may adhere to the present Convention.

The Power which desires to adhere notifies its intention to the Netherland Government in writing, forwarding to it the act of adhesion, which shall be deposited in the Archives of the said Government.

The said Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE 25. — The present Convention, duly ratified, shall replace as between contracting Powers, the Convention of July 29, 1899, for the adaptation to maritime warfare of the principles of the Geneva Convention.

The Convention of 1899 remains in force as between the Powers which signed it but which do not also ratify the present Convention.

ARTICLE 26. — The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 27. — In the event of one of the contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers, informing them at the same time of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

ARTICLE 28. — A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 23, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 24, paragraph 2) or of denunciation (Article 27, paragraph 1) have been received.

Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

LIST OF STATES PARTIES TO THE HAGUE CONVENTION OF OCTOBER 18TH, 1907,  
FOR THE ADAPTATION TO MARITIME WARFARE OF THE PRINCIPLES OF THE  
GENEVA CONVENTION OF JULY 6th, 1906

AUSTRIA	LUXEMBURG
BELGIUM	MEXICO
BOLIVIA	MONTENEGRO
BRAZIL	NETHERLANDS
CHINA	NICARAGUA
CUBA	NORWAY
DENMARK	PANAMA
DOMINICAN REPUBLIC	PERSIA
EL SALVADOR	POLAND
ETHIOPIA	PORTUGAL
FINLAND	RUMANIA
FRANCE	RUSSIA
GUATEMALA	SERBIA
GERMANY	SIAM
HAITI	SPAIN
ITALY	SWEDEN
JAPAN	SWITZERLAND
LATVIA	UNITED STATES OF AMERICA

(c) CONVENTION CONCLUDED AT GENEVA ON JULY 27th, 1929, RELATIVE  
TO THE TREATMENT OF PRISONERS OF WAR

PART I

GENERAL PROVISIONS

ARTICLE 1. — The present Convention shall apply without prejudice to the stipulations of Part VII:—

1<sup>o</sup> to all persons referred to in Articles 1, 2 and 3 of the Regulations annexed to The Hague Convention of the 18th October, 1907, concerning the Laws and Customs of War on Land, who are captured by the enemy;

2<sup>o</sup> to all persons belonging to the armed forces of belligerents who are captured by the enemy in the course of operations of maritime or aerial war, subject to such exceptions (derogations) as the conditions of such capture render inevitable. Nevertheless these exceptions shall not infringe the fundamental principles of the present Convention; they shall cease from the moment when the captured persons shall have reached a prisoners of war camp.

ARTICLE 2. — Prisoners of war are in the power of the hostile Government, but not of the individuals or formation which captured them.

They shall at all times be humanely treated and protected, particularly against acts of violence, from insults and from public curiosity.

Measures of reprisal against them are forbidden.

ARTICLE 3. — Prisoners of war are entitled to respect for their persons and honour. Women shall be treated with all consideration due to their sex.

Prisoners retain their civil capacity.

ARTICLE 4. — The Detaining Power is required to provide for the maintenance of prisoners of war in its charge.

Differences of treatment between prisoners are permissible only if such differences are based on the military rank, the state of physical or mental health, the professional abilities, or the sex of those who benefit from them.

PART II

CAPTURE

ARTICLE 5. — Every prisoner of war is required to declare, if he is interrogated on the subject, his true names and rank, or his regimental number.

If he infringes this rule, he exposes himself to a restriction of the privileges accorded to prisoners of his category.

No pressure shall be exerted on prisoners to obtain information regarding the situation in their armed forces or their country. Prisoners who refuse to reply may not be threatened, insulted, or exposed to unpleasantness or disadvantages of any kind whatsoever.

If, by reason of his physical or mental condition, a prisoner is incapable of stating his identity, he shall be handed over to the Medical Service.

ARTICLE 6. — All personal effects and articles in personal use — except arms, horses, military equipment and military papers — shall remain in the possession of prisoners of war, as well as their metal helmets and gas-masks.

Sums of money carried by prisoners may only be taken from them on the order of an officer and after the amount has been recorded. A receipt shall be given for them. Sums thus impounded shall be placed to the account of each prisoner.

Their identity tokens, badges of rank, decorations and articles of value may not be taken from prisoners.

## PART III

### CAPTIVITY

#### SECTION I

##### EVACUATION OF PRISONERS OF WAR

ARTICLE 7. — As soon as possible after their capture, prisoners of war shall be evacuated to depots sufficiently removed from the fighting zone for them to be out of danger.

Only prisoners who, by reason of their wounds or maladies, would run greater risks by being evacuated than by remaining may be kept temporarily in a dangerous zone.

Prisoners shall not be unnecessarily exposed to danger while awaiting evacuation from a fighting zone.

The evacuation of prisoners on foot shall in normal circumstances be effected by stages of not more than 20 kilometres per day, unless the necessity for reaching water and food depots requires longer stages.

ARTICLE 8. — Belligerents are required to notify each other of all captures of prisoners as soon as possible, through the intermediary of the Information Bureaux organized in accordance with Article 77. They are likewise required to inform each other of the official addresses to which letters from the prisoners' families may be addressed to the prisoners of war. As soon as possible, every prisoner shall be enabled to correspond personally with his family, in accordance with the conditions prescribed in Article 36 and the following articles.

As regards prisoners captured at sea, the provisions of the present article shall be observed as soon as possible after arrival in port.

#### SECTION II

##### PRISONERS OF WAR CAMPS

ARTICLE 9. — Prisoners of war may be interned in a town, fortress, or other place, and may be required not to go beyond certain fixed limits. They may also be interned in fenced camps; they shall not be confined or imprisoned except as a measure indispensable for safety or health, and only so long as circumstances exist which necessitate such a measure.

Prisoners captured in districts which are unhealthy or whose climate is deleterious to persons coming from temperate climates shall be removed as soon as possible to a more favourable climate.

Belligerents shall as far as possible avoid bringing together in the same camp prisoners of different races or nationalities.

No prisoner may at any time be sent to an area where he would be exposed to the fire of the fighting zone, or be employed to render by his presence certain points or areas immune from bombardment.

## CHAPTER I

### INSTALLATION OF CAMPS

ARTICLE 10. — Prisoners of war shall be lodged in buildings or huts which afford all possible safeguards as regards hygiene and salubrity.

The premises must be entirely free from damp, and adequately heated and lighted. All precautions shall be taken against the danger of fire.

As regards dormitories, their total areas, minimum cubic air space, fittings and bedding material, the conditions shall be the same as for the depot troops of the detaining Power.

## CHAPTER II

### FOOD AND CLOTHING OF PRISONERS OF WAR

ARTICLE 11. — The food ration of prisoners of war shall be equivalent in quantity and quality to that of the depot troops.

Prisoners shall also be afforded the means of preparing for themselves such additional articles of food as they may possess.

Sufficient drinking water shall be supplied to them. The use of tobacco shall be authorized. Prisoners may be employed in the kitchens.

All collective disciplinary measures affecting food are prohibited.

ARTICLE 12. — Clothing, underwear and footwear shall be supplied to prisoners of war by the Detaining Power. The regular replacement and repair of such articles shall be assured. Workers shall also receive working kit wherever the nature of the work requires it.

In all camps, canteens shall be installed at which prisoners shall be able to procure, at the local market price, food commodities and ordinary articles.

The profits accruing to the administrations of the camps from the canteens shall be utilized for the benefit of the prisoners.

## CHAPTER III

### HYGIENE IN CAMPS

ARTICLE 13. — Belligerents shall be required to take all necessary hygienic measures to ensure the cleanliness and salubrity of camps and to prevent epidemics.

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

In addition and without prejudice to the provision as far as possible of baths and shower-baths in the camps, the prisoners shall be provided with a sufficient quantity of water for their bodily cleanliness.

They shall have facilities for engaging in physical exercises and obtaining the benefit of being out of doors.

ARTICLE 14. — Each camp shall possess an infirmary, where prisoners of war shall receive attention of any kind of which they may be in need. If necessary, isolation establishments shall be reserved for patients suffering from infectious and contagious diseases.

The expenses of treatment, including those of temporary remedial apparatus, shall be borne by the Detaining Power.

Belligerents shall be required to issue, on demand, to any prisoner treated, an official statement indicating the nature and duration of his illness and of the treatment received.

It shall be permissible for belligerents mutually to authorize each other, by means of special agreements, to retain in the camps doctors and medical orderlies for the purpose of caring for their prisoner compatriots.

Prisoners who have contracted a serious malady, or whose condition necessitates important surgical treatment, shall be admitted, at the expense of the Detaining Power, to any military or civil institution qualified to treat them.

ARTICLE 15. — Medical inspections of prisoners of war shall be arranged at least once a month. Their object shall be the supervision of the general state of health and cleanliness, and the detection of infectious and contagious diseases, particularly tuberculosis and venereal complaints.

## CHAPTER IV

### INTELLECTUAL AND MORAL NEEDS OF PRISONERS OF WAR

ARTICLE 16. — Prisoners of war shall be permitted complete freedom in the performance of their religious duties, including attendance at the services of their faith, on the sole condition that they comply with the routine and police regulations prescribed by the military authorities.

Ministers of religion, who are prisoners of war, whatever may be their denomination, shall be allowed freely to minister to their co-religionists.

ARTICLE 17. — Belligerents shall encourage as much as possible the organization of intellectual and sporting pursuits by the prisoners of war.

## CHAPTER V

### INTERNAL DISCIPLINE OF CAMPS

ARTICLE 18. — Each prisoners of war camp shall be placed under the authority of a responsible officer.

In addition to external marks of respect required by the regulations in force in their own armed forces with regard to their nationals, prisoners of war shall be required to salute all officers of the Detaining Power.

Officer prisoners of war shall be required to salute only officers of that Power who are their superiors or equals in rank.

ARTICLE 19. — The wearing of badges of rank and decorations shall be permitted.

ARTICLE 20. — Regulations, orders, announcements and publications of any kind shall be communicated to prisoners of war in a language which they understand. The same principle shall be applied to questions.

## CHAPTER VI

### SPECIAL PROVISIONS CONCERNING OFFICERS AND PERSONS OF EQUIVALENT STATUS

ARTICLE 21. — At the commencement of hostilities, belligerents shall be required reciprocally to inform each other of the titles and ranks in use in their respective armed forces, with the view of ensuring equality of treatment between the corresponding ranks of officers and persons of equivalent status.

Officers and persons of equivalent status who are prisoners of war shall be treated with due regard to their rank and age.

ARTICLE 22. — In order to ensure the service of officers' camps, soldier prisoners of war of the same armed forces, and as far as possible speaking the same language, shall be detached for service therein in sufficient number, having regard to the rank of the officers and persons of equivalent status.

Officers and persons of equivalent status shall procure their food and clothing from the pay to be paid to them by the Detaining Power. The management of a mess by officers themselves shall be facilitated in every way.

## CHAPTER VII

### PECUNIARY RESOURCES OF PRISONERS OF WAR

ARTICLE 23. — Subject to any special arrangements made between the belligerent Powers and particularly those contemplated in Article 24, officers and persons of equivalent status who are prisoners of war shall receive from the Detaining Power the same pay as officers of

corresponding rank in the armed forces of that Power, provided, however, that such pay does not exceed that to which they are entitled in the armed forces of the country in whose service they have been. This pay shall be paid to them in full, once a month if possible, and no deduction therefrom shall be made for expenditure devolving upon the Detaining Power, even if such expenditure is incurred on their behalf.

An agreement between the belligerents shall prescribe the rate of exchange applicable to this payment; in default of such agreement, the rate of exchange adopted shall be that in force at the moment of the commencement of hostilities.

All advances made to prisoners of war by way of pay shall be reimbursed, at the end of hostilities, by the Power in whose service they were.

ARTICLE 24. — At the commencement of hostilities, belligerents shall determine by common accord the maximum amount of cash which prisoners of war of various ranks and categories shall be permitted to retain in their possession. Any excess withdrawn or withheld from a prisoner, and any deposit of money effected by him, shall be carried to his account, and may not be converted into another currency without his consent.

The credit balances of their accounts shall be paid to the prisoners of war at the end of their captivity.

During the continuance of the latter, facilities shall be accorded to them for the transfer of these amounts, wholly or in part, to banks or private individuals in their country of origin.

## CHAPTER VIII

### TRANSFER OF PRISONERS OF WAR

ARTICLE 25. — Unless the course of military operations demands it, sick and wounded prisoners of war shall not be transferred if their recovery might be prejudiced by the journey.

ARTICLE 26. — In the event of transfer, prisoners of war shall be officially informed in advance of their new destination; they shall be authorized to take with them their personal effects, their correspondence and parcels which have arrived for them.

All necessary arrangements shall be made so that correspondence and parcels addressed to their former camp shall be sent on to them without delay.

The sums credited to the account of transferred prisoners shall be transmitted to the competent authority of their new place of residence.

Expenses incurred by the transfers shall be borne by the Detaining Power.

## SECTION III

### WORK OF PRISONERS OF WAR

#### CHAPTER I

##### GENERAL

ARTICLE 27. — Belligerents may employ as workmen prisoners of war who are physically fit, other than officers and persons of equivalent status, according to their rank and their ability.

Nevertheless, if officers or persons of equivalent status ask for suitable work, this shall be found for them as far as possible.

Non-commissioned officers who are prisoners of war may be compelled to undertake only supervisory work, unless they expressly request remunerative occupation.

During the whole period of captivity, belligerents are required to admit prisoners of war who are victims of accidents at work to the benefit of provisions applicable to workmen of the same category under the legislation of the Detaining Power. As regards prisoners of war to whom these legal provisions could not be applied by reason of the legislation of that Power, the latter undertakes to recommend to its legislative body all proper measures for the equitable compensation of the victims.

## CHAPTER II

### ORGANIZATION OF WORK

ARTICLE 28. — The Detaining Power shall assume entire responsibility for the maintenance, care, treatment and the payment of the wages of prisoners of war working for private individuals.

ARTICLE 29. — No prisoner of war may be employed on work for which he is physically unsuited.

ARTICLE 30. — The duration of the daily work of prisoners of war, including the time of the journey to and from work, shall not be excessive and shall in no case exceed that permitted for civil workers of the locality employed on the same work. Each prisoner shall be allowed a rest of twenty-four consecutive hours each week, preferably on Sunday.

## CHAPTER III

### PROHIBITED WORK

ARTICLE 31. — Work done by prisoners of war shall have no direct connexion with the operations of the war. In particular, it is forbidden to employ prisoners in the manufacture or transport of arms or munitions of any kind, or on the transport of material destined for combatant units.

In the event of violation of the provisions of the preceding paragraph, prisoners are at liberty, after performing or commencing to perform the order, to have their complaints presented through the intermediary of the prisoners' representatives whose functions are described in articles 43 and 44, or, in the absence of a prisoners' representative, through the intermediary of the representatives of the Protecting Power.

ARTICLE 32. — It is forbidden to employ prisoners of war on unhealthy or dangerous work. Conditions of work shall not be rendered more arduous by disciplinary measures.

## CHAPTER IV

### LABOUR DETACHMENTS

ARTICLE 33. — Conditions governing labour detachments shall be similar to those of prisoners of war camps, particularly as concern hygienic conditions, food, care in case of accidents or sickness, correspondence, and the reception of parcels.

Every labour detachment shall be attached to a prisoners' camp. The commandant of this camp shall be responsible for the observance in the labour detachment of the provisions of the present Convention.

## CHAPTER V

### PAY

ARTICLE 34. — Prisoners of war shall not receive pay for work in connection with the administration, internal arrangement and maintenance of camps.

Prisoners employed on other work shall be entitled to a rate of pay, to be fixed by agreements between the belligerents.

These agreements shall also specify the portion which may be retained by the camp administration, the amount which shall belong to the prisoner of war and the manner in which this amount shall be placed at his disposal during the period of his captivity.

Pending the conclusion of the said agreements, remuneration of the work of prisoners shall be fixed according to the following standards:—

(a) Work done for the State shall be paid for according to the rates in force for soldiers of the national forces doing the same work, or, if no such rates exist, according to a tariff corresponding to the work executed.

(b) When the work is done for other public administrations or for private individuals, the conditions shall be settled in agreement with the military authorities.

The pay which remains to the credit of a prisoner shall be remitted to him on the termination of his captivity. In case of death, it shall be remitted through the diplomatic channel to the heirs of the deceased.

## SECTION IV

### RELATIONS OF PRISONERS OF WAR WITH THE EXTERIOR

ARTICLE 35. — On the commencement of hostilities, belligerents shall publish the measures prescribed for the execution of the provisions of the present Section.

ARTICLE 36. — Each of the belligerents shall fix periodically the number of letters and postcards which prisoners of war of different categories shall be permitted to send per month, and shall notify that number to the other belligerent. These letters and cards shall be sent by post by the shortest route. They may not be delayed or withheld for disciplinary motives.

Not later than one week after his arrival in camp, and similarly in case of sickness, each prisoner shall be enabled to send a postcard to his family informing them of the capture and the state of his health. The said postcard shall be forwarded as quickly as possible and shall not be delayed in any manner.

As a general rule, the correspondence of prisoners shall be written in their native language. Belligerents may authorize correspondence in other languages.

ARTICLE 37. — Prisoners of war shall be authorized to receive individually postal parcels containing foodstuffs and other articles intended for consumption or clothing. The parcels shall be delivered to the addressees and a receipt given.

ARTICLE 38. — Letters and remittances of money or valuables, as well as postal parcels addressed to prisoners of war, or despatched by them, either directly or through the intermediary of the Information Bureaux mentioned in article 77, shall be exempt from all postal charges in the countries of origin and destination and in the countries through which they pass.

Presents and relief in kind intended for prisoners of war shall also be exempt from all import or other duties, as well as any charges for carriage on railways operated by the State.

Prisoners may, in cases of recognized urgency, be authorized to send telegrams on payment of the usual charges.

ARTICLE 39. — Prisoners of war shall be permitted to receive individually consignments of books which may be subject to censorship.

Representatives of the Protecting Powers and of duly recognized and authorized relief societies may send works and collections of books to the libraries of prisoners' camps. The transmission of such consignments to libraries may not be delayed under pretext of difficulties of censorship.

ARTICLE 40. — The censoring of correspondence shall be accomplished as quickly as possible. The examination of postal parcels shall, moreover, be effected under such conditions as will ensure the preservation of any foodstuffs which they may contain, and, if possible, be done in the presence of the addressee or of a representative duly recognized by him.

Any prohibition of correspondence ordered by the belligerents for military or political reasons, shall only be of a temporary character and shall also be for as brief a time as possible.

ARTICLE 41. — Belligerents shall accord all facilities for the transmission of documents destined for prisoners of war or signed by them, in particular powers of attorney and wills.

They shall take the necessary measures to secure, in case of need, the legalisation of signatures of prisoners.

## SECTION V

### RELATIONS BETWEEN PRISONERS OF WAR AND THE AUTHORITIES

#### CHAPTER I

##### COMPLAINTS OF PRISONERS OF WAR RESPECTING THE CONDITIONS OF CAPTIVITY

ARTICLE 42. — Prisoners of war shall have the right to bring to the notice of the military authorities, in whose hands they are, their petitions concerning the conditions of captivity to which they are subjected.

They shall also have the right to communicate with the representatives of the Protecting Powers in order to draw their attention to the points on which they have complaints to make with regard to the conditions of captivity.

Such petitions and complaints shall be transmitted immediately.

Even though they are found to be groundless, they shall not give rise to any punishment.

#### CHAPTER II

##### REPRESENTATIVES OF PRISONERS OF WAR

ARTICLE 43. — In any locality where there may be prisoners of war, they shall be authorized to appoint representatives to represent them before the military authorities and the Protecting Powers.

Such appointments shall be subject to the approval of the military authorities.

The prisoners' representatives shall be charged with the reception and distribution of collective consignments. Similarly, in the event of the prisoners deciding to organize amongst themselves a system of mutual aid, such organization shall be one of the functions of the prisoners' representatives. On the other hand, the latter may offer their services to prisoners to facilitate their relations with the relief societies mentioned in Article 78.

In camps of officers and persons of equivalent status the senior officer prisoner of the highest rank shall be recognized as intermediary between the camp authorities and the officers and similar persons who are prisoners. For this purpose, he shall have the power to appoint an officer prisoner to assist him as interpreter in the course of conferences with the authorities of the camp.

ARTICLE 44. — When the prisoners' representatives are employed as workmen, their work as representatives of the prisoners of war shall be reckoned in the compulsory period of labour.

All facilities shall be accorded to the prisoners' representatives for their correspondence with the military authorities and the Protecting Power. Such correspondence shall not be subject to any limitation.

No prisoners' representative may be transferred without his having been allowed the time necessary to acquaint his successors with the current business.

#### CHAPTER III

##### PENAL SANCTIONS WITH REGARD TO PRISONERS OF WAR

###### I. — *General provisions*

ARTICLE 45. — Prisoners of war shall be subject to the laws, regulations, and orders in force in the armed forces of the Detaining Power.

Any act of insubordination shall render them liable to the measures prescribed by such laws, regulations, and orders, except as otherwise provided in this Chapter.

ARTICLE 46. — Prisoners of war shall not be subjected by the military authorities or the tribunals of the Detaining Power to penalties other than those which are prescribed for similar acts by members of the national forces.

Officers, non-commissioned officers or private soldiers, prisoners of war, undergoing disciplinary punishment shall not be subjected to treatment less favourable than that prescribed, as regard the same punishment, for similar ranks in the armed forces of the Detaining Power.

All forms of corporal punishment, confinement in premises not lighted by daylight and, in general, all forms of cruelty whatsoever are prohibited.

Collective penalties for individual acts are also prohibited.

ARTICLE 47. — A statement of the facts in cases of acts constituting a breach of discipline, and particularly an attempt to escape, shall be drawn up in writing without delay. The period during which prisoners of war of whatever rank are detained in custody (pending the investigation of such offences) shall be reduced to a strict minimum.

The judicial proceedings against a prisoner of war shall be conducted as quickly as circumstances will allow. The period during which prisoners shall be detained in custody shall be as short as possible.

In all cases the period during which a prisoner is under arrest (awaiting punishment or trial) shall be deducted from the sentence, whether disciplinary or judicial, provided such deduction is permitted in the case of members of the national forces.

ARTICLE 48. — After undergoing the judicial or disciplinary punishments which have been inflicted on them, prisoners of war shall not be treated differently from other prisoners.

Nevertheless, prisoners who have been punished as the result of an attempt to escape may be subjected to a special regime of surveillance, but this shall not involve the suppression of any of the safeguards accorded to prisoners by the present Convention.

ARTICLE 49. — No prisoner of war may be deprived of his rank by the Detaining Power.

Prisoners on whom disciplinary punishment is inflicted shall not be deprived of the privileges attaching to their rank. In particular, officers and persons of equivalent status who suffer penalties entailing deprivation of liberty shall not be placed in the same premises as non-commissioned officers or private soldiers undergoing punishment.

ARTICLE 50. — Escaped prisoners of war who are re-captured before they have been able to rejoin their own armed forces or to leave the territory occupied by the armed forces which captured them shall be liable only to disciplinary punishment.

Prisoners who, after succeeding in rejoining their armed forces or in leaving the territory occupied by the armed forces which captured them, are again taken prisoner shall not be liable to any punishment for their previous escape.

ARTICLE 51. — Attempted escape, even if it is not a first offence, shall not be considered as an aggravation of the offence in the event of the prisoner of war being brought before the courts for crimes or offences against persons or property committed in the course of such attempt.

After an attempted or successful escape, the comrades of the escaped person who aided the escape shall incur only disciplinary punishment therefor.

ARTICLE 52. — Belligerents shall ensure that the competent authorities exercise the greatest leniency in considering the question whether an offence committed by a prisoner of war should be punished by disciplinary or by judicial measures.

This provision shall be observed in particular in appraising facts in connexion with escape or attempted escape.

A prisoner shall not be punished more than once for the same act or on the same charge.

ARTICLE 53. — No prisoner who has been awarded any disciplinary punishment for an offence and who fulfils the conditions laid down for repatriation shall be retained on the ground that he has not undergone his punishment.

Prisoners qualified for repatriation against whom any prosecution for a criminal offence has been brought may be excluded from repatriation until the termination of the proceedings and until fulfilment of their sentence, if any; prisoners already serving a sentence of imprisonment may be retained until the expiry of the sentence.

Belligerents shall communicate to each other lists of those who cannot be repatriated for the reasons indicated in the preceding paragraph.

## 2. — *Disciplinary punishments*

ARTICLE 54. — Imprisonment is the most severe disciplinary punishment which may be inflicted on a prisoner of war.

The duration of any single punishment shall not exceed thirty days.

This maximum of thirty days shall, moreover, not be exceeded in the event of there being several acts for which the prisoner is answerable to discipline at the time when his case is disposed of, whether such acts are connected or not.

Where, during the course or after the termination of a period of imprisonment, a prisoner is sentenced to a fresh disciplinary penalty, a period of at least three days shall intervene between each of the periods of imprisonment, if one of such periods is of ten days or over.

ARTICLE 55. — Subject to the provisions of the last paragraph of Article 11, the restrictions in regard to food permitted in the armed forces of the Detaining Power may be applied, as an additional penalty, to prisoners of war undergoing disciplinary punishment.

Such restrictions shall, however, only be ordered if the state of the prisoner's health permits.

ARTICLE 56. — In no case shall prisoners of war be transferred to penitentiary establishments (prisons, penitentiaries, convict establishments, etc.) in order to undergo disciplinary sentence there.

Establishments in which disciplinary sentences are undergone shall conform to the requirements of hygiene.

Facilities shall be afforded to prisoners undergoing sentence to keep themselves in a state of cleanliness.

Every day, such prisoners shall have facilities for taking exercise or for remaining out of doors for at least two hours.

ARTICLE 57. — Prisoners of war undergoing disciplinary punishment shall be permitted to read and write, and to send and receive letters.

On the other hand, it shall be permissible not to deliver parcels and remittances of money to the addressees until the expiration of the sentence. If the undelivered parcels contain perishable foodstuffs, these shall be handed over to the infirmary or to the camp kitchen.

ARTICLE 58. — Prisoners of war undergoing disciplinary punishment shall be permitted, on their request, to present themselves for daily medical inspection. They shall receive such attention as the medical officers may consider necessary and, if need be, shall be evacuated to the camp infirmary or to hospital.

ARTICLE 59. — Without prejudice to the competency of the courts and the superior military authorities, disciplinary sentences may only be awarded by an officer vested with disciplinary powers in his capacity as Commandant of the camp or detachment, or by the responsible officer acting as his substitute.

## 3. — *Judicial proceedings*

ARTICLE 60. — At the commencement of a judicial hearing against a prisoner of war, the Detaining Power shall notify the representative of the Protecting Power as soon as possible, and in any case before the date fixed for the opening of the hearing.

The said notification shall contain the following particulars:

- (a) Civil status and rank of the prisoner;
- (b) Place of residence or detention;
- (c) Statement of the charge or charges, and of the legal provisions applicable.

If it is not possible in this notification to indicate particulars of the court which will try the case, the date of the opening of the hearing and the place where it will take place, these particulars shall be furnished to the representative of the Protecting Power at a later date, but as soon as possible and in any case at least three weeks before the opening of the hearing.

ARTICLE 61. — No prisoner of war shall be sentenced without being given the opportunity to defend himself.

No prisoner shall be compelled to admit that he is guilty of the offence of which he is accused.

ARTICLE 62. — The prisoner of war shall have the right to be assisted by a qualified advocate of his own choice, and, if necessary, to have recourse to the offices of a competent interpreter. He shall be informed of his right by the Detaining Power in good time before the hearing.

Failing a choice on the part of the prisoner, the Protecting Power may procure an advocate for him. The Detaining Power shall, on the request of the Protecting Power, furnish to the latter a list of persons qualified to conduct the defence.

The representatives of the Protecting Power shall have the right to attend the hearing of the case.

The only exception to this rule is where the hearing has to be kept secret in the interests of the safety of the State. The Detaining Power would then notify the Protecting Power accordingly.

ARTICLE 63. — A sentence shall only be pronounced on a prisoner of war by the same tribunals and in accordance with the same procedure as in the case of persons belonging to the armed forces of the Detaining Power.

ARTICLE 64. — Every prisoner of war shall have the right of appeal against any sentence against him in the same manner as persons belonging to the armed forces of the Detaining Power.

ARTICLE 65. — Sentences pronounced against prisoners of war shall be communicated immediately to the Protecting Power.

ARTICLE 66. — If sentence of death is passed on a prisoner of war, a communication setting forth in detail the nature and the circumstances of the offence shall be addressed as soon as possible to the representative of the Protecting Power for transmission to the Power in whose armed forces the prisoner served.

The sentence shall not be carried out before the expiration of a period of at least three months from the date of the receipt of this communication by the Protecting Power.

ARTICLE 67. — No prisoner of war may be deprived of the benefit of the provisions of Article 42 of the present Convention as the result of a judgment or otherwise.

## PART IV

### END OF CAPTIVITY

#### SECTION I

##### DIRECT REPATRIATION AND ACCOMMODATION IN A NEUTRAL COUNTRY

ARTICLE 68. — Belligerents shall be required to send back to their own country, without regard to rank or numbers, after rendering them in a fit condition for transport, prisoners of war who are seriously ill or seriously wounded.

Agreements between the belligerents shall therefore determine, as soon as possible, the forms of disablement or sickness requiring direct repatriation and cases which may necessitate accommodation in a neutral country. Pending the conclusion of such agreements, the belligerents may refer to the model draft agreement annexed to the present Convention.

ARTICLE 69. — On the opening of hostilities, belligerents shall come to an understanding as to the appointment of Mixed Medical Commissions. These Commissions shall consist of three members, two of whom shall belong to a neutral country and one appointed by the Detaining Power; one of the medical officers of the neutral country shall preside. These Mixed Medical commissions shall proceed to the examination of sick or wounded prisoners and shall make all appropriate decisions with regard to them.

The decisions of these Commissions shall be decided by majority and shall be carried into effect as soon as possible.

ARTICLE 70. — In addition to those prisoners of war selected by the medical officer of the camp, the following shall be inspected by the Mixed Medical Commissions mentioned in Article 69, with a view to their direct repatriation or accommodation in a neutral country:

(a) prisoners who make a direct request to that effect to the medical officer of the camp;

- (b) prisoners presented by the prisoners' representatives mentioned in Article 43, the latter acting on their own initiative or on the request of the prisoners themselves;
- (c) prisoners nominated by the Power in whose armed forces they served or by a relief society duly recognized and authorized by that Power.

ARTICLE 71. — Prisoners of war who meet with accidents at work, unless the injury is self-inflicted, shall have the benefit of the same provisions as regards repatriation or accommodation in a neutral country.

ARTICLE 72. — During the continuance of hostilities, and for humanitarian reasons, belligerents may conclude agreements with a view to the direct repatriation or accommodation in a neutral country of prisoners of war in good health who have been in captivity for a long time.

ARTICLE 73. — The expenses of repatriation or transport to a neutral country of prisoners of war shall be borne, as from the frontier of the Detaining Power, by the Power in whose armed forces such prisoners served.

ARTICLE 74. — No repatriated person shall be employed on active military service.

## SECTION II

### LIBERATION AND REPATRIATION AT THE END OF HOSTILITIES

ARTICLE 75. — When belligerents conclude an armistice convention, they shall normally cause to be included therein provisions concerning the repatriation of prisoners of war. If it has not been possible to insert in that convention such stipulations, the belligerents shall, nevertheless, enter into communication with each other on the question as soon as possible. In any case, the repatriation of prisoners shall be effected as soon as possible after the conclusion of peace.

Prisoners of war who are subject to criminal proceedings for a crime or offence at common law may, however, be detained until the end of the proceedings, and, if need be, until the expiration of the sentence. The same applies to prisoners convicted for a crime or offence at common law.

By agreement between the belligerents, commissions may be instituted for the purpose of searching for scattered prisoners and ensuring their repatriation.

## PART V

### DEATHS OF PRISONERS OF WAR

ARTICLE 76. — The wills of prisoners of war shall be received and drawn up under the same conditions as for soldiers of the national armed forces.

The same rules shall be followed as regards the documents relative to the certification of the death.

The belligerents shall ensure that prisoners of war who have died in captivity are honourably buried, and that the graves bear the necessary indications and are treated with respect and suitably maintained.

## PART VI

### BUREAUX OF RELIEF AND INFORMATION CONCERNING PRISONERS OF WAR

ARTICLE 77. — At the commencement of hostilities, each of the belligerent Powers and the neutral Powers who have belligerents in their care, shall institute an official bureau to give information about the prisoners of war in their territory.

Each of the belligerent Powers shall inform its Information Bureau as soon as possible of all captures of prisoners effected by its armed forces, furnishing them with all particulars of identity at its disposal to enable the families concerned to be quickly notified, and stating the official addresses to which families may write to the prisoners.

The Information Bureau shall transmit all such information immediately to the Powers concerned, on the one hand through the intermediary of the Protecting Powers, and on the other through the Central Agency contemplated in Article 79.

The Information Bureau, being charged with replying to all enquiries relative to prisoners of war, shall receive from the various services concerned all particulars respecting internments and transfers, releases on parole, repatriations, escapes, stays in hospitals, and deaths, together with all other particulars necessary for establishing and keeping up to date an individual record for each prisoner of war.

The Bureau shall note in this record, as far as possible, and subject to the provisions of Article 5, the regimental number, names and surnames, date and place of birth, rank and unit of the prisoner, the surname of the father and name of the mother, the address of the person to be notified in case of accident, wounds, dates and places of capture, of internment, of wounds, of death, together with all other important particulars.

Weekly lists containing all additional particulars capable of facilitating the identification of each prisoner shall be transmitted to the interested Powers.

The individual record of a prisoner of war shall be sent after the conclusion of peace to the Power in whose service he was.

The Information Bureau shall also be required to collect all personal effects, valuables, correspondence, pay-books, identity tokens, etc. which have been left by prisoners of war who have been repatriated or released on parole, or who have escaped or died, and to transmit them to the countries concerned.

ARTICLE 78. — Societies for the relief of prisoners of war, regularly constituted in accordance with the laws of their country, and having for their object to serve as intermediaries for charitable purposes, shall receive from the belligerents, for themselves and their duly accredited agents, all facilities for the efficacious performance of their humane task within the limits imposed by military exigencies. Representatives of these societies shall be permitted to distribute relief in the camps and at the halting places of repatriated prisoners under a personal permit issued by the military authority, and on giving an undertaking in writing to comply with all routine and police orders which the said authority shall prescribe.

ARTICLE 79. — A Central Agency of information regarding prisoners of war shall be established in a neutral country. The International Red Cross Committee shall, if they consider it necessary, propose to the Powers concerned the organization of such an Agency.

This agency shall be charged with the duty of collecting all information regarding prisoners which they may be able to obtain through official or private channels, and the Agency shall transmit the information as rapidly as possible to the prisoners' own country or the Power in whose service they have been.

The provisions shall not be interpreted as restricting the humanitarian work of the International Red Cross Committee.

ARTICLE 80. — Information Bureaux shall enjoy exemption from fees on postal matter as well as all the exemptions prescribed in Article 38.

## PART VII

### APPLICATION OF THE CONVENTION TO CERTAIN CATEGORIES OF CIVILIANS

ARTICLE 81. — Persons who follow the armed forces without directly belonging thereto, such as correspondents, newspaper reporters, sutlers or contractors, who fall into the hands of the enemy, and whom the latter think fit to detain, shall be entitled to be treated as prisoners of war, provided they are in possession of an authorization from the military authorities of the armed forces which they were following.

PART VIII  
EXECUTION OF THE CONVENTION

SECTION I

GENERAL PROVISIONS

ARTICLE 82. — The provisions of the present Convention shall be respected by the High Contracting Parties in all circumstances.

In time of war, if one of the belligerents is not a party to the Convention, its provisions shall, nevertheless, remain binding as between the belligerents who are parties thereto.

ARTICLE 83. — The High Contracting Parties reserve to themselves the right to conclude special conventions on all questions relating to prisoners of war concerning which they may consider it desirable to make special provision.

Prisoners of war shall continue to enjoy the benefits of these agreements until their repatriation has been effected subject to any provisions expressly to the contrary contained in the above mentioned agreements or in subsequent agreements, and subject to any more favourable measures by one or the other of the belligerent Powers concerning the prisoners detained by that Power.

In order to ensure the application, on both sides, of the provisions of the present Convention, and to facilitate the conclusion of the special conventions mentioned above, the belligerents may, at the commencement of hostilities, authorize meetings of representatives of the respective authorities charged with the administration of prisoners of war.

ARTICLE 84. — The text of the present Convention and of the special conventions mentioned in the preceding article shall be posted, whenever possible, in the native language of the prisoners of war, in places where it may be consulted by all the prisoners.

The text of these conventions shall be communicated, on their request, to prisoners who are unable to inform themselves of the text posted.

ARTICLE 85. — The High Contracting Parties shall communicate to each other, through the intermediary of the Swiss Federal Council, the official translations of the present Convention, together with such laws and regulations as they may adopt to ensure the application of the present Convention.

SECTION II

ORGANIZATION OF CONTROL

ARTICLE 86. — The High Contracting Parties recognize that a guarantee of the regular application of the present Convention will be found in the possibility of collaboration between the Protecting Powers charged with the protection of the interests of the belligerents; in this connection, the Protecting Powers may, apart from their diplomatic personnel, appoint delegates from among their own nationals or the nationals of other neutral Powers. The appointment of these delegates shall be subject to the approval of the belligerent with whom they are to carry out their mission.

The representatives of the Protecting Power or their recognized delegates shall be authorized to proceed to any place, without exception, where prisoners of war are interned. They shall have access to all premises occupied by prisoners and may hold conversation with prisoners, as a general rule without witnesses, either personally or through the intermediary of interpreters.

Belligerents shall facilitate as much as possible the task of the representatives or recognized delegates of the Protecting Power. The military authorities shall be informed of their visits.

Belligerents may mutually agree to allow persons of the prisoners' own nationality to participate in the tours of inspection.

ARTICLE 87. — In the event of dispute between the belligerents regarding the application of the provisions of the present Convention, the Protecting Powers shall, as far as possible, lend their good offices with the object of settling the dispute.

To this end, each of the Protecting Powers may, for instance, propose to the belligerents concerned that a conference of representatives of the latter should be held, on suitably chosen

neutral territory. The belligerents shall be required to give effect to proposals made to them with this object. The Protecting Power may, if necessary, submit for the approval of the Powers in dispute, the name of a person belonging to a neutral Power or nominated by the International Red Cross Committee, who shall be invited to take part in this conference.

ARTICLE 88. — The foregoing provisions do not constitute any obstacle to the humanitarian work which the International Red Cross Committee may perform for the protection of prisoners of war with the consent of the belligerents concerned.

### SECTION III

#### FINAL PROVISIONS

ARTICLE 89. — In the relations between the Powers who are bound either by The Hague Convention concerning the Laws and Customs of War on Land of the 29th July, 1899, or that of the 18th October, 1907, and are parties to the present Convention, the latter shall be complementary to Chapter II of the Regulations annexed to the above-mentioned Conventions of The Hague.

ARTICLE 90. — The present Convention, which shall bear this day's date, may be signed up to the 1st February, 1930, on behalf of any of the countries represented at the Conference which opened at Geneva on the 1st July, 1929.

ARTICLE 91. — The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at Berne.

In respect of the deposit of each instrument of ratification, a *procès-verbal* shall be drawn up, and a copy thereof, certified correct, shall be sent by the Swiss Federal Council to the Governments of all the countries on whose behalf the Convention has been signed or whose accession has been notified.

ARTICLE 92. — The present Convention shall enter into force six months after at least two instruments of ratification have been deposited. Thereafter it shall enter into force for each High Contracting Party six months after the deposit of its instrument of ratification.

ARTICLE 93. — As from the date of its entry into force, the present Convention shall be open to accession notified in respect of any country on whose behalf this Convention has not been signed.

ARTICLE 94. — Accessions shall be notified in writing to the Swiss Federal Council and shall take effect six months after the date on which they have been received.

The Swiss Federal Council shall notify the accessions to the Governments of all countries on whose behalf the Convention has been signed or whose accession has been notified.

ARTICLE 95. — A state of war shall give immediate effect to ratifications deposited and to accessions notified by the belligerent Powers before or after the commencement of hostilities. The communication of ratifications or accessions received from Powers in a state of war shall be effected by the Swiss Federal Council by the quickest method.

ARTICLE 96. — Each of the High Contracting Parties shall have the right to denounce the present Convention. The denunciation shall only take effect one year after notification thereof has been made in writing to the Swiss Federal Council. The latter shall communicate this notification to the Governments of all the High Contracting Parties.

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

Such denunciation shall, moreover, not take effect during a war in which the denouncing Power is involved. In this case, the present Convention shall continue binding, beyond the period of one year, until the conclusion of peace and, in any case, until operations of repatriation shall have terminated.

ARTICLE 97. — A copy of the present Convention, certified to be correct, shall be deposited by the Swiss Federal Council in the Archives of the League of Nations. Similarly, ratifications, accessions and denunciations notified to the Swiss Federal Council shall be communicated by them to the League of Nations.

LIST OF STATES PARTIES TO THE CONVENTION CONCLUDED AT GENEVA  
ON JULY 27th, 1929, RELATIVE TO THE TREATMENT OF PRISONERS OF WAR

ARGENTINA  
AUSTRALIA  
AUSTRIA  
BELGIUM  
BOLIVIA  
BRAZIL  
BULGARIA  
BURMA  
CANADA  
CHILE  
CHINA  
COLOMBIA  
CZECHOSLOVAKIA  
DENMARK  
EGYPT  
EL SALVADOR  
ESTHONIA  
FRANCE  
GERMANY  
GREAT BRITAIN  
GREECE  
HUNGARY  
ICELAND  
INDIA  
IRAQ

ISRAEL  
ITALY  
JUGOSLAVIA  
LATVIA  
LIECHTENSTEIN  
LITHUANIA  
MEXICO  
MONACO  
NETHERLANDS  
NEW ZEALAND  
NORWAY  
PAKISTAN  
PHILIPPINES  
POLAND  
PORTUGAL  
RUMANIA  
SIAM  
SPAIN  
SWEDEN  
SWITZERLAND  
TRANSJORDANIA  
TURKEY  
UNION OF SOUTH AFRICA  
UNITED STATES OF AMERICA  
VENEZUELA

## ANNEX

### MODEL AGREEMENT CONCERNING DIRECT REPATRIATION AND HOSPITALIZATION IN A NEUTRAL COUNTRY PRISONERS OF WAR FOR REASONS OF HEALTH

#### *I. Governing Principles for Direct Repatriation and Hospitalization in a Neutral Country*

##### A. DIRECT REPATRIATION

There shall be repatriated directly:

1. Sick and wounded who, according to medical opinion, are not likely to recover in one year, their condition requiring treatment and their mental or physical fitness appearing to have suffered considerable diminution;
2. Incurable sick and wounded whose mental or physical fitness appears to have suffered considerable diminution;
3. Cured sick and wounded whose mental or physical fitness appears to have suffered considerable diminution.

##### B. HOSPITALIZATION IN A NEUTRAL COUNTRY

There shall be placed in hospitals:

1. Sick and wounded whose cure within a period of one year is to be expected, such cure appearing more certain and more rapid if the sick and wounded are given the benefit of the resources offered by the neutral country than if their captivity properly so-called is prolonged;
2. Prisoners of war whose mental or physical health appears, according to medical opinion, to be seriously menaced by continuance in captivity, while hospitalization in a neutral country would probably remove this danger.

##### C. REPATRIATION OF THOSE HOSPITALIZED IN A NEUTRAL COUNTRY

There shall be repatriated the prisoners of war hospitalized in a neutral country who belong to the following categories:

1. Those whose state of health appears to be or to be becoming such that they fall within the categories of persons eligible to repatriation for reasons of health;
2. The recovered whose mental or physical fitness seems to have suffered a considerable diminution.

#### *II. Special Principles for Direct Repatriation or Hospitalization in a Neutral Country*

##### A. REPATRIATION

There shall be repatriated:

1. All prisoners of war who, as the result of organic injuries, have the following impairments, actual or functional: loss of a member, paralysis, articular or other defects, provided that the loss is at least a foot or a hand, or is equivalent to the loss of a foot or a hand;

2. All wounded or injured prisoners of war whose condition is such that it renders them invalids whose cure, within a period of one year, can not be anticipated from a medical standpoint;

3. All the sick whose condition is such that it renders them invalids whose cure, within a period of one year, can not be anticipated from a medical standpoint;

The following, in particular, belong to this category:

- a) Progressive tuberculosis of any organs which, according to medical opinion, can no longer be cured or at least considerably improved by a course of treatment in a neutral country.
- b) Nontubercular affections of the respiratory organs presumed incurable (such as above all, strongly developed pulmonary emphysema, with or without bronchitis, bronchiectasis, serious asthma, gas poisoning, etc.);
- c) Serious chronic affections of the organs of circulation (for example: valvular affections with tendencies to disorders of compensation, relatively serious affections of the myocardium, pericardium of the vessels, especially inoperable aneurisms of the large vessels, etc.);
- d) Serious chronic affections of the digestive organs;
- e) Serious chronic affections of the urinary and sexual organs (particularly, for example: all cases of confirmed chronic nephritis with complete semeiology, and most especially when cardiac and vascular impairments already exist; likewise, pyelites and chronic cystitis, etc.);
- f) Serious chronic diseases of the central and peripheral nervous system (such as, particularly, serious neurasthenia and hysteria, all unquestionable cases of epilepsy, serious cases of Basedow's disease, etc.);
- g) Blindness in both eyes, or in one eye when the vision of the other remains below 1 in spite of the use of corrective glasses; reduction in acuteness of vision in case it is impossible to restore it by correction to the acuteness of  $\frac{1}{2}$  for one eye at least; other ocular affections coming in the present class (glaucoma iritis, choroiditis, etc.);
- h) Total deafness in both ears, as well as total deafness in one ear in case the partially deaf ear does not discern the ordinary spoken voice at a distance of one meter;
- i) All unquestionable cases of mental affections;
- k) All serious cases of chronic poisoning by metals or other causes (lead poisoning, mercury poisoning, morphinism, cocainism, alcoholism, gas poisoning, etc.);
- l) Chronic affections of the organs of locomotion (arthritis deformans, gout, rheumatism with impairments clinically discoverable), provided they are serious;
- m) All malignant growths, if they are not amenable to relatively minor operations without endangering the life of the patient;
- n) All cases of malaria with noticeable organic changes (important chronic increase in size of the liver, of the spleen, cachexia, etc.);
- o) Serious chronic cutaneous affections, in so far as their nature does not constitute a medical indication for hospitalization in a neutral country;
- p) Serious avitaminoses (beri-beri, pellagra, chronic scurvy).

## B. HOSPITALIZATION

Prisoners of war must be hospitalized if they have the following affections:

1. All forms of tuberculosis of any organs whatever if, according to present medical knowledge, they may be cured, or at least considerably improved by methods applicable in a neutral country (altitude, treatment in sanatoria, etc.);

2. All forms-necessitating treatment-of affections of the respiratory, circulatory, digestive, genito-urinary, and nervous organs, of organs of the senses, of the locomotor and cutaneous apparatus provided, however, that the forms of these affections do not belong to the categories requiring direct repatriation, or are not acute diseases properly so-called susceptible to a complete cure. The affections contemplated in this paragraph are those which offer really better chances

of cure for the patient by the application of means of treatment available in a neutral country than if he were treated in captivity.

Nervous troubles, the efficient or determinant causes of which are the events of the war or even of the captivity itself, such as the psychasthenia of prisoners of war and other analogous cases, should be given special consideration.

All duly verified cases of this kind should be hospitalized, provided that the seriousness or constitutional character thereof does not make them cases for direct repatriation.

Cases of psychasthenia of prisoners of war which are not cured after three months of hospitalization in a neutral country or which, after this period has expired, are not obviously on the road to final recovery, should be repatriated;

3. All cases of wounds or lesions and their consequences which offer better chances of cure in a neutral country than in captivity, provided that these cases are not either eligible for direct repatriation or else are insignificant;

4. All cases of malaria, duly verified and not presenting organic changes clinically discoverable (chronic enlargement of the liver, of the spleen, cachexia, etc.), if the stay in a neutral country offers particularly favorable prospects of final cure;

5. All cases of poisoning (particularly by gases, metals, alkaloids) for which the prospects of cure in a neutral country are especially favorable.

There shall be excluded from hospitalization:

1. All duly verified cases of mental affections;
2. All organic or functional nervous affections reputed to be incurable (these two categories belong to those giving a right to direct repatriation);
3. Serious chronic alcoholism;
4. All contagious affections during the period in which they are transmissible (acute infectious diseases, primary and secondary syphilis, trachoma, leprosy, etc.).

### III. GENERAL OBSERVATIONS

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

This breadth of interpretation should be especially applied to neuropathic or psychopathic conditions caused or brought to a head by the events of the war or even of the captivity itself (psychasthenia of prisoners of war), and also to cases of tuberculosis in all degrees.

It is needless to state that camp physicians and the Mixed Medical Commissions may find themselves confronted with a great number of cases not mentioned among the examples given under Section II, or cases not fitting in with these examples. The examples mentioned above are given only as typical examples; an analogous list of examples of surgical alterations has not been drawn up because, with the exception of cases incontestable by their very nature (amputations), it is difficult to make a list of particular types; experience has shown that a recital of these particular cases was not without disadvantages in practice.

All cases not fitting exactly into the examples cited shall be decided by invoking the spirit of the above governing principles.

## II

TEXT OF DRAFT INTERNATIONAL CONVENTIONS FOR THE  
PROTECTION OF WAR VICTIMS AS APPROVED BY THE XVII<sup>th</sup>  
INTERNATIONAL RED CROSS CONFERENCE AT STOCKHOLM IN  
AUGUST, 1948 (TAKEN AS THE BASIS FOR DISCUSSION AT THE  
DIPLOMATIC CONFERENCE)



(a) DRAFT CONVENTION FOR THE RELIEF OF THE WOUNDED AND SICK  
IN ARMED FORCES IN THE FIELD

(Draft as approved by the XVIIth International Red Cross Conference)

CHAPTER I

GENERAL PROVISIONS

ARTICLE 1. — The High Contracting Parties undertake 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 peacetime, 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 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. — 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.

Application by  
neutral Powers.

ARTICLE 4. — Besides the agreements expressly provided for in Articles 12, 18 and 24, the Parties to the conflict may conclude special arrangements 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.

Special agreements.

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.

ARTICLE 5. — Wounded and sick, as also members of the medical personnel and chaplains may in no circumstances 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

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.

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

Activities of the  
International  
Committee of the  
Red Cross.

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.

Substitutes for  
Protecting Powers.

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.

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 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.

Procedure  
of conciliation.

ARTICLE 9. — 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

Protection  
and care.

ARTICLE 10. — 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 Article 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 burial 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 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. — 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.

Role of the population.

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

Protection.

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.

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.

End of protection.

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.

Facts  
not cancelling  
protection.

ARTICLE 17. — 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.

Hospital Zones  
and Localities.

ARTICLE 18. — 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.

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 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.

## 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. — 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.

Retained personnel.

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.

Return  
to the belligerent.

ARTICLE 23. — 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.

Selection  
of repatriates.

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.

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.

Return  
of neutrals.

ARTICLE 25. — The persons designated in Article 21 may not be detained after they have fallen into the hands of the adverse party.

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

Buildings,  
material  
and stores.

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.

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 as they are required for the care of the wounded and sick accommodated therein.

Material  
of Relief Societies.

ARTICLE 27. — 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

Protection.

ARTICLE 28.<sup>1</sup> — Transports of wounded and sick or of medical equipment shall be respected and protected in the same way as mobile medical units. The

<sup>1</sup> The Conference drew attention to the complexity of the problem raised by the employment of vehicles temporarily detached for medical purposes. It recommended that the Diplomatic Conference should consider this matter with particular care.

same shall apply to vehicles temporarily employed for the above purposes, as long as they are so used.

Should 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 they contain.

The civilian personnel and all means of transport obtained by requisition shall be subject to the general rules of international law.

ARTICLE 29. — 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 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 that 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 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 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.

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.

## CHAPTER VII

### THE DISTINCTIVE EMBLEM

ARTICLE 31. — 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<sup>1</sup>.

<sup>1</sup> 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.

Medical aircraft.

Flight  
over neutral  
countries.

Emblem  
of the Convention.

Use  
of the emblem.

ARTICLE 32. — The emblem shall be displayed on the flags, armlets and on all equipment employed in the Medical Service, with the permission of the competent military authority.

Identification  
of medical  
personnel.

ARTICLE 33. — The personnel designated in Articles 19, 20 and 21 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.

Medical units.

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.

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.

Neutral units.

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.

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.

Restrictions  
and exceptions.

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 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. — 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.

Implementing.  
Prohibition  
of reprisals.

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<sup>1</sup>. — 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<sup>1</sup>. — 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 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 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.

Procedure  
of enquiry.

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

<sup>1</sup> See Correction by the International Committee of the Red Cross, p. 58.

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.

Misuse  
of the emblem.

ARTICLE 42. — 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 adoption of the reversed Federal colours, the use by private individuals or associations of the arms of the Swiss Confederation or of 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 27, 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

Languages.

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.

Signatures.

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.

Ratifications.

ARTICLE 45. — 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, one 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. — 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.

Effect.

ARTICLE 47. — The present Convention shall replace the Convention of August 22, 1864, July 6, 1906, and July 27, 1929, in relations between the High Contracting Parties.

Effect on previous Conventions.

ARTICLE 48. — 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 49. — 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 50. — 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 method any ratifications or adhesions received from Parties to the conflict.

Immediate effect.

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.

Denunciation.

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. 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.

Communication to the United Nations.

## Reservations

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

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

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

The XVIIth International Red Cross Conference was of the 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.

## CORRECTION BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS

relative to the Clauses common to all four Conventions: Wounded and Sick Convention, Articles 39, paragraph 1, and 40; Maritime Convention, Articles 43, paragraph 1, and 44; Prisoners of War Convention, Article 119; Civilians Convention, Article 130.

The International Committee of the Red Cross wishes to state that a material error occurred in the Draft Conventions they were requested to publish subsequent to the Stockholm Conference, which error was reproduced in the Working Documents drawn up by the Swiss Federal Council. A Delegation has just drawn the Committee's attention to the said error. The Article concerned is 119 of the Prisoners of War Convention (Art. 130 of the Civilians Convention, Arts. 39 and 40 of the Wounded and Sick Convention and Arts. 43 and 44 of the Maritime Convention).

As shown in the Records and shorthand Minutes of the Stockholm Conference, the said Conference adopted in place of paragraph 1 of Article 119 the text of Article 29 of the 1929 Geneva Convention relative to Wounded and Sick. Further, as regards paragraph 2 of Article 119, the Stockholm Conference adopted a text corresponding to the said paragraph 2 but which did not contain the term "or to the Conventions for the repression of acts which may be defined as war crimes".

The text adopted by the Stockholm Conference for Article 119 of the Prisoners of War Convention and the corresponding Articles of the other Draft Conventions was therefore as follows:

"The Government of the High Contracting Parties shall also propose to their legislatures, should their penal laws be inadequate, the necessary measures for the repression in time of war of any act contrary to the provisions of the present Conventions.

Each Contracting Party shall be under obligation to search for persons alleged to be guilty of breaches of the present Convention, whatever their nationality, in accordance with its own laws to indict such persons before its own tribunals, or if it prefers, to hand them over for judgment to another Contracting Party."

## ANNEX

### DRAFT AGREEMENT RELATING TO HOSPITAL AND SAFETY ZONES AND LOCALITIES

ARTICLE 1. — Hospital and safety zones shall be strictly reserved for the persons named 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.

Nevertheless, persons whose permanent residence is within the zone thus constituted shall have the right to stay there.

ARTICLE 2. — All persons residing, in whatever capacity, in a hospital or safety zone shall perform no work, either within or without the zone, directly connected with military operations or the production of war material.

Prohibited work.

ARTICLE 3. — The Power establishing a hospital or safety zone shall take all necessary measures to prohibit access to all persons who have no right of entry or of residence therein, according to Articles 1 and 2 of the present Agreement.

Prohibition of access.

ARTICLE 4. — Hospital and safety zones shall fulfil the following conditions:

Conditions.

- (a) They shall constitute only a small area of the territory governed by the Power on which they depend.
- (b) They shall be thinly populated in relation to the possibilities of accommodation.
- (c) They shall be far removed and free from all military objectives, or large industrial or administrative establishments.
- (d) They shall not be situated in areas which, according to every probability, may become important for the conduct of the war.

ARTICLE 5. — They shall be subject to the following obligations:

Obligations.

- (a) The lines of communication and means of transport which they possess shall not be used for the transport of military personnel or material.
- (b) They shall in no case be defended by military means.

ARTICLE 6. — They shall be marked by means of oblique red bands on a white ground, placed on the outer precincts and on the buildings.

Markings.

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. — The Powers 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 governed by them. They shall also give notice of any new zones set up during hostilities.

Notification and opposition.

As soon as the adverse party has received the above-mentioned notification, the zone shall be regularly constituted.

If, however, the adverse party considers that the conditions of the present Agreement have not been fulfilled, it may refuse to recognize the zone, by giving immediate notice thereof to the party responsible for the said zone.

Control.

ARTICLE 8. — Any Power having recognized one or several hospital or safety zones instituted by the adversary shall be entitled to demand control by the Power protecting its interests, to ascertain if the 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 to exercise their control duties.

Sanctions.

ARTICLE 9. — Should the Protecting Powers note any facts which they consider contrary to the stipulations of the present Agreement, they shall at once draw the attention of the Power governing the said zone to these facts, and shall fix a time limit of five days to settle the matter. They shall duly notify the Power whose interests they protect.

If, when the time limit has expired, the Power governing the zone has not complied with the warning, the adverse party may declare that it is no longer bound by the present Agreement in respect of the said zone.

Respect of zones.

ARTICLE 10. — In no circumstances may hospital or safety zones be the object of attack. They shall be protected and respected at all times by the Parties to the conflict.

Nevertheless, should fighting forces reach their outskirts, they may cross the zones without halting therein.

In case  
of occupation.

ARTICLE 11. — In the case of occupation of a territory, the hospital and safety zones therein shall continue to be respected and utilized as such.

Their purpose may, however, be modified by the occupying Power, on condition that all measures are taken to ensure the security of the persons accommodated.

Localities.

ARTICLE 12. — The present Agreement shall also apply to localities which the Powers may utilize for the same purposes as hospital and safety zones.

(b) DRAFT CONVENTION FOR THE RELIEF OF WOUNDED, SICK AND SHIPWRECKED MEMBERS OF ARMED FORCES ON SEA

(Draft as approved by the XVIIth International Red Cross Conference)

CHAPTER I

GENERAL PROVISIONS

ARTICLE 1. — The High Contracting Parties undertake 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 peacetime, 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 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. — 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. Obligatory character.

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. — 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. Application by neutral Powers.

ARTICLE 5. — 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 consider it useful 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. Special agreements.

Wounded, sick, and shipwrecked 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.

Acquired rights.

ARTICLE 6. — Wounded and sick, as also members of the medical personnel and chaplains, may in no circumstances 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.

Protecting Powers.

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.

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

Activity of the International Committee of the Red Cross.

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.

Substitutes for Protecting Powers.

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 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 in the sense of the present Article.

Procedure of conciliation.

ARTICLE 10. — 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

Protection and care.

ARTICLE 11. — 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.

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.

ARTICLE 12. — 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 13. — 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 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.

Surrender  
of wounded.

ARTICLE 14. — 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.

Wounded taken  
on board a neutral  
warship.

ARTICLE 15. — 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.

Wounded landed  
in a neutral port.

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. — 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.

Search  
for the shipwrecked  
and dead.

ARTICLE 17. — 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.

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 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.

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.

Appeals  
to merchant  
and private  
vessels.

### CHAPTER III

#### HOSPITAL SHIPS

ARTICLE 19. — 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 conditions 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.

Military  
hospital ships.

ARTICLE 20. — 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

Red Cross  
and private  
hospital ships.

private persons or officially recognized relief associations, shall benefit by the same protection as the vessels described in paragraph 1.

ARTICLE 21. — Hospitals 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. — 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<sup>1</sup>.

Rights  
of belligerents.

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

Stay in a neutral  
port.

ARTICLE 28. — Merchant vessels which have been transformed into hospital ships cannot be put to any other use throughout the duration of hostilities.

Transformation  
of merchant  
vessels.

ARTICLE 29. — The protection to which hospital ships and sick-bays are entitled shall not cease unless they are used to commit acts harmful to the enemy, and after due warning, naming a reasonable time limit, which warning is unheeded.

Cancelling  
of protection.

<sup>1</sup> 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.

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.
- (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

Personnel  
of hospital ships.

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 captured 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.

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.

Return  
to the belligerents.

ARTICLE 32. — 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. — 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.

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 their distribution in the camps.

## CHAPTER V

### MATERIAL

ARTICLE 34. — 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.

Protection  
of sick-bays.

## 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 over 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.

Flight over  
neutral countries.

ARTICLE 37. — 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

Use  
of the Emblem.

ARTICLE 38. — 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.

Identification of  
medical personnel.

ARTICLE 39. — 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.

Marking  
of hospital ships.

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.

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. — 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.

Implementing.  
Prohibition  
of reprisals.

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. — 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 43.<sup>1</sup>— 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 pro-

Legislation.

<sup>1</sup> See Correction by the International Committee of the Red Cross, p. 71.

tected by the present Convention shall be punished as an illegal use of military markings.

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

Penal sanctions.

ARTICLE 44<sup>1</sup>. — 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.

Investigation procedure.

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.

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 in the fulfilment of its duties. The members thereof shall enjoy diplomatic privileges and immunities.

## FINAL PROVISIONS

Languages.

ARTICLE 46. — 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.

Signatures.

ARTICLE 47. — 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 of 1906, or to the Geneva Conventions of 1864, 1906 or 1929 for the Relief of the Wounded and Sick of Armies in the Field.

Ratification.

ARTICLE 48. — 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, one 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.

Effect.

ARTICLE 49. — 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.

<sup>1</sup> See Correction by the International Committee of the Red Cross, p. 71.

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.

Accession.

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.

ARTICLE 54. — 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.

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 55. — The present Convention shall be transmitted by the Swiss Federal Council to the United Nations Organization, for the purpose of registration. 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.

Transmission to the United Nations.

#### CORRECTION BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS

relative to the Clauses common to all four Conventions: Wounded and Sick Convention, Articles 39, paragraph 1, and 40; Maritime Convention, Article 43, paragraph 1, and 44; Prisoners of War Convention, Article 119; Civilians Convention, Article 130.

The International Committee of the Red Cross wishes to state that a material error occurred in the Draft Conventions they were requested to publish subsequent to the Stockholm Conference, which error was reproduced in the Working Documents drawn up by the Swiss Federal Council. A Delegation has just drawn the Committee's attention to the said error. The Article concerned is 119 of the Prisoners of War Convention (Art. 130 of the Civilians Convention, Arts. 39 and 40 of the Wounded and Sick Convention and Arts. 43 and 44 of the Maritime Convention).

As shown in the Records and shorthand Minutes of the Stockholm Conference, the said Conference adopted in place of Paragraph 1 of Article 119 the text of Article 29 of the 1929 Geneva Convention relative to Wounded and Sick. Further, as regards Paragraph 2 of

Article 119, the Stockholm Conference adopted a text corresponding to the said Paragraph 2 but which did not contain the term " or to the Conventions for the repression of acts which may be defined as war crimes ".

The text adopted by the Stockholm Conference for Article 119 of the Prisoners of War Convention and the corresponding articles of the other Draft Conventions was therefore as follows:

" The Government of the High Contracting Parties shall also propose to their legislatures, should their penal laws be inadequate, the necessary measures for the repression in time of war of any act contrary to the provisions of the present Conventions.

Each Contracting Party shall be under obligation to search for persons alleged to be guilty of breaches of the present Convention, whatever their nationality, in accordance with its own laws to indict such persons before its own tribunals, or if it prefers, to hand them over for judgment to another Contracting Party."

(c) DRAFT CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS  
OF WAR

(Draft as approved by the XVIIth International Red Cross Conference)

PART I

GENERAL PROVISIONS

ARTICLE 1. — The High Contracting Parties undertake 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 peacetime, 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 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. — 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:

Prisoners of war.

- (1) Members of the armed forces of the Parties to the conflict, including members of 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.
- (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 of 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.
- (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:
  - (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 conflict, 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 Article, 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.

Beginning and end of application.

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

Special agreements.

ARTICLE 5. — 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.

Acquired rights.

ARTICLE 6. — Prisoners of war may in no circumstances 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.

Protecting Powers.

ARTICLE 7. — 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.

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 abovementioned 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 Power 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. — 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.

Responsibility  
for the treatment  
of prisoners.

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.

Humane treatment  
of prisoners.

ARTICLE 12. — 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.

Respect for the  
person of prisoners.

ARTICLE 13. — 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.

Maintenance  
and discriminatory  
treatment.

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.

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

Questioning  
of prisoners.

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.

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 fingerprints 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 fingerprints.

Property  
of prisoners.

ARTICLE 16. — 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 that 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. — 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.

Evacuation  
of prisoners.

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 similar to those for the forces of the Detaining Power in their changes of station.

Procedure  
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 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.

Restriction of liberty  
of movement.

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.

Places and methods  
of internment.

ARTICLE 20. — 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.

Security  
of prisoners.

ARTICLE 21. — 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.

Permanent  
transit camps.

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.

## CHAPTER II

### QUARTERS, FOOD AND CLOTHING OF PRISONERS OF WAR

Quarters.

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.

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. — 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.

Food rations.

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

Clothing.

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 shall be used for clothing prisoners of war belonging to the said forces.

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 III

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

Medical attention

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.

Medical inspections.

ARTICLE 29. — 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 shall include periodical radioscopic examination and the checking of weight of each prisoner.

## CHAPTER IV

### RELIGIOUS, INTELLECTUAL AND PHYSICAL ACTIVITIES

Religious duties.

ARTICLE 30. — Prisoners of war 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 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 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.

Recreation, studies, sports and games.

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.

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

## CHAPTER V

### DISCIPLINE

ARTICLE 32. — 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. — The wearing of badges of rank and nationality, as well as of decorations shall be permitted.

ARTICLE 34. — 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. — 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 VI

### 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.

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.

ARTICLE 37. — Officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

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 suffi-

Administration.  
Saluting.

Badges  
and decorations.

Conventions,  
regulations and  
orders concerning  
prisoners.

Use of weapons.

Communication  
of ranks.

Treatment  
of officers.

cient 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 VII

### TRANSFER OF PRISONERS OF WAR AFTER THEIR ARRIVAL IN CAMP

#### Conditions.

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.

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.

#### Exceptions.

ARTICLE 39. — 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.

#### Procedure.

ARTICLE 40. — 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

#### General observations.

ARTICLE 41. — The Detaining Power may utilize 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.

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 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.

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.

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. — 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. — 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. — 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.

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.

Authorized labour.

Dangerous or humiliating labour.

Duration of labour.

Wages and working accidents.

Medical supervision.

Labour detachments.

Prisoners detailed to private employers.

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.

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

Ready money.

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.

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.

Cash taken from prisoners.

ARTICLE 50. — 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.

Pay.

ARTICLE 51. — 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 war 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.

Wages.

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

Prisoners' accounts.

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

Management of prisoners' accounts.

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, 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.

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.

Winding up 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.

Compensation  
between belligerents.

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.

## SECTION V

### RELATIONS OF PRISONERS OF WAR WITH THE EXTERIOR

Notification of  
measures taken.

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.

Capture card.

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 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.

Correspondence.

ARTICLE 60. — 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.

Relief shipments.  
General principles.

ARTICLE 61. — 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.

Collective relief.

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.

ARTICLE 63. — Prisoners of war shall have permission to receive individual parcels of books.

Books, devotional articles, etc.

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.

ARTICLE 64. — All shipments of relief for prisoners of war shall be exempt from import, customs and other dues.

Exemption from postal and transport charges.

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

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. — 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

Special transportation.

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 dispatched 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.

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

Censorship  
and control.

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 once only by each.

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 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.

Establishment and  
transmission of  
legal documents.

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 dispatched by them, in particular powers of attorney and wills.

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.

## SECTION VI

### RELATIONS BETWEEN PRISONERS OF WAR AND THE AUTHORITIES

#### CHAPTER I

##### COMPLAINTS OF PRISONERS OF WAR RESPECTING THE CONDITIONS OF CAPTIVITY

Complaints  
and requests.

ARTICLE 68. — Prisoners of war shall have the right to make known to the military authorities in whose power they are, their requests 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 II

### PRISONERS OF WAR REPRESENTATIVES

ARTICLE 69. — 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.

Elections.

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

Duties.

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 III

### PENAL AND DISCIPLINARY SANCTIONS

#### I. — GENERAL PROVISIONS

Applicable  
legislation.

ARTICLE 72. — Prisoners of war shall be subject to the laws, regulations, and orders in force in the armed forces of the Detaining Power.

I. Law 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 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.

II. Regulations  
and orders relating  
to prisoners.

ARTICLE 73. — 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.

Offences committed  
before capture.

ARTICLE 74. — 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.

Courts.

ARTICLE 75. — 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.

“ Non bis in idem ”.

ARTICLE 76. — No prisoner of war may be punished more than once for the same act, or on the same count.

Penalties.

ARTICLE 77. — 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 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 premises 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.

Execution  
of punishment.

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 SANCTIONS

ARTICLE 79. — The disciplinary penalties applicable to prisoners of war are the following:

- (1) Fines not exceeding fifty percent 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.

General observations.  
I. Nature of penalties.

ARTICLE 80. — The duration of any single punishment shall in no case exceed thirty consecutive days.

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.

II. Duration of penalties.

ARTICLE 81. — 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.

Escapes.  
I. Successful escape.

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. — 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.

II. Unsuccessful escape.

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

III. Connected offences.

punished by disciplinary or judicial measures, particularly in respect of acts committed in connection 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.

IV. Notification  
of recapture.

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.

Procedure.

I. Confinement  
awaiting trial  
(regime, deduction).

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.

II. Competent  
authorities  
and procedure.

ARTICLE 86. — Excepting the competence of courts and higher military authorities, disciplinary punishment may be ordered only by an 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.

Execution  
of penalties.

I. Time limits.

ARTICLE 87. — 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.

II. Premises  
for disciplinary  
penalties.

ARTICLE 88. — 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.

III. Essential  
safeguards.

ARTICLE 89. — 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 spokes-

man, 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.

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.

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.

ARTICLE 93. — 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; 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. — 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.

General observations.

I. General principles.

II. Death penalty.

Procedure.

I. Conditions for validity of sentences.

II. Preventive imprisonment (regime, deduction).

III. Notification of proceedings.

IV. Rights and means of defence.

ARTICLE 95. — 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 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.

V. Notification of judgments.

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.

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.

VI. Appeals.

ARTICLE 97. — 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. — 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. — 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 and 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.

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

PART IV  
TERMINATION OF CAPTIVITY

SECTION I

DIRECT REPATRIATION AND ACCOMMODATION  
IN NEUTRAL COUNTRIES

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 prospect 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. — 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.

Mixed Medical Commissions.

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. — Besides those who are designated by the medical authorities of the Detaining Power, sick and injured prisoners of war belonging to the catego-

Prisoners submitted to examination by Mixed Medical Commissions.

ries 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.

Prisoners victims of accidents at work.

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 serving a sentence.

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 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.

Costs.

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.

Activity after repatriation.

ARTICLE 107. — No repatriated person may be employed on active military service.

## SECTION II

### RELEASE AND REPATRIATION AT THE CLOSE OF HOSTILITIES

Release and repatriation.

ARTICLE 108. — Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities.

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 agreement<sup>1</sup> annexed to the present Convention, failing any special agreement between the Powers concerned.

<sup>1</sup> The Conference expressed the recommendation that the International Committee should undertake to draft such a Model Agreement, to be submitted to the Diplomatic Conference.

ARTICLE 109. — 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.

Details of execution.

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.

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 110. — 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 111. — 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.

If 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. — 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.

National Bureaux.

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 Bureau 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.

Central Agency.

ARTICLE 113. — 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.

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 115.

Exemption from charges.

ARTICLE 114. — 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.

Relief Societies and other agencies.

ARTICLE 115. — 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 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 116. — 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.

Control.

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 117. — 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 118. — 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.

Violation.

ARTICLE 119<sup>1</sup>. — 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.

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.

## SECTION II

### FINAL PROVISIONS

Languages.

ARTICLE 120. — 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.

Relations with the 1929 Convention.

ARTICLE 121. — This Convention replaces the Convention of July 27, 1929, in the relations between the High Contracting Parties.

Relations with the Hague Convention.

ARTICLE 122. — 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.

Signature.

ARTICLE 123. — 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.

Ratifications.

ARTICLE 124. — 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 the Powers in whose name the Convention has been signed, or whose accession has been notified.

Effect.

ARTICLE 125. — The present Convention shall come into force . . . . after not less than two instruments of ratification have been deposited.

Thereafter, it shall enter into force for each High Contracting Party . . . . after the deposit of the instrument of ratification <sup>2</sup>.

Accession.

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.

Notification of 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.

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.

Immediate effect.

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

<sup>1</sup> See Correction by the International Committee of the Red Cross, p. 101.

<sup>2</sup> 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.

Council shall communicate by the quickest means any ratifications or adhesions received from Parties to the conflict.

ARTICLE 129. — 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.

Denunciation.

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. — The present Convention shall be transmitted by the Swiss Federal Council to the United Nations Organization, for the purpose of registration. 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.

Transmission to the United Nations.

### 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 35;
GOVERNMENT OF NORWAY:	Article 74;
GOVERNMENT OF THE UNITED STATES OF AMERICA:	Articles 3, 36, 93 and 100.

### CORRECTION BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS

relative to the Clauses common to all four Conventions: Wounded and Sick Convention, Articles 39, paragraph 1, and 40; Maritime Convention, Articles 43, paragraph 1, and 44; Prisoners of War Convention, Article 119; Civilians Convention, Article 130.

The International Committee of the Red Cross wishes to state that a material error occurred in the Draft Conventions they were requested to publish subsequent to the Stockholm Conference, which error was reproduced in the Working Documents drawn up by the Swiss Federal Council. A Delegation has just drawn the Committee's attention to the said error. The Article concerned is 119 of the Prisoners of War Convention (Art. 130 of the Civilians Convention, Arts. 39 and 40 of the Wounded and Sick Convention and Arts. 43 and 44 of the Maritime Convention).

As shown in the Records and shorthand Minutes of the Stockholm Conference, the said Conference adopted in place of paragraph 1 of Article 119 the text of Article 29 of the 1929 Geneva Convention relative to Wounded and Sick. Further, as regards paragraph 2 of Article 119, the Stockholm Conference adopted a text corresponding to the said paragraph 2 but which did not contain the term "or to the Conventions for the repression of acts which may be defined as war crimes".

The text adopted by the Stockholm Conference for Article 119 of the Prisoners of War Convention and the corresponding Articles of the other Draft Conventions was therefore as follows:

“ The Government of the High Contracting Parties shall also propose to their legislatures, should their penal laws be inadequate, the necessary measures for the repression in time of war of any act contrary to the provisions of the present Conventions.

Each Contracting Party shall be under obligation to search for persons alleged to be guilty of breaches of the present Convention, whatever their nationality, in accordance with its own laws to indict such persons before its own tribunals, or if it prefers, to hand them over for judgment to another Contracting Party.”

## ANNEX I

### 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 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 (musculospiral), 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, cocainism, 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:

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

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\* 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.

(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.

## ANNEX II

### DRAFT REGULATIONS CONCERNING MIXED MEDICAL COMMISSIONS

ARTICLE 1. — 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 Commission 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.

ANNEX IV

MODELS OF IDENTITY CARD, CAPTURE CARD, CORRESPONDENCE CARD AND LETTERS, AND NOTIFICATION OF DEATH, AS FORESEEN IN THE DRAFT PRISONER OF WAR CONVENTION

I. IDENTITY CARD for persons who accompany the Armed Forces, but are not part of them. (See Draft Art. 3, Section 1 (3).)

<p><b>NOTICE</b></p> <p>This identity card is issued to persons who accompany the Armed Forces but are not part of them. The card must be carried at all times by the person to whom it is issued. If the bearer is taken prisoner, he shall at once hand the card to the Detaining Authorities, to assist in his identification.</p>			
Official seal imprint	Blood type Religion	Fingerprints (optional) (Left forefinger)      (Right forefinger)	Any other mark of identification ..... .....
Hair	Eyes	Weight	Height
(Name of the country and military authority issuing this card)			
<p><b>IDENTITY CARD</b></p> <p>FOR A PERSON WHO ACCOMPANIES THE ARMED FORCES</p>			
Name .....			
First names .....			
Date and place of birth .....			
Accompanies the Armed Forces as .....			
Date of issue .....		Signature of bearer .....	
.....			

**Remarks.** — This card should be made out by preference in two or three languages, one of which is in international use. Actual size of the card, to be folded along the dotted line: 13 by 10 centimetres.

## II. CAPTURE CARD

(See Draft Art. 59.)

<u>PRISONER OF WAR MAIL</u>		Postage free
<b>CAPTURE CARD FOR PRISONER OF WAR</b>		
<b>IMPORTANT</b> This card must be filled out by each prisoner immediately on being taken and each time his address is altered (by reason of transfer into a hospital or another camp). This card is distinct from the particular card which each prisoner is allowed to send to his relatives.	<b>Central Prisoners of War Agency</b>	
	INTERNATIONAL COMMITTEE OF THE RED CROSS	
	<b>GENEVA</b> SWITZERLAND	

1. *Obverse*

*Write legibly and in block letters. — 1. Nationality .....*

2. Name .....	3. First name (in full) .....	4. First name of father .....
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5. Date of birth ..... 6. Place of birth .....

7. Rank .....

8. Service number .....

9. Address of next of kin .....

\* 10. Taken prisoner on: (or)  
Coming from (Camp No., hospital, etc.) .....

\* 11. (a) Good health — (b) Not wounded — (c) Recovered — (d) Convalescent —  
(e) Sick — (f) Slightly wounded — (g) Seriously wounded

12. **My present address:** Prisoner No. ....  
Name of camp .....

13. Date ..... 14. Signature .....

\* *Strike out what is not applicable — Do not add any remarks — See explanations overleaf*

2. *Reverse*

**Remarks.** — This form should be made out in two or three languages, particularly in the prisoner's own language and in that of the Detaining Power.



2. Letter

PRISONER OF WAR MAIL

Postage free

To .....

.....

Place .....

Street .....

Country .....

Department or Province .....

.....

Country where posted .....

Name of camp .....

Prisoner of War No. ....

Date and place of birth .....

Name and first names .....

Sender

\*\*\*\*\*

.....

**Remarks.** — This form should be made out in two or three languages, particularly in the prisoner's own language and in that of the Detaining Power. It will be folded along the dotted line, the tab being inserted in the slit (marked by a line of asterisks); it then has the appearance of an envelope. Overleaf, it is lined like the postcard above; this space can contain about 250 words which the prisoner is free to write. Actual size of the folded form: 29 by 15 centimetres.

IV. NOTIFICATION OF DEATH

(See Draft Art 110, Sec. 2.)

NOTIFICATION OF DEATH

(Title of responsible authority)

Nationality \_\_\_\_\_

Name and first name \_\_\_\_\_

First name of father . . . . . \_\_\_\_\_

Place and date of birth . . . . . \_\_\_\_\_

Place and date of death . . . . . \_\_\_\_\_

Rank and service number (as given on identity disc) . . . . . \_\_\_\_\_

Address of next of kin . . . . . \_\_\_\_\_

Where and when taken prisoner . . . . . \_\_\_\_\_

Cause and circumstances of death . . . . . \_\_\_\_\_

Place of burial . . . . . \_\_\_\_\_

Is the grave marked and can it be found later by the relatives? . . . . . \_\_\_\_\_

Are the personal effects in the keeping of the Detaining Power or are they being forwarded together with this notification? . . . . . \_\_\_\_\_

If forwarded, through what agency? . . . . . \_\_\_\_\_

Can the person who cared for the deceased during sickness or at his last moments (doctor, nurse, minister of religion, fellow prisoner), give here or in annex details of the circumstances of the decease and burial? . . . . . \_\_\_\_\_

(Date, seal and signature of competent authority)

Signature and address of two witnesses

Remarks. — This form should be made out in two or three languages, particularly in the prisoner's own language and in that of the Detaining Power. Actual size of the form: 21 by 30 centimetres.

(d) DRAFT CONVENTION FOR THE PROTECTION  
OF CIVILIAN PERSONS IN TIME OF WAR

(Draft as approved by the XVIIth International Red Cross Conference)

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 civilized 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 1. — The High Contracting Parties undertake 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 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.

Definition  
of protected  
persons

ARTICLE 3. — 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.

The provisions of Part II are, however, wider in application, as defined in Article II.

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.

Beginning and end  
of application

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.

Special  
agreements

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.

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.

Acquired rights

ARTICLE 6. — Protected persons may in no circumstances 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.

Protecting Powers

ARTICLE 7. — 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.

Activity of the  
International  
Committee of the  
Red Cross

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 civilian persons and for the relief to be given them, with the consent of the interested Parties to the conflict.

Substitutes for  
Protecting Powers

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.

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. — 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.

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 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<sup>1</sup>

ARTICLE 11. — 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 the sufferings caused by war.

Field of application  
of Part II

ARTICLE 12. — 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

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). — 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:

Neutralized zones

- (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

<sup>1</sup> The Sub-Committee 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 Committee, doubtless owing to an oversight.

conflict. The agreement shall fix the date from, and the period during which the said zone shall remain in force.

Wounded and sick  
I. General protection

ARTICLE 13. — 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.

II. Evacuation

ARTICLE 14. — 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.

III. Protection of hospitals

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 establishments 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.

IV. Suspension of protection of hospitals

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.

V. Protection of hospitals in enemy or occupied territory

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.

VI. Hospital personnel. Register of wounded and sick

ARTICLE 18. — 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 armband 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.

ARTICLE 19. — 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.

VII. Marking

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). — 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.

Hospital transports

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.

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 military 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 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. — 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.

Dispersed families

## 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

- Particular risks
- ARTICLE 24. — 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.
- Treatment.
- I. General remarks
- ARTICLE 25. — Protected persons are entitled, in all circumstances, to respect for their persons and their honour. They shall at all 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.
- II. Responsibilities
- ARTICLE 26. — The Party to the conflict in whose hands protected persons may be, is responsible for the treatment granted to them, irrespective 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.
- III. Women and children
- 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 preferential treatment.
- Application to Protecting Powers and relief organizations
- 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 26, 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.
- Interdiction of torture, constraint and corporal punishment
- 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.
- Individual responsibility, collective penalties, reprisals
- 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.
- Hostages
- ARTICLE 31. — The taking of hostages is prohibited.

## SECTION II

### ALIENS IN THE TERRITORY OF A PARTY TO THE CONFLICT

ARTICLE 32. — 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.

Repatriation and retention

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 persons 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 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. — Repatriations shall be carried out in satisfactory conditions as regards security, hygiene, healthfulness and food.

Methods of repatriation

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 the 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 may not be employed in work that is moreover of value in assisting the conduct of active military operations.

III. Employment

If the above provisions are infringed, the protected persons shall be allowed to exercise their right of complaint, in conformity with Article 28.

IV. Assigned residence, internment

ARTICLE 38. — 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.

V. Reasons for internment. Voluntary internment

ARTICLE 39. — 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.

VI. Procedure of internment

ARTICLE 40. — 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.

VII. Transfer to another Power

ARTICLE 41. — 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.

End of restrictive measures

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.

### SECTION III

#### OCCUPIED TERRITORIES

Intangibility of rights

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.

Special cases of repatriation

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.

Deportations, transfers, evacuations

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.

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. — The occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care of children.

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. — The occupying Power may not compel protected persons to serve in its combatant or auxiliary forces. No propaganda which aims at securing voluntary enlistment is permitted.

Enlistment.  
Labour

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.

Hygiene and  
public health

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 contagious 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.

Relief consignments  
I. Obligations of the  
occupying Power

ARTICLE 51. — 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.

II. Collective relief

ARTICLE 52. — 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.

III. Individual relief

ARTICLE 53. — 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.

National Red Cross  
and other relief  
societies

ARTICLE 54. — 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.

Penal legislation  
I. General remarks

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.

II. Publication

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.

ARTICLE 57. — In case of 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 courts

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 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.

IV. Applicable provisions

ARTICLE 59. — Protected persons who commit an offence intended to harm the occupying Power, but which 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.

V. Penalties

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. — 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.

VI. Breaches committed before occupation

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.

Penal procedure  
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 of 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.

III. Means of  
defence

ARTICLE 63. — Accused persons shall have the right to adduce all evidence necessary to their defence and may, in particular, call witnesses.

Convicted persons shall have the right of appeal provided for by the laws applied by the court.

IV. Assistance  
by the Protecting  
Power

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.

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.

V. Death sentence

ARTICLE 65. — 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.

Treatment of  
detainees

ARTICLE 66. — 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.

Handing over of  
detainees at the  
close of occupation

ARTICLE 67. — 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.

Security measures

ARTICLE 68. — 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

Cases of internment  
and applicable  
regulations  
Civil capacity

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.

Maintenance

ARTICLE 70. — Internees shall retain their full civil capacity and shall exercise their attendant rights, as far as may be compatible with their internment.

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.

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 II

### PLACES OF INTERNMENT

ARTICLE 73. — 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.

Location of camps

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. — 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.

Separate places of internment

ARTICLE 75. — 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.

Quarters, hygiene

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.

Shelters, measures  
of protection

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.

All precautions must be taken in places of internment against the danger of fire.

### CHAPTER III

#### FOOD AND CLOTHING

Food

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.

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.

Clothing

ARTICLE 79. — 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 IV

#### HYGIENE AND MEDICAL ATTENTION

Medical attention

ARTICLE 80. — 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 V

### RELIGIOUS, 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 authority. The Detaining Power shall provide them with adequate premises.

Religious duties

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 from one camp to another.

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 official 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. — 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.

Recreation, studies,  
sports and games

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. — The Detaining Power shall not employ internees as workers, unless they so desire.

Labour

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.

Labour detachments

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.

## CHAPTER VI

### PERSONAL PROPERTY AND FINANCIAL RESOURCES

Valuable and personal effects

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.

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 Article 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.

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.

Financial resources and individual accounts

ARTICLE 87. — 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 be furnished to the Protecting Power, on request, and shall accompany the internee in case of transfer.

## CHAPTER VII

### 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 rollcalls, punishment drill, military drill and manoeuvres, 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  
petitions

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. — 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.

Internee Committees

I. Composition

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. — The committees shall contribute to the physical, spiritual and intellectual well-being of the internees.

II. Duties

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.

### III. Prerogatives

ARTICLE 93. — 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.

## CHAPTER VIII

### RELATIONS WITH THE EXTERIOR

#### Notifications of measures taken

ARTICLE 94. — Immediately upon interning protected persons, the Detaining Powers 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 Powers shall likewise inform the parties concerned of any subsequent modifications of such measures.

#### Internment cards

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.

#### Correspondence

ARTICLE 96. — Internees 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 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. — Internees shall be allowed to receive, by post or by any other means, individual parcels or collective shipments containing in particular food-stuffs, 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. — 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.

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 Convention.

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 internees, or addressed to them.

ARTICLE 101. — Should military operations prevent the Powers concerned from fulfilling their obligation to assure the transport of the shipments provided

Relief shipments  
I. General principles

II. Collective relief

III. Books,  
devotional  
articles, etc.

Exemption from  
postal and transport  
charges

Special transport

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 dispatched by the Central Information Agency provided for in Article 124 to the National Bureaux provided for in Article 123, 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.

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

Censorship and control

ARTICLE 102. — 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, 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.

Establishment and transmission of legal documents

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 dispatched 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.

Management of property

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.

Moratorium

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.

ARTICLE 106. — Every internee shall be allowed to receive visitors, in particular their near relatives, periodically and as frequently as possible.

Visits

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 IX

### PENAL AND DISCIPLINARY SANCTIONS

ARTICLE 107. — 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.

General provisions.  
Applicable  
legislation

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.<sup>1</sup>

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

<sup>1</sup> The draft of Article 108 submitted to the XVIIth International Red Cross Conference read as follows:

"The courts or authorities shall, in passing sentence, take as far as possible into account the fact that the defendant, not being a national of the Detaining Power, is not bound to that Power by any duty of allegiance, and that he is in the said Power's hands as the result of circumstances beyond his control. They shall be free to reduce the penalty foreseen for the offence of which the internee is charged, and shall not be obliged, to this end, to apply the kind of penalty or the minimum sentence prescribed.

"Imprisonment in premises without daylight, and in a general manner all forms whatever of cruelty are forbidden.

"Internees having served disciplinary or judicial sentences shall not be treated differently to other internees.

"The duration of preventive detention undergone by an internee shall be deducted from any disciplinary or judicial penalty involving confinement to which he may be sentenced.

"Internee committees shall be informed of all judicial proceedings instituted against internees whom they represent, and of their result."

The Conference requested the International Committee of the Red Cross to prepare a new draft of the Article.

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.

Connected offences

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.

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 connection 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.

Preventive detention  
(regime, deduction)

ARTICLE 112. — 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 114 and 115 shall apply to internees who are under confinement awaiting trial for offences against discipline.

Competent  
authorities and  
procedure

ARTICLE 113. — 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.

Premises for  
disciplinary  
punishments

ARTICLE 114. — 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.

Essential  
guarantees

ARTICLE 115. — Internees 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; 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 Articles 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 X

### 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. — 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.

Procedure

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 XI

### DEATHS

ARTICLE 119. — 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.

Wills, death certificates, burial, cremation

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. In case of cremation, mention thereof shall be made on the death certificate of the deceased internee, with indication of the reasons.

Internees killed or injured in special circumstances

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.

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 XII

### RELEASE, REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES

During hostilities or during occupation

ARTICLE 121. — All interned persons shall be released by the Detaining Power as soon as the reasons which necessitated their internment no longer exist.

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.

After the close of hostilities

ARTICLE 122. — 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

National Bureaux

ARTICLE 123. — 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 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. — 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.

Exemption from charges

## PART IV

### EXECUTION OF THE CONVENTION

ARTICLE 126. — 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.

Control

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.

Return to domicile,  
emigration

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.

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.

Dissemination of  
the Convention

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.

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.

Translations

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.

Violation

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.

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

Languages

ARTICLE 131. — 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.

Signatures

ARTICLE 132. — 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 . . . . .

Ratifications

ARTICLE 133. — 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. — The present Convention shall come into force ..... after not less than two instruments of ratification have been deposited.

Coming into force

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

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.

Relations with 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.

Denunciations

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. — The present Convention shall be forwarded by the Swiss Federal Council to the United Nations Organization, for the purpose of registration. 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.

Communication to the United Nations

<sup>1</sup> 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.

## 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 OF AMERICA:	Articles 18, 55 and 80.

### CORRECTION BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS

relative to the Clauses common to all four Conventions: Wounded and Sick Convention, Articles 39, paragraph 1, and 40; Maritime Convention, Articles 43, paragraph 1, and 44; Prisoners of War Convention, Article 119; Civilians Convention, Article 130.

The International Committee of the Red Cross wishes to state that a material error occurred in the Draft Conventions they were requested to publish subsequent to the Stockholm Conference, which error was reproduced in the Working Documents drawn up by the Swiss Federal Council. A Delegation has just drawn the Committee's attention to the said error. The Article concerned is 119 of the Prisoners of War Convention (Art. 130 of the Civilians Convention, Arts. 39 and 40 of the Wounded and Sick Convention and Arts. 43 and 44 of the Maritime Convention).

As shown in the Records and shorthand Minutes of the Stockholm Conference, the said Conference adopted in place of paragraph 1 of Article 119 the text of Article 29 of the 1929 Geneva Convention relative to Wounded and Sick. Further, as regards paragraph 2 of Article 119, the Stockholm Conference adopted a text corresponding to the said paragraph 2 but which did not contain the term "or to the Conventions for the repression of acts which may be defined as war crimes".

The text adopted by the Stockholm Conference for Article 119 of the Prisoners of War Convention and the corresponding Articles of the other Draft Conventions was therefore as follows:

"The Government of the High Contracting Parties shall also propose to their legislatures, should their penal laws be inadequate, the necessary measures for the repression in time of war of any act contrary to the provisions of the present Conventions.

Each Contracting Party shall be under obligation to search for persons alleged to be guilty of breaches of the present Convention, whatever their nationality, in accordance with its own laws to indict such persons before its own tribunals, or if it prefers, to hand them over for judgment to another Contracting Party."

ANNEX I

**DRAFT AGREEMENT RELATING TO HOSPITAL  
AND SAFETY ZONES AND LOCALITIES**

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 or 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.

ARTICLE 5. — They shall be subject to the following obligations:

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. — They shall be marked by means of oblique red bands on a white ground, placed on the buildings and outer precincts.

Marking

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. — 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.

Notification and opposition

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. — Any Power which has recognized one or more hospital or safety zones created by the adversary shall be entitled to request the Power

Supervision

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.

Sanctions

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.

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.

Respect of zones

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.

Enemy forces reaching their outskirts may nevertheless cross the zones without halting therein.

Occupation

ARTICLE 11. — If a territory is occupied, the hospital and safety zones therein shall continue to be respected and utilized as such.

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.

Localities

ARTICLE 12. — The present Agreement also applies to localities which the Powers may assign to the same purpose as hospital and safety zones.

## ANNEX II

### DRAFT REGULATIONS CONCERNING COLLECTIVE RELIEF

#### ARTICLE 1

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.



III

COMMUNICATIONS FROM THE SWISS FEDERAL  
POLITICAL DEPARTMENT TO STATES WHICH WERE PARTIES  
TO THE GENEVA CONVENTIONS OF 1929  
OR TO THE Xth HAGUE CONVENTION OF 1907



May 11th, 1948

Monsieur le Ministre,

We have the honour to inform Your Excellency that the Federal Council, with the assent of the Netherlands Government, proposes to convene, in Switzerland, the Diplomatic Conference which was not able to meet in 1940. The objects of the Conference are as follows:

1. The revision of the Geneva Conventions of July 27th, 1929 (for the Relief of the Wounded and Sick in Armies in the Field and relative to the Treatment of Prisoners of War).
2. The revision of the Xth Hague Convention of 1907 (for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of July 6th, 1906).
3. The establishment of a new Convention dealing with the status and protection of civilians in time of war.

Circumstances have not yet made it possible to fix the date of this Conference, but as soon as it is known, your Government will be invited to send plenipotentiary representatives empowered to sign the texts of the new Conventions.

The purpose of the present letter is to inform you of the Federal Council's intention of convening a Diplomatic Conference in Switzerland, and we have the honour to transmit herewith, for your information, a memorandum describing in broad outline the principle steps in connection with the protection of war victims, which have been taken since the XVth International Red Cross Conference held at Tokyo in 1934.

We avail ourselves of this opportunity to renew to you, Monsieur le Ministre, the assurance of our highest consideration.

FEDERAL POLITICAL DEPARTMENT.

#### MEMORANDUM

In 1934 the XVth International Red Cross Conference prepared a text which was known as the "Tokyo Draft"—after the name of the city where the Conference was held—and which dealt with the status and protection of civilians of enemy nationality in time of war.

The XVIth International Red Cross Conference, held in London in 1938, revised this draft and recommended that it should be transformed into an international convention. At the same time, the Conference, considering that it had become necessary to bring the texts of the existing Red Cross Conventions up to date, proposed a revision of the two Geneva Conventions of July 27th, 1929 (for the Relief of the Wounded and Sick in Armies in the Field and relative to the Treatment of Prisoners of War), and of the Xth Hague Convention of October 18th, 1907 (for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of July 6th, 1906).

Switzerland, as Administrator of the Geneva Conventions, with the assent of the Netherlands Government, Administrator of the Hague Conventions, convened a Diplomatic Conference for the purpose of revising the three former Conventions, and drawing up the text of a new Convention relating to civilians. This Conference was to have met at Geneva in the early part of 1940, but was prevented from doing so by the war.

The fact that it was thus impossible to improve the existing texts or to provide for the protection of civilians was to have extremely serious consequences during the conflict; and the belligerent states, the Protecting Powers, the national Red Cross Societies and the International Committee of the Red Cross, together with all the authorities and individuals who had attempted to prevent the wounded, prisoners of war and civilians from suffering unduly as a result of the war, all recognized that it was essential to remedy the existing deficiencies at the earliest possible moment.

Before hostilities had even ended, the International Committee of the Red Cross, the various national Red Cross Societies and private associations had already collected the documents required for this revision. It was arranged that the first International Red Cross Conference to take place after the war, the one which was to meet at Stockholm from August 20th to 30th, 1948, would consider the various Draft Conventions submitted to it. A Diplomatic Conference would afterwards convert them into final texts, which the plenipotentiaries of the various States would be invited to sign.

A desire to accelerate the completion of this work induced the Conference of Government Experts, convened at Geneva in April 1947 by the International Committee of the Red Cross, to recommend that the Diplomatic Conference at the close of which the new Conventions were to be signed, should be held before April 30th, 1948. In view of this recommendation by the Government experts, the Federal Council proceeded to make enquiries in a certain number of capitals in order to ascertain whether a substantial majority of the signatories to the Conventions were in favour of convening a Diplomatic Conference at an earlier date; the result of these enquiries was, on the whole, negative, and the only course open to Switzerland was, therefore, to adhere to the original plan according to which the Diplomatic Conference would meet in Switzerland after the conclusion of the International Red Cross Conference at Stockholm—probably towards the end of 1948 or early in 1949.

The results of the Conference of Government Experts, convened at Geneva in April 1947 by the International Committee of the Red Cross, had been most satisfactory, and it was suggested that a second meeting in which as many states as possible should participate, might be convened in order to make still further progress with the work. Various attempts were made to arrange such a meeting, but it became evident that it would not be possible to hold it before the International Red Cross Conference at Stockholm.

The question of whether a meeting of Government experts should be held during the interval between the conclusion of the Stockholm Conference and the beginning of the Diplomatic Conference has still to be decided. The value of another meeting of experts or of a preparatory conference can best be judged when the results of the discussions at Stockholm become known, and a decision regarding the matter can then be taken.

For the above reasons, Switzerland will not be able to decide on a suitable date for the Diplomatic Conference before next September.

September 20th, 1948

Monsieur le Ministre,

We had the honour to inform Your Excellency last May that the Swiss Federal Council intended to convene a Diplomatic Conference for the purpose of establishing new Conventions for the protection of war victims.

We now, on behalf of the Federal Council, have pleasure in inviting your Government to send plenipotentiaries to represent it at the Conference, which will open at Geneva on March 25th, 1949.

The revision of the Geneva Conventions and of the xth Hague Convention, together with the preparation of a Convention for the protection of civilian persons in time of war, should have been undertaken by a Diplomatic Conference which was to have been held early in 1940. This Conference never met. The second World War, however, proved that it was essential to improve and complete the Conventions now in force, and to extend their application so as to include civilians. This is the aim which all States which are Parties to the Geneva Conventions will no doubt wish to achieve.

The Agenda of the Diplomatic Conference should comprise:

- (1) The revision of the Geneva Convention for the Relief of the Wounded and Sick in Armies in the Field, signed on July 27th, 1929.
- (2) The revision of the Convention for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of July 6th, 1906, known also as the Xth Hague Convention and signed in that town on October 18th, 1907.
- (3) The revision of the Convention concluded at Geneva on July 27th, 1929, relative to the Treatment of Prisoners of War.
- (4) The drawing up of a new Convention, which might be called the Convention for the Protection of Civilian Persons in Time of War.

Acting in its capacity as Administrator of the Geneva Conventions, and in agreement with the Government of the Netherlands, the Federal Council decided, last spring, to convene a Diplomatic Conference. It notified the States who were Parties to the Geneva Conventions of this decision, without however being able to specify a date, as it was not then known whether it would be first necessary to hold a meeting of Government experts or a preparatory conference. After considering the whole question very carefully, the Federal Council has reached the conclusion that the time has now come to convene the Diplomatic Conference.

The Conference is expected to last several weeks. One of its main tasks will be to make the Convention for the Protection of Civilian Persons in Time of War as comprehensive as the other Conventions. As soon as delegates have agreed on the final texts, it will be necessary for them to get into touch with their Governments in order to receive instructions. For this purpose the Conference will adjourn. After an interval, which should be as short as possible, a second Session of the Conference will be held, devoted principally to the signature of the new Conventions.

The Federal Council has considered the adoption of this procedure in the hope that the Governments will all find that it provides the advantages of a preparatory conference without the latter's drawbacks, the chief of which would have been to make it impossible to hold the Diplomatic Conference before the end of 1949, many countries finding it impossible to participate in a conference unless they have received six months' previous notice; this is the time required for them to receive the necessary documents and make certain that their delegates are fully prepared, and for the delegates to proceed to the conference. The Federal Council also wished to take into consideration the desire, frequently expressed, that all unnecessary delay in establishing the new Geneva Conventions should be avoided. The Council hopes that the procedure suggested will be acceptable to all States. It knows that it can count on their co-operation in ensuring the success of the Diplomatic Conference of Geneva.

We avail ourselves of this opportunity to renew to you, Monsieur le Ministre, the assurance of our highest consideration.

FEDERAL POLITICAL DEPARTMENT.

7 January 1949

Reference our letter 20 September. Have honour inform Your Excellency that for practical reasons opening date Geneva Diplomatic Conference for Establishment International Conventions Protection War Victims postponed to 21 April 1949. Will confirm shortly by letter enclosing working documents.

FEDERAL POLITICAL DEPARTMENT.

January 15th, 1949

Monsieur le Ministre,

We have the honour to confirm the telegram which we sent to Your Excellency on January 7th, 1949, informing you that for practical reasons, the Diplomatic Conference convened at Geneva for the Establishment of International Conventions for the Protection of War Victims, would open on April 21st, 1949, and not on March 25th as originally intended. We should be much obliged if Your Excellency would kindly note the change of date and inform the authorities concerned.

We are today sending you three sets of the four Working Documents which the Federal Political Department has had printed in tabular form. We should be obliged if you would let us know how many sets of documents you will require, and whether your Government wishes to receive copies of the English edition which will appear shortly. The Political Department will also willingly undertake to distribute to the Powers who have been invited, any memoranda, proposals or drafts which the Governments may have drawn up for the purposes of the Diplomatic Conference.

We also enclose a number of copies of the Draft Rules of Procedure of the Conference, a Draft Agenda for April 20th, 21st and 22nd, 1949, and also information for the use of delegates. The Draft Rules of Procedure of the Conference have been drawn up in such a way that a delegation consisting of three members will be able to take part in all the work of the Conference.

It would be of assistance to us to know, before March 15th, the names and titles of the plenipotentiaries who will represent your Government at the Diplomatic Conference, and also those of the persons who will accompany them. For this purpose, we are enclosing a number of forms and should be obliged if you would kindly have them completed and returned to us. A provisional list of delegates will be published shortly before the Conference opens.

Plenipotentiaries should submit to the Secretariat of the Conference, on the day preceding the opening meeting, the credentials authorizing them to discuss, adopt and sign the International Conventions which are to be established by the Conference.

A number of States have drawn the attention of the Federal authorities to the fact that the revision of the Xth Hague Convention of 1907 raises technical problems which should be examined by naval experts. The Powers particularly interested in these questions may find it advisable to include a naval expert in their delegation.

Delegates may apply at once for any information which they may require in connection with their stay in Geneva, to Mr. R. Bezzola, whom the Federal Council has appointed Federal Commissioner for the Preparation of the Conference, and whose offices are at 6, rue Charles Bonnet, Geneva.

We avail ourselves of this opportunity to renew to you, Monsieur le Ministre, the assurance of our highest consideration.

FEDERAL POLITICAL DEPARTMENT.

February 15th, 1949

Monsieur le Ministre,

We have the honour to enclose a memorandum sent to us by the Government of the United Kingdom, which has asked us to bring it to the notice of all countries invited to the Diplomatic Conference which is to open at Geneva on April 21st next.

The survey in question is based on the Draft Conventions for the Protection of War Victims now in existence, the texts of which were contained in the Working Documents which we sent you recently.

We avail ourselves of this opportunity to renew to you, Monsieur le Ministre, the assurance of our highest consideration.

FEDERAL POLITICAL DEPARTMENT.

March 15th, 1949

Monsieur le Ministre,

We have the honour to refer to our letter of February 15th and to enclose various documents which we have published for the purposes of the Diplomatic Conference for the Establishment of International Conventions for the Protection of War Victims which is to open in Geneva on April 21st, 1949. These documents are as follows:

- (1) Working Documents Nos. 1-4, in English, containing the Conventions now in force and drafts of the revised or new Conventions.
- (2) Working Document No. 5, in French and in English, containing an Index and four Reference Tables showing the relationship between the Articles of the various Draft Conventions.
- (3) Appendix VI to the memorandum by the Government of the United Kingdom.
- (4) A translation into French of the above memorandum by the Government of the United Kingdom. This memorandum, printed in French and in English, will constitute Document No. 6.
- (5) A folder containing information for the use of delegates.

We avail ourselves of this opportunity to renew to you, Monsieur le Ministre, the assurance of our highest consideration.

FEDERAL POLITICAL DEPARTMENT.

April 6th, 1949

Monsieur le Ministre,

We have the honour to refer to our letter of March 15th and to send Your Excellency the enclosed document which the International Labour Organization has asked us to distribute in connection with the Diplomatic Conference for the Protection of War Victims which is to open at Geneva on April 21st next.

This working document, which will be known as Document No. 7, is being sent to you in French and in English. It comprises a Memorandum by the International Labour Organization and a series of replies containing the observations of various Governments represented on the Governing Body of the International Labour Office.

We avail ourselves of this opportunity to renew to you, Monsieur le Ministre, the assurance of our highest consideration.

FEDERAL POLITICAL DEPARTMENT.

April 8th, 1949.

Monsieur le Ministre,

We have the honour to refer to our previous letters and to send Your Excellency the enclosed Memorandum which the Netherlands Government has asked us to distribute to those taking part in the Diplomatic Conference which is to open at Geneva on April 21st next.

We are arranging to have this document translated into English. It will be issued to delegates on their arrival in Geneva and will become Document No. 8 of the Diplomatic Conference.

We avail ourselves of this opportunity to renew to you, Monsieur le Ministre, the assurance of our highest consideration.

FEDERAL POLITICAL DEPARTMENT.



IV

LIST OF DOCUMENTS ISSUED BY THE SWISS FEDERAL  
POLITICAL DEPARTMENT IN CONNECTION  
WITH THE DIPLOMATIC CONFERENCE



**List of Documents issued by the Swiss Federal Political  
Departement in Connection with the  
Diplomatic Conférence**

- Document No. 1* — Draft Convention for the Relief of the Wounded and Sick in Armed Forces in the Field.
- (a) Text of Geneva Convention of July 27th, 1929;
  - (b) Draft submitted to the XVIIth International Red Cross Conference.
  - (c) Draft as amended and approved by the XVIIth International Red Cross Conference.
- Document No. 2* — Draft Convention for the Relief of Wounded, Sick and Shipwrecked Members of Armed Forces on Sea:
- (a) Text of the Xth Hague Convention of 1907.
  - (b) Draft submitted to the XVIIth International Red Cross Conference;
  - (c) Draft as amended and approved by the XVIIth International Red Cross Conference.
- Document No. 3* — Draft Convention relative to the Treatment of Prisoners of War:
- (a) Text of Convention concluded at Geneva on July 27th, 1929.
  - (b) Draft submitted to the XVIIth International Red Cross Conference
  - (c) Draft as amended and approved by the XVIIth International Red Cross Conference.
- Document No. 4* — Draft Convention for the Protection of Civilian Persons in Time of War:
- (a) Draft as submitted to the XVIIth International Red Cross Conference.
  - (b) Draft as amended and approved by the XVIIth International Red Cross Conference.
- Document No. 5* — Index and Concordance.
- Document No. 6* — Memorandum by the Government of the United Kingdom.
- Document No. 7* — Document presented by the International Labour Organization: Draft Memorandum and Observations by Governments represented on the Governing Body of the International Labour Office.
- Document No. 8* — Proposition by the Netherlands' Government.
- Document No. 9* — Memorandum by the Government of Finland.
- Document No. 10* — Memorandum by the Italian Government.
- Document No. 11* — Memorandum by the Greek Government.
- Document No. 12* — Note from the Head Office of International Railway Transport.



LIST OF DELEGATES, EXPERTS AND OBSERVERS  
AT THE DIPLOMATIC CONFERENCE

LIST OF PLENIPOTENTIARIES WHO SIGNED 1) THE FINAL ACT  
2) THE GENEVA CONVENTIONS 3) THE FINAL ACT  
AND THE GENEVA CONVENTIONS OF AUGUST, 12th, 1949

LIST OF MEMBERS OF THE COMMITTEE FOR THE PREPARATION  
OF THE DIPLOMATIC CONFERENCE

LIST OF MEMBERS OF THE SECRETARIAT  
OF THE DIPLOMATIC CONFERENCE

## List of delegates, experts and observers at the Diplomatic Conference

### (a) DELEGATES

#### AFGHANISTAN

*Head of the Delegation :*

- H. R. H. General Mohammed DAoud KHAN, Envoy Extraordinary and Minister Plenipotentiary of Afghanistan in Switzerland, later  
H. E. Mr. Mohammed Osman AMIRI KHAN, Envoy Extraordinary and Minister Plenipotentiary of Afghanistan in Italy.

*Delegates :*

- Mr. Abdul Ghafour CHARAR, First Secretary.  
Mr. Nadjmouddine Bek Bammate, Doctor of Laws.

*Secretary :*

- Mr. Mohammed Ali Chertzad.

#### PEOPLE'S REPUBLIC OF ALBANIA

*Head of the Delegation :*

- Mr. Halim Budo, Political Director, Ministry of Foreign Affairs.

*Delegate :*

- Mr. Nase Nesti, Head of the Department of International Organizations, Ministry of Foreign Affairs.

#### ARGENTINE

*Head of the Delegation :*

- H. E. Mr. Benito Pedro Llambi, Envoy Extraordinary and Minister Plenipotentiary of Argentine in Switzerland.

*Delegate :*

- Mr. Guillermo A. Speroni, First Secretary to the Argentine Legation in Berne.

#### AUSTRALIA

*Head of the Delegation :*

- H. E. Lieutenant-Colonel W. R. Hodgson, O.B.E., Australian Ambassador to France.

*Advisers :*

- Captain Patrick Perry, O.B.E., R.A.N.  
Commander V. A. T. Smith, D.S.C., R.A.N.  
Lieutenant-Colonel Bruce Baynton Watchorn, O.B.E., M.C., Deputy Australian Army Representative in the United Kingdom.  
Wing Commander Reginal Henry Davis, O.B.E., R.A.A.F.  
Mr. Hywel Glyn Jones, Solicitor, Office of the High Commissioner for Australia in London.

*Secretaries :*

- Miss Cynthia Digby.  
Miss Joan Wigglesworth.

#### AUSTRIA

*Head of the Delegation :*

- H. E. Mr. Rudolf Bluehdorn, Envoy Extraordinary and Minister Plenipotentiary, Ministry of Foreign Affairs.

*Delegates :*

Mr. Kurt SEIDLER, Ministerial Counsellor, Ministry of the Interior.  
Mr. Karl STROBL, Section Counsellor, Ministry of Social Administration.

*Adviser :*

Mr. Hans POPPER, Doctor of Laws, Barrister.

BELGIUM

*Head of the Delegation :*

Mr. Maurice BOURQUIN, Professor at Geneva University and Legal Adviser to the Belgian Ministry of Foreign Affairs.

*Delegates :*

H. E. Mr. Maurice MINEUR, Minister Plenipotentiary, Ministry of Foreign Affairs.  
Major-General A. L. René LEFEBVRE, Inspector-General of Army Medical Services.  
Major-General René H. G. DEVIJVER, Department of Military Administration of the Ministry of National Defence.  
Mr. Henri ADAM, Inspector-General, Ministry of the Interior.  
Mr. Edmond DRONSART, Director-General of the Belgian Red Cross.

*Secretary :*

Mr. Raymond A. H. DU MOULIN, Attaché.

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

*Head of the Delegation :*

Mr. Ivan KUTEINIKOV, Official of the Byelorussian Red Cross.

*Advisers :*

Mr. Ivan CHESTAKOV, Official in the Prisoners of War Department.  
Mr. Petre Ilyitch POPOV, Byelorussian Red Cross.

*Secretary and Interpreter :*

Mr. Nicolai AGAPOV.

BOLIVIA

*Head of the Delegation :*

Mr. Gustave MEDEIROS, Bolivian Chargé d'Affaires in France.

*Delegate :*

Mr. Frédéric FERRIÈRE, Bolivian Consul at Geneva.

BRAZIL

*Delegates :*

Mr. João PINTO DA SILVA, Brazilian Consul General at Geneva.  
Major-General Floriano DE LIMA BRAYNER, Military Attaché to the Brazilian Embassy in Paris.

BULGARIAN PEOPLE'S REPUBLIC

*Head of the Delegation :*

H. E. Mr. Nissim MEVORAH, Minister Plenipotentiary, Ministry of Foreign Affairs.

*Delegates :*

General Petar KOLAROV, Director of Army Medical Services.  
Dr. Luben RATCHEV, Professor of Medicine, President of the Bulgarian Red Cross.  
Mr. Luben PENTCHEV, Secretary of the Bulgarian Legation in Berne.

*Secretary :*

Miss Maria PAPOUKTCHIEVA, Doctor of Political Science.

## REPUBLIC OF THE UNION OF BURMA

General Tun Hla OUNG, Military Attaché to the Burmese Embassy in London.

## CANADA

### *Head of the Delegation:*

H. E. Mr. Emile VAILLANCOURT, Envoy Extraordinary and Minister Plenipotentiary of Canada in Yugoslavia.

### *Deputy Head of the Delegation:*

Mr. Max WERSHOF, Counsellor, Office of the High Commissioner for Canada in London.

### *Delegates:*

Colonel John N. B. CRAWFORD, Directorate General of Medical Services, Department of National Defence.

Major William Bertram ARMSTRONG, Office of the Adjutant General, Department of National Defence.

### *Advisers:*

Mr. John W. KERR, Department of Transport.

Dr. Ernest A. WATKINSON, Department of National Health and Welfare.

### *Secretaries:*

Mr. J. H. THURROTT, Second Secretary to the Canadian Embassy in Brussels.

Miss Ursula ROBBINS.

## CHILE

### *Head of the Delegation:*

H. E. Mr. Fernando CISTERNAS ORTIZ, Envoy Extraordinary and Minister Plenipotentiary of Chile in Switzerland.

### *Delegates:*

Mr. Arturo SCROGGIE, Attaché to the Chilean Legation in Berne.

Mr. Ramon RODRIGUEZ RIVERA, Delegate of Chile accredited to the European Office of the United Nations at Geneva.

## CHINA

### *Head of the Delegation:*

H. E. Mr. Nan-Ju WU, Envoy Extraordinary and Minister Plenipotentiary of China in Switzerland.

### *Delegates:*

Colonel Kuan-Chou WANG, Military Attaché to the Chinese Embassy in Paris.

Mr. Tswi-Tsang CHEN, Naval Attaché to the Chinese Embassy in London.

Dr. W. W. YUNG, Medical Adviser to the Ministry of Public Health.

### *Adviser:*

Mr. Nietsou WANG, First Secretary to the Chinese Legation in Berne.

### *Secretary:*

Mr. Shu-Po CHANG, Attaché to the Chinese Legation in Berne.

## COLOMBIA

### *Head of the Delegation:*

H. E. Mr. José Gabriel DE LA VEGA, Envoy Extraordinary and Minister Plenipotentiary of Colombia in Switzerland.

### *Delegate:*

Mr. Rafael ROCHA SCHLOSS, Counsellor, Delegate of Colombia accredited to the European Office of the United Nations at Geneva.

### *Secretary:*

Mr. Simón J. MARTINEZ EMILIANI, Second Secretary to the Colombian Legation in Berne.

## COSTA RICA

### *Head of the Delegation:*

H. E. Mr. Miguel BOURLA, Resident Minister of Costa Rica in France.

### *Delegate:*

Miss Victoria GARRON OROZCO, Delegate to the United Nations International Child Welfare Emergency Fund.

## CUBA

### *Head of the Delegation:*

Mr. José DE LA LUZ LEÓN, Doctor of Laws, Cuban Chargé d'Affaires *ad interim* in Switzerland.

### *Delegates:*

Dr. Rodolfo HENRIQUEZ LAURANSON, President of the Cuban Red Cross.

Dr. Martin LEUNDA Y ANDREU, Doctor of Laws, Vice-President of the Cuban Red Cross.

### *Assistant:*

Mr. José CAMINERO, Civil Engineer, Member of the Cuban Red Cross.

### *Interpreter:*

Miss Maricelsa DE LA LUZ LEÓN.

## CZECHOSLOVAKIA

### *Head of the Delegation:*

Mr. Arnůst TAUBER, Section Counsellor, Ministry of Foreign Affairs.

### *Delegates:*

Mr. Toimáš KORBAŘ, Doctor of Laws, Ministerial Commissioner, Ministry of Foreign Affairs.

Mr. Pavel WINKLER, Consul General of Czechoslovakia in Switzerland.

### *Secretary:*

Mr. Roland AUDEOUD.

## DENMARK

### *Head of the Delegation:*

H. E. Mr. Georg COHN, Doctor of Laws, Envoy Extraordinary and Minister Plenipotentiary.

### *Delegates:*

Captain Paul IPSEN, Danish Navy.

Colonel Hans Henrik JØRGENSEN, Military Attaché to the Danish Embassy in Paris and to the Danish Legations in Berne, Brussels, the Hague and Prague.

Mr. Arthur Christian Jensen DAHL, Chief of Civil Defence Services.

### *Adviser:*

Mr. Peter Frederik BÅGGE, Consul, Assistant Director-General of the Danish Red Cross.

### *Secretaries:*

Mr. Preben VAN DER HUDE, Assistant Chief of Section at the Ministry of Foreign Affairs.

Miss Karen ARENTZEN.

## ECUADOR

Mr. Alejandro GASTELÚ, Counsellor, Consul General of Ecuador in Switzerland, Permanent Delegate to the International Labour Office.

## EGYPT

### *Head of the Delegation:*

H. E. Abdel Karim SAFWAT Bey, Envoy Extraordinary and Minister Plenipotentiary of Egypt in Switzerland.

### *Delegates:*

Mahmoud Sami GUENENA Bey, Vice-Rector of the University Farouk I at Alexandria.  
Major Ibrahim Sami GAD EL-HAK, Egyptian Army.

## EL SALVADOR

H. E. Mr. Ramon Arturo BUSTAMANTE, Envoy Extraordinary and Minister Plenipotentiary of Salvador in France.

## ETHIOPIA

Mr. Gachaou ZELLEKE, Counsellor, Ethiopian Chargé d'Affaires ad interim in Sweden.

## FINLAND

### *Head of the Delegation:*

Mr. Erik Johannes Sakari CASTRÉN, Professor of Public Law at Helsinki University.

### *Delegates:*

Lieutenant-Colonel Bertil Walter NORDLUND, Military Attaché to the Finnish Legation in Stockholm.

Mr. Viljo AHOKAS, Permanent Delegate of Finland to International Organizations at Geneva.

## FRANCE

### *Head of the Delegation:*

H. E. Mr. Robert BETOLAUD, Minister for Ex-Service Men and War Victims.

### *Deputy Head of the Delegation:*

Mr. Albert LAMARLE, Minister Plenipotentiary.

### *Delegates:*

Mr. Georges CAHEN-SALVADOR, President of Section in the Council of State.

Dr. Lucien JAME, Inspector-General, Director of Army Medical Services.

Mr. Daniel BOIDÉ, Inspector-General, Technical Adviser on the staff of the Minister of Public Health and Population.

Dr. Pierre PUYO, Chief Medical Officer, Naval Section, Ministry of National Defence.

Miss Andrée JACOB, Head of Department at the Ministry of Ex-Service Men and War Victims.

Dr. Pierre-Jean BELLAN, Doctor of Laws, Member of the staff of the Minister of Ex-Service Men and War Victims.

Mr. Robert BAUDOY, Embassy Secretary, in charge of the Department of International Unions at the Ministry of Foreign Affairs.

## GREECE

### *Head of the Delegation:*

Mr. Michel A. PESMAZOGLOU, Legal Adviser to H. M. the King of the Hellenes; former Minister.

### *Deputy Head of the Delegation:*

Mr. Rico AGATHOCLES, Barrister at the Court of Appeal.

### *Delegate:*

Mr. Georges ZANETTOS, Delegate of the Greek Red Cross in France.

## GUATEMALA

Mr. Albert DUPONT-WILLEMEN, Consul for Guatemala at Geneva.\*

## HOLY SEE

### *Head of the Delegation:*

H. E. Msgr. Philippe BERNARDINI, Papal Nuncio in Switzerland.

### *Deputy Head of the Delegation:*

Msgr. Paul BERTOLI, Counsellor, Papal Nunciature in Berne.

### *Delegates:*

Msgr. Charles COMTE, Prelate of His Holiness, Vicar of Confignon near Geneva.

The Rev. Father Edward J. KILLION, Delegate of the Holy See to the International Refugee Organization at Geneva.

## HUNGARIAN PEOPLE'S REPUBLIC

### *Head of the Delegation:*

Mr. Imre SZABÓ, Doctor of Laws, Ministerial Counsellor, Ministry of Justice.

### *Deputy Head of the Delegation:*

Mr. Georges HARASZTI, Ministerial Counsellor, Ministry of Foreign Affairs.

### *Delegates:*

Dr. Andor FALUS, President of the Hungarian Red Cross.

Mrs. Elisabeth KARDOS, First Secretary to the Hungarian Legation in Berne.

### *Adviser:*

Mrs. Anna KARA, Ministerial Counsellor, Ministry of Health.

## INDIA

### *Head of the Delegation:*

Sir Dhiren MITRA, Legal Adviser to the High Commissioner for India in London.

### *Delegates:*

Colonel Benegal Mukunda RAO, I. A. M. C., Ministry of Defence.

Mr. Parmeshwar Narain HAKSAR, Indian Foreign Service, Office of the High Commissioner for India in London.

### *Adviser:*

Mr. Rangaswami Ananta NARAYANAN, Assistant Legal Adviser, Office of the High Commissioner for India in London.

### *Secretary:*

Miss A. DUTT.

## IRAN

### *Head of the Delegation:*

Mr. Abdol Hossein MEYKADEH, Counsellor of the Legation of Iran in Berne.

### *Delegate:*

Dr. Gholam-Hossein MOSSADEGH, Professor of Medicine at the University of Teheran, Delegate of the Red Lion and Sun Society of Iran.

### *Secretary:*

Mr. Homayoun MEYKADEH.

## REPUBLIC OF IRELAND

### *Head of the Delegation:*

Mr. Michael RYNNE, Legal Adviser to the Department of External Affairs.

### *Delegates:*

Colonel Thomas J. MCKINNEY, Director of the Army Medical Corps.

Colonel George P. HODNETT, Deputy Judge Advocate-General.

Mr. William M. CASHMAN, Principal Officer of the Department of Defence.

## ISRAEL

### *Head of the Delegation:*

H. E. Mr. Maurice FISCHER, Envoy Extraordinary and Minister Plenipotentiary of Israel in France.

### *Deputy Head of the Delegation:*

Mr. Zvi LOKER, Deputy Director of the Department for International Organizations in the Ministry of Foreign Affairs.

### *Delegates:*

Mr. Menahem KAHANY, Doctor of Laws, Delegate of Israel to the European Office of the United Nations and to the International Committee of the Red Cross.  
Major Arieh (Leo) STEINBERG, M. D., Ministry of Health.  
Major Samuel BARON, Israelian Army.

### *Adviser:*

Mr. Emile NAJAR, Counsellor of the Legation of Israel in Paris.

## ITALY

### *Head of the Delegation:*

H. E. Mr. Giacinto AURITI, Ambassador.

### *Delegates:*

Dr. Aldo SPALLICI, Senator, Professor in Child Medicine, Deputy High Commissioner for Hygiene and Public Health.  
Mr. Ugo SEVERINI, Prefect in the Ministry of the Interior.  
Lieutenant-General Mario PERUZZI, Medical Service, Ministry of Marine.  
Lieutenant-General Alberto MARULLI, Medical Service, Ministry of Air.  
General Guido FERRI, Director of Army Medical Services.  
Brigadier-General Alberto RODA, Military and Air Attaché to the Italian Legation in Berne, Member of the General Staffs of the Army, the Navy and the Air Force.  
Mr. Domenico GAMBARDELLA, Sub-Prefect, Ministry of the Interior.  
Mr. Ettore BAISTROCCHI, First Secretary.  
Mr. Adolfo MARESCA, Consul, Secretary to the Legal Department of the Ministry of Foreign Affairs, Professor of Diplomatic and Consular Law at the "Pro Deo" International University, Rome.

### *Advisers:*

Mr. Vittorio MINNUCCI, Director of the Italian Red Cross.  
Mr. Salvatore FAMILIARI, Chief Accountant, Ministry of the Interior.

### *Secretary:*

Mr. Enrico ANDREA, Interpreter, Ministry of Foreign Affairs.

## LEBANON

### *Head of the Delegation:*

H. E. Mr. Jamil MIKAOUI, Envoy Extraordinary and Minister Plenipotentiary of the Lebanon in Switzerland.

### *Delegates:*

Mr. Albert NASSIF, First Secretary to the Lebanese Legation to the Holy See.  
Emir Négib-Fateck CHEHAB, Second Secretary to the Lebanese Legation in Berne.

## LIECHTENSTEIN

Count Ferdinand WILCZEK.  
H. S. H. Prince Constantin of LIECHTENSTEIN.

## LUXEMBURG

*Head of the Delegation:*

Mr. Pierre MAJERUS, Governmental Counsellor in the Ministry of Foreign Affairs.

*Delegate:*

Mr. Jean STURM, Chargé d'Affaires of Luxemburg in Switzerland.

## MEXICO

*Head of the Delegation:*

H. E. Dr. Pedro DE ALBA, Ambassador, Permanent Delegate of Mexico to the International Labour Office.

*Delegates:*

Brigadier-General Tomás SÁNCHEZ HERNANDEZ, Military and Air Attaché to the Mexican Embassy in Paris.

Commander José OROZCO SILVA, Naval Attaché to the Mexican Embassy in London.

*Adviser:*

Mr. Juan DE RUEDA, Permanent Representative of the Mexican Red Cross to the International Committee of the Red Cross and the League of Red Cross Societies.

*Secretary:*

Mr. Rubén GONZÁLES-SOSA, Vice-Consul, Secretary to the Mexican Delegation to the International Labour Office.

## MONACO

*Head of the Delegation:*

H. E. Mr. Maurice LOZÉ, Envoy Extraordinary and Minister Plenipotentiary of Monaco in France.

*Delegates:*

Mr. Paul DE GEOUFFRE DE LA PRADELLE, Professor of Law at Aix-en-Provence,  
Mr. René BICKERT, Consul General of Monaco at Geneva.

## NETHERLANDS

*Head of the Delegation:*

H. E. Mr. J. J. B. BOSCH, Chevalier VAN ROSENTHAL, Doctor of Laws, Envoy Extraordinary and Minister Plenipotentiary of the Netherlands in Switzerland.

*Deputy Head of the Delegation:*

Major-General Jan Dirk SCHEPERS, Doctor of Laws, Deputy Chief of General Staff, Ministry of War.

*Delegates:*

Major-General Theodorus Johannes WILKENS, M.D., Inspector of Army Medical Services.

Mr. Walter M. BIJLEVELD, Doctor of Laws, Deputy Director of the Legal Division of Ministry of War.

Captain Martinus Willem MOUTON, R.N.N., Doctor of Laws, Judge in the Extraordinary Court of Cassation.

Captain A. W. MELLEMA, Naval Medical Service, Ministry of Marine.

Mr. C. VAN DEN BERG, Doctor of Economics, Director General of Public Health (International Affairs) in the Ministry of Social Affairs.

Mr. Jan MEULBLOK, Ministry of Social Affairs.

Mr. R. K. A. BERTSCH, Adviser to the Ministry of Overseas Territories.

Mr. Mas SLAMET, Professor of Law at the University of Indonesia at Batavia.

Dr. Samuel Jusof WAROUW, Chief Medical Officer to the Department of Public Health of the Government of Indonesia (Batavia).

*Adviser :*

Jonkheer Henri BEELAERTS VAN BLOKLAND, Head of the Department of External Relations in the Netherlands' Red Cross.

*Secretaries :*

Jonkheer Rudolph C. C. DE SAVORNIN LOHMAN, Doctor of Laws, Ministry of Foreign Affairs.  
Miss Renée Florence VAN ASCH VAN WYCK.

NEW ZEALAND

*Head of the Delegation :*

Major-General William G. STEVENS, C.B., C.B.E., Official Secretary, New Zealand Government Offices, London.

*Deputy Head of the Delegation :*

Mr. Cyril B. BURDEKIN, O.B.E.

*Delegates :*

Major Alan Campbell HIGHET.  
Mr. Robert QUENTIN-BAXTER, Ministry of External Affairs.

*Secretary :*

Miss Beryl Winifred DAY.

NICARAGUA

*Delegate :*

Mr. Boris LIFSCHITZ, Consul of Nicaragua in Berne.

*Secretary :*

Mr. Willy Albert GUEDEL.

NORWAY

*Head of the Delegation :*

Mr. Frede CASTBERG, Professor at Oslo University, Adviser on International Law to the Ministry of Foreign Affairs.

*Deputy Head of the Delegation :*

H. E. Mr. Rolf ANDERSEN, Envoy Extraordinary and Minister Plenipotentiary of Norway in Switzerland.

*Delegates :*

Mr. Carl KRUSE-JENSEN, Judge of the Supreme Court of Justice.  
Mr. August TOBIESEN, Chief of Civil Defence Services.  
Mr. Vilhelm PAUS, First Secretary to the Norwegian Legation in Berne.

*Secretary :*

Miss Carmen CHRISTOPHERSEN.

PAKISTAN

*Head of the Delegation :*

Major-General Shaikh Mohammed Afzal FARUKI, Director General Medical Services.

*Delegates :*

Lieutenant-Colonel Abdul Hamid SHAIKH, C.I.E., I.M.S. (R).  
Commander John Clifford MANSELL, R.N., Naval Adviser to the High Commissioner for Pakistan, London.  
Surgeon Lieutenant-Commander Abdul RASHID, Royal Pakistan Navy.

*Secretary:*

Miss Phyllis MANGER.

PERU

*Delegate:*

Mr. Gonzalo PIZARRO, Peruvian Chargé d'Affaires in Switzerland.

*Substitute Delegate:*

Mrs. Carmen DORICH DE COQUOZ.

PORTUGAL

*Head of the Delegation:*

General Luiz Pinto LELLO, Director of the Institute of Advanced Military Studies in Lisbon.

*Delegates:*

Colonel Marcelino PAES DE FIGUEIREDO ALVES, Army Medical Service, Ministry of War, Representative of the Portuguese Red Cross.

Mr. Gonzalo COELHO, Portuguese Chargé d'Affaires ad interim in Switzerland.

Captain Alberto Maçãs FERNANDES, Army Medical Service, Ministry of War.

Lieutenant João Eduardo Coelho FERRAZ DE ABREU, Naval Medical Service, Ministry of Marine.

*Secretary:*

Mr. Jorge de Andrade CID PROENÇA, Secretary of the Portuguese Embassy to the Holy See.

RUMANIAN PEOPLE'S REPUBLIC

*Head of the Delegation:*

Dr. Victor DIMITRIU, Secretary General to the Ministry of Public Health.

*Delegates:*

Mrs. Ofelia MANOLE, Deputy Minister of Public Health.

H. E. Mr. Mihail MAGHERU, Envoy Extraordinary and Minister Plenipotentiary of Rumania in Switzerland.

Mr. Octavian FENEȘAN, Ministry of Foreign Affairs.

Mrs. Elisabeta LUCA, Member of the Executive Committee of the Rumanian Red Cross.

SPAIN

*Head of the Delegation:*

H. E. Mr. Luis CALDERÓN Y MARTIN, Envoy Extraordinary and Minister Plenipotentiary of Spain in Switzerland.

*Delegates:*

Lieutenant-Colonel Carlos TABOADA Y SANGRO, Count of ALMINA, Attaché to the Spanish Embassy in Paris.

Lieutenant-Colonel Luis ORCASITA LLORENTE, Chief of the International Law Section of the General Staff in the Ministry of Marine.

Captain Carlos SAAVEDRA OZORES, Marquis of VILLALOBAR, Attaché to the Spanish Legation in Berne.

Mr. Federico Díez Y DE YSASI, Spanish Consul at Geneva.

## SWEDEN

### *Head of the Delegation:*

H. E. Mr. STAFFAN SÖDERBLOM, Envoy Extraordinary and Minister Plenipotentiary of Sweden in Switzerland.

### *Delegates:*

Mr. Torsten GIHL, Doctor of Laws and of Literature, Professor at the University of Stockholm.

Mr. Kurt HOLMGREN, Secretary-General to the Ministry of Trade.

General David LINDSJÖ, Chief Medical Officer of the Swedish Armed Forces and Director of the National Defence Medical Services.

### *Advisers:*

Commodore Daniel LANDQUIST, Director of the Higher Naval School.

Mr. Hugo CEDERGREN, M. A.

Mr. Hans HANSSON, Managing Director of the Swedish Lifeboat Association.

Miss Britta DE VEGESACK, Doctor of Literature, Permanent Delegate of Sweden to the European Office of the United Nations, Geneva.

### *Secretary:*

Miss Elisabeth GEIJER.

## SWITZERLAND

### *Head of the Delegation:*

Mr. Plinio BOLLA, Judge of the Federal Supreme Court.

### *Delegates:*

Mr. Philippe ZUTTER, Minister Plenipotentiary, Chief of the International Organizations Division in the Federal Political Department.

Divisional Colonel Claude DU PASQUIER, Professor of Law at the Universities of Neuchâtel and Geneva.

Brigadier-Colonel Hans MEULI, Principal Medical Officer of the Army.

### *Advisers:*

Mr. Gustave Adolf BOHNY, President of the Swiss Red Cross.

Mr. Oscar SCHÜRCH, Doctor of Laws, Chief of the Refugee Section in the Federal Department of Justice and Police.

Mr. Jean STROEHLIN, First Secretary.

Miss Denise ROBERT, Legal Expert in the Federal Political Department.

## SYRIA

Omar Bey EL DJABRI, Doctor of Laws, Syrian Chargé d'Affaires *ad interim* in Switzerland.

Mr. Antoine GENNAOUI, Professor of Science at Damas University.

Mr. Omar CHAKACHIRO, Professor of Literature.

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## THAILAND

### *Head of the Delegation:*

H. E. Mr. Luang DITHAKAR BHAKDI, Envoy Extraordinary and Minister Plenipotentiary of Thailand in Switzerland.

### *Secretary:*

Mr. Chamnian KIATTINAT, Attaché to the Thai Legation in Berne.

## TURKEY

### *Head of the Delegation:*

Mr. Ali Rana TARHAN, Former Deputy and Minister, President of the Turkish Red Crescent.

### *Delegates:*

General Zeki Faik URAL, Professor of Medicine at Ankara University and at the Military Medical Academy of Ankara.  
Mr. Nedim ABUT, Director of the Turkish Red Crescent.

### *Secretary:*

Mr. Hüveyda MAYATEPEK, Vice-Consul at the Turkish Consulate General, Geneva.

## UKRAINIAN SOVIET SOCIALIST REPUBLIC

### *Head of the Delegation:*

Mr. Nikolai Andreyevitch BARAN, Deputy Minister of Public Health.

### *Advisers:*

Mr. Oleg Alexandrovitch BOGOMOLETZ, Professor of Medicine.  
Mr. Konstantin Semyonovitch ZABIGAILO.

## UNION OF SOVIET SOCIALIST REPUBLICS

### *Head of the Delegation:*

General Nikolai Vassilievitch SLAVIN.

### *Deputy Head of the Delegation:*

Mr. Platon Dmitrievitch MOROSOV.

### *Delegates:*

Mrs. Maria Dmitrievna KOVRIGINA, Deputy Minister, Ministry of Public Health.  
General Ivan Andreyevitch SKLYAROV.  
Mr. Boris Mikhailovitch PASHKOV, Professor of Medicine, Vice-President of the Executive Committee of the Alliance of Soviet Red Cross and Red Crescent Societies.

### *Advisers:*

Mr. Taras Filippovitch FILIPPOV.  
Mr. Valery Nikolaevitch BOUTROV.  
Mrs. Sophia Mikhailovna SPERANSKAYA.  
Mr. Yosif Moissevitch SENDIK.  
Mr. Yury Vassilievitch DROUGOV.  
Mr. Alexei Fedorovitch SOKIRKIN.

### *Secretary:*

Mr. Konstantin Grigorievitch FEDOSEYEV.

## UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

### *Head of the Delegation:*

The Rt. Hon. Sir Robert Leslie CRAIGIE, P.C., G.C.M.G., C.B., Foreign Office.

### *Deputy Heads of the Delegation:*

Mr. Henry A. STRUTT, C.B., C.V.O., Home Office.  
Mr. William H. GARDNER, C.M.G., War Office.

*Delegates:*

Mr. William V. S. SINCLAIR, Department of H. M. Procurator General and Treasury Solicitor.  
Mr. Nigel J. ABERCROMBIE, Admiralty.  
Brigadier E. Kenneth PAGE, D.S.O., O.B.E., M.C., War Office.  
Mr. David J. MILL IRVING, Foreign Office.  
Mr. John A. C. C. ALEXANDER, Foreign Office.  
Mr. Albert R. SWINNERTON, War Office.  
Mr. William P. SPEAKE, Home Office.  
Mr. Wilfred C. DAY, War Office.  
Colonel Henry J. PHILLIMORE, O.B.E., War Office.  
Mr. George V. HART, Home Office.  
Miss Joyce A. C. GUTTERIDGE, Foreign Office.  
Mr. Alec BROADLEY, Ministry of Transport.  
Lieutenant-Colonel Matthew H. P. SAYERS, O.B.E., War Office.  
Miss Sheila M. BECKETT, War Office.  
Mr. Eric N. SMITH, Foreign Office.

*Observer:*

Mr. P. M. BLOMEFIELD, British Red Cross.

## UNITED STATES OF AMERICA

*Head of the Delegation:*

The Hon. Leland HARRISON, Former Minister of the United States of America in Switzerland.

*Deputy Head of the Delegation:*

Mr. Raymund T. YINGLING, Assistant Legal Adviser to the Department of State.

*Advisers:*

Mr. Albert E. CLATTENBURG, Jr., First Secretary to the American Embassy in Lisbon.  
Brigadier-General Joseph V. DILLON, Air Provost Marshal General, Department of the Air Force.  
Mr. Robert W. GINNANE, Special Assistant to the Attorney General.  
Commander Charles HUNSICKER, Jr., Head International Law Branch, Office of the Judge Advocate General, Department of the Navy.  
Mr. William H. McCANON, Special Assistant to the Chief, Division of Protective Services, Department of State.  
Major-General Edwin P. PARKER, Jr., Provost Marshal General, Department of the Army.  
Mr. Harold W. STARR, Associate Counsellor, American Red Cross.

## URUGUAY

Colonel Hector BLANCO, Counsellor of the Legation of Uruguay in Berne.

## VENEZUELA

*Head of the Delegation:*

Lieutenant-Colonel Pedro Luis FALCON BRICENO, Army Medical Service, Ministry of National Defence.

*Delegate:*

Dr. Victor MONTOYA, Venezuelan Consul at Geneva.

*Adviser:*

Mr. Roberto MOLL, Ministerial Counsellor, Ministry of External Relations.

(b) EXPERTS

INTERNATIONAL COMMITTEE OF THE RED CROSS

- Mr. Paul CARRY, Professor at Geneva University, Member of the International Committee of the Red Cross.  
Mr. Jean S. PICTET, Director-Delegate of the International Committee of the Red Cross.  
Mr. Frédéric SIORDET, Adviser to the International Committee of the Red Cross.  
Mr. Claude PILLOUD, Chief of the Legal Division.  
Mr. René J. WILHELM, Member of the Legal Division.

LEAGUE OF RED CROSS SOCIETIES

- Mr. G. MILSOM, Under Secretary-General of the League of Red Cross Societies.  
Mr. L. LEDERMANN, Director of the Office for International Relations of the League of Red Cross Societies.  
Mr. R. DE CRISSET, of the Directorate of the Secretariat of the League of Red Cross Societies.

(c) OBSERVERS

DOMINICAN REPUBLIC

- Mr. Bernard GLASSON, Vice-Consul at the Consulate of the Dominican Republic, Geneva.

JAPAN

- Mr. Alva C. CARPENTER, Chief Legal Adviser to the Supreme Commander for the Allied Powers.  
Mr. George T. HAGEN, Special Assistant to the Chief Legal Adviser, Supreme Commander for the Allied Powers.  
Mr. Koichiro AKASAI, Director-General of the Central Liaison and Coordination Office of the Japanese Government.  
Mr. Iwao AYUSAWA, Executive Director of the Central Labour Relations Board of the Japanese Government.

POLAND

- Mr. Stanislaw KALINA, Second Secretary to the Polish Legation in Berne.

REPUBLIC OF SAN MARINO

- H. E. Marquis Emilio DEL SERA FIASCHI, Envoy Extraordinary and Minister Plenipotentiary of San Marino in Switzerland.

THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA

- Mr. Miroslav WILCZEK, Attaché to the Yugoslav Legation, Berne.  
Mr. Ratko PLEIĆ, Consul-General, Geneva.

UNITED NATIONS ORGANIZATION

- Mr. W. MODEROW, Director, European Office of the United Nations.  
Mr. Jean LUCAS, Representative of the Department of Trusteeship Affairs.  
Mr. V. DUCKWORTH-BARKER, Director of Information Centre, Geneva.  
Mr. Axel SERUP, Legal Adviser.  
Mr. Bertram PICKARD, Liaison Section.

## INTERNATIONAL LABOUR ORGANIZATION

Mr. Neil LITTLE, Adviser, International Labour Office, Geneva.  
Mr. Francis WOLF, Member of the Legal Section, International Labour Office, Geneva.

## WORLD HEALTH ORGANIZATION

Dr. Brock CHISHOLM, C.B.E., Director-General, World Health Organization.  
Dr. Mohamed Hossein HAFEZI, Medical Liaison Officer.

## INTERNATIONAL REFUGEES ORGANIZATION

Mr. Gustave KULLMANN, Director of the Protection, Mandate and Reparations Department.  
Mr. Albert COHEN, Deputy-Director, Protection, Mandate and Reparations Department.  
Mr. Francis BLANCHARD, Deputy-Director of Planning and Operations Services.  
Mr. Paul WEIS.  
Mr. A. F. SCHNITZLER.  
Miss M. L. BARBLE.  
Mr. V. GROSS.  
Mr. W. ROTHOLZ.  
Mr. Henrik ZYTPHEN-ADELER.

## INTERNATIONAL TELECOMMUNICATIONS UNION

Mr. Franz VON ERNST, Secretary-General of the International Telecommunications Union.

## UNIVERSAL POSTAL UNION

Mr. Louis ROULET, Adviser to the International Bureau of the Universal Postal Union.

## HEAD OFFICE OF INTERNATIONAL RAILWAY TRANSPORT

Mr. Godefroy NOÉ, Deputy Director of the Head Office of International Railway Transport.

**List of Plenipotentiaries who signed**  
**(1) The Final Act (2) The Geneva Conventions**  
**(3) The Final Act and The Geneva Conventions**  
**of August 12th, 1949**

**AFGHANISTAN**

H. E. Mr. Mohammed Osman AMIRI Khan, Envoy Extraordinary and Minister Plenipotentiary of Afghanistan in Italy  
Mr. Nadjmouddine Bek BAMBATE, Doctor of Laws  
Mr. Mohammed Ali CHERZAD

**PEOPLE'S REPUBLIC OF ALBANIA**

Mr. Halim BUDO, Political Director, Ministry of Foreign Affairs  
Mr. Javer MALO, First Secretary of the Albanian Legation in France

**ARGENTINE**

H. E. Mr. Benito Pedro LLAMBI, Envoy Extraordinary and Minister Plenipotentiary of Argentina in Switzerland  
Mr. Guillermo A. SPERONI, First Secretary to the Argentine Legation in Switzerland

**AUSTRALIA**

H. E. Lieutenant-Colonel W. R. HODGSON, O.B.E., Australian Ambassador to France  
Mr. Norman R. MIGHELL, Assistant High Commissioner of Australia in London

**AUSTRIA**

H. E. Mr. Rudolf BLUEHDORN, Envoy Extraordinary and Minister Plenipotentiary, Ministry of Foreign Affairs  
H. E. Mr. Karl WILDMANN, Envoy Extraordinary and Minister Plenipotentiary of Austria in Switzerland

**BELGIUM**

Mr. Maurice BOURQUIN, Professor at Geneva University and Legal Adviser to the Belgian Ministry of Foreign Affairs  
H. E. Mr. Maurice MINEUR, Minister Plenipotentiary, Ministry of Foreign Affairs  
Mr. Henri ADAM, Inspector-General, Ministry of the Interior  
Mr. Raymond A. H. DU MOULIN, Attaché

**BYELORUSSIAN SOVIET SOCIALIST REPUBLIC**

Mr. Ivan KUTEINIKOV, Official of the Byelorussian Red Cross.

**BOLIVIA**

Mr. Gustave MEDEIROS, Bolivian Chargé d'Affaires *ad interim* in France.

**BRAZIL**

Mr. Joao PINTO DA SILVA, Brazilian Consul General at Geneva.  
Major-General Floriano DE LIMA BRAYNER, Military Attaché to the Brazilian Embassy in Paris.

**BULGARIAN PEOPLE'S REPUBLIC**

H. E. Mr. Kosta B. SVETLOV, Envoy Extraordinary and Minister Plenipotentiary of Bulgaria in Switzerland.

**REPUBLIC OF THE UNION OF BURMA**

General Tun Hla OUNG, Military Attaché to the Burmese Embassy in London.

## CANADA

H. E. Mr. Emile VAILLANCOURT, Envoy Extraordinary and Minister Plenipotentiary of Canada in Yugoslavia.

Mr. Max H. WERSHOF, Counsellor, Office of the High Commissioner for Canada in London.

## CEYLON

Mr. V. COOMARASWAMY, C.M.G., Assistant High Commissioner of Ceylon in London.

## CHILE

H. E. Mr. Fernando CISTERNAS ORTIZ, Envoy Extraordinary and Minister Plenipotentiary of Chile in Switzerland.

Mr. Ramon RODRIGUEZ RIVERA, Delegate of Chile accredited to the European Office of the United Nations at Geneva.

## CHINA

H. E. Mr. Nan-Ju WU, Envoy Extraordinary and Minister Plenipotentiary of China in Switzerland.

## COLOMBIA

Mr. Rafael ROCHA SCHLOSS, Counsellor, Delegate of Colombia accredited to the European Office of the United Nations at Geneva.

## COSTA RICA

H. E. Mr. Miguel BOURLA, Resident Minister of Costa Rica in France.

## CUBA

Mr. José de la LUZ LEON, Doctor of Laws, Cuban Chargé d'Affaires *ad interim* in Switzerland.

## CZECHOSLOVAKIA

H. E. Mr. Arnöst TAUBER, Envoy Extraordinary and Minister Plenipotentiary of Czechoslovakia in Switzerland.

Mr. Pavel WINKLER, Consul General of Czechoslovakia in Switzerland.

## DENMARK

H. E. Mr. Georg COHN, Doctor of Laws, Envoy Extraordinary and Minister Plenipotentiary.

Captain Paul IPSEN, Danish Navy.

Mr. Peter Frederik BAGGE, Consul, Assistant Director-General of the Danish Red Cross.

## ECUADOR

Mr. Alejandro GASTELÚ, Counsellor, Consul General of Ecuador in Switzerland, Permanent Delegate to the International Labour Office.

## EGYPT

H. E. Abdel Karim SAFWAT Bey, Envoy Extraordinary and Minister Plenipotentiary of Egypt in Switzerland.

Mahmoud Sami GUENENA Bey, Vice-Rector of the University Farouk I at Alexandria.

## EL SALVADOR

H. E. Mr. Ramon Arturo BUSTAMANTE, Envoy Extraordinary and Minister Plenipotentiary of Salvador in France.

## ETHIOPIA

Mr. Gachaou ZELLEKE, Counsellor, Ethiopian Chargé d'Affaires *ad interim* in Sweden.

## FINLAND

- H. E. Mr. Reinhold SVENTO, Envoy Extraordinary and Minister Plenipotentiary of Finland in Switzerland.  
Mr. Viljo AHOKAS, Permanent Delegate of Finland to International Organizations at Geneva.

## FRANCE

- Mr. Albert LAMARLE, Minister Plenipotentiary.  
Mr. Louis JACQUINOT, Minister for Ex-Service Men and War Victims.  
Mr. Georges CAHEN-SALVADOR, President of Section in the Council of State.  
Dr Pierre PUYO, Chief Medical Officer, Naval Section, Ministry of National Defence.

## GREECE

- Mr. Michel A. PESMAZOGLOU, Legal Adviser to H.M. the King of the Hellenes, former Minister.  
Mr. Rico AGATHOCLES, Barrister at the Court of Appeal.

## GUATEMALA

- Mr. Albert DUPONT-WILLEMIN, Consul for Guatemala at Geneva.

## HOLY SEE

- H. E. Msgr. Philippe BERNARDINI, Papal Nuncio in Switzerland.  
Msgr. Paul BERTOLI, Counsellor, Papal Nunciature in Berne.  
Msgr. Charles COMTE, Prelate of His Holiness, Vicar of Confignon near Geneva.

## HUNGARIAN PEOPLE'S REPUBLIC

- Mr. Georges HARASZTI, Ministerial Counsellor, Ministry of Foreign Affairs.  
Mrs. Anna KARA, Ministerial Counsellor, Ministry of Health.

## INDIA

- H. E. Mr. Dhirajlal Bhulabhai DESAI, Envoy Extraordinary and Minister Plenipotentiary of India in Switzerland.  
Colonel Benegal Mukunda RAO, I.A.M.C., Ministry of Defence.  
Mr. Parmeshwar Narain HAKSAR, Indian Foreign Service, Office of the High Commissioner for India in London.  
Mr. Rangaswami Ananta NARAYANAN, Assistant Legal Adviser, Office of the High Commissioner for India in London.

## IRAN

- Mr. Abdol Hossein MEYKADEH, Counsellor of the Legation of Iran in Switzerland.

## REPUBLIC OF IRELAND

- Mr. Sean MACBRIDE, Minister of Foreign Affairs of Ireland.  
Mr. Michael RYNNE, Legal Adviser to the Department of External Affairs.  
Colonel George P. HODNETT, Deputy Judge Advocate-General.  
Mr. William M. CASHMAN, Principal Officer of the Department of Defence.

## ISRAEL

- H. E. Mr. Maurice FISCHER, Envoy Extraordinary and Minister Plenipotentiary of Israel in France.  
Mr. Zvi LOKER, Deputy Director of the Department for International Organizations in the Ministry of Foreign Affairs.  
Mr. Menahem KAHANY, Doctor of Laws, Delegate of Israel at the European Office of the United Nations and of the International Committee of the Red Cross.

## ITALY

H. E. Mr. Giacinto AURITI, Ambassador.  
Lieutenant-General Mario PERUZZI, Medical Service, Ministry of Marine.  
Mr. Ettore BAISTROCCHI, First Secretary.  
Mr. Adolfo MARESCA, Consul, Secretary to the Legal Department of the Ministry of Foreign Affairs, Professor of Diplomatic and Consular Law at the "Pro Deo" International University, Rome.

## LEBANON

H. E. Mr. Jamil MIKAOUI, Envoy Extraordinary and Minister Plenipotentiary of the Lebanon in Switzerland.

## LIECHTENSTEIN

Count Ferdinand WILCZEK.

## LUXEMBURG

Mr. Jean STURM, Chargé d'Affaires of Luxemburg in Switzerland.

## MEXICO

H. E. Dr Pedro de ALBA, Ambassador, Permanent Delegate of Mexico to the International Labour Office.  
H. E. Mr. Waldo ROMO CASTRO, Envoy Extraordinary and Minister Plenipotentiary of Mexico in Switzerland.  
Brigadier-General Tomás SANCHEZ HERNANDEZ, Military and Air Attaché to the Mexican Embassy in Paris.  
Commander José OROZCO SILVA, Naval Attaché to the Mexican Embassy in London.

## MONACO

H. E. Mr. Maurice LOZÉ, Envoy Extraordinary and Minister Plenipotentiary of Monaco in France.

## NETHERLANDS

H. E. Mr. J. J. B. BOSCH, Chevalier Van ROSENTHAL, Doctor of Laws, Envoy Extraordinary and Minister Plenipotentiary of the Netherlands in Switzerland.

## NEW ZEALAND

Mr. Robert QUENTIN-BAXTER, Ministry of External Affairs.  
Mr. George Robert LAKING, Counsellor to the New-Zealand Embassy in Washington.

## NICARAGUA

Mr. Boris LIFSCHITZ, Consul of Nicaragua in Berne.

## NORWAY

H. E. Mr. Rolf ANDERSEN, Envoy Extraordinary and Minister Plenipotentiary of Norway in Switzerland.

## PAKISTAN

Major-General Shaikh Mohammed Afzal FARUKI, M.G., Director General Medical Services.  
Lieutenant-Colonel Abdul Hamid SHAIKH, C.I.E., I.M.S. (R).

## PARAGUAY

Mr. Conrad FEHR, Consul of Paraguay in Berne.

## PERU

Mr. Gonzalo PIZARRO, Peruvian Chargé d'Affaires in Switzerland.

## PHILIPPINES

H. E. Mr. Proceso E. SEBASTIAN, Envoy Extraordinary and Minister Plenipotentiary of the Philippines in Italy.

## POLAND

H. E. Mr. Julian PRZYBOS, Envoy Extraordinary and Minister Plenipotentiary of Poland in Switzerland.  
Mr. Stanislas KALINA, Secretary to the Polish Legation in Berne.

## PORTUGAL

General Luiz Pinto LELLO, Director of the Institute of Advanced Military Studies in Lisbon.  
Mr. Gonçalo CALDEIRA COELHO, Portuguese Chargé d'Affaires *ad interim* in Switzerland.

## RUMANIAN PEOPLE'S REPUBLIC

Dr. Victor DIMITRIU, Secretary General to the Ministry of Public Health.  
Mr. Octavian FENEȘAN, Ministry of Foreign Affairs.  
Mrs. Elisabeta LUCA, Member of the Executive Committee of the Rumanian Red Cross.  
Mr. Ioan DRAGOMIR, Rumanian Chargé d'Affaires *ad interim* in Switzerland.

## SPAIN

H. E. Mr. Luis CALDERÓN Y MARTIN, Envoy Extraordinary and Minister Plenipotentiary of Spain in Switzerland.  
Captain Carlos SAAVEDRA OZORES, Marquis of VILLALOBAR, Attaché to the Spanish Legation in Berne.

## SWEDEN

H. E. Mr. Staffan SÖDERBLOM, Envoy Extraordinary and Minister Plenipotentiary of Sweden in Switzerland.

## SWITZERLAND

Mr. Max PETITPIERRE, Federal Councillor, Head of the Federal Political Department.  
Mr. Plinio BOLLA, Judge of the Federal Supreme Court.  
Mr. Philippe ZUTTER, Minister Plenipotentiary, Chief of the International Organizations Division in the Federal Political Department.  
Divisional Colonel Claude DU PASQUIER, Professor of Laws at the Universities of Neuchâtel and Geneva.  
Brigadier-Colonel Hans MEULI, Principal Medical Officer of the Army.

## SYRIA

Omar Bey EL DJABRI, Doctor of Laws, Syrian Chargé d'Affaires *ad interim* in Switzerland.  
Mr. Antoine GENNAOUI, Professor of Science at Damas University.

## THAILAND

E. H. Mr. Luang DITHAKAR BHAKDI, Envoy Extraordinary and Minister Plenipotentiary of Thailand in Switzerland.

## TURKEY

Mr. Ali Rana TARHAN, Former Deputy and Minister, President of the Turkish Red Crescent.  
Mr. Nedim ABUT, Director of the Turkish Red Crescent.  
Mr. Hüveyda MAYATEPEK, Vice-Consul at the Turkish Consulate General, Geneva.

## UKRAINIAN SOVIET SOCIALIST REPUBLIC

Mr. NIKOLAI Andreyevitch BARAN, Deputy Minister of Public Health.  
Mr. Oleg Alexandrovitch BOGOMOLETZ, Professor of Medicine.

UNION OF SOVIET SOCIALIST REPUBLICS

General Nikolai Vassilievitch SLAVIN.  
Mr. Platon Dmitrievitch MOROSOV.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

The Rt. Hon. Sir Robert Leslie CRAIGIE, P.C., G.C.M.G., C.B., Foreign Office.  
Mr. Henry A. STRUTT, C.B., C.V.O., Home Office.  
Mr. William H. GARDNER, C.M.G., War Office.

UNITED STATES OF AMERICA

The Hon. Leland HARRISON, Former Minister of the United States of America in Switzerland.  
H. E. Mr. John Carter VINCENT, Envoy Extraordinary and Minister Plenipotentiary of the  
United States of America in Switzerland.  
Mr. Raymund T. YINGLING, Assistant Legal Adviser to the Department of State.

URUGUAY

Colonel Hector J. BLANCO, Counsellor of the Legation of Uruguay in Switzerland.

VENEZUELA

H. E. Mr. Alberto POSSE DE RIVAS, Envoy Extraordinary and Minister Plenipotentiary of  
Venezuela in Switzerland.

FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA

H. E. Mr. Milan RISTIĆ, Envoy Extraordinary and Minister Plenipotentiary of Yugoslavia  
in Switzerland.  
Mr. Ratko PLEIĆ, Consul general of Yugoslavia in Geneva.

## List of members of the Committee for the Preparation of the Diplomatic Conference

### *Federal Commissioner*

Mr. Ricco BEZZOLA.

### *Assistants*

Mr. Gontran BLAILÉ, Legation Secretary.  
Mr. Etienne VALLOTTON, Attaché.  
Mr. Robert MORET, Vice-Consul.  
Mr. Marcel GROSJEAN, Vice-Consul.  
Mr. Emile HENNEBERGER.

## List of members of the Secretariat of the Diplomatic Conference

### SECRETARIAT OF THE DIPLOMATIC CONFERENCE

#### *Secretary-General*

Mr. Pierre MICHELI, Counsellor.

#### *Secretary of the Bureau and of the Assembly*

Mr. Charles MULLER, Attaché.

#### *Conference Officer*

Mr. Gontran BLAILÉ, Legation Secretary.

### COMMITTEES

#### *Head*

Mr. Henri THEVENAZ, First Secretary

#### *Secretary of Committee I (Wounded and Sick and Maritime Warfare Conventions)*

Mr. Alfred RAPPARD, Legation Secretary

#### *Secretary of Committee II (Prisoners of War Convention)*

Mr. Paul WURTH, Legation Secretary.

#### *Secretary of Committee III (Civilians Convention)*

Mr. Claude CAILLAT, Legation Secretary.

#### *Secretary of the Joint Committee*

Mr. Henri THEVENAZ, First Secretary.

#### *Secretary of the Credentials Committee*

Mr. Henri THEVENAZ, First Secretary.

#### *Secretary of the Procedure Committee*

Mr. Charles MULLER, Attaché.

#### *Secretary of the Coordination Committee*

Mr. Alfred RAPPARD, Legation Secretary.

#### *Secretary of the Drafting Committee of the Conference*

Mr. Robert LEMPEN, Attaché.

#### *Head of Précis-Writing Service*

Mr. Jean REVILLIOD.

#### *Assistant*

Mr. Ralph BUTLER.

SERVICE OF INTERPRETERS

Mr. William O'DAVOREN.

TRANSLATION SERVICE

Mrs. Mary HOTTINGER.

SERVICE OF PARLIAMENTARY STENOGRAPHERS

Mr. Samuel PERRET.

PRESS DEPARTMENT

Mr. Olivier REVERDIN.

INFORMATION BUREAU

Miss Marcelle GALOPIN.

PERSONNEL SERVICE

Mr. Gontran BLAILÉ, Legation Secretary.

ADMINISTRATIVE SERVICES

*Head*

Mr. Marcel SORDET.

- (a) Service of stenographers  
Miss Emmy BLASER.
- (b) Accountancy

*Head*

Mr. Alfred DEUBER.

*Assistant*

Mr. Ernest BOETSCHI.

- (c) Internal Administration  
Mr. Albert TOGGWILER.
- (d) Catering  
Mr. Robert MORET, Vice-consul.
- (e) Documentation

*Head*

Mr. Henri DEMIERRE.

*Assistant*

Mr. William GAUSE.

*Duplicating Section*

Miss Elisabeth NAIRE.

- (f) Registry  
Mr. Marcel GROSJEAN, Vice-Consul.

## VI

# RULES OF PROCEDURE OF THE DIPLOMATIC CONFERENCE

(Text adopted at the Fifth Plenary Meeting, Thursday April 28th, 1949)



## I

### *Composition of Conference*

#### RULE 1

The Conference shall be composed of:

Delegates

- (a) Delegates representing the countries adhering to the Geneva Convention for the Relief of the Wounded and Sick in Armies in the Field, of August 22nd, 1864, revised July 6th, 1906 and July 27th, 1929; to the Convention relative to the treatment of prisoners of war, signed at Geneva on July 27th, 1929; to the Hague Convention of July 29th, 1899, for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of August 22nd, 1864, and the Hague Convention of October 18th, 1907, for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of July 6th, 1906;
- (b) Delegates representing any other countries to which, at the request of the Conference, the Swiss Federal Council has sent an invitation.

#### RULE 2

The admission of governmental or intergovernmental observers to take part in the work of the Conference may be granted by the Conference in each case as it arises. Such observers shall be entitled to attend all meetings of the Conference and its Committees. They shall have access to all assembly rooms and documents. They may be requested by the Conference or its Committees to express their opinion on any question or to take part in a discussion, or be authorized to do so at their request. They shall not, however, be entitled to vote.

Observers

#### RULE 3

The Conference may invite experts not belonging to a delegation to take part in its work. They may be requested by the Conference or its Committees to express their opinion on any question or to take part in a discussion.

Experts

## II

### *Verification of Credentials*

#### RULE 4

Delegates must present their credentials to the Secretariat at the latest on the opening day of the Conference.

Presentation of Credentials

#### RULE 5

A Credentials Committee consisting of seven members shall be elected by the Conference at its first plenary meeting. This Committee shall verify the validity of credentials and shall report upon them to the Conference on the following day. It may subsequently be called upon to verify credentials to which objections have been raised or which have been received tardily and shall in each case report to the Conference.

Credentials Committee

#### RULE 6

Any delegation or delegate to whose admission objection has been raised shall attend provisionally, exercising all relevant rights until the Credentials Committee has made its report and the Conference has taken its decision thereon.

Objection to the Admission of a Delegation or Delegate

### III

#### *Presidents, Vice-Presidents, Secretary General and Rapporteurs*

##### RULE 7

Conference  
Elections

The Conference shall elect a President, five Vice-Presidents and a Secretary General.

##### RULE 8

Committee  
Elections

Each Committee shall elect a Chairman, one or two Vice-Chairmen and one or more Rapporteurs.

##### RULE 9

Powers of  
President and  
Chairmen

In addition to the powers conferred upon them by other provisions of these Rules of Procedure, the President and Chairmen shall declare the opening, the close and, where necessary, the adjournment of meetings. They shall ensure the observance of the Rules of Procedure, conduct the debates, grant the right to speak in order of request, declare the closure of debates, put questions to the vote and announce the result of the vote.

### IV

#### *Bureau of the Conference*

##### RULE 10

Composition of  
the Bureau

The Bureau of the Conference shall consist of the President, the Vice-Presidents and the Secretary General of the Conference, and of the Chairmen of Committees I, II and III, the Credentials Committee, the Coordination Committee, the Drafting Committee and the Procedure Committee.

##### RULE 11

Summoning of  
the Bureau

The Bureau shall be summoned and presided over by the President of the Conference.

##### RULE 12

Powers of the  
Bureau

Subject to any further decision taken by the Conference, the Bureau shall draw up the agenda and determine the date and time of each plenary meeting of the Conference. It shall ensure the efficient working of the Conference.

### V

#### *Secretariat of Conference*

##### RULE 13

Composition of  
Secretariat

The Secretariat of the Conference shall be composed of a Secretary General and of assistants placed at the disposal of the Conference by the Swiss Government.

##### RULE 14

Duties of  
Secretariat

The Secretariat shall take charge of the service both of the Conference and the Committees. It shall receive and circulate motions, amendments and reports, draw up and circulate records, keep the records of the Conference, provide for their translation as set forth in Rule 38, and generally carry out all the duties with which the Conference and the Committees see fit to entrust it.

## VI

### *Committees*

#### RULE 15

A Committee, to be known as Committee I, shall be constituted for the revision of the Geneva Convention of July 27th, 1929, for the Relief of the Wounded and Sick in Armies in the Field, and further with the revision of the Hague Convention of October 18th, 1907, for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of July 6th, 1906.

Committee I

#### RULE 16

A Committee, to be known as Committee II, shall be constituted for the revision of the Geneva Convention of July 27th, 1929, relative to the Treatment of Prisoners of War.

Committee II

#### RULE 17

A Committee, to be known as Committee III, shall be constituted for the establishment of a new Convention for the Protection of Civilian Persons in Time of War.

Committee III

#### RULE 18

A Coordination Committee of twenty members shall be constituted to examine the conclusions of the Committees I, II and III, and to draw the attention of the Committees concerned to any discrepancies in their conclusions. It may make recommendations to the Committees concerned as to how these discrepancies should be removed.

Coordination  
Committee

#### RULE 19

A Drafting Committee of nine members shall be constituted. The special Drafting Committee appointed by each Committee by virtue of Rule 20 shall form part of the Drafting Committee when the latter is examining the Convention on which the special Drafting Committee is engaged. The Drafting Committee shall report to the Conference on the final wording of the Conventions drawn up by Committees I, II and III.

Drafting  
Committee

#### RULE 20

Each Committee may set up its own special Drafting Committee, Sub-Committees and Working Parties.

Drafting  
Committees,  
Sub-Committees and  
Working Parties

#### RULE 21

Each country shall be entitled to be represented by one or more of its delegates on Committees I, II and III.

Representation on  
Committees I, II  
and III

#### RULE 22

The Chairmen of each Committee or Sub-Committee shall have the same rights and duties with respect to the meetings of his Committee or Sub-Committee as the President of the Conference with respect to the plenary meetings.

Chairmen of  
Committees

#### RULE 23

Any member of a Committee who is prevented from attending a meeting may nominate another member of his delegation as a substitute.

Substitutes

## RULE 24

Times of  
Committee  
Meetings

As a general rule, no Committee meeting shall take place at the same time as a plenary meeting of the Conference.  
The Committees shall fix the date and time of their meetings.

## VII

### *Conduct of Debates*

## RULE 25

Motions and  
Amendments

The texts of all motions and amendments shall be transmitted in writing to the Secretary General of the Conference or the Secretaries of Committees, who shall check them and instruct the Secretariat to circulate them to the delegates at least twenty-four hours prior to any discussion. The President or Chairman may, however, authorize at any time the discussion and consideration of a motion or amendment which, by its brevity, simplicity or relative unimportance, seems to justify this procedure, even if it has not been handed in to the Secretary General or the Secretaries of Committees or circulated to delegates in accordance with this rule.

## RULE 26

Reports of  
Committees

Reports of Committees, after having been initialled by the Chairman of the Committee concerned, shall be transmitted to the Secretariat and circulated (with the exception of those of the Credentials Committee) at least twenty-four hours before the plenary meeting of the Conference at which they are to come up for discussion.

## RULE 27

Length of Speeches

The Conference in plenary meeting and the Committees constituted in virtue of Chapter VI of the present Rules may, on a point of order and formal motion, at any time limit the length of speeches.

## RULE 28

Call to Order

The President may call to order any speaker whose remarks are not relevant to the question under discussion and, if necessary, withdraw his right to speak.

## RULE 29

Order of Priority

Where a number of motions or amendments are moved on one proposal or clause, the President or Chairman shall, subject to challenge from the floor, determine their order of priority. Consequential and drafting amendments may be left to the appropriate drafting Committees. After all amendments have been voted on, the complete text of a proposal or clause shall be voted on. At the request of any delegate a proposal, amendment or clause may be voted on by paragraphs.

## RULE 30

Points of Order

During the discussion of any question a delegate may raise a point of order. The President or Chairman shall decide the point, but if the decision is challenged two speakers may address the meeting, one against and one for the decision, and strict relevance shall be observed. The ruling shall then be put to the vote. Any delegate may on a point of order object to the intervention of a non-delegate.

### RULE 31

During a discussion a delegate may move the closure or adjournment of the discussion of the matter in question. If application to speak on the motion is made, only two further speakers may address the meeting — one for and one against the motion. The motion shall then be put to the vote.

Closure of  
Discussion

### RULE 32

A motion may be withdrawn by its proposer at any time before voting upon it has commenced, provided that there is no amendment to that motion before the meeting. Any motion thus withdrawn may be reintroduced by any delegate.

Withdrawal of  
Motions

### RULE 33

When a resolution or a motion has been adopted or rejected it shall not be reconsidered unless the Conference or Committee decide otherwise by a majority of two-thirds of the delegations present.

Reconsideration  
of Motions

## VIII

### *Voting*

### RULE 34

Each member country shall be entitled to one vote in the Conference and in Committees I, II and III.

Number of Votes

In the Coordination, Drafting and Credentials Committees each participating member shall have one vote.

### RULE 35

All decisions of the Conference and Committees shall be taken by a simple majority (except as provided under Rule 33) of members present and voting. Abstention shall not count as a vote for this purpose.

Majorities

A vote which results in a draw in a committee shall be considered as rejection. Resolutions rejected by a draw in plenary meeting shall be open for reconsideration at the request of a member and may be submitted again to the vote after a delay of twenty-four hours.

### RULE 36

Delegates shall normally vote by show of hands unless the Conference or Committees decide on a roll-call of delegations or on a secret ballot.

Method of Voting

### RULE 37

The names of all delegations or delegates participating in a roll-call shall be inserted in the record of the meeting.

Record of Names  
in Roll-call

## IX

### *Languages*

### RULE 38

The working languages of the Conference shall be French and English. Speeches delivered in one of these two languages shall be interpreted into the other by an interpreter of the Secretariat. Where, however, a speech is made

Languages,  
Translations,  
Interpreters  
and Documents

in another language the delegation concerned shall itself provide for the interpretation of its speeches into one of the working languages.

All documents shall be issued in French and English. All texts transmitted to the Secretariat must be drafted in one of these two languages.

## X

### *Records*

#### RULE 39

Verbatim and  
Summary Records

The Secretariat shall prepare:

- (1) Verbatim records of the plenary meetings of the Conference.
- (2) Summary records of the meetings of Committees.

These records shall be circulated as soon as possible to all delegates. Delegates shall, within forty-eight hours, communicate in writing to the Secretary General or the Secretary of the Committee concerned any corrections they wish to have made. Thereafter the text of the record shall be held to be final.

#### RULE 40

Final Record of  
the Conference

After the close of the Conference the Swiss Government shall publish the Final Record of its proceedings in French and English.

## XI

### *Press and Public*

#### RULE 41

Press

The representatives of the press shall have access to the places reserved for them on presentation of the cards issued by the Secretariat on the instructions of the Secretary General.

#### RULE 42

Public

The public shall have access to the places reserved for them on presentation of the cards issued by the Secretariat on the instructions of the Secretary General.

#### RULE 43

Secret Meetings

The plenary meetings and meetings of Committees shall be open to the public unless the Conference or the Committee decide otherwise.

## XII

### *Amendments to the Rules of Procedure*

#### RULE 44

Amendments to the  
Rules of Procedure

Any Rule of the present Rules of Procedure may be amended or added to at a plenary meeting of the Conference.

## PART II



I

FINAL ACT OF THE DIPLOMATIC CONFERENCE OF GENEVA  
1949



# FINAL ACT

OF THE

## DIPLOMATIC CONFERENCE

CONVENED FOR THE REVISION

OF THE

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

OF THE

XTH HAGUE CONVENTION OF OCTOBER 18th, 1907,  
FOR THE ADAPTATION TO MARITIME WARFARE  
OF THE PRINCIPLES OF THE GENEVA CONVENTION OF JULY 6th, 1906,

OF THE

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

AND FOR THE ESTABLISHMENT

OF A

CONVENTION FOR THE PROTECTION OF CIVILIAN PERSONS  
IN TIME OF WAR



## I

The Conference convened by the Swiss Federal Council for the purpose of revising

the Geneva Convention of July 27th, 1929, for the Relief of the Wounded and Sick in Armies in the Field,

the Xth Hague Convention of October 18th, 1907, for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of July 6th, 1906,

the Geneva Convention of July 27th, 1929, relative to the Treatment of Prisoners of War, and

to establish

a Convention for the Protection of Civilian Persons in Time of War,

deliberated from April 21st to August 12th, 1949, at Geneva, on the basis of the four Draft Conventions examined and approved by the XVIIth International Red Cross Conference held at Stockholm.

The Conference established the texts of the following Conventions:

- I. GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED AND SICK IN ARMED FORCES IN THE FIELD.
- II. GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF WOUNDED, SICK AND SHIPWRECKED MEMBERS OF ARMED FORCES AT SEA.
- III. GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR.
- IV. GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR.

These Conventions, the text of which has been established in the English and French languages, are attached to the present Act. The official translation of the same Conventions into Russian and Spanish will be made through the good offices of the Swiss Federal Council.

The Conference further adopted 11 resolutions which are also attached to the present Act:

IN WITNESS WHEREOF, the undersigned, duly authorized by their respective Governments, have signed this present Final Act.

DONE at Geneva This Twelfth day of August, 1949, in the English and French languages. The original and the documents accompanying it shall to be deposited in the Archives of the Swiss Confederation.

For AFGHANISTAN

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For AUSTRIA

Dr. Rud. BLUEHDORN

For BELGIUM

Maurice BOURQUIN  
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M. MINEUR  
R. DU MOULIN

For the BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

Полписываю с оговоркой приложенной  
к сему <sup>1</sup>  
И. КУЦЕЙНИКОВ

For the REPUBLIC OF THE UNION OF BURMA

Tun Hla OUNG

For BRAZIL

João PINTO DA SILVA

For the BULGARIAN PEOPLE'S REPUBLIC

K. B. SVETLOV

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Ramon RODRIGUEZ

For CHINA

WU NAN-JU

For COLOMBIA

Rafael ROCHA SCHLOSS

For COSTA RICA

M. BOURLA

For CUBA

J. DE LA LUZ LEÓN

<sup>1</sup> See text of declaration on page 201.

For DENMARK

Georg COHN                      Paul IPSEN                      BAGGE

For EGYPT

A. K. SAFWAT                      M. S. GUENENA

For ECUADOR

Alex. GASTELÚ

For SPAIN

Luis CALDERÓN                      Le MARQUIS DE VILLALOBAR

For the UNITED STATES OF AMERICA

Leland HARRISON                      Raymund J. YINGLING

For ETHIOPIA

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For FINLAND

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For GREECE

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For GUATEMALA

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For the HUNGARIAN PEOPLES REPUBLIC

Dr. G. HARASZTI                      KARA Anna

For INDIA

B. M. RAO Colonel                      P. N. HAKSAR                      R. A. NARAYANAN

For IRAN

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Michael RYNNE                      George P. HODNETT                      William M. CASHMAN

For ISRAEL

Maurice FISCHER

ZVI LOKER

For ITALY

Giacinto AURITI  
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Mario PERUZZI  
Adolfo MARESCA

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MIKAOUI

For LIECHTENSTEIN

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For LUXEMBURG

J. STURM

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T. SÁNCHEZ-HERNANDEZ

J. OROZCO

For the PRINCIPALITY OF MONACO

M. LOZÉ

For NICARAGUA

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For NORWAY

Rolf ANDERSEN

For NEW ZEALAND

R. QUENTIN-BAXTER

For PAKISTAN

S. M. A. FARUKI, M.G.

A. H. SHAIKH

For the NETHERLANDS

J. BOSCH DE ROSENTHAL

For PERU

Gonzalo PIZARRO

For POLAND

Stanislaw KALINA

For PORTUGAL

General Luiz Pinto LELLO

For the RUMANIAN PEOPLE'S REPUBLIC

E. LUCA

Dr. V. DIMITRIU

Octavian FENEŞAN

For the UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Robert CRAIGIE

W. H. GARDNER

For the HOLY SEE

Paul BERTOLI

Charles COMTE

For SWEDEN

Staffan SÖDERBLOM

For SWITZERLAND

Max PETITPIERRE  
Colonel div. DU PASQUIER

Plinio BOLLA  
Ph. ZUTTER

H. MEULI

For SYRIA

Omar El DJABRI

A. GENNAOUI

For CZECHOSLOVAKIA

Dr. P. WINKLER

For THAILAND

L. D. BHAKDI

For TURKEY

Rana TARHAN

Nedim ABUT

H. MAYATEPEK

For the UKRAINIAN SOVIET SOCIALIST REPUBLIC

Подписываю с оговоркой приложенной  
к нему <sup>1</sup>

Н. БАРАН

For the UNION OF SOVIET SOCIALIST REPUBLICS

With the reservations attached thereto <sup>2</sup>

Н. СЛАВИН

П. МОРОЗОВ

For URUGUAY

Conseiller Colonel Hector J. BLANCO

For VENEZUELA

A. POSSE DE RIVAS

For the FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA

Consul PLEIC Ratko

<sup>1</sup> See text of declaration on page 201.

<sup>2</sup> See text of declaration on page 201.



DECLARATION BY THE DELEGATION  
OF THE BYELORUSSIAN SOVIET SOCIALIST REPUBLIC  
WHEN SIGNING THE *FINAL ACT* OF THE DIPLOMATIC CONFERENCE

“ The Delegation of the Byelorussian Soviet Socialist Republic regrets the fact that the resolution submitted by the Delegation of the Union of Soviet Socialist Republics, condemning the use of methods of mass extermination was rejected by the Conference. The adoption of this resolution, which was in the interests of all freedom-loving nations of the world, would have helped to render as effective as possible the protection of war victims against the most disastrous consequences of war.”

DECLARATION BY THE DELEGATION  
OF THE UKRAINIAN SOVIET SOCIALIST REPUBLIC  
WHEN SIGNING THE *FINAL ACT* OF THE DIPLOMATIC CONFERENCE

“ The Delegation of the Ukrainian Soviet Socialist Republic regrets the fact that the resolution submitted by the Delegation of the Union of Soviet Socialist Republics, condemning the use of methods of mass extermination was rejected by the Conference. The adoption of this resolution, which was in the interests of all freedom-loving nations of the world, would have helped to render as effective as possible the protection of war victims against the most disastrous consequences of war.”

DECLARATION BY THE DELEGATION  
OF THE UNION OF SOVIET SOCIALIST REPUBLICS  
WHEN SIGNING THE *FINAL ACT* OF THE DIPLOMATIC CONFERENCE

“ On signing the Final Act of the Diplomatic Conference, the Delegation of the Union of Soviet Socialist Republics makes the following reservations:

1. The Soviet Delegation regrets the fact that the resolution which it submitted, condemning the use of methods of mass extermination was rejected by the Conference. The adoption of this resolution, which was in the interests of all freedom-loving nations of the world, would have considerably enhanced the role and influence of this Conference and would have helped to render as effective as possible the protection of war victims against the most disastrous consequences of war.
2. As regards the adoption by the Conference of a resolution recommending that consideration be given to the advisability of setting up an international body to replace the Protecting Power, the Soviet Delegation sees no need to consider this question or to create such a body, since the problem of the Protecting Powers has been satisfactorily solved by the Conventions established at the present Conference.”



II

TEXT OF THE GENEVA CONVENTIONS  
AS ADOPTED BY THE DIPLOMATIC CONFERENCE  
ON AUGUST 12th, 1949, WITH THE NAMES OF SIGNATORY STATES  
AND PARTICULARS OF THE RESERVATIONS MADE.



(a) GENEVA CONVENTION FOR THE AMELIORATION OF THE  
CONDITION OF THE WOUNDED AND SICK IN ARMED FORCES  
IN THE FIELD OF AUGUST 12, 1949<sup>1</sup>

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of revising the Geneva Convention for the Relief of the Wounded and Sick in Armies in the Field of July 27, 1929, have agreed as follows:

CHAPTER I

GENERAL PROVISIONS

ARTICLE 1

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

ARTICLE 2

In addition to the provisions which shall be implemented in peacetime, 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.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

ARTICLE 3

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

- (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

- (2) The wounded and sick shall be collected and cared for.

<sup>1</sup> For the harmonizing of the numbering of the articles adopted by the Diplomatic Conference with that of the articles in the working documents, see p. 381.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

#### ARTICLE 4

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 the armed forces of the Parties to the conflict, received or interned in their territory, as well as to dead persons found.

#### ARTICLE 5

For the protected persons who have fallen into the hands of the enemy, the present Convention shall apply until their final repatriation.

#### ARTICLE 6

In addition to the agreements expressly provided for in Articles 10, 15, 23, 28, 31, 36, 37 and 52, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of the wounded and sick, of members of the medical personnel or of chaplains, as defined by the present Convention, nor restrict the rights which it confers upon them.

Wounded and sick, as well as medical personnel and chaplains, shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

#### ARTICLE 7

Wounded and sick, as well as members of the medical personnel and chaplains, may in no circumstances 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 8

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular 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 with which they are to carry out their duties.

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

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties. Their activities shall only be restricted as an exceptional and temporary measure when this is rendered necessary by imperative military necessities.

#### ARTICLE 9

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

#### ARTICLE 10

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

When wounded and sick, or medical personnel and chaplains do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization

provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever, in the present Convention, mention is made of a Protecting Power, such mention also applies to substitute organizations in the sense of the present Article.

## ARTICLE II

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 or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, 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, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. 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 invited to take part in such a meeting.

## CHAPTER II

### WOUNDED AND SICK

#### ARTICLE I2

Members of the armed forces and other persons mentioned in the following Article, who are wounded or sick, shall be respected and protected in all circumstances.

They shall be treated humanely and cared for by the Party to the conflict in whose power they may be, without any adverse distinction founded on sex, race, nationality, religion, political opinions, or any other similar criteria. Any attempts upon their lives, or violence to their persons, shall be strictly prohibited; in particular, they shall not be murdered or exterminated, subjected to torture or to biological experiments; they shall not wilfully be left without medical assistance and care, nor shall conditions exposing them to contagion or infection be created.

Only urgent medical reasons will authorize priority in the order of treatment to be administered.

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

The Party to the conflict which is compelled to abandon wounded or sick to the enemy shall, as far as military considerations permit, leave with them a part of its medical personnel and material to assist in their care.

#### ARTICLE I3

The present Convention shall apply to the wounded and sick belonging to the following categories:

- (1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.
- (2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating

in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:

- (a) that of being commanded by a person responsible for his subordinates;
  - (b) that of having a fixed distinctive sign recognizable at a distance;
  - (c) that of carrying arms openly;
  - (d) that of conducting their operations in accordance with the laws and customs of war.
- (3) Members of regular armed forces who profess allegiance to a Government or an authority not recognized by the Detaining Power.
  - (4) 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 armed forces, provided that they have received authorization from the armed forces which they accompany.
  - (5) Members of crews, including masters, pilots and apprentices of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions in international law.
  - (6) 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.

#### ARTICLE 14

Subject to the provisions of Article 12, 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.

#### ARTICLE 15

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

Whenever circumstances permit, an armistice or a suspension of fire shall be arranged, or local arrangements made, to permit the removal, exchange and transport of the wounded left on the battlefield.

Likewise, local arrangements may be concluded between Parties to the conflict for the removal or exchange of wounded and sick from a besieged or encircled area, and for the passage of medical and religious personnel and equipment on their way to that area.

#### ARTICLE 16

Parties to the conflict shall record as soon as possible, in respect of each wounded, sick or dead person of the adverse Party falling into their hands, any particulars which may assist in his identification.

These records should if possible include:

- (a) designation of the Power on which he depends;
- (b) army, regimental, personal or serial number;
- (c) surname;
- (d) first name or names;
- (e) date of birth;
- (f) any other particulars shown on his identity card or disc;
- (g) date and place of capture or death;
- (h) particulars concerning wounds or illness, or cause of death.

As soon as possible the above mentioned information shall be forwarded to the Information Bureau described in Article 122 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, which shall transmit this information to the Power on which these persons depend through the intermediary of the Protecting Power and of the Central Prisoners of War Agency.

Parties to the conflict shall prepare and forward to each other through the same bureau, certificates of death or duly authenticated lists of the dead. They shall likewise collect and forward through the same bureau one half of a double identity disc, last wills or other documents of importance to the next of kin, money and in general all articles of an intrinsic or sentimental value, which are found on the dead. These articles, together with unidentified articles, shall be sent in sealed packets, accompanied by statements giving all particulars necessary for the identification of the deceased owners, as well as by a complete list of the contents of the parcel.

#### ARTICLE 17

Parties to the conflict shall ensure that burial or cremation of the dead, carried out individually as far as circumstances permit, is preceded by a careful examination, if possible by a medical examination, of the bodies, with a view to confirming death, establishing identity and enabling a report to be made. One half of the double identity disc, or the identity disc itself if it is a single disc, should remain on the body.

Bodies shall not be cremated except for imperative reasons of hygiene or for motives based on the religion of the deceased. In case of cremation, the circumstances and reasons for cremation shall be stated in detail in the death certificate or on the authenticated list of the dead.

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, grouped if possible according to the nationality of the deceased, properly maintained and marked so that they may always be found. For this purpose, 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 site of the graves, and the possible transportation to the home country. These provisions shall likewise apply to the ashes, which shall be kept by the Graves Registration Service until proper disposal thereof in accordance with the wishes of the home country.

As soon as circumstances permit, and at latest at the end of hostilities, these Services shall exchange, through the Information Bureau mentioned in the second paragraph of Article 16, list showing the exact location and markings of the graves, together with particulars of the dead interred therein.

#### ARTICLE 18

The military authorities may appeal to the charity of the inhabitants voluntarily to collect and care for, under their direction, the wounded and sick, granting persons who have responded to this appeal the necessary protection and facilities. Should the adverse Party take or retake control of the area, he shall likewise grant these persons the same protection and the same facilities.

The military authorities shall be permit the inhabitants and relief societies, even in invaded or occupied areas, spontaneously to collect and care for wounded or sick of whatever nationality. The civilian population shall respect these wounded and sick, and in particular abstain from offering them violence.

No one may ever 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 obligation to give both physical and moral care to the wounded and sick.

### CHAPTER III

#### MEDICAL UNITS AND ESTABLISHMENTS

#### ARTICLE 19

Fixed establishments and mobile medical units of the Medical Service may in no circumstances be attacked, but shall at all times be respected and protected by the Parties to the conflict. 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.

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

#### ARTICLE 20

Hospital ships entitled to the protection of the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, shall not be attacked from the land.

#### ARTICLE 21

The protection to which fixed establishments and mobile medical units of the Medical Service are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after a due warning has been given, naming, in all appropriate cases, a reasonable time limit, and after such warning has remained unheeded.

#### ARTICLE 22

The following conditions shall not be considered as depriving a medical unit or establishment of the protection guaranteed by Article 19:

- (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 wounded and sick in their charge.
- (2) That in the absence of armed orderlies, the unit or establishment is protected by a picket or by sentries or by an escort.
- (3) That small arms and ammunition taken from the wounded and sick and not yet 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 23

In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own territory and, if the need arises, in occupied areas, hospital zones and localities so organized as to protect the wounded and sick from the effects of war, as well as the personnel entrusted with the organization and administration of these zones and localities and with the care of the persons therein assembled.

Upon the outbreak and during the course of hostilities, the Parties concerned may conclude agreements on mutual recognition of the hospital zones and localities they have created. They 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 are invited to lend their good offices in order to facilitate the institution and recognition of these hospital zones and localities.

### CHAPTER IV

#### PERSONNEL

#### ARTICLE 24

Medical personnel exclusively engaged in the search for, or the collection, transport or treatment of the wounded or sick, or in the prevention of disease, staff exclusively engaged in the administration of medical units and establishments, as well as chaplains attached to the armed forces, shall be respected and protected in all circumstances.

#### ARTICLE 25

Members of the armed forces specially trained for employment, should the need arise, as hospital orderlies, nurses or auxiliary stretcher-bearers, in the search for or the collection, transport or treatment of the wounded and sick shall likewise be respected and protected if they are carrying out these duties at the time when they come into contact with the enemy or fall into his hands.

#### ARTICLE 26

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 24, 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.

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 27

A recognized Society of a neutral country can only lend the assistance of its medical personnel and units to a Party to the conflict with the previous consent of its own Government and the authorization of the Party to the conflict concerned. That personnel and those units shall be placed under the control of that Party to the conflict.

The neutral Government shall notify this consent to the adversary of the State which accepts such assistance. The Party to the conflict who accepts such 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 the first paragraph shall be duly furnished with the identity cards provided for in Article 40 before leaving the neutral country to which they belong.

#### ARTICLE 28

Personnel designated in Articles 24 and 26 who fall into the hands of the adverse Party, shall be retained only in so far as the state of health, the spiritual needs and the number of prisoners of war require.

Personnel thus retained shall not be deemed prisoners of war. Nevertheless they shall at least benefit by all the provisions of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949. Within the framework of the military laws and regulations of the Detaining Power, and under the authority of its competent service, they shall continue to carry out, in accordance with their professional ethics, their medical and spiritual duties on behalf of prisoners of war, preferably those of the armed forces to which they themselves belong. They shall further enjoy the following facilities for carrying out their medical or spiritual duties:

- (a) They shall be authorized to visit periodically the prisoners of war in labour units or hospitals outside the camp. The Detaining Power shall put at their disposal the means of transport required.
- (b) In each camp the senior medical officer of the highest rank shall be responsible to the military authorities of the camp for the professional activity of the retained medical personnel. For this purpose, from the outbreak of hostilities, the Parties to the conflict shall agree regarding the corresponding seniority of the ranks of their medical personnel, including those of the societies designated in Article 26. In all questions arising out of their duties, this medical officer, and the chaplains, shall have direct access to the military and medical authorities of the camp who shall grant them the facilities they may require for correspondence relating to these questions.
- (c) Although retained personnel in a camp shall be subject to its internal discipline, they shall not, however, be required to perform any work outside their medical or religious duties.

During hostilities the Parties to the conflict shall make arrangements for relieving where possible retained personnel, and shall settle the procedure of such relief.

None of the preceding provisions shall relieve the Detaining Power of the obligations imposed upon it with regard to the medical and spiritual welfare of the prisoners of war.

#### ARTICLE 29

Members of the personnel designated in Article 25 who have fallen into the hands of the enemy, shall be prisoners of war, but shall be employed on their medical duties in so far as the need arises.

#### ARTICLE 30

Personnel whose retention is not indispensable by virtue of the provisions of Article 28 shall be returned to the Party to the conflict to whom they belong, as soon as a road is open for their return and military requirements permit.

Pending their return, they shall not be deemed prisoners of war. Nevertheless they shall at least benefit by all the provisions of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949. They shall continue to fulfil their duties under the orders of the adverse Party and shall preferably be engaged in the care of the wounded and sick of the Party to the conflict to which they themselves belong.

On their departure, they shall take with them the effects, personal belongings, valuables and instruments belonging to them.

#### ARTICLE 31

The selection of personnel for return under Article 30 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, Parties to the conflict may determine by special agreement the percentage of personnel to be retained, in proportion to the number of prisoners and the distribution of the said personnel in the camps.

#### ARTICLE 32

Persons designated in Article 27 who have fallen into the hands of the adverse Party may not be detained.

Unless otherwise agreed, they shall have permission to return to their country, or if this is not possible, to the territory of the Party to the conflict 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 Party to the conflict in whose service they were.

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

The Parties to the conflict 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 as regards quantity, quality and variety to keep the said personnel in a normal state of health.

### CHAPTER V

#### BUILDINGS AND MATERIAL

#### ARTICLE 33

The material of mobile medical units of the armed forces which fall into the hands of the enemy, shall be reserved for the care of wounded and sick.

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 as they are required for the care of wounded and sick. Nevertheless, the commanders of forces in the field may make use of them, in case of urgent military necessity, provided that they make previous arrangements for the welfare of the wounded and sick who are nursed in them.

The material and stores defined in the present Article shall not be intentionally destroyed.

#### ARTICLE 34

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 35

Transports of wounded and sick or of medical equipment shall be respected and protected in the same way as mobile medical units.

Should 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 Party to the conflict who captures them shall in all cases ensure the care of the wounded and sick they contain.

The civilian personnel and all means of transport obtained by requisition shall be subject to the general rules of international law.

#### ARTICLE 36

Medical aircraft, that is to say, aircraft exclusively employed for the removal of wounded and sick and for the transport of medical personnel and equipment, shall not be attacked, but shall be respected by the belligerents, while flying at heights, times and on routes specifically agreed upon between the belligerents concerned.

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

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

Medical aircraft shall obey every summons to land. In the event of a landing thus imposed, the aircraft with its occupants may continue its flight after examination, if any.

In the event of an involuntary landing 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 Article 24 and the Articles following.

#### ARTICLE 37

Subject to the provisions of the second paragraph, medical aircraft of Parties to the conflict 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. They will be immune from attack only when flying on routes, at heights and at times specifically agreed upon between the Parties to the conflict and the neutral Power concerned.

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 Parties to the conflict.

Unless agreed otherwise between the neutral Power and the Parties to the conflict, the wounded and sick who are disembarked, with the consent of the local authorities, on neutral territory by medical aircraft, shall be detained by the neutral Power, where so required by international law, 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.

### CHAPTER VII

#### THE DISTINCTIVE EMBLEM

#### ARTICLE 38

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 as emblem, 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.

#### ARTICLE 39

Under the direction of the competent military authority, the emblem shall be displayed on the flags, armlets and on all equipment employed in the Medical Service.

#### ARTICLE 40

The personnel designated in Article 24 and in Articles 26 and 27 shall wear, affixed to the left arm, a water-resistant armlet bearing the distinctive emblem, issued and stamped by the military authority.

Such personnel, in addition to wearing the identity disc mentioned in Article 16, shall also carry a special identity card bearing the distinctive emblem. This card shall be water-resistant and of such size that it can be carried in the pocket. It shall be worded in the national language, shall mention at least the surname and first names, the date of birth, the rank and the service number of the bearer, and shall state in what capacity he is entitled to the protection of the present Convention. The card shall bear the photograph of the owner and also either his signature or his finger-prints or both. It shall 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 High Contracting Parties. The Parties to the conflict may be guided by the model which is annexed, by way of example, to the present Convention. They shall inform each other, at the outbreak of hostilities, of the model they are using. Identity cards should be made out, if possible, at least in duplicate, one copy being kept by the home country.

In no circumstances may the said personnel be deprived of their insignia or identity cards nor of the right to wear the armlet. In case of loss, they shall be entitled to receive duplicates of the cards and to have the insignia replaced.

#### ARTICLE 41

The personnel designated in Article 25 shall wear, but only while carrying out medical duties, a white armlet bearing in its centre the distinctive sign in miniature; the armlet shall be issued and stamped by the military authority.

Military identity documents to be carried by this type of personnel shall specify what special training they have received, the temporary character of the duties they are engaged upon, and their authority for wearing the armlet.

#### ARTICLE 42

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 only with the consent of the military authorities.

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

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

Parties to the conflict 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 43

The medical units belonging to neutral countries, which may have been authorized to lend their services to a belligerent under the conditions laid down in Article 27, shall fly, along with the flag of the Convention, the national flag of that belligerent, wherever the latter makes use of the faculty conferred on him by Article 42.

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 44

With the exception of the cases mentioned in the following 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 indicate or to protect the medical units and establishments, the personnel and material protected by the present Convention and other Conventions dealing with similar matters. The same shall apply to the emblems mentioned in Article 38, second paragraph, in respect of the countries which use them. The National Red Cross Societies and other Societies designated in Article 26 shall have the right to use the distinctive emblem conferring the protection of the Convention only within the framework of the present paragraph.

Furthermore, National Red Cross (Red Crescent, Red Lion and Sun) Societies may, in time of peace, 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. When those activities are carried out in time of war, the conditions for the use of the emblem shall be such that it cannot be considered as conferring the protection of the Convention; the emblem shall be comparatively small in size and may not be placed on armlets or on the roofs of buildings.

The international Red Cross organizations and their duly authorized personnel shall be 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 vehicles used as 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 45

Each Party to the conflict, acting through its Commanders-in-Chief, shall ensure the detailed execution of the preceding Articles and provide for unforeseen cases, in conformity with the general principles of the present Convention.

#### ARTICLE 46

Reprisals against the wounded, sick, personnel, buildings or equipment protected by the Convention are prohibited.

#### ARTICLE 47

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 include 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.

#### ARTICLE 48

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.

## CHAPTER IX

### REPRESSION OF ABUSES AND INFRACTIONS

#### ARTICLE 49

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

#### ARTICLE 50

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

#### ARTICLE 51

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

#### ARTICLE 52

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

#### ARTICLE 53

The use by individuals, societies, firms or companies either public or private, other than those entitled thereto under the present Convention, of the emblem or the designation "Red Cross" or "Geneva Cross", or any sign or designation constituting an imitation thereof, whatever the object of such use, and irrespective of the date of its adoption, shall be prohibited at all times.

By reason of the tribute paid to Switzerland by the adoption of the reversed Federal colours, and of the confusion which may arise between the arms of Switzerland and the distinctive emblem of the Convention, the use by private individuals, societies or firms, of the arms of the Swiss Confederation, or of marks constituting an imitation thereof, 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, shall be prohibited at all times.

Nevertheless, such High Contracting Parties as were not party to the Geneva Convention of July 27, 1929, may grant to prior users of the emblems, designations, signs or marks designated in the first paragraph, a time limit not to exceed three years from the coming into force of the present Convention to discontinue such use, provided that the said use shall not be such as would appear, in time of war, to confer the protection of the Convention.

The prohibition laid down in the first paragraph of the present Article shall also apply, without effect on any rights acquired through prior use, to the emblems and marks mentioned in the second paragraph of Article 38.

#### ARTICLE 54

The High Contracting Parties shall, if their legislation is not already adequate, take measures necessary for the prevention and repression, at all times, of the abuses referred to under Article 53.

### FINAL PROVISIONS

#### ARTICLE 55

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

#### ARTICLE 56

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949; furthermore, by Powers not represented at that Conference,

but which are parties to the Geneva Conventions of 1864, 1906 or 1929 for the Relief of the Wounded and Sick in Armies in the Field.

ARTICLE 57

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

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 58

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

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

ARTICLE 59

The present Convention replaces the Conventions of August 22, 1864, July 6, 1906, and July 27, 1929, in relations between the High Contracting Parties.

ARTICLE 60

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

ARTICLE 61

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

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 62

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

ARTICLE 63

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release and repatriation of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

ARTICLE 64

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August, 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding State.

For AFGHANISTAN

M. Osman AMIRI

For the PEOPLE'S REPUBLIC OF ALBANIA

With attached reservation in respect of Article 10<sup>1</sup>

J. MALO

For ARGENTINA

With attached reservation<sup>2</sup>

Guillermo A. SPERONI

For AUSTRALIA

Subject to ratification<sup>3</sup>

Norman R. MIGHELL

For AUSTRIA

Dr. Rud. BLUEHDORN

For BELGIUM

Maurice BOURQUIN

For the BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

С оговоркой по ст. 10<sup>4</sup>  
Текст оговорки прилагается  
Глава делегации БССР  
И. КУЦЕЙНИКОВ

For BOLIVIA

G. MEDEIROS

For BRAZIL

João PINTO DA SILVA

General Floriano DE LIMA BRAYNER

For the BULGARIAN PEOPLE'S REPUBLIC

With attached reservation<sup>5</sup>

K. B. SVETLOV

For CANADA

Max H. WERSHOF

<sup>1</sup> See text of reservation on page 342.

<sup>2</sup> See text of reservation on page 343.

<sup>3</sup> When signing, the Australian Plenipotentiary declared that his Government retained the right to enter reservations at the time of ratification.

<sup>4</sup> See text of reservation on page 343.

<sup>5</sup> See text of reservation on page 344.

For CEYLAN

V. COOMARASWAMY

For CHILE

F. CISTERNAS ORTIZ

For CHINA

WU NAN-JU

For COLOMBIA

Rafael ROCHA SCHLOSS

For CUBA

J. DE LA LUZ LEÓN

For DENMARK

Georg COHN

Paul IPSEN

BAGGE

For EGYPT

A. K. SAFWAT

For ECUADOR

Alex. GASTELÚ

For SPAIN

Luis CALDERÓN

For the UNITED STATES OF AMERICA

Leland HARRISON

Raymund J. YINGLING

For ETHIOPIA

Gachaou ZELLEKE

For FINLAND

Reinhold SVENTO

For FRANCE

JACQUINOT

G. CAHEN-SALVADOR

For GREECE

M. PESMAZOGLOU

For GUATEMALA

A. DUPONT-WILLEMEN

For the HUNGARIAN PEOPLE'S REPUBLIC

With attached reservations<sup>1</sup>

Anna KARA

For INDIA

D. B. DESAI

For IRAN

A. H. MEYKADEH

For the REPUBLIC OF IRELAND

Sean MACBRIDE

For ISRAEL

With attached reservation<sup>2</sup>

M. KAHANY

For ITALY

Giacinto AURITI

Ettore BAISTROCCHI

For the LEBANON

MIKAOUI

For LIECHTENSTEIN

Comte F. WILCZEK

For LUXEMBOURG

J. STURM

For MEXICO

Pedro DE ALBA

W. R. CASTRO

For the PRINCIPALITY OF MONACO

M. LOZÉ

<sup>1</sup> See text of reservations on page 346.

<sup>2</sup> See text of reservation on page 348.

For NICARAGUA

*Ad referendum*  
LIFSCHITZ

For NORWAY

Rolf ANDERSEN

For NEW ZEALAND

G. R. LAKING

For PAKISTAN

S. M. A. FARUKI, M. G.                      A. H. SHAIKH

For PARAGUAY

Conrad FEHR

For the NETHERLANDS

J. BOSCH DE ROSENTHAL

For PERU

Gonzalo PIZARRO

For the REPUBLIC OF THE PHILIPPINES

P. SEBASTIAN <sup>1</sup>

For POLAND

With attached reservation <sup>2</sup>  
Julian PRZYBOS

For PORTUGAL

With attached reservations <sup>3</sup>  
G. CALDEIRA COELHO

For the RUMANIAN PEOPLE'S REPUBLIC

With attached reservation <sup>4</sup>  
I. DRAGOMIR

For the UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Robert CRAIGIE                      H. A. STRUTT                      W. H. GARDNER

<sup>1</sup> " This signature is subject to ratification by the Philippines senate in accordance with the provisions of their Constitution ".

<sup>2</sup> See text of reservation on page 350.

<sup>3</sup> See text of reservations on page 351.

<sup>4</sup> See text of reservation on page 351.

For the HOLY SEE

Philippe BERNARDINI

For EL SALVADOR

R. A. BUSTAMANTE

For SWEDEN

Subject to ratification by the Government of his Majesty the King  
of Sweden with the approval of the Riksdag  
Staffan SÖDERBLOM

For SWITZERLAND

Max PETITPIERRE  
Colonel div. DU PASQUIER  
H. MEULI

Plinio BOLLA  
Ph. ZUTTER

For SYRIA

Omar EL DJABRI

A. GENNAOUI

For CZECHOSLOVAKIA

With attached reservation <sup>1</sup>  
TAUBER

For TURKEY

Rana TARHAN

For the UKRAINIAN SOVIET SOCIALIST REPUBLIC

С оговоркой по статье 10 <sup>2</sup>  
Текст оговорки прилагается  
По уполномочию Правительства УССР  
Профессор О. БОГОМОЛЕЦ

For the UNION OF SOVIET SOCIALIST REPUBLICS

С оговоркой по статье 10 <sup>3</sup>  
Текст оговорки прилагается  
Глава делегации СССР  
Н. СЛАВИН

For URUGUAY

Conseiller Colonel Hector J. BLANCO

For VENEZUELA

A. POSSE DE RIVAS

For the FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA

With attached reservation <sup>4</sup>  
Milan RISTIĆ

<sup>1</sup> See text of reservation on page 353.

<sup>2</sup> See text of reservation on page 354.

<sup>3</sup> See text of reservation on page 355.

<sup>4</sup> See text of reservation on page 356.

## ANNEX I

### DRAFT AGREEMENT RELATING TO HOSPITAL ZONES AND LOCALITIES

#### ARTICLE I

Hospital zones shall be strictly reserved for the persons named in Article 23 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, and for the personnel entrusted with the organization and administration of these zones and localities and with the care of the persons therein assembled.

Nevertheless, persons whose permanent residence is within such zones shall have the right to stay there.

#### ARTICLE 2

No persons residing, in whatever capacity, in a hospital zone shall perform any work, either within or without the zone, directly connected with military operations or the production of war material.

#### ARTICLE 3

The Power establishing a hospital zone shall take all necessary measures to prohibit access to all persons who have no right of residence or entry therein.

#### ARTICLE 4

Hospital zones shall fulfil the following conditions:

- (a) They shall comprise only a small part of the territory governed by the Power which has established them.
- (b) They shall be thinly populated in relation to the possibilities of accommodation.
- (c) They shall be far removed and free from all military objectives, or large industrial or administrative establishments.
- (d) They shall not be situated in areas which, according to every probability, may become important for the conduct of the war.

#### ARTICLE 5

Hospital zones 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 transport of military personnel or material, even in transit.
- (b) They shall in no case be defended by military means.

#### ARTICLE 6

Hospital zones shall be marked by means of red crosses (red crescents, red lions and suns) on a white background placed on the outer precincts and on the buildings. They may be similarly marked at night by means of appropriate illumination.

#### ARTICLE 7

The Powers shall communicate to all the High Contracting Parties in peacetime or on the outbreak of hostilities, a list of the hospital zones in the territories governed by them. They shall also give notice of any new zones set up during hostilities.

As soon as the adverse Party has received the above-mentioned notification, the zone shall be regularly constituted.

If, however, the adverse Party considers that the conditions of the present agreement have not been fulfilled, it may refuse to recognize the zone by giving immediate notice thereof to the Party responsible for the said zone, or may make its recognition of such zone dependent upon the institution of the control provided for in Article 8.

#### ARTICLE 8

Any Power having recognized one or several hospital zones instituted by the adverse Party shall be entitled to demand control by one or more Special Commissions, for the purpose of ascertaining if the zones fulfil the conditions and obligations stipulated in the present agreement.

For this purpose, the members of the Special Commissions shall at all times have free access to the various zones and may even reside there permanently. They shall be given all facilities for their duties of inspection.

ARTICLE 9

Should the Special Commissions note any facts which they consider contrary to the stipulations of the present agreement, they shall at once draw the attention of the Power governing the said zone to these facts, and shall fix a time limit of five days within which the matter should be rectified. They shall duly notify the Power who has recognized the zone.

If, when the time limit has expired, the Power governing the zone has not complied with the warning, the adverse Party may declare that it is no longer bound by the present agreement in respect of the said zone.

ARTICLE 10

Any Power setting up one or more hospital zones and localities, and the adverse Parties to whom their existence has been notified, shall nominate or have nominated by neutral Powers, the persons who shall be members of the Special Commissions mentioned in Articles 8 and 9.

ARTICLE 11

In no circumstances may hospital zones be the object of attack. They shall be protected and respected at all times by the Parties to the conflict.

ARTICLE 12

In the case of occupation of a territory, the hospital zones therein shall continue to be respected and utilized as such.

Their purpose may, however, be modified by the Occupying Power, on condition that all measures are taken to ensure the safety of the persons accommodated.

ARTICLE 13

The present agreement shall also apply to localities which the Powers may utilize for the same purposes as hospital zones.

ANNEX II

*Front*

*Reverse Side*

<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center; font-size: small;">                 (Space reserved for the name of the country and military authority issuing this card).             </div> </div> <h2 style="text-align: center; margin: 10px 0;">IDENTITY CARD</h2> <p style="text-align: center; margin: 5px 0;">for members of medical and religious personnel attached to the armed forces</p> <hr style="width: 10%; margin: 10px auto;"/> <p>Surname .....</p> <p>First names .....</p> <p>Date of birth .....</p> <p>Rank .....</p> <p>Army Number.....</p> <p style="font-size: x-small; margin-top: 10px;">The bearer of this card is protected by the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, in his capacity as</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <span>Date of issue</span> <span>Number of Card</span> </div>
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<div style="border: 1px dashed black; padding: 5px; margin-bottom: 10px;">Photo of bearer</div> <div style="border: 1px dashed black; border-radius: 50%; width: 60px; height: 60px; margin: 10px auto; text-align: center; font-size: x-small;">                 Embossed stamp of military authority issuing card             </div>	Signature of bearer or fingerprints or both	
Height	Eyes	Hair
Other distinguishing marks ..... ..... ..... ..... .....		

(b) GENEVA CONVENTION FOR THE AMELIORATION OF THE  
CONDITION OF WOUNDED, SICK AND SHIPWRECKED MEMBERS  
OF ARMED FORCES AT SEA OF AUGUST 12, 1949<sup>1</sup>

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of revising the Xth Hague Convention of October 18, 1907, for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of 1906, have agreed as follows:

CHAPTER I  
GENERAL PROVISIONS

ARTICLE I

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

ARTICLE 2

In addition to the provisions which shall be implemented in peacetime, 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.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

ARTICLE 3

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

- (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
  - (b) taking of hostages;
  - (c) outrages upon personal dignity, in particular, humiliating and degrading treatment;
  - (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
- (2) The wounded, sick and shipwrecked shall be collected and cared for.

<sup>1</sup> For the harmonizing of the numbering of the articles adopted by the Diplomatic Conference with that of the articles in the working documents, see p. 381.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

#### ARTICLE 4

In case of hostilities between land and naval forces of Parties to the conflict, 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 for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

#### ARTICLE 5

Neutral Powers shall apply by analogy the provisions of the present Convention to the wounded, sick and shipwrecked, and to members of the medical personnel and to chaplains of the armed forces of the Parties to the conflict received or interned in their territory, as well as to dead persons found.

#### ARTICLE 6

In addition to the agreements expressly provided for in Articles 10, 18, 31, 38, 39, 40, 43 and 53, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of wounded, sick and shipwrecked persons of members of the medical personnel or of chaplains, as defined by the present Convention, nor restrict the rights which it confers upon them.

Wounded, sick and shipwrecked persons as well as medical personnel and chaplains, shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

#### ARTICLE 7

Wounded, sick and shipwrecked persons as well as members of the medical personnel and chaplains, may in no circumstances 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 8

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular 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 with which they are to carry out their duties.

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

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties. Their activities shall only be restricted as an exceptional and temporary measure when this is rendered necessary by imperative military necessities.

#### ARTICLE 9

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

## ARTICLE 10

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

When wounded, sick and shipwrecked, or medical personnel and chaplains do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever, in the present Convention, mention is made of a Protecting Power, such mention also applies to substitute organizations in the sense of the present Article.

## ARTICLE 11

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 or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, 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, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. 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 invited to take part in such a meeting.

## CHAPTER II

### WOUNDED, SICK AND SHIPWRECKED

## ARTICLE 12

Members of the armed forces and other persons mentioned in the following Article, who are at sea and who are wounded, sick or shipwrecked, shall be respected and protected in all circumstances, it being understood that the term "shipwreck" means shipwreck from any cause and includes forced landings at sea by or from aircraft.

Such persons shall be treated humanely and cared for by the Parties to the conflict in whose power they may be, without any adverse distinction founded on sex, race, nationality, religion, political opinions, or any other similar criteria. Any attempts upon their lives, or violence to their persons, shall be strictly prohibited; in particular, they shall not be murdered or exterminated, subjected to torture or to biological experiments; they shall not wilfully be left without medical assistance and care, nor shall conditions exposing them to contagion or infection be created.

Only urgent medical reasons will authorize priority in the order of treatment to be administered.

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

#### ARTICLE 13

The present Convention shall apply to the wounded, sick and shipwrecked at sea belonging to the following categories:

- (1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.
- (2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:
  - (a) that of being commanded by a person responsible for his subordinates;
  - (b) that of having a fixed distinctive sign recognizable at a distance;
  - (c) that of carrying arms openly;
  - (d) that of conducting their operations in accordance with the laws and customs of war.
- (3) Members of regular armed forces who profess allegiance to a Government or an authority not recognized by the Detaining Power.
- (4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany.
- (5) Members of crews, including masters, pilots and apprentices of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions of international law.
- (6) 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.

#### ARTICLE 14

All warships of a belligerent Party shall have the right to demand that the wounded, sick or shipwrecked on board military hospital ships, and hospital ships belonging to relief societies or to private individuals, as well as 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 and that the warship can provide adequate facilities for necessary medical treatment.

#### ARTICLE 15

If wounded, sick or shipwrecked persons are taken on board a neutral warship or a neutral military aircraft, it shall be ensured, where so required by international law, that they can take no further part in operations of war.

#### ARTICLE 16

Subject to the provisions of Article 12, 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 of war thus returned to their home country may not serve for the duration of the war.

#### ARTICLE 17

Wounded, sick or shipwrecked persons who are landed 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, where so required by international law, 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.

#### ARTICLE 18

After each engagement, Parties to the conflict 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, to ensure their adequate care, and to search for the dead and prevent their being despoiled.

Whenever circumstances permit, the Parties to the conflict shall conclude local arrangements for the removal of the wounded and sick by sea from a besieged or encircled area and for the passage of medical and religious personnel and equipment on their way to that area.

#### ARTICLE 19

The Parties to the conflict shall record as soon as possible, in respect of each shipwrecked, wounded, sick or dead person of the adverse Party falling into their hands, any particulars which may assist in his identification. These records should if possible include:

- (a) designation of the Power on which he depends;
- (b) army, regimental, personal or serial number;
- (c) surname;
- (d) first name or names;
- (e) date of birth;
- (f) any other particulars shown on his identity card or disc;
- (g) date and place of capture or death;
- (h) particulars concerning wounds or illness, or cause of death.

As soon as possible the above-mentioned information shall be forwarded to the information bureau described in Article 122 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, which shall transmit this information to the Power on which these persons depend through the intermediary of the Protecting Power and of the Central Prisoners of War Agency.

Parties to the conflict shall prepare and forward to each other through the same bureau, certificates of death or duly authenticated lists of the dead. They shall likewise collect and forward through the same bureau one half of the double identity disc, or the identity disc itself if it is a single disc, last wills or other documents of importance to the next of kin, money and in general all articles of an intrinsic or sentimental value, which are found on the dead. These articles, together with unidentified articles, shall be sent in sealed packets, accompanied by statements giving all particulars necessary for the identification of the deceased owners, as well as by a complete list of the contents of the parcel.

#### ARTICLE 20

Parties to the conflict shall ensure that burial at sea of the dead, carried out individually as far as circumstances permit, is preceded by a careful examination, if possible by a medical examination, of the bodies, with a view to confirming death, establishing identity and enabling a report to be made. Where a double identity disc is used, one half of the disc should remain on the body.

If dead persons are landed, the provisions of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, shall be applicable.

#### ARTICLE 21

The Parties to the conflict 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.

Vessels of any kind responding to this appeal, and those having of their own accord collected wounded, sick or shipwrecked persons, shall enjoy special protection and facilities to carry out such assistance.

They may, in no case, be captured on account of any such transport; but, in the absence of any promise to the contrary, they shall remain liable to capture for any violations of neutrality they may have committed.

## CHAPTER III

### HOSPITAL SHIPS

#### ARTICLE 22

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, to treating them and to transporting them, may in no circumstances be attacked or captured, but shall at all times be respected and protected, on condition that their names and descriptions have been notified to the Parties to the conflict ten days before those ships are employed.

The characteristics which must appear in the notification shall include registered gross tonnage, the length from stem to stern and the number of masts and funnels.

#### ARTICLE 23

Establishments ashore entitled to the protection of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, shall be protected from bombardment or attack from the sea.

#### ARTICLE 24

Hospital ships utilized by National Red Cross Societies, by officially recognized relief societies or by private persons shall have the same protection as military hospital ships and shall be exempt from capture, if the Party to the conflict on which they depend has given them an official commission and in so far as the provisions of Article 22 concerning notification have been complied with.

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

#### ARTICLE 25

Hospital ships utilized by National Red Cross Societies, officially recognized relief societies, or private persons of neutral countries shall have the same protection as military hospital ships and shall be exempt from capture, on condition that they have placed themselves under the control of one of the Parties to the conflict, with the previous consent of their own governments and with the authorization of the Party of the conflict concerned, in so far as the provisions of Article 22 concerning notification have been complied with.

#### ARTICLE 26

The protection mentioned in Articles 22, 24 and 25 shall apply to hospital ships of any tonnage and to their lifeboats, wherever they are operating. Nevertheless, to ensure the maximum comfort and security, the Parties to the conflict shall endeavour to utilize, for the transport of wounded, sick and shipwrecked over long distances and on the high seas, only hospital ships of over 2,000 tons gross.

#### ARTICLE 27

Under the same conditions as those provided for in Articles 22 and 24, small craft employed by the State or by the officially recognized lifeboat institutions for coastal rescue operations, shall also be respected and protected, so far as operational requirements permit.

The same shall apply so far as possible to fixed coastal installations used exclusively by these craft for their humanitarian missions.

#### ARTICLE 28

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.

#### ARTICLE 29

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

#### ARTICLE 30

The vessels described in Articles 22, 24, 25 and 27 shall afford relief and assistance to the wounded, sick and shipwrecked without distinction of nationality.

The High Contracting Parties undertake not to use these vessels 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 31

The Parties to the conflict shall have the right to control and search the vessels mentioned in Articles 22, 24, 25 and 27. They can refuse assistance from these vessels, order them off, make them take a certain course, control the use of their wireless and other means of communication, and even detain them for a period not exceeding seven days from the time of interception, if the gravity of the circumstances so requires.

They may put a commissioner temporarily on board whose sole task shall be to see that orders given in virtue of the provisions of the preceding paragraph are carried out.

As far as possible, the Parties to the conflict shall enter in the log of the hospital ship, in a language he can understand, the orders they have given the captain of the vessel.

Parties to the conflict 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 32

Vessels described in Articles 22, 24, 25 and 27 are not classed as warships as regards their stay in a neutral port.

#### ARTICLE 33

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

#### ARTICLE 34

The protection to which hospital ships and sick-bays are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after due warning has been given, naming in all appropriate cases a reasonable time limit, and after such warning has remained unheeded.

In particular, hospital ships may not possess or use a secret code for their wireless or other means of communication.

#### ARTICLE 35

The following conditions shall not be considered as depriving hospital ships or sick-bays of vessels of the protection due to them:

- (1) The fact that the crews of ships or sick-bays are armed for the maintenance of order, for their own defence or that of the sick and wounded.
- (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 not yet handed to the proper service.
- (4) The fact that the humanitarian activities of hospital ships and sick-bays of vessels or of the crews extend to the care of wounded, sick or shipwrecked civilians.
- (5) The transport of equipment and of personnel intended exclusively for medical duties, over and above the normal requirements.

### CHAPTER IV

#### PERSONNEL

#### ARTICLE 36

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 in the service of the hospital ship, whether or not there are wounded and sick on board.

#### ARTICLE 37

The religious, medical and hospital personnel assigned to the medical or spiritual care of the persons designated in Articles 12 and 13 shall, if they fall into the hands of the enemy, 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. They shall afterwards be sent back as soon as the Commander-in-Chief, under whose authority they are, considers it practicable. They may take with them, on leaving the ship, their personal property.

If, however, it proves necessary to retain some of this personnel owing to the medical or spiritual needs of prisoners of war, everything possible shall be done for their earliest possible landing.

Retained personnel shall be subject, on landing, to the provisions of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

### CHAPTER V

#### MEDICAL TRANSPORTS

#### ARTICLE 38

Ships chartered for that purpose shall be authorized to transport equipment exclusively intended for the treatment of wounded and sick members of armed forces or for the prevention of disease, provided that the particulars regarding their voyage have been notified to the adverse Power and approved by the latter. The adverse Power shall preserve the right to board the carrier ships, but not to capture them or seize the equipment carried.

By agreement amongst the Parties to the conflict, neutral observers may be placed on board such ships to verify the equipment carried. For this purpose, free access to the equipment shall be given.

#### ARTICLE 39

Medical aircraft, that is to say, aircraft exclusively employed for the removal of the wounded, sick and shipwrecked, and for the transport of medical personnel and equipment, may not be the object of attack, but shall be respected by the Parties to the conflict, while flying at heights, at times and on routes specifically agreed upon between the Parties to the conflict concerned.

They shall be clearly marked with the distinctive emblem prescribed in Article 41, 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 Parties to the conflict upon the outbreak or during the course of hostilities.

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

Medical aircraft shall obey every summons to alight on land or water. In the event of having thus to alight, the aircraft with its occupants may continue its flight after examination, if any.

In the event of alighting involuntarily on land or water in enemy or enemy occupied territory, the wounded, sick and shipwrecked, as well as the crew of the aircraft shall be prisoners of war. The medical personnel shall be treated according to Articles 36 and 37.

#### ARTICLE 40

Subject to the provisions of the second paragraph, medical aircraft of Parties to the conflict 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 every summons to alight, on land or water. They will be immune from attack only when flying on routes, at heights and at times specifically agreed upon between the Parties to the conflict and the neutral Power concerned.

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 Parties to the conflict.

Unless otherwise agreed between the neutral Powers and the Parties to the conflict, the wounded, sick or shipwrecked who are disembarked with the consent of the local authorities on neutral territory by medical aircraft shall be detained by the neutral Power, where so

required by international law, 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.

## CHAPTER VI THE DISTINCTIVE EMBLEM

### ARTICLE 41

Under the direction of the competent military authority, the emblem of the red cross on a white ground shall be displayed on the flags, armlets and on all equipment employed in the Medical Service.

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

### ARTICLE 42

The personnel designated in Articles 36 and 37 shall wear, affixed to the left arm, a water-resistant armlet bearing the distinctive emblem, issued and stamped by the military authority.

Such personnel, in addition to wearing the identity disc mentioned in Article 19, shall also carry a special identity card bearing the distinctive emblem. This card shall be water-resistant and of such size that it can be carried in the pocket. It shall be worded in the national language, shall mention at least the surname and first names, the date of birth, the rank and the service number of the bearer, and shall state in what capacity he is entitled to the protection of the present Convention. The card shall bear the photograph of the owner and also either his signature or his fingerprints or both. It shall 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 High Contracting Parties. The Parties to the conflict may be guided by the model which is annexed, by way of example, to the present Convention. They shall inform each other, at the outbreak of hostilities, of the model they are using. Identity card should be made out, if possible, at least in duplicate, one copy being kept by the home country.

In no circumstances may the said personnel be deprived of their insignia or identity cards nor of the right to wear the armlet. In case of loss they shall be entitled to receive duplicates of the cards and to have the insignia replaced.

### ARTICLE 43

The ships designated in Articles 22, 24, 25 and 27 shall be distinctively marked as follows:

- (a) All exterior surfaces shall be white.
- (b) One or more dark red crosses, as large as possible, shall be painted and displayed on each side of the hull and on the horizontal surfaces, so placed as to afford the greatest possible visibility from the sea and from the air.

All hospital ships shall make themselves known by hoisting their national flag and further, if they belong to a neutral state, the flag of the Party to the conflict whose direction they have accepted. A white flag with a red cross shall be flown at the mainmast as high as possible.

Lifeboats of hospital ships, coastal lifeboats and all small craft used by the Medical Service shall be painted white with dark red crosses prominently displayed and shall, in general, comply with the identification system prescribed above for hospital ships.

The above-mentioned ships and craft, which may wish to ensure by night and in times of reduced visibility the protection to which they are entitled, must, subject to the assent of the Party to the conflict under whose power they are, take the necessary measures to render their painting and distinctive emblems sufficiently apparent.

Hospital ships which, in accordance with Article 31, are provisionally detained by the enemy, must haul down the flag of the Party to the conflict in whose service they are or whose direction they have accepted.

Coastal lifeboats, if they continue to operate with the consent of the Occupying Power from a base which is occupied, may be allowed, when away from their base, to continue to

fly their own national colours along with a flag carrying a red cross on a white ground, subject to prior notification to all the Parties to the conflict concerned.

All the provisions in this Article relating to the red cross shall apply equally to the other emblems mentioned in Article 41.

Parties to the conflict shall at all times endeavour to conclude mutual agreements, in order to use the most modern methods available to facilitate the identification of hospital ships.

#### ARTICLE 44

The distinguishing signs referred to in Article 43 can only be used, whether in time of peace or war, for indicating or protecting the ships therein mentioned, except as may be provided in any other international Convention or by agreement between all the Parties to the conflict concerned.

#### ARTICLE 45

The High Contracting Parties shall, if their legislation is not already adequate, take the measures necessary for the prevention and repression, at all times, of any abuse of the distinctive signs provided for under Article 43.

### CHAPTER VII

#### EXECUTION OF THE CONVENTION

#### ARTICLE 46

Each Party to the conflict, acting through its Commanders-in-Chief, shall ensure the detailed execution of the preceding Articles and provide for unforeseen cases, in conformity with the general principles of the present Convention.

#### ARTICLE 47

Reprisals against the wounded, sick and shipwrecked persons, the personnel, the vessels or the equipment protected by the Convention are prohibited.

#### ARTICLE 48

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 include 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.

#### ARTICLE 49

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.

### CHAPTER VIII

#### REPRESSION OF ABUSES AND INFRACTIONS

#### ARTICLE 50

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

#### ARTICLE 51

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

#### ARTICLE 52

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

#### ARTICLE 53

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire, who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

### FINAL PROVISIONS

#### ARTICLE 54

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

#### ARTICLE 55

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949; furthermore, by Powers not represented at that Conference, but which are parties to the Xth Hague Convention of October 18, 1907, for the adaptation to Maritime Warfare of the principles of the Geneva Convention of 1906, or to the Geneva Conventions of 1864, 1906 or 1929 for the Relief of the Wounded and Sick in Armies in the Field.

#### ARTICLE 56

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

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

#### ARTICLE 57

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

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

ARTICLE 58

The present Convention replaces 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.

ARTICLE 59

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

ARTICLE 60

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

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 61

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

ARTICLE 62

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release and repatriation of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

ARTICLE 63

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

For AFGHANISTAN

M. Osman AMIRI

For the PEOPLE'S REPUBLIC OF ALBANIA

With attached reservation in respect of Article 10<sup>1</sup> .

J. MALO

For ARGENTINA

With attached reservation<sup>2</sup>

Guillermo A. SPERONI

For AUSTRALIA

Subject to ratification<sup>3</sup>

Norman R. MIGHELL

For AUSTRIA

WILDMANN

For BELGIUM

Maurice BOURQUIN

For the BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

С оговоркой по ст. 10<sup>4</sup>  
Текст оговорки прилагается  
Глава делегации БССР  
И. КУЦЕЙНИКОВ

For BOLIVIA

G. MEDEIROS

For BRAZIL

João PINTO DA SILVA

General Floriano DE LIMA BRAYNER

For the BULGARIAN PEOPLE'S REPUBLIC

With attached reservation<sup>5</sup>

K. B. SVETLOV

For CANADA

Max H. WERSHOF

For CEYLAN

V. COOMARASWAMY

<sup>1</sup> See text of reservation on page 342.

<sup>2</sup> See text of reservation on page 343.

<sup>3</sup> When signing, the Australian Plenipotentiary declared that his Government retained the right to enter reservation at the time of ratification.

<sup>4</sup> See text of reservation on page 343.

<sup>5</sup> See text of reservation on page 344.

For CHILE

F. CISTERNAS ORTIZ

For CHINA

WU NAN-JU

For COLOMBIA

Rafael ROCHA SCHLOSS

For CUBA

J. DE LA LUZ LEÓN

For DENMARK

Georg COHN

Paul IPSEN

BAGGE

For EGYPT

A. K. SAFWAT

For ECUADOR

Alex. GASTELÚ

For SPAIN

Luis CALDERÓN

For the UNITED STATES OF AMERICA

Leland HARRISON

Raymund J. YINGLING

For ETHIOPIA

Gachaou ZELLEKE

For FINLAND

Reinhold SVENTO

For FRANCE

G. CAHEN-SALVADOR

JACQUINOT

For GREECE

M. PESMAZOGLOU

For GUATEMALA

A. DUPONT-WILLEMIN

For the HUNGARIAN PEOPLE'S REPUBLIC

With attached reservations <sup>1</sup>

Anna KARA

For INDIA

D. B. DESAI

For IRAN

A. H. MEYKADEH

For the REPUBLIC OF IRELAND

Sean MACBRIDE

For ISRAEL

With attached reservation <sup>2</sup>

M. KAHANY

For ITALY

Giacinto AURITI

Ettore BAISTROCCHI

For the LEBANON

MIKAOUI

For LIECHTENSTEIN

Comte F. WILCZEK

For LUXEMBOURG

J. STURM

For MEXICO

Pedro DE ALBA

W. R. CASTRO

For the PRINCIPALITY OF MONACO

M. LOZÉ

<sup>1</sup> See text of reservations on page 346.

<sup>2</sup> See text of reservation on page 348.

For NICARAGUA

*Ad referendum*  
LIFSCHITZ

For NORWAY

Rolf ANDERSEN

For NEW ZEALAND

G. R. LAKING

For PAKISTAN

S. M. A. FARUKI, M. G.                      A. H. SHAIKH

For PARAGUAY

Conrad FEHR

For the NETHERLANDS

J. BOSCH DE ROSENTHAL

For PERU

Gonzalo PIZARRO

For the REPUBLIC OF THE PHILIPPINES

P. SEBASTIAN <sup>1</sup>

For POLAND

With attached reservation <sup>2</sup>  
Julian PRZYBOS

For PORTUGAL

With attached reservations <sup>3</sup>  
G. CALDEIRA COELHO

For the RUMANIAN PEOPLE'S REPUBLIC

With attached reservation <sup>4</sup>  
I. DRAGOMIR

For the UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Robert CRAIGIE                      H. A. STRUTT                      W. H. GARDNER

<sup>1</sup> " This signature is subject to ratification by the Philippines Senat in accordance with the provisions of their Constitution ".

<sup>2</sup> See text of reservation on page 350.

<sup>3</sup> See text of reservations on page 351.

<sup>4</sup> See text of reservation on page 351.

For the HOLY SEE

Philippe BERNARDINI

For EL SALVADOR

R. A. BUSTAMANTE

For SWEDEN

Subject to ratification by the Government of His Majesty the King  
of Sweden with the approval of the Riksdag

Staffan SÖDERBLOM

For SWITZERLAND

Max PETITPIERRE  
Colonel div. DU PASQUIER  
H. MEULI  
Plinio BOLLA  
Ph. ZUTTER

For SYRIA

Omar EL DJABRI  
A. GENNAOUI

For CZECHOSLOVAKIA

With attached reservation <sup>1</sup>

TAUBER

For TURKEY

Rana TARHAN

For the UKRAINIAN SOVIET SOCIALIST REPUBLIC

С оговоркой по статье 10 <sup>2</sup>  
Текст оговорки прилагается  
По уполномочию Правительства УССР  
Профессор О. БОГОМОЛЕЦ

For the UNION OF SOVIET SOCIALIST REPUBLICS

С оговоркой по статье 10 <sup>3</sup>  
Текст оговорки прилагается  
Глава делегации СССР  
Н. СЛАВИН

For URUGUAY

Conseiller Colonel Hector J. BLANCO

For VENEZUELA

A. POSSE DE RIVAS

For the FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA

With attached reservation <sup>4</sup>

Milan RISTIĆ

<sup>1</sup> See text of reservation on page 353.

<sup>2</sup> See text of reservation on page 354.

<sup>3</sup> See text of reservation on page 355.

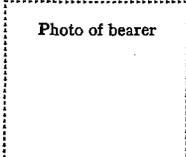
<sup>4</sup> See text of reservation on page 356.

ANNEX

Front

	<small>(Space reserved for the name of the country and military authority issuing this card)</small>	
<h2>IDENTITY CARD</h2>		
for members of medical and religious personnel attached to the armed forces at sea		
Surname .....		
First names .....		
Date of birth .....		
Rank .....		
Army Number .....		
<p>The bearer of this card is protected by the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, in his capacity as</p>		
Date of issue	Number of Card	
.....	.....	

Reverse Side

 Photo of bearer	Signature of bearer or fingerprints or both	
 Embossed stamp of military authority issuing card		
Height	Eyes	Hair
.....	.....	.....
Other distinguishing marks		
.....		
.....		
.....		
.....		

(c) GENEVA CONVENTION RELATIVE TO THE TREATMENT  
OF PRISONERS OF WAR OF AUGUST 12, 1949<sup>1</sup>

The undersigned, Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of revising the Convention concluded at Geneva on July 27, 1929, relative to the Treatment of Prisoners of War, have agreed as follows:

PART I

GENERAL PROVISIONS

ARTICLE 1

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

ARTICLE 2

In addition to the provisions which shall be implemented in peacetime, 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.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

ARTICLE 3

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

- (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular, humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

- (2) The wounded and sick shall be collected and cared for.

<sup>1</sup> For the harmonizing of the numbering of the articles adopted by the Diplomatic Conference with that of the articles in the working documents, see p. 381.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

#### ARTICLE 4

A. 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 a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.
- (2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:
  - (a) that of being commanded by a person responsible for his subordinates;
  - (b) that of having a fixed distinctive sign recognizable at a distance;
  - (c) that of carrying arms openly;
  - (d) that of conducting their operations in accordance with the laws and customs of war.
- (3) Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power.
- (4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annexed model.
- (5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions of international law.
- (6) 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.

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

- (1) Persons belonging, or having belonged, to the armed forces of the occupied country, if the occupying Power considers it necessary by reason of such allegiance to intern them, even though it has originally liberated them while hostilities were going on outside the territory it occupies, in particular where such persons have made an unsuccessful attempt to rejoin the armed forces to which they belong and which are engaged in combat, or where they fail to comply with a summons made to them with a view to internment.
- (2) The persons belonging to one of the categories enumerated in the present Article, who have been received by neutral or non-belligerent Powers on their territory and whom these Powers are required to intern under international law, without prejudice to any more favourable treatment which these Powers may choose to give and with the exception of Articles 8, 10, 15, 30, fifth paragraph, 58-67, 92, 126 and, where diplomatic relations exist between the Parties to the conflict and the neutral or non-belligerent Power concerned, those Articles concerning the Protecting Power. Where such diplomatic relations exist, the Parties to a conflict on whom these persons depend shall be allowed to perform towards them the functions of a Protecting Power as provided in the present Convention, without prejudice to the functions which these

Parties normally exercise in conformity with diplomatic and consular usage and treaties.

C. This Article shall in no way affect the status of medical personnel and chaplains as provided for in Article 33 of the present Convention.

#### ARTICLE 5

The present Convention shall apply to the persons referred to in Article 4 from the time they fall into the power of the enemy and until their final release and repatriation.

Should any doubt arise as to whether persons, having committed a belligerent act and having fallen into the hands of the enemy, belong to any of the categories enumerated in Article 4, such persons shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal.

#### ARTICLE 6

In addition to the agreements expressly provided for in Articles 10, 23, 28, 33, 60, 65, 66, 67, 72, 73, 75, 109, 110, 118, 119, 122 and 132, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall 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 where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

#### ARTICLE 7

Prisoners of war may in no circumstances 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 8

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular 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 with which they are to carry out their duties.

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

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties.

#### ARTICLE 9

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of prisoners of war and for their relief.

#### ARTICLE 10

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

When prisoners of war do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever in the present Convention mention is made of a Protecting Power, such mention applies to substitute organizations in the sense of the present Article.

#### ARTICLE 11

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 or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for prisoners of war, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. 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 invited to take part in such a meeting.

## PART II

### GENERAL PROTECTION OF PRISONERS OF WAR

#### ARTICLE 12

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 only be transferred by the Detaining Power to a Power which is a party to the Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the Convention. When prisoners of war are transferred under such circumstances, responsibility for the application of the Convention rests on the Power accepting them while they are in its custody.

Nevertheless, if that Power fails to carry out the provisions of the Convention in any important respect, the Power by whom the prisoners of war were transferred shall, upon being notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the prisoners of war. Such requests must be complied with.

#### ARTICLE 13

Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest.

Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity.

Measures of reprisal against prisoners of war are prohibited.

#### ARTICLE 14

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 the full civil capacity which they enjoyed at the time of their capture. The Detaining Power may not restrict the exercise, either within or without its own territory, of the rights such capacity confers except in so far as the captivity requires.

#### ARTICLE 15

The Power detaining prisoners of war shall be bound to provide free of charge for their maintenance and for the medical attention required by their state of health.

#### ARTICLE 16

Taking into consideration the provisions of the present Convention relating 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 any adverse distinction based on race, nationality, religious belief or political opinions, or any other distinction founded on similar criteria.

### PART III

#### CAPTIVITY

##### SECTION I

##### BEGINNING OF CAPTIVITY

#### ARTICLE 17

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

If he wilfully infringes this rule, he may render himself liable to a restriction of the privileges accorded to his rank or status.

Each Party to a conflict is required to furnish the persons under its jurisdiction who are liable to become prisoners of war, with an identity card showing the owner's surname, first names, rank, army, regimental, personal or serial number or equivalent information, and date of birth. The identity card may, furthermore, bear the signature or the fingerprints, or both, of the owner, and may bear, as well, any other information the Party to the conflict may wish to add concerning persons belonging to its armed forces. As far as possible the card shall measure 6.5 × 10 cm. and shall be issued in duplicate. The identity card shall be shown by the prisoner of war upon demand, but may in no case be taken away from him.

No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to 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, subject to the provisions of the preceding paragraph.

The questioning of prisoners of war shall be carried out in a language which they understand.

#### ARTICLE 18

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 and like articles issued for personal protection. Effects and articles used 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 should prisoners of war be without identity documents. The Detaining Power shall supply such documents to prisoners of war who possess none.

Badges of rank and nationality, decorations and articles having above all 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 and particulars of the owner have been recorded in a special register and an itemized receipt has been given, legibly inscribed with the name, rank and unit of the person issuing the said receipt. Sums in the currency of the Detaining Power, or which are changed into such currency at the prisoner's request, shall be placed to the credit of the prisoner's account as provided in Article 64.

The Detaining Power may withdraw articles of value from prisoners of war only for reasons of security; when such articles are withdrawn, the procedure laid down for sums of money impounded shall apply.

Such objects, likewise sums taken away in any currency other than that of the Detaining Power and the conversion of which has not been asked for by the owners, shall be kept in the custody of the Detaining Power and shall be returned in their initial shape to prisoners of war at the end of their captivity.

#### ARTICLE 19

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

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

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

#### ARTICLE 20

The evacuation 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.

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

If prisoners of war must, during evacuation, 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 21

The Detaining Power may subject prisoners of war to internment. It may impose on them the obligation of not leaving, beyond certain limits, the camp where they are interned, or if the said camp is fenced in, of not going outside its perimeter. Subject to the provisions of the present Convention relative to penal and disciplinary sanctions, prisoners of war may not be held in close confinement except where necessary to safeguard their health and then only during the continuation of the circumstances which make such confinement necessary.

Prisoners of war may be partially or wholly released on parole or promise, in so far as is allowed by the laws of the Power on which they depend. Such measures shall be taken particularly in cases where this may 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 Party to the conflict shall notify the adverse Party of the laws and regulations allowing or forbidding 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 towards 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.

#### ARTICLE 22

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 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, provided that such prisoners shall not be separated from prisoners of war belonging to the armed forces with which they were serving at the time of their capture, except with their consent.

#### ARTICLE 23

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. With the exception of those engaged in the protection of their quarters against the aforesaid hazards, they may enter such shelters as soon as possible after the giving of the alarm. Any other protective measure taken in favour of the population shall also apply to them.

Detaining Powers shall give the Powers concerned, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of prisoner of war camps.

Whenever military considerations permit, 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 Powers concerned may, however, agree upon any other system of marking. Only prisoner of war camps shall be marked as such.

#### ARTICLE 24

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.

### CHAPTER II

#### QUARTERS, FOOD AND CLOTHING OF PRISONERS OF WAR

#### ARTICLE 25

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.

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 provided for the use of prisoners of war individually or collectively, shall be entirely protected from dampness and adequately heated and lighted, in particular between dusk and lights out. All precautions must be taken against the danger of fire.

In any camps in which women prisoners of war, as well as men, are accommodated, separate dormitories shall be provided for them.

#### ARTICLE 26

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.

The Detaining Power shall supply prisoners of war who work with such additional rations as are necessary for the labour on which they are employed.

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 with 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.

Adequate premises shall be provided for messing.

Collective disciplinary measures affecting food are prohibited.

#### ARTICLE 27

Clothing, underwear and footwear shall be supplied to prisoners of war in sufficient quantities by the Detaining Power, which shall make allowance for the climate of the region where the prisoners are detained. Uniforms of enemy armed forces captured by the Detaining Power should, if suitable for the climate, be made available to clothe prisoners of war.

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

#### ARTICLE 28

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

The profits made by camp canteens shall be used for the benefit of the prisoners; a special fund shall be created for this purpose. The prisoners' representative shall have the right to collaborate in the management of the canteen and of this fund.

When a camp is closed down, the credit balance of the special fund 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 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 III

#### HYGIENE AND MEDICAL ATTENTION

#### ARTICLE 29

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

Prisoners of war shall have for their use, day and night, conveniences which conform to the rules of hygiene and are maintained in a constant state of cleanliness. In any camps in which women prisoners of war are accommodated, separate conveniences shall be provided for them.

Also, apart from 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 personal laundry; the necessary installations, facilities and time shall be granted them for that purpose.

#### ARTICLE 30

Every camp shall have an adequate infirmary where prisoners of war may have the attention they require, as well as appropriate diet. Isolation wards shall, if necessary, be set aside for cases of contagious or mental 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 civilian 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 the Power on which they depend and, if possible, of their 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 who

has 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 artificial appliances, and spectacles, shall be borne by the Detaining Power.

#### ARTICLE 31

Medical inspections of prisoners of war shall be held at least once a month. They shall include the checking and the recording of the weight of each prisoner of war. 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 disease. For this purpose the most efficient methods available shall be employed, e. g. periodic mass miniature radiography for the early detection of tuberculosis.

#### ARTICLE 32

Prisoners of war who, though not attached to the medical service of their armed forces, are physicians, surgeons, dentists, nurses or medical orderlies, may be required by the Detaining Power to exercise their medical functions in the interests of prisoners of war dependent on the same Power. In that case they shall continue to be prisoners of war, but shall receive the same treatment as corresponding medical personnel retained by the Detaining Power. They shall be exempted from any other work under Article 49.

### CHAPTER IV

#### MEDICAL PERSONAL AND CHAPLAINS RETAINED TO ASSIST PRISONERS OF WAR

#### ARTICLE 33

Members of the medical personnel and chaplains while retained by the Detaining Power with a view to assisting prisoners of war, shall not be considered as prisoners of war. They shall, however, receive as a minimum the benefits and protection of the present Convention, and shall also be granted all facilities necessary to provide for the medical care of, and religious ministrations to prisoners of war.

They shall continue to exercise their medical and spiritual functions for the benefit of prisoners of war, preferably those belonging to the armed forces upon which they depend, within the scope of the military laws and regulations of the Detaining Power and under the control of its competent services, in accordance with their professional etiquette. They shall also benefit by the following facilities in the exercise of their medical or spiritual functions:

- (a) They shall be authorized to visit periodically prisoners of war situated in working detachments or in hospitals outside the camp. For this purpose, the Detaining Power shall place at their disposal the necessary means of transport.
- (b) The senior medical officer in each camp shall be responsible to the camp military authorities for everything connected with the activities of retained medical personnel. For this purpose, Parties to the conflict shall agree at the outbreak of hostilities on the subject of the corresponding ranks of the medical personnel, including that of societies mentioned in Article 26 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949. This senior medical officer, as well as chaplains, shall have the right to deal with the competent authorities of the camp on all questions relating to their duties. Such authorities shall afford them all necessary facilities for correspondence relating to these questions.
- (c) Although they shall be subject to the internal discipline of the camp in which they are retained, such personnel may not be compelled to carry out any work other than that concerned with their medical or religious duties.

During hostilities, the Parties to the conflict shall agree concerning the possible relief of retained personnel and shall settle the procedure to be followed.

None of the preceding provisions shall relieve the Detaining Power of its obligations with regard to prisoners of war from the medical or spiritual point of view.

## CHAPTER V

### RELIGIOUS, INTELLECTUAL AND PHYSICAL ACTIVITIES

#### ARTICLE 34

Prisoners of war shall enjoy complete latitude in the exercise of their religious duties, including attendance at the service of their faith, on condition that they comply with the disciplinary routine prescribed by the military authorities.

Adequate premises shall be provided where religious services may be held.

#### ARTICLE 35

Chaplains who fall into the hands of the enemy Power and who remain or are retained with a view to assisting prisoners of war, shall be allowed to minister to them and to exercise freely their ministry amongst prisoners of war of the same religion, in accordance with their religious conscience. They shall be allocated among the various camps and labour detachments containing prisoners of war belonging to the same forces, speaking the same language or practising the same religion. They shall enjoy the necessary facilities, including the means of transport provided for in Article 33, for visiting the prisoners of war outside their camp. They shall be free to correspond, subject to censorship, on matters concerning their religious duties with the ecclesiastical authorities in the country of detention and with international religious organizations. Letters and cards which they may send for this purpose shall be in addition to the quota provided for in Article 71.

#### ARTICLE 36

Prisoners of war who are ministers of religion, without having officiated as chaplains to their own forces, shall be at liberty, whatever their denomination, to minister freely to the members of their community. For this purpose, they shall receive the same treatment as the chaplains retained by the Detaining Power. They shall not be obliged to do any other work.

#### ARTICLE 37

When prisoners of war have not the assistance of a retained chaplain or of a prisoner of war minister of their faith, a minister belonging to the prisoners' or a similar denomination, or in his absence a qualified layman, if such a course is feasible from a confessional point of view, shall be appointed, at the request of the prisoners concerned, to fill this office. This appointment, subject to the approval of the Detaining Power, shall take place with the agreement of the community of prisoners concerned and, wherever necessary, with the approval of the local religious authorities of the same faith. The person thus appointed shall comply with all regulations established by the Detaining Power in the interests of discipline and military security.

#### ARTICLE 38

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 by providing them with adequate premises and necessary equipment.

Prisoners shall have opportunities for taking physical exercise, including sports and games, and for being out of doors. Sufficient open spaces shall be provided for this purpose in all camps.

## CHAPTER VI

### DISCIPLINE

#### ARTICLE 39

Every prisoner of war camp shall be put under the immediate authority of a responsible commissioned officer belonging to the regular armed forces of the Detaining Power. Such officer shall have in his possession a copy of the present Convention; he shall ensure that its provisions are known to the camp staff and the 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 external 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 40

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

#### ARTICLE 41

In every camp the text of the present Convention and its Annexes and the contents of any special agreement provided for in Article 6, shall be posted, in the prisoners' own language, in places where all may read them. 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 prisoners' representative. Every order and command addressed to prisoners of war individually must likewise be given in a language which they understand.

#### ARTICLE 42

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 VII

#### RANK OF PRISONERS OF WAR

#### ARTICLE 43

Upon the outbreak of hostilities, the Parties to the conflict shall communicate to one another the titles and ranks of all the persons mentioned in Article 4 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.

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

#### ARTICLE 44

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

In order to ensure service in officers' camps, other ranks of the same armed forces who, as 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 shall be facilitated in every way.

#### ARTICLE 45

Prisoners of war other than officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

Supervision of the mess by the prisoners themselves shall be facilitated in every way.

### CHAPTER VIII

#### TRANSFER OF PRISONERS OF WAR AFTER THEIR ARRIVAL IN CAMP

#### ARTICLE 46

The Detaining Power, when deciding upon the transfer of prisoners of war, shall take into account the interests of the prisoners themselves, more especially so as not to increase the difficulty of their repatriation.

The transfer of prisoners of war shall always be effected humanely and in conditions not less favourable than those under which the forces of the Detaining Power are transferred. Account shall always be taken of the climatic conditions to which the prisoners of war are accustomed and the conditions of transfer shall in no case be prejudicial to their health.

The Detaining Power shall supply prisoners of war during transfer with sufficient food and drinking water to keep them in good health, likewise with the necessary clothing, shelter 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 47

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 it.

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

#### ARTICLE 48

In the event of transfer, prisoners of war shall be officially advised of their departure and of their new postal address. Such notifications 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 transfer so require, to what each prisoner can reasonably carry, which shall in no case be more than twenty-five kilograms per head.

Mail and parcels addressed to their former camp shall be forwarded to them without delay. The camp commander shall take, in agreement with the prisoners' representative, any measures needed to ensure the transport of the prisoners' community property and of the luggage they are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph of this Article.

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

### SECTION III

#### LABOUR OF PRISONERS OF WAR

#### ARTICLE 49

The Detaining Power may utilize the labour of prisoners of war who are physically fit, 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.

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

If officers or persons of equivalent status ask for suitable work, it shall be found for them, so far as possible, but they may in no circumstances be compelled to work.

#### ARTICLE 50

Besides work connected with camp administration, installation or maintenance, prisoners of war may be compelled to do only such work as is included in the following classes:

- (a) agriculture;
- (b) industries connected with the production or the extraction of raw materials, and manufacturing industries, with the exception of metallurgical, machinery and chemical industries; public works and building operations which have no military character or purpose;
- (c) transport and handling of stores which are not military in character or purpose;
- (d) commercial business, and arts and crafts;
- (e) domestic service;

(f) public utility services having no military character or purpose.

Should the above provisions be infringed, prisoners of war shall be allowed to exercise their right of complaint, in conformity with Article 78.

#### ARTICLE 51

Prisoners of war must be granted suitable working conditions, especially as regards accommodation, food, clothing and equipment; such conditions shall not be inferior to those enjoyed by nationals of the Detaining Power employed in similar work; account shall also be taken of climatic conditions.

The Detaining Power, in utilizing the labour of prisoners of war, shall ensure that in areas in which such prisoners are employed, the national legislation concerning the protection of labour, and, more particularly, the regulations for the safety of workers, are duly applied.

Prisoners of war shall receive training and be provided with the means of protection suitable to the work they will have to do and similar to those accorded to the nationals of the Detaining Power. Subject to the provisions of Article 52, prisoners may be submitted to the normal risks run by these civilian workers.

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

#### ARTICLE 52

Unless he be a volunteer, no prisoner of war may be employed on labour which is of an unhealthy or dangerous nature.

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.

The removal of mines or similar devices shall be considered as dangerous labour.

#### ARTICLE 53

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, in the middle of the day's work, a rest of not less than one hour. This rest will be the same as that to which workers of the Detaining Power are entitled, if the latter is of longer duration. They shall be allowed in addition a rest of twenty-four consecutive hours every week, preferably on Sunday or the day of rest in their country of origin. Furthermore, every prisoner who has worked for one year shall be granted a rest of eight consecutive days, during which his working pay 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 54

The working pay due to prisoners of war shall be fixed in accordance with the provisions of Article 62 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 all the care their condition may require. The Detaining Power shall furthermore deliver to such prisoners of war a medical certificate enabling them to submit their claims to the Power on which they depend, and shall send a duplicate to the Central Prisoners of War Agency provided for in Article 123.

#### ARTICLE 55

The fitness of prisoners of war for work shall be periodically verified by medical examinations at least once a month. The examinations shall have particular regard to the nature of the work which prisoners of war are required to do.

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

#### ARTICLE 56

The organization and administration of labour detachments shall be similar to those of prisoner of war camps.

Every labour detachment shall remain under the control of and administratively part of 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 57

The treatment of prisoners of war who work for private persons, even if the latter are responsible for guarding and protecting them, shall not be inferior to that which is provided for by the present Convention. The Detaining Power, the military authorities and the commander of the camp to which such prisoners belong shall be entirely responsible for the maintenance, care, treatment, and payment of the working pay of such prisoners of war.

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

### SECTION IV

#### FINANCIAL RESOURCES OF PRISONERS OF WAR

#### ARTICLE 58

Upon the outbreak of hostilities, and pending an arrangement on this matter with the Protecting Power, the Detaining Power may determine the maximum amount of money in cash or in any similar form, that prisoners may have in their possession. Any amount in excess, which was properly in their possession and 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.

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 prisoner himself or by the camp administration who will charge them to the accounts of the prisoners concerned. The Detaining Power will establish the necessary rules in this respect.

#### ARTICLE 59

Cash which was taken from prisoners of war, in accordance with Article 18, at the time of their capture, and which is in the currency of the Detaining Power, shall be placed to their separate accounts, in accordance with the provisions of Article 64 of the present Section.

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

#### ARTICLE 60

The Detaining Power shall grant all prisoners of war a monthly advance of 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 francs.
- Category II: Sergeants and other non-commissioned officers, or prisoners of equivalent rank: twelve Swiss francs.
- Category III: Warrant officers and commissioned officers below the rank of major or prisoners of equivalent rank: fifty Swiss francs.
- Category IV: Majors, lieutenant-colonels, colonels or prisoners of equivalent rank: sixty Swiss francs.
- Category V: General officers or prisoners of war of equivalent rank: seventy-five Swiss francs.

However, the Parties to the conflict concerned may by special agreement modify the amount of advances of pay due to prisoners of the preceding categories.

Furthermore, if the amounts indicated in the first paragraph above would be unduly high compared with the pay of the Detaining Power's armed forces or would, for any reason, seriously embarrass the Detaining Power, then, pending the conclusion of a special agreement with the Power on which the prisoners depend to vary the amounts indicated above, the Detaining Power:

- (a) shall continue to credit the accounts of the prisoners with the amounts indicated in the first paragraph above;
- (b) may temporarily limit the amount made available from these advances of pay to prisoners of war for their own use, to sums which are reasonable, but which, for Category I, shall never be inferior to the amount that the Detaining Power gives to the members of its own armed forces.

The reasons for any limitations will be given without delay to the Protecting Power.

#### ARTICLE 61

The Detaining Power shall accept for distribution as supplementary pay to prisoners of war sums which the Power on which the prisoners depend may forward to them, on condition that the sums to be paid shall be the same for each prisoner of the same category, shall be payable to all prisoners of that category depending on that Power, and shall be placed in their separate accounts, at the earliest opportunity, in accordance with the provisions of Article 64. Such supplementary pay shall not relieve the Detaining Power of any obligation under this Convention.

#### ARTICLE 62

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

Working pay shall likewise be paid by the detaining authorities to prisoners of war permanently detailed to duties or to a skilled or semi-skilled occupation in connection with the administration, installation or maintenance of camps, and to the prisoners who are required to carry out spiritual or medical duties on behalf of their comrades.

The working pay of the prisoners' representative, of his advisers, if any, and of his assistants, shall be paid out of the fund maintained by canteen profits. The scale of this working pay shall be fixed by the prisoners' representative and approved by the camp commander. If there is no such fund, the detaining authorities shall pay these prisoners a fair working rate of pay.

#### ARTICLE 63

Prisoners of war shall be permitted to receive remittances of money addressed to them individually or collectively.

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 which the Detaining Power regards as essential, prisoners of war may also have payments made abroad. In this case payments addressed by prisoners of war to dependents shall be given priority.

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 the 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.

To apply the foregoing provisions, the Detaining Power may usefully consult the Model Regulations in Annex V of the present Convention.

#### ARTICLE 64

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

- (1) The amounts due to the prisoner or received by him as advances of pay, as working pay 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 63, third paragraph.

#### ARTICLE 65

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

Prisoners of war shall at all times be afforded reasonable facilities for consulting and obtaining copies of 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, their personal accounts will follow them. In case of transfer from one Detaining Power to another, the monies which are their property and are not in the currency of the Detaining Power will follow them. They shall be given certificates for any other monies standing to the credit of their accounts.

The Parties to the conflict concerned may agree to notify to each other at specific intervals through the Protecting Power, the amount of the accounts of the prisoners of war.

#### ARTICLE 66

On the termination of captivity, through the release of a prisoner of war or his repatriation, the Detaining Power shall give him a statement, signed by an authorized officer of that Power, showing the credit balance then due to him. The Detaining Power shall also send through the Protecting Power to the government upon which the prisoner of war depends, lists giving all appropriate particulars of all prisoners of war whose captivity has been terminated by repatriation, release, escape, death or any other means, and showing the amount of their credit balances. Such lists shall be certified on each sheet by an authorized representative of the Detaining Power.

Any of the above provisions of this Article may be varied by mutual agreement between any two Parties to the conflict.

The Power on which the prisoner of war depends shall be responsible for settling with him any credit balance due to him from the Detaining Power on the termination of his captivity.

#### ARTICLE 67

Advances of pay, issued to prisoners of war in conformity with Article 60, shall be considered as made on behalf of the Power on which they depend. Such advances of pay, as well as all payments made by the said Power under Article 63, third paragraph, and Article 68, shall form the subject of arrangements between the Powers concerned, at the close of hostilities.

#### ARTICLE 68

Any claim by a prisoner of war for compensation in respect of any injury or other disability arising out of work shall be referred to the Power on which he depends, through the Protecting Power. In accordance with Article 54, the Detaining Power will, in all cases, provide the prisoner of war concerned with a statement showing the nature of the injury or disability, the circumstances in which it arose and particulars of medical or hospital treatment given for it. This statement will be signed by a responsible officer of the Detaining Power and the medical particulars certified by a medical officer.

Any claim by a prisoner of war for compensation in respect of personal effects, monies or valuables impounded by the Detaining Power under Article 18 and not forthcoming on his repatriation, or in respect of loss alleged to be due to the fault of the Detaining Power or any of its servants, shall likewise be referred to the Power on which he depends. Nevertheless, any such personal effects required for use by the prisoners of war whilst in captivity shall be replaced at the expense of the Detaining Power. The Detaining Power will, in all cases, provide the prisoner of war with a statement, signed by a responsible officer, showing all available

information regarding the reasons why such effects, monies or valuables have not been restored to him. A copy of this statement will be forwarded to the Power on which he depends through the Central Prisoners of War Agency provided for in Article 123.

## SECTION V

### RELATIONS OF PRISONERS OF WAR WITH THE EXTERIOR

#### ARTICLE 69

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

#### ARTICLE 70

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 to another camp, every prisoner 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 in Article 123, 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 71

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 70, and conforming as closely as possible to the models annexed to the present Convention. Further limitations may be imposed only if the Protecting Power is satisfied that it would be in the interests of the prisoners of war concerned to do so owing to difficulties of translation caused by the Detaining Power's inability to find sufficient qualified linguists to carry out the necessary censorship. 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, possibly at the request of the Detaining Power. Such letters and cards must be conveyed by the most rapid method at the disposal of the Detaining Power; 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 receive news from their next of kin or to give them news by the ordinary postal route, as well as those who are at a great distance from their homes, shall be permitted to send telegrams, the fees being charged against the prisoners of war's accounts with the Detaining Power or paid in the currency at their disposal. They shall likewise benefit by this measure in cases of urgency.

As a general rule, the correspondence of prisoners of war shall be written in their native language. The Parties to the conflict 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 must be addressed to offices of destination.

#### ARTICLE 72

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, medical supplies and articles of a religious, educational or recreational character which may meet their needs, including books, devotional articles, scientific equipment, examination papers, musical instruments, sports outfits and materials allowing prisoners of war to pursue their studies or their cultural activities.

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 proposed by the Protecting Power in the interest of the prisoners themselves, or by the International Committee

of the Red Cross or any other organization giving assistance to the prisoners, in respect of their own shipments only, on account of exceptional strain on transport or communications.

The conditions for the sending of individual parcels and collective relief shall, if necessary, be the subject of special agreements between the Powers concerned, which may in no case delay the receipt by the prisoners of relief supplies. Books may not be included in parcels of clothing and foodstuffs. Medical supplies shall, as a rule, be sent in collective parcels.

#### ARTICLE 73

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 referred to above shall in no case restrict the right of prisoners' representatives to take possession of collective relief shipments intended for prisoners of war, to proceed to their distribution or to dispose of them in the interest of the prisoners.

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

#### ARTICLE 74

All relief shipments 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 despatched by them through the post office, either direct or through the Information Bureaux provided for in Article 122 and the Central Prisoners of War Agency provided for in Article 123, shall be exempt from any postal dues, both in the countries of origin and destination, and in intermediate countries.

If relief shipments intended for prisoners of war cannot be sent through the post office by reason of weight or for any other cause, the cost of transportation shall be borne by the Detaining Power in all the territories under its control. The other Powers party to the Convention shall bear the cost of transport in their respective territories.

In the absence of special agreements between the Parties concerned, the costs connected with transport of such shipments, other than cost covered by the above exemption, shall be charged to the senders.

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

#### ARTICLE 75

Should military operations prevent the Powers concerned from fulfilling their obligation to assure the transport of the shipments referred to in Articles 70, 71, 72 and 77, the Protecting Powers concerned, the International Committee of the Red Cross or any other organization duly approved by the Parties to the conflict may undertake to ensure the conveyance of such shipments by suitable means (railway wagons, motor vehicles, vessels or aircraft, etc.). For this purpose, the High Contracting Parties shall endeavour to supply them with such transport and to allow its circulation, especially by granting the necessary safe-conducts.

Such transport may also be used to convey:

- (a) correspondence, lists and reports exchanged between the Central Information Agency referred to in Article 123 and the National Bureaux referred to in Article 122;
- (b) 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 Parties to the conflict.

These provisions in no way detract from the right of any Party to the conflict to arrange other means of transport, if it should so prefer, nor preclude the granting of safe-conducts, under mutually agreed conditions, to such means of transport.

In the absence of special agreements, the costs occasioned by the use of such means of transport shall be borne proportionally by the Parties to the conflict whose nationals are benefited thereby.

#### ARTICLE 76

The censoring of correspondence addressed to prisoners of war or despatched by them shall be done as quickly as possible. Mail shall be censored only by the despatching State and the receiving State, and once only by each.

The examination of consignments intended for prisoners of war shall not be carried out under conditions that will expose the goods contained in them to deterioration; except in the case of written or printed matter, it shall be done in the presence of the addressee, or of a fellow-prisoner duly delegated by him. The delivery to prisoners of individual or collective consignments shall not be delayed under the pretext of difficulties of censorship.

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

#### ARTICLE 77

The Detaining Powers shall provide all facilities for the transmission, through the Protecting Power or the Central Prisoners of War Agency provided for in Article 123, of instruments, papers or documents intended for prisoners of war or despatched by them, especially powers of attorney and wills.

In all cases they shall facilitate the preparation and execution of such documents on behalf of prisoners of war; in particular, they shall allow them to consult a lawyer and shall take what measures are necessary for the authentication of their signatures.

### SECTION VI

#### RELATIONS BETWEEN PRISONERS OF WAR AND THE AUTHORITIES

##### CHAPTER I

###### COMPLAINTS OF PRISONERS OF WAR RESPECTING THE CONDITIONS OF CAPTIVITY

#### ARTICLE 78

Prisoners of war shall have the right to make known to the military authorities in whose power they are, their requests regarding the conditions of captivity to which they are subjected.

They shall also have the unrestricted right to apply to the representatives of the Protecting Powers either through their prisoners' representative or, if they consider it necessary, direct, in order to draw their attention to any points on which they may have complaints to make regarding their conditions of captivity.

These requests and complaints shall not be limited nor considered to be a part of the correspondence quota referred to in Article 71. They must be transmitted immediately. Even if they are recognized to be unfounded, they may not give rise to any punishment.

Prisoners' representatives may send periodic reports on the situation in the camps and the needs of the prisoners of war to the representatives of the Protecting Powers.

##### CHAPTER II

###### PRISONER OF WAR REPRESENTATIVES

#### ARTICLE 79

In all places where there are prisoners of war, except in those where there are officers, the prisoners shall freely elect by secret ballot, every six months, and also in case of vacancies, prisoners' representatives entrusted with representing them before the military authorities, the Protecting Powers, the International Committee of the Red Cross and any other organization which may assist them. These prisoners' representatives shall be eligible for re-election.

In camps for officers and persons of equivalent status or in mixed camps, the senior officer among the prisoners of war shall be recognized as the camp prisoners' representative. 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 among the prisoners of war who are not officers and shall be elected by them.

Officer prisoners of war of the same nationality shall be stationed in labour camps for prisoners of war, for the purpose of carrying out the camp administration duties for which the prisoners of war are responsible. These officers may be elected as prisoners' representatives under the first paragraph of this Article. In such a case the assistants to the prisoners' representatives shall be chosen from among those prisoners of war who are not officers.

Every representative elected must be approved by the Detaining Power before he has the right to commence his duties. Where the Detaining Power refuses to approve a prisoner of war elected by his fellow prisoners of war, it must inform the Protecting Power of the reason for such refusal.

In all cases the prisoners' representative must have the same nationality, language and customs as the prisoners of war whom he represents. Thus, prisoners of war distributed in different sections of a camp, according to their nationality, language or customs, shall have for each section their own prisoners' representative, in accordance with the foregoing paragraphs.

#### ARTICLE 80

Prisoners' representatives shall further the physical, spiritual and intellectual wellbeing of prisoners of war.

In particular, where the prisoners decide to organize amongst themselves a system of mutual assistance, this organization will be within the province of the prisoners' representative, in addition to the special duties entrusted to him by other provisions of the present Convention.

Prisoners' representatives shall not be held responsible, simply by reason of their duties, for any offences committed by prisoners of war.

#### ARTICLE 81

Prisoners' representatives shall not be required to perform any other work, if the accomplishment of their duties is thereby made more difficult.

Prisoners' representatives 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 (inspection of labour detachments, receipt of supplies, etc.).

Prisoners' representatives shall be permitted to visit premises where prisoners of war are detained, and every prisoner of war shall have the right to consult freely his prisoners' representative.

All facilities shall likewise be accorded to the prisoners' representatives 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 the bodies which give assistance to prisoners of war. Prisoners' representatives of labour detachments shall enjoy the same facilities for communication with the prisoners' representatives of the principal camp. Such communications shall not be restricted, nor considered as forming a part of the quota mentioned in Article 71.

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

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

### CHAPTER III

#### PENAL AND DISCIPLINARY SANCTIONS

##### *I. General Provisions*

#### ARTICLE 82

A prisoner of war shall be subject to the laws, regulations and orders in force in the armed forces of the Detaining Power; the Detaining Power shall be justified in taking judicial or disciplinary measures in respect of any offence committed by a prisoner of war against such laws, regulations or orders. However, no proceedings or punishments contrary to the provisions of this Chapter shall be allowed.

If any law, regulation or order of the Detaining Power shall declare acts committed by a prisoner of war to be punishable, whereas the same acts would not be punishable if committed by a member of the forces of the Detaining Power, such acts shall entail disciplinary punishments only.

#### ARTICLE 83

In deciding whether proceedings in respect of an offence alleged to have been committed by a prisoner of war shall be judicial or disciplinary, the Detaining Power shall ensure that the competent authorities exercise the greatest leniency and adopt, wherever possible, disciplinary rather than judicial measures.

#### ARTICLE 84

A prisoner of war shall be tried only by a military court, unless the existing laws of the Detaining Power expressly permit the civil courts to try a member of the armed forces of the Detaining Power in respect of the particular offence alleged to have been committed by the prisoner of war.

In no circumstances whatever shall a prisoner of war be tried by a court of any kind which does not offer the essential guarantees of independence and impartiality as generally recognized, and, in particular, the procedure of which does not afford the accused the rights and means of defence provided for in Article 105.

#### ARTICLE 85

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

#### ARTICLE 86

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

#### ARTICLE 87

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 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 minimum penalty prescribed.

Collective punishment for individual acts, corporal punishment, imprisonment in premises 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 88

Officers, non-commissioned officers and men who are prisoners of war undergoing a disciplinary or judicial punishment, shall not be subjected to more severe treatment than that applied in respect of the same punishment to members of the armed forces of the Detaining Power of equivalent rank.

A woman prisoner of war shall not be awarded or sentenced to a punishment more severe, or treated whilst undergoing punishment more severely, than a woman member of the armed forces of the Detaining Power dealt with for a similar offence.

In no case may a woman prisoner of war be awarded or sentenced to a punishment more severe, or treated whilst undergoing punishment more severely, than a male member of the armed forces of the Detaining Power dealt with for a similar offence.

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

### *II. Disciplinary Sanctions*

#### ARTICLE 89

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

- (1) A fine which shall not exceed 50 per cent of the advances of pay and working pay which the prisoner of war would otherwise receive under the provisions of Articles 60 and 62 during a period of not more than thirty days.

- (2) Discontinuance of privileges granted over and above the treatment provided for by the present Convention.
- (3) Fatigue duties not exceeding two hours daily.
- (4) Confinement.

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

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

#### ARTICLE 90

The duration of any single punishment shall in no case exceed thirty days. Any period of confinement awaiting the hearing of a disciplinary offence or the award of disciplinary punishment shall be deducted from an award pronounced against a prisoner of war.

The maximum of thirty days provided above may not be exceeded, even if the prisoner of war is answerable for several acts at the same time when he is awarded punishment, whether such acts are related or not.

The period between the pronouncing of an award of disciplinary punishment and its execution shall not exceed one month.

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

#### ARTICLE 91

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 escape.

#### ARTICLE 92

A prisoner of war who attempts to escape and is recaptured before having made good his escape in the sense of Article 91 shall be liable only to a disciplinary punishment in respect of this act, even if it is a repeated offence.

A prisoner of war who is recaptured shall be handed over without delay to the competent military authority.

Article 88, fourth paragraph, notwithstanding, prisoners of war punished as a result of an unsuccessful escape may be subjected to special surveillance. Such surveillance must not affect the state of their health, must be undergone in a prisoner of war camp, and must not entail the suppression of any of the safeguards granted them by the present Convention.

#### ARTICLE 93

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 subjected to trial by judicial proceedings in respect of an offence committed during his escape or attempt to escape.

In conformity with the principle stated in Article 83, offences committed by prisoners of war with the sole intention of facilitating their escape and which do not entail any violence against life or limb, such as offences against public property, theft without intention of self-enrichment, the drawing up or use of false papers, or the wearing of civilian clothing, shall occasion disciplinary punishment only.

Prisoners of war who aid or abet an escape or an attempt to escape shall be liable on this count to disciplinary punishment only.

#### ARTICLE 94

If an escaped prisoner of war is recaptured, the Power on which he depends shall be notified thereof in the manner defined in Article 122, provided notification of his escape has been made.

#### ARTICLE 95

A prisoner of war accused of an offence against discipline shall not be kept in confinement pending the hearing unless a member of the armed forces of the Detaining Power would be so kept if he were accused of a similar offence, or if it is essential in the interests of camp order and discipline.

Any period spent by a prisoner of war in confinement awaiting the disposal of an offence against discipline shall be reduced to an absolute minimum and shall not exceed fourteen days.

The provisions of Articles 97 and 98 of this Chapter shall apply to prisoners of war who are in confinement awaiting the disposal of offences against discipline.

#### ARTICLE 96

Acts which constitute offences against discipline shall be investigated immediately.

Without prejudice to the competence of courts and superior military authorities, disciplinary punishment may be ordered only by an officer having disciplinary powers in his capacity as camp commander, or by a responsible officer who replaces him or to whom he has delegated his disciplinary powers.

In no case may such powers be delegated to a prisoner of war or be exercised by a prisoner of war.

Before any disciplinary award is pronounced, the accused shall be given precise information regarding the offences of which he is accused, and given an opportunity of explaining his conduct and of defending himself. He shall be permitted, in particular, to call witnesses and to have recourse, if necessary, to the services of a qualified interpreter. The decision shall be announced to the accused prisoner of war and to the prisoners' representative.

A record of disciplinary punishments shall be maintained by the camp commander and shall be open to inspection by representatives of the Protecting Power.

#### ARTICLE 97

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

All premises in which disciplinary punishments are undergone shall conform to the sanitary requirements set forth in Article 25. A prisoner of war undergoing punishment shall be enabled to keep himself in a state of cleanliness, in conformity with Article 29.

Officers and persons of equivalent status shall not be lodged in the same quarters as non-commissioned officers or men.

Women prisoners of war undergoing disciplinary punishment shall be confined in separate quarters from male prisoners of war and shall be under the immediate supervision of women.

#### ARTICLE 98

A prisoner of war undergoing confinement as a disciplinary punishment, shall continue to enjoy the benefits of the provisions of this Convention except in so far as these are necessarily rendered inapplicable by the mere fact that he is confined. In no case may he be deprived of the benefits of the provisions of Articles 78 and 126.

A prisoner of war awarded disciplinary punishment may not be deprived of the prerogatives attached to his rank.

Prisoners of war awarded 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 a hospital.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money however, may be withheld from them until the completion of the punishment; they shall meanwhile be entrusted to the prisoners' representative, who will hand over to the infirmary the perishable goods contained in such parcels.

### *III. Judicial Proceedings*

#### ARTICLE 99

No prisoner of war may be tried or sentenced for an act which is not forbidden by the law of the Detaining Power or by international law, 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 a qualified advocate or counsel.

#### ARTICLE 100

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 on which the prisoners of war depend.

The death sentence cannot be pronounced on a prisoner of war unless the attention of the court has, in accordance with Article 87, second paragraph, been particularly called to the fact that since the accused is not a national of the Detaining Power, he 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.

#### ARTICLE 101

If the death penalty is pronounced on a prisoner of war, the sentence shall not be executed before the expiration of a period of at least six months from the date when the Protecting Power receives, at an indicated address, the detailed communication provided for in Article 107.

#### ARTICLE 102

A prisoner of war can be validly sentenced only if the sentence has been pronounced by the same courts according to the same procedure as in the case of members of the armed forces of the Detaining Power, and if, furthermore, the provisions of the present Chapter have been observed.

#### ARTICLE 103

Judicial investigations relating to a prisoner of war shall be conducted as rapidly as circumstances permit and so that his trial shall take place as soon as possible. A prisoner of war shall not be confined while awaiting trial unless a member of the armed forces of the Detaining Power would be so confined if he were accused of a similar offence, or if it is essential to do so in the interests of national security. In no circumstances shall this confinement exceed three months.

Any period spent by a prisoner of war in confinement awaiting trial shall be deducted from any sentence of imprisonment passed upon him and taken into account in fixing any penalty.

The provisions of Articles 97 and 98 of this Chapter shall apply to a prisoner of war whilst in confinement awaiting trial.

#### ARTICLE 104

In any case in which the Detaining Power has decided to institute judicial proceedings against a prisoner of war, it shall notify the Protecting Power as soon as possible and at least three weeks before the opening of the trial. This period of three weeks shall run as from the day on which such notification reaches the Protecting Power at the address previously indicated by the latter to the Detaining Power.

The said notification shall contain the following information:

- (1) surname and first names of the prisoner of war, his rank, his army, regimental, personal or serial number, his date of birth, and his profession or trade, if any;
- (2) place of internment or confinement;
- (3) specification of the charge or charges on which the prisoner of war is to be arraigned, 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 prisoners' representative.

If no evidence is submitted, at the opening of a trial, that the notification referred to above was received by the Protecting Power, by the prisoner of war and by the prisoners' representative concerned, at least three weeks before the opening of the trial, then the latter cannot take place and must be adjourned.

#### ARTICLE 105

The prisoner of war shall be entitled to assistance by one of his prisoner comrades, to defence by a qualified advocate or counsel of his own choice, to the calling of witnesses and, if he deems necessary, to the services of a competent interpreter. He shall be advised of these rights by the Detaining Power in due time before the trial.

Failing a choice by the prisoner of war, the Protecting Power shall find him an advocate or counsel, 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 an advocate or counsel by the prisoner of war or the Protecting Power, the Detaining Power shall appoint a competent advocate or counsel to conduct the defence.

The advocate or counsel conducting the defence on behalf of 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 and interview him in private. He may also confer with 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.

Particulars of the charge or charges on which the prisoner of war is to be arraigned, 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 same communication in the same circumstances shall be made to the advocate or counsel conducting the defence on behalf of the prisoner of war.

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

#### ARTICLE 106

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 or petition from any sentence pronounced upon him, with a view to the quashing or revising of the sentence or the reopening of the trial. He shall be fully informed of his right to appeal or petition and of the time limit within which he may do so.

#### ARTICLE 107

Any judgment and sentence pronounced upon a prisoner of war shall be immediately reported to the Protecting Power in the form of a summary communication, which shall also indicate whether he has the right of appeal with a view to the quashing of the sentence or the reopening of the trial. This communication shall likewise be sent to the prisoners' representative concerned. It shall also be sent to the accused prisoner of war in a language he understands, if the sentence was not pronounced in his presence. The Detaining Power shall also immediately communicate to the Protecting Power the decision of the prisoner of war to use or to waive his right of appeal.

Furthermore, if a prisoner of war is finally convicted or if a sentence pronounced on a prisoner of war in the first instance is a death sentence, the Detaining Power shall as soon as possible address to the Protecting Power a detailed communication containing:

- (1) the precise wording of the finding and sentence;
- (2) a summarized report of any preliminary investigation and of the trial, emphasizing in particular the elements of the prosecution and the defence;
- (3) notification, where applicable, of the establishment where the sentence will be served.

The communications provided for in the foregoing sub-paragraphs shall be sent to the Protecting Power at the address previously made known to the Detaining Power.

#### ARTICLE 108

Sentences pronounced on prisoners of war after a conviction has become duly enforceable, shall be served in the same establishments and under the same conditions as in the case of members of the armed forces of the Detaining Power. These conditions shall in all cases conform to the requirements of health and humanity.

A woman prisoner of war on whom such a sentence has been pronounced shall be confined in separate quarters and shall be under the supervision of women.

In any case, prisoners of war sentenced to a penalty depriving them of their liberty shall retain the benefit of the provisions of Articles 78 and 126 of the present Convention. Furthermore, they shall be entitled to receive and despatch correspondence, to receive at least one relief parcel monthly, to take regular exercise in the open air, to have the medical care required by their state of health, and the spiritual assistance they may desire. Penalties to which they may be subjected shall be in accordance with the provisions of Article 87, third paragraph.

## PART IV

### TERMINATION OF CAPTIVITY

#### SECTION I

##### DIRECT REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES

###### ARTICLE IO9

Subject to the provisions of the third paragraph of this Article, Parties to the conflict are bound to send back to their own country, regardless of number or rank, seriously wounded and seriously sick prisoners of war, after having cared for them until they are fit to travel, in accordance with the first paragraph of the following Article.

Throughout the duration of hostilities, Parties to the conflict shall endeavour, with the cooperation of the neutral Powers concerned, to make arrangements for the accommodation in neutral countries of the sick and wounded prisoners of war referred to in the second paragraph 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 the first paragraph of this Article, may be repatriated against his will during hostilities.

###### ARTICLE IIO

The following shall be repatriated direct:

- (1) Incurably wounded and sick whose mental or physical fitness seems to have been gravely diminished.
- (2) Wounded and sick 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.
- (3) Wounded and sick 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) Wounded and sick whose recovery may be expected within one year of the date of the wound or the beginning of the illness, if treatment in a neutral country might increase the prospects of a more certain and speedy recovery.
- (2) Prisoners of war whose mental or physical health, according to medical opinion, is seriously threatened by continued captivity, but whose accommodation in a neutral country might remove 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 general, prisoners of war who have been accommodated in a neutral country, and who belong to the following categories, should be repatriated:

- (1) those whose state of health has deteriorated so as to fulfil the conditions laid down for direct repatriation;

- (2) those whose mental or physical powers remain, even after treatment, considerably impaired.

If no special agreements are concluded between the Parties to the conflict 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 principles laid down in the Model Agreement concerning direct repatriation and accommodation in neutral countries of wounded and sick prisoners of war and in the Regulations concerning Mixed Medical Commissions annexed to the present Convention.

#### ARTICLE III

The Detaining Power, the Power on which the prisoners of war depend, and a neutral Power agreed upon by these two Powers, shall endeavour to conclude agreements which will enable prisoners of war to be interned in the territory of the said neutral Power until the close of hostilities.

#### ARTICLE II2

Upon the outbreak of hostilities, Mixed Medical Commissions shall be appointed to examine sick and wounded prisoners of war, and to make all appropriate 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, may be repatriated without having to be examined by a Mixed Medical Commission.

#### ARTICLE II3

Besides those who are designated by the medical authorities of the Detaining Power, wounded or sick 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) Wounded and sick proposed by a physician or surgeon who is of the same nationality, or a national of a Party to the conflict allied with the Power on which the said prisoners depend, and who exercises his functions in the camp.
- (2) Wounded and sick proposed by their prisoners' representative.
- (3) Wounded and sick proposed by the Power on which they depend, or by an organization 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 only after those belonging to the said categories.

The physician or surgeon of the same nationality as the prisoners who present themselves for examination by the Mixed Medical Commission, likewise the prisoners' representative of the said prisoners, shall have permission to be present at the examination.

#### ARTICLE II4

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

#### ARTICLE II5

No prisoner of war on whom a disciplinary punishment has been imposed and who is eligible for repatriation or for accommodation in a neutral country, may be kept back on the plea that he has not undergone his 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.

Parties to the conflict 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 116

The cost 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.

#### ARTICLE 117

No repatriated person may be employed on active military service.

### SECTION II

#### RELEASE AND REPATRIATION OF PRISONERS OF WAR AT THE CLOSE OF HOSTILITIES

#### ARTICLE 118

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

In the absence of stipulations to the above effect in any agreement concluded between the Parties to the conflict 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 of prisoners of war shall in all cases be equitably apportioned between the Detaining Power and the Power on which the prisoners depend. This apportionment shall be carried out on the following basis:

- (a) If the two Powers are contiguous, the Power on which the prisoners of war depend shall bear the costs of repatriation from the frontiers of the Detaining Power.
- (b) If the two Powers are not contiguous, the Detaining Power shall bear the costs of transport of prisoners of war over its own territory as far as its frontier or its port of embarkation nearest to the territory of the Power on which the prisoners of war depend. The parties concerned shall agree between themselves as to the equitable apportionment of the remaining costs of the repatriation. The conclusion of this agreement shall in no circumstances justify any delay in the repatriation of the prisoners of war.

#### ARTICLE 119

Repatriation shall be effected in conditions similar to those laid down in Articles 46 to 48 inclusive of the present Convention for the transfer of prisoners of war, having regard to the provisions of Article 118 and to those of the following paragraphs.

On repatriation, any articles of value impounded from prisoners of war under Article 18, and any foreign currency which has not been converted into the currency of the Detaining Power, shall be restored to them. Articles of value and foreign currency which, for any reason whatever, are not restored to prisoners of war on repatriation, shall be despatched to the Information Bureau set up under Article 122.

Prisoners of war shall be allowed to take with them their personal effects, and any correspondence and parcels which have arrived for them. The weight of such baggage may be limited, if the conditions of repatriation so require, to what each prisoner can reasonably carry. Each prisoner shall in all cases be authorized to carry at least twenty-five kilograms.

The other personal effects of the repatriated prisoner shall be left in the charge of the Detaining Power which shall have them forwarded to him as soon as it has concluded an agreement to this effect, regulating the conditions of transport and the payment of the costs involved, with the Power on which the prisoner depends.

Prisoners of war against whom criminal proceedings for an indictable offence are pending may be detained until the end of such proceedings, and, if necessary, until the completion of

the punishment. The same shall apply to prisoners of war already convicted for an indictable offence.

Parties to the conflict shall communicate to each other the names of any prisoners of war who are detained until the end of the proceedings or until punishment has been completed.

By agreement between the Parties to the conflict, commissions shall be established for the purpose of searching for dispersed prisoners of war and of assuring their repatriation with the least possible delay.

### SECTION III

#### DEATH OF PRISONERS OF WAR

##### ARTICLE 120

Wills of prisoners of war shall be drawn up so as to satisfy the conditions of validity required by the legislation of their country of origin, which will take steps to inform the Detaining Power of its requirements in this respect. At the request of the prisoner of war and, in all cases, after death, the will shall be transmitted without delay to the Protecting Power; a certified copy shall be sent to the Central Agency.

Death certificates in the form annexed to the present Convention, or lists certified by a responsible officer, of all persons who die as prisoners of war shall be forwarded as rapidly as possible to the Prisoner of War Information Bureau established in accordance with Article 122. The death certificates or certified lists shall show particulars of identity as set out in the third paragraph of Article 17, and also the date and place of death, the cause of death, the date and place of burial and all particulars necessary to identify the graves.

The burial or cremation of a prisoner of war shall be preceded by a medical examination of the body with a view to confirming death and enabling a report to be made and, where necessary, establishing identity.

The detaining authorities shall ensure that prisoners of war who have died in captivity are honourably buried, if possible according to the rites of the religion to which they belonged, and that their graves are respected, suitably maintained and marked so as to be found at any time. Wherever possible, deceased prisoners of war who depended on the same Power shall be interred in the same place.

Deceased prisoners of war shall be buried in individual graves unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, on account of the religion of the deceased or in accordance with his express wish to this effect. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased.

In order that graves may always be found, all particulars of burials and graves shall be recorded with a Graves Registration Service established by the Detaining Power. Lists of graves and particulars of the prisoners of war interred in cemeteries and elsewhere shall be transmitted to the Power on which such prisoners of war depended. Responsibility for the care of these graves and for records of any subsequent moves of the bodies shall rest on the Power controlling the territory, if a Party to the present Convention. These provisions shall also apply to the ashes, which shall be kept by the Graves Registration Service until proper disposal thereof in accordance with the wishes of the home country.

##### ARTICLE 121

Every death or serious injury of a prisoner of war caused or suspected to have been caused by a sentry, another prisoner of war, or any other person, as well as any death the cause of which is unknown, shall be immediately followed by an official enquiry by the Detaining Power.

A communication on this subject shall be sent immediately to the Protecting Power. Statements shall be taken from witnesses, especially from those who are prisoners of war, and a report including such statements shall be forwarded to the 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.

PART V  
INFORMATION BUREAUX AND RELIEF SOCIETIES  
FOR PRISONERS OF WAR

ARTICLE 122

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 4, shall take the same action with respect to such persons. The Power concerned shall ensure that the Prisoners of War Information Bureau is provided with the necessary accommodation, equipment and staff to ensure its efficient working. It shall be at liberty to employ prisoners of war in such a Bureau under the conditions laid down in the Section of the present Convention dealing with work by prisoners of war.

Within the shortest possible period, each of the Parties to the conflict shall give its Bureau the information referred to in the fourth, fifth and sixth paragraphs of this Article regarding any enemy person belonging to one of the categories referred to in Article 4, who has fallen into its power. Neutral or non-belligerent Powers shall take the same action with regard to persons belonging to such categories whom they have received within their territory.

The Bureau shall immediately forward such information by the most rapid means to the Powers concerned, through the intermediary of the Protecting Powers and likewise of the Central Agency provided for in Article 123.

This information shall make it possible quickly to advise the next of kin concerned. Subject to the provisions of Article 17, the information shall include, in so far as available to the Information Bureau, in respect of each prisoner of war, his surname, first names, rank, army, regimental, personal or serial number, place and full date of birth, indication of the Power on which he depends, 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 Bureau shall receive from the various departments concerned information regarding transfers, releases, repatriations, escapes, admissions to hospital, and deaths, and shall transmit such information in the manner described in the third paragraph 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.

The Information Bureau shall also be responsible for replying to all enquiries sent to it concerning prisoners of war, including those who have died in captivity; it will make any enquiries necessary to obtain the information which is asked for if this is not in its possession.

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 including sums in currencies other than that of the Detaining Power and documents of importance to the next of kin, 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 which shall be accompanied by statements giving clear and full particulars of the identity of the person to whom the articles belonged, and by a complete list of the contents of the parcel. Other personal effects of such prisoners of war shall be transmitted under arrangements agreed upon between the Parties to the conflict concerned.

ARTICLE 123

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.

The function of the Agency shall be to collect all the information it may obtain through official or private channels respecting prisoners of war, and to transmit it as rapidly as possible 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 High Contracting Parties, and in particular those whose nationals benefit by the services of the Central Agency, are requested to give the said Agency the financial aid it may require.

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 125.

#### ARTICLE 124

The national Information Bureaux and the Central Information Agency shall enjoy free postage for mail, likewise all the exemptions provided for in Article 74, and further, so far as possible, exemption from telegraphic charges or, at least, greatly reduced rates.

#### ARTICLE 125

Subject to the measures which the Detaining Powers may consider essential to ensure their security or to meet any other reasonable need, the representatives of religious organizations, relief societies, or any other organization assisting prisoners of war, shall receive from the said Powers, for themselves and their duly accredited agents, all necessary facilities for visiting the prisoners, for distributing relief supplies and material, from any source, intended for religious, educational or recreative purposes, and for assisting them in organizing their leisure time within the camps. Such societies or organizations may be constituted in the territory of the Detaining Power or in any other country, or they may have an international character.

The Detaining Power may limit the number of societies and organizations whose delegates are allowed to carry out their activities in its territory and under its supervision, on condition, however, that such limitation shall not hinder the effective operation of adequate 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.

As soon as relief supplies or material intended for the above-mentioned purposes are handed over to prisoners of war, or very shortly afterwards, receipts for each consignment, signed by the prisoners' representative, shall be forwarded to the relief society or organization making the shipment. At the same time, receipts for 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 126

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 prisoners' representatives, without witnesses, either 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 restricted. Visits may not be prohibited except for reasons of imperative military necessity, and then 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 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.

#### ARTICLE 127

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 include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to all their armed forces and to the entire population.

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

#### ARTICLE 128

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.

#### ARTICLE 129

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the present Convention.

#### ARTICLE 130

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, compelling a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war of the rights of fair and regular trial prescribed in this Convention.

#### ARTICLE 131

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

#### ARTICLE 132

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

## SECTION II

### FINAL PROVISIONS

#### ARTICLE 133

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

#### ARTICLE 134

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

#### ARTICLE 135

In the relations between the Powers which are bound by the Hague Convention respecting the Laws and Customs of War on Land, whether that of July 29, 1899, or that of October 18, 1907, and which are parties to the present Convention, this last Convention shall be complementary to Chapter II of the Regulations annexed to the above-mentioned Conventions of the Hague.

#### ARTICLE 136

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949; furthermore, by Powers not represented at that Conference, but which are parties to the Convention of July 27, 1929.

#### ARTICLE 137

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

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

#### ARTICLE 138

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

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

#### ARTICLE 139

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

#### ARTICLE 140

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

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 141

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

ARTICLE 142

Each of the High Contracting Parties shall be at liberty to denounce the present Convention. The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release and repatriation of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

ARTICLE 143

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

For AFGHANISTAN

M. Osman AMIRI

For the PEOPLE'S REPUBLIC OF ALBANIA

With attached reservations to Articles 10, 12 and 85<sup>1</sup>

J. MALO

For ARGENTINA

With attached reservation<sup>2</sup>

Guillermo A. SPERONI

For AUSTRALIA

Norman R. MIGHELL

Subject to ratification<sup>3</sup>

<sup>1</sup> See text of reservations on page 342.

<sup>2</sup> See text of reservation on page 343.

<sup>3</sup> When signing, the Australian Plenipotentiary declared that his Government retained the right to enter reservations at the time of ratification.

For AUSTRIA

Dr. Rud. BLUEHDORN

For BELGIUM

Maurice BOURQUIN

For the BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

С оговорками по ст. ст. 10, 12, 85 <sup>1</sup>

Текст оговорок прилагается

Глава делегации БССР

И. КУЦЕЙНИКОВ

For BOLIVIA

G. MEDEIROS

For BRAZIL

João PINTO DA SILVA

General Floriano DE LIMA BRAYNER

For the BULGARIAN PEOPLE'S REPUBLIC

With attached reservations <sup>2</sup>

K. B. SVETLOV

For CANADA

Ma. H. WERSHOF

For CEYLON

V. COOMARASWAMY

For CHILE

F. CISTERNAS ORTIZ

For CHINA

Wu Nan-Ju

For COLOMBIA

Rafael ROCHA SCHLOSS

For CUBA

J. DE LA LUZ LEÓN

<sup>1</sup> See text of reservations on page 343.

<sup>2</sup> See text of reservations on page 344.

For DENMARK

Georg COHN

Paul IPSEN

BAGGE

For EGYPT

A. K. SAFWAT

For ECUADOR

Alex. GASTELÚ

For SPAIN

With attached reservation<sup>1</sup>

Luis CALDERÓN

For the UNITED STATES OF AMERICA

Leland HARRISON

Raymund J. YINGLING

For ETHIOPIA

Gachaou ZELLEKE

For FINLAND

Reinhold SVENTO

For FRANCE

G. CAHEN-SALVADOR

JACQUINOT

For GREECE

M. PESMAZOGLOU

For GUATEMALA

A. DUPONT-WILLEMIN

For the HUNGARIAN PEOPLE'S REPUBLIC

With attached reservations<sup>2</sup>

Anna KARA

For INDIA

D. B. DESAI

For IRAN

A. H. MEYKADEH

<sup>1</sup> See text of reservation on page 346.

<sup>2</sup> See text of reservations on page 346.

For the REPUBLIC OF IRELAND

Sean MACBRIDE

For ISRAEL

M. KAHANY

For ITALY

Giacinto AURITI

Ettore BAISTROCCHI

With attached reservation <sup>1</sup>

For the LEBANON

MIKAOUI

For LIECHTENSTEIN

Comte F. WILCZEK

For LUXEMBURG

J. STURM

With attached reservation <sup>2</sup>

For MEXICO

Pedro DE ALBA

W. R. CASTRO

For the PRINCIPALITY OF MONACO

M. LOZÉ

For NICARAGUA

*Ad referendum*

LIFSCHITZ

For NORWAY

Rolf ANDERSEN

For NEW ZEALAND

G. R. LAKING

For PAKISTAN

S. M. A. FARUKI, M. G.

A. H. SHAIKH

<sup>1</sup> See text of reservation on page 348.

<sup>2</sup> See text of reservation on page 349.

For PARAGUAY

Conrad FEHR

For the NETHERLANDS

J. BOSCH DE ROSENTHAL

For PERU

Gonzalo PIZARRO

For the REPUBLIC OF THE PHILIPPINES

P. SEBASTIAN <sup>1</sup>

For POLAND

With attached reservations <sup>2</sup>

Julian PRZYBOS

For PORTUGAL

With attached reservations <sup>3</sup>

G. CALDEIRA COELHO

For the RUMANIAN PEOPLE'S REPUBLIC

With attached reservations <sup>4</sup>

I. DRAGOMIR

For the UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Robert CRAIGIE

H. A. STRUTT

W. H. GARDNER

For the HOLY SEE

Philippe BERNARDINI

For EL SALVADOR

R. A. BUSTAMANTE

For SWEDEN

Subject to ratification by the Government of His Majesty the King of Sweden  
with the approval of the Riksdag

Staffan SÖDERBLOM

<sup>1</sup> " This signature is subject to ratification by the Philippines Senate in accordance with the provisions of their Constitution."

<sup>2</sup> See text of reservations on page 350.

<sup>3</sup> See text of reservations on page 351.

<sup>4</sup> See text of reservations on page 351.

For SWITZERLAND

Max PETITPIERRE  
Colonel div. DU PASQUIER  
H. MEULI  
Plinio BOLLA  
Ph. ZUTTER

For SYRIA

Omar EL DJABRI  
A. GENNAOUI

For CZECHOSLOVAKIA

With attached reservations <sup>1</sup>

TAUBER

For TURKEY

Rana TARHAN

For the UKRAINIAN SOVIET SOCIALIST REPUBLIC

С оговорками по статьям 10, 12, 85. <sup>2</sup>  
Текст оговорок прилагается  
По уполномочию Правительства УССР  
Профессор О. БОГОМОЛЕЦ

For the UNION OF SOVIET SOCIALIST REPUBLICS

С оговорками по статьям 10, 12, 85. <sup>3</sup>  
Текст оговорок прилагается  
Глава делегации СССР  
Н. СЛАВИН

For URUGUAY

Conseiller Colonel Hector J. BLANCO

For VENEZUELA

A. POSSE DE RIVAS

For the FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA

With attached reservations <sup>4</sup>

Milan RISTIĆ

<sup>1</sup> See text of reservations on page 353.

<sup>2</sup> See text of reservations on page 354.

<sup>3</sup> See text of reservations on page 355.

<sup>4</sup> See text of reservations on page 356.

## ANNEX I

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

(see Article 110)

#### I. — PRINCIPLES FOR DIRECT REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES

##### A. DIRECT REPATRIATION

The following shall be repatriated direct:

- (1) All prisoners of war suffering from the following disabilities as the result of trauma: loss of a limb, paralysis, articular or other disabilities, when this disability is at least the loss of a hand or a foot, or the equivalent of the loss of a hand or a foot.  
Without prejudice to a more generous interpretation, the following shall be considered as equivalent to the loss of a hand or a foot:
  - (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) Deformities due to fracture or other injury which seriously interfere with function and weight-bearing power.
- (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 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*); etc. 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 neurotrophic disturbance.
  - (i) Injury to the urinary system, with incapacitating results.

- (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, as, for example, in case of:
- (a) Progressive tuberculosis of any organ which, according to medical prognosis, cannot be cured or at least considerably improved by treatment in a neutral country.
  - (b) Exudate pleurisy.
  - (c) Serious diseases of the respiratory organs of non-tubercular etiology, presumed incurable, for example: 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, for example: 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, aneurism of the large vessels); etc.
  - (e) Serious chronic affections of the digestive organs, for example: 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 \*; etc.
  - (f) Serious chronic affections of the genito-urinary organs, for example: chronic diseases of the kidney with consequent disorders; nephrectomy because of a tubercular kidney; chronic pyelitis or chronic cystitis; hydronephrosis or pyonephrosis; chronic grave gynaecological conditions; normal pregnancy and obstetrical disorder, where it is impossible to accommodate in a neutral country; etc.
  - (g) Serious chronic diseases of the central and peripheral nervous system, for example: all obvious psychoses and psychoneuroses, such as serious hysteria, serious captivity psychoneurosis, etc., duly verified by a specialist \*; any epilepsy duly verified by the camp physician \*; cerebral arteriosclerosis; chronic neuritis lasting more than one year; etc.
  - (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) Blindness of both eyes, or of one eye when the vision of the other is less than 1 in spite of the use of corrective glasses; diminution of visual acuity in cases where it is impossible to restore it by correction to an acuity of  $\frac{1}{2}$  in at least one eye \*; other grave ocular affections, for example: glaucoma, iritis, choroiditis, trachoma; etc.
  - (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 \*; etc.
  - (l) Serious affections of metabolism, for example: diabetes mellitus requiring insulin treatment; etc.
  - (m) Serious disorders of the endocrine glands, for example: thyrotoxicosis; hypothyrosis; Addison's disease; Simmonds' cachexia; tetany; etc.
  - (n) Grave and chronic disorders of the blood-forming organs.
  - (o) Serious cases of chronic intoxication, for example: lead poisoning, mercury poisoning, morphinism, cocainism, alcoholism; gas or radiation poisoning; etc.
  - (p) Chronic affections of locomotion, with obvious functional disorders, for example: arthritis deformans; primary and secondary progressive chronic polyarthritis; rheumatism with serious clinical symptoms; etc.
  - (q) Serious chronic skin diseases, not amenable to treatment.
  - (r) Any malignant growth.

\* The decision of the Mixed Medical Commission shall be based to a great extent on the records kept by camp physicians and surgeons of the same nationality as the prisoners of war, or on an examination by medical specialists of the Detaining Power.

- (s) Serious chronic infectious diseases, persisting for one year after their inception, for example: malaria with decided organic impairment, amoebic or bacillary dysentery with grave disorders; tertiary visceral syphilis resistant to treatment; leprosy; etc.
- (t) Serious avitaminosis or serious inanition.

#### B. ACCOMMODATION IN NEUTRAL COUNTRIES

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

- (1) All wounded prisoners of war who are not likely to recover in captivity, but who might be cured or whose condition might be considerably improved by accommodation in a neutral country.
- (2) Prisoners of war suffering from any form of tuberculosis, of whatever organ, and whose treatment in a neutral country would be likely to 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, locomotive organs, etc., 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; etc.
- (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.
- (7) All women prisoners of war who are pregnant or mothers with infants and small children.

The following cases shall not be eligible for accommodation in a neutral country:

- (1) All duly verified chronic psychoses.
- (2) All organic or functional nervous affections considered to be incurable.
- (3) All contagious diseases during the period in which they are transmissible, with the exception of tuberculosis.

#### II. — GENERAL OBSERVATIONS

- (1) The conditions given shall, in a general way, 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, shall above all benefit by such liberal interpretation. Prisoners of war who have sustained several wounds, none of which, considered by itself, justifies 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, etc.) shall be examined and repatriated as soon as possible 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, as well as war injuries which have not prevented subsequent military service, shall not entitle to direct repatriation.

- (4) The provisions of this Annex shall be interpreted and applied in a similar manner in all countries party to the conflict. The Powers and authorities concerned shall grant to Mixed Medical Commissions all the facilities necessary for the accomplishment of their task.
- (5) The examples quoted under (I) above represent only typical cases. Cases which do not correspond exactly to these provisions shall be judged in the spirit of the provisions of Article 110 of the present Convention, and of the principles embodied in the present Agreement.

## ANNEX II

### REGULATIONS CONCERNING MIXED MEDICAL COMMISSIONS

(see Article 112)

#### ARTICLE I

The Mixed Medical Commissions provided for in Article 112 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 Parties to the conflict concerned, 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 arrange for 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 Parties to the conflict, 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, when making the appointments provided for in Articles 2 and 4 of the present Regulations, shall settle the terms of service of the nominees.

#### ARTICLE 9

The Mixed Medical Commissions shall begin their work as soon as possible after the neutral members have been approved, and 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 113 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 Commissions in each specific case shall be communicated, during the month following their visit, to the Detaining Power, the Protecting Power and the International Committee of the Red Cross. The Mixed Medical Commissions shall also inform each prisoner of war examined of the decision made, and shall issue to those whose repatriation has been proposed, certificates similar to the model appended to the present Convention.

ARTICLE 12

The Detaining Power shall be required to carry out the decisions of the Mixed Medical Commissions within three months of the time when it receives due notification of such decisions.

ARTICLE 13

If there is no neutral physician in a country where the services of a Mixed Medical Commission seem to be 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 of not more than six months.

## ANNEX III

### REGULATIONS CONCERNING COLLECTIVE RELIEF

(see Article 73)

#### ARTICLE I

Prisoners' representatives shall be allowed to distribute collective relief shipments for which they are responsible, to all prisoners of war administered by their camp, including those who are in hospitals, or 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 a plan drawn up by the prisoners' representatives. The issue of medical stores shall, however, be made for preference in agreement with the senior medical officers, and the latter may, in hospitals and infirmaries, waive 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

The said prisoners' representatives or their assistants shall be allowed to go to the points of arrival of relief supplies near their camps so as to enable the prisoners' representatives 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.

#### ARTICLE 4

Prisoners' representatives 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

Prisoners' representatives shall be allowed to fill up, and cause to be filled up by the prisoners' representatives 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.). Such forms and questionnaires, duly completed, shall be forwarded to the donors without delay.

#### 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, prisoners' representatives shall be allowed to build up and maintain adequate reserve stocks of collective relief. For this purpose, they shall have suitable warehouses at their disposal; each warehouse shall be provided with two locks, the prisoners' representative holding the keys of one lock and the camp commander the keys of the other.

#### ARTICLE 7

When collective consignments of clothing are available, each prisoner of war shall retain in his possession at least one complete set of clothes. If a prisoner has more than one set of clothes, the prisoners' representative shall be permitted to withdraw excess clothing from those with the largest number of sets, or particular articles in excess of one, if this is necessary in order to supply prisoners who are less well provided. He shall not, however, withdraw second sets of underclothing, socks or footwear, unless this is the only means of providing for prisoners of war with none.

#### ARTICLE 8

The High Contracting Parties, and the Detaining Powers in particular, shall authorize, as far as possible and subject to the regulations governing the supply of the population, all purchases of goods made in their territories for the distribution of collective relief to prisoners of war. They shall similarly 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 of 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, ensuring the distribution thereof to the addressees by any other means that they may deem useful.

ANNEX IV

A. IDENTITY CARD

(see Article 4)

<p><b>NOTICE</b></p> <p>This identity card is issued to persons who accompany the Armed Forces of ..... but are not part of them. The card must be carried at all times by the person to whom it is issued. If the bearer is taken prisoner, he shall at once hand the card to the Detaining Authorities, to assist in his identification.</p>		<p>Fingerprints (optional)</p> <p>(Left forefinger) _____ (Right forefinger)</p>		<p>Any other mark of identification .....</p> <p>.....</p> <p>.....</p>	
<p>Official seal imprint</p>	<p>Blood type</p> <p>.....</p>	<p>Religion</p> <p>.....</p>			
<p>Hair</p>	<p>Eyes</p>	<p>Weight</p>	<p>Height</p>		
<p>Photograph of the bearer</p>		<p>(Name of the country and military authority issuing this card)</p> <p><b>IDENTITY CARD</b></p> <p>FOR A PERSON WHO ACCOMPANIES THE ARMED FORCES</p> <p>Name .....</p> <p>First names .....</p> <p>Date and place of birth .....</p> <p>Accompanies the Armed Forces as .....</p> <p>Date of issue</p> <p>Signature of bearer</p> <p>.....</p>			

**Remarks.** — This card should be made out for preference in two or three languages, one of which is in international use. Actual size of the card: 13 by 10 centimetres. It should be folded along the dotted line.

ANNEX IV

B. CAPTURE CARD

(see Article 70)

I. *Front*

<p><u>PRISONER OF WAR MAIL</u></p>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding: 2px;">Postage free</td> </tr> </table>	Postage free
Postage free		
<p><b>CAPTURE CARD FOR PRISONER OF WAR</b></p>		
<p style="text-align: center;">IMPORTANT</p> <p>This card must be completed by each prisoner immediately after being taken prisoner and each time his address is changed (by reason of transfer to a hospital or to another camp).</p> <p>This card is distinct from the special card which each prisoner is allowed to send to his relatives.</p>	<p>CENTRAL PRISONERS OF WAR AGENCY</p> <p>INTERNATIONAL COMMITTEE OF THE RED CROSS</p> <p style="text-align: center;"><u>GENEVA</u> SWITZERLAND</p>	

2. *Reverse side*

<p>Write legibly and in block letters</p>	<p>1. Power on which the prisoner depends .....</p>	
<p>2. Name .....</p>	<p>3. First names (in full) .....</p>	<p>4. First name of father .....</p>
<p>5. Date of birth .....</p>	<p>6. Place of birth .....</p>	
<p>7. Rank .....</p>		
<p>8. Service number .....</p>		
<p>9. Address of next of kin .....</p>		
<p>*10. Taken prisoner on: (or) Coming from (Camp No., hospital, etc.) .....</p>		
<p>*11. (a) Good health—(b) Not wounded—(c) Recovered—(d) Convalescent—(e) Sick— (f) Slightly wounded — (g) Seriously wounded.</p>		
<p>12. My present address is: Prisoner No. .... Name of camp .....</p>		
<p>13. Date .....</p>		<p>14. Signature .....</p>
<p>* Strike out what is not applicable—Do not add any remarks—See explanations overleaf.</p>		

**Remarks.**—This form should be made out in two or three languages, particularly in the prisoner's own language and in that of the Detaining Power. Actual size: 15 by 10,5 centimetres.

ANNEX IV

C. CORRESPONDENCE CARD AND LETTER

(see Article 71)

I. CARD

I. *Front*

<u>PRISONER OF WAR MAIL</u>		Postage free
POST CARD		To .....
Sender:	.....	
Name and first names	.....	
Place and date of birth	Place of Destination	.....
Prisoner of War No.	.....	
Name of camp	Street	.....
Country where posted	Country	.....
.....	Province or Department	.....

2. *Reverse side*

NAME OF CAMP .....	Date .....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
Write on the dotted lines only and as legibly as possible.	

**Remarks.**—This form should be made out in two or three languages, particularly in the prisoner's own language and in that of the Detaining Power. Actual size of form: 15 by 10 centimetres.

ANNEX IV

C. CORRESPONDENCE CARD AND LETTER

(see Article 71)

2. LETTER

PRISONER OF WAR MAIL

Postage free

To .....

Place .....

Street .....

Country.....

Department or Province .....

---

Country where posted .....

Name of camp .....

Prisoner of War No. ....

Date and place of birth .....

Name and first names .....

Sender:

\*\*\*\*\*

**Remarks.**—This form should be made out in two or three languages, particularly in the prisoner's own language and in that of the Detaining Power. It should be folded along the dotted line, the tab being inserted in the slit (marked by a line of asterisks); it then has the appearance of an envelope. Overleaf, it is lined like the postcard above (*Annex IV C 1*); this space can contain about 250 words which the prisoner is free to write. Actual size of the folded form: 29 by 15 centimetres.

ANNEX IV

D. NOTIFICATION OF DEATH

(see Article 120)

(Title of responsible authority)	NOTIFICATION OF DEATH
	Power on which the prisoner depended .....
Name and first names .....	
First name of father .....	.....
Place and date of birth .....	.....
Place and date of death .....	.....
Rank and service number (as given on identity disc) .....	.....
Address of next of kin .....	.....
Where and when taken prisoner .....	.....
Cause and circumstances of death .....	.....
Place of burial .....	.....
Is the grave marked and can it be found later by the relatives ? .....	.....
Are the personal effects of the deceased in the keeping of the Detaining Power or are they being forwarded together with this notification ? .....	.....
If forwarded, through what agency ? .....	.....
Can the person who cared for the deceased during sickness or during his last moments (doctor, nurse, minister of religion, fellow prisoner) give here or on an attached sheet a short account of the circumstances of the death and burial ? .....	.....
(Date, seal and signature of responsible authority.) .....	Signature and address of two witnesses .....
.....	.....

**Remarks.**—This form should be made out in two or three languages, particularly in the prisoner's own language and in that of the Detaining Power. Actual size of the form: 21 by 30 centimetres.

ANNEX IV

E. REPATRIATION CERTIFICATE

*(see Annex II, Article 11)*

REPATRIATION CERTIFICATE.

Date:

Camp:

Hospital:

Surname:

First names:

Date of birth:

Rank:

Army Number:

P. W. Number:

Injury/Disease:

Decision of the Commission:

Chairman of the  
Mixed Medical Commission:

A = direct repatriation

B = accommodation in a neutral country

NC = re-examination by next Commission

ANNEX V

MODEL REGULATIONS CONCERNING PAYMENTS SENT  
BY PRISONERS TO THEIR OWN COUNTRY

*(see Article 63)*

- (1) The notification referred to in the third paragraph of Article 63 will show:
  - (a) number as specified in Article 17, rank, surname and first names of the prisoner of war who is the payer;
  - (b) the name and address of the payee in the country of origin;
  - (c) the amount to be so paid in the currency of the country in which he is detained.
- (2) The notification will be signed by the prisoner of war, or his witnessed mark made upon it if he cannot write, and shall be countersigned by the prisoners' representative.
- (3) The camp commander will add to this notification a certificate that the prisoner of war concerned has a credit balance of not less than the amount registered as payable.
- (4) The notification may be made up in lists, each sheet of such lists being witnessed by the prisoners' representative and certified by the camp commander.

(d) GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN  
PERSONS IN TIME OF WAR OF AUGUST 12, 1949<sup>1</sup>

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of establishing a Convention for the Protection of Civilian Persons in Time of War, have agreed as follows:

PART I

GENERAL PROVISIONS

ARTICLE 1

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

ARTICLE 2

In addition to the provisions which shall be implemented in peacetime, 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.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

ARTICLE 3

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

- (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
  - (b) taking of hostages;
  - (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
  - (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
- (2) The wounded and sick shall be collected and cared for.

<sup>1</sup> For the harmonizing of the numbering of the articles adopted by the Diplomatic Conference with that of the articles in the working documents, see p. 381.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

#### ARTICLE 4

Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.

Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are.

The provisions of Part II are, however, wider in application, as defined in Article 13.

Persons protected by the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, or by the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, or by the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, shall not be considered as protected persons within the meaning of the present Convention.

#### ARTICLE 5

Where, in the territory of a Party to the conflict, the latter is satisfied that an individual protected person is definitely suspected of or engaged in activities hostile to the security of the State, such individual person shall not be entitled to claim such rights and privileges under the present Convention as would, if exercised in the favour of such individual person, be prejudicial to the security of such State.

Where in occupied territory an individual protected person is detained as a spy or saboteur, or as a person under definite suspicion of activity hostile to the security of the Occupying Power, such person shall, in those cases where absolute military security so requires, be regarded as having forfeited rights of communication under the present Convention.

In each case, such persons shall nevertheless be treated with humanity, and in case of trial, shall not be deprived of the rights of fair and regular trial prescribed by the present Convention. They shall also be granted the full rights and privileges of a protected person under the present Convention at the earliest date consistent with the security of the State or Occupying Power, as the case may be.

#### ARTICLE 6

The present Convention shall apply from the outset of any conflict or occupation mentioned in Article 2.

In the territory of Parties to the conflict, the application of the present Convention shall cease on the general close of military operations.

In the case of occupied territory, the application of the present Convention shall cease one year after the general close of military operations; however, the Occupying Power shall be bound, for the duration of the occupation, to the extent that such Power exercises the functions of government in such territory, by the provisions of the following Articles of the present Convention: 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77, 143.

Protected persons whose release, repatriation or re-establishment may take place after such dates shall meanwhile continue to benefit by the present Convention.

#### ARTICLE 7

In addition to the agreements expressly provided for in Articles 11, 14, 15, 17, 36, 108, 109, 132, 133 and 149, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of protected persons, as defined by the present Convention, nor restrict the rights which it confers upon them.

Protected persons shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

#### ARTICLE 8

Protected persons may in no circumstances 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 9

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular 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 with which they are to carry out their duties.

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

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties.

#### ARTICLE 10

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of civilian persons and for their relief.

#### ARTICLE 11

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

When persons protected by the present Convention do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever in the present Convention mention is made of a Protecting Power, such mention applies to substitute organizations in the sense of the present Article.

The provisions of this Article shall extend and be adapted to cases of nationals of a neutral State who are in occupied territory or who find themselves in the territory of a belligerent State in which the State of which they are nationals has not normal diplomatic representation.

#### ARTICLE 12

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 or interpretation

of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for protected persons, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. 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 invited to take part in such a meeting.

## PART II

### GENERAL PROTECTION OF POPULATIONS AGAINST CERTAIN CONSEQUENCES OF WAR

#### ARTICLE I3

The provisions of Part II cover the whole of the populations of the countries in conflict, without any adverse distinction based, in particular, on race, nationality, religion or political opinion, and are intended to alleviate the sufferings caused by war.

#### ARTICLE I4

In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish 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, wounded, sick and aged persons, children under fifteen, expectant mothers and mothers of children under seven.

Upon the outbreak and during the course of hostilities, the Parties concerned may conclude agreements on mutual recognition of the zones and localities they have created. They 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 are invited to lend their good offices in order to facilitate the institution and recognition of these hospital and safety zones and localities.

#### ARTICLE I5

Any Party to the conflict may, either direct or through a neutral State or 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) civilian persons who take no part in hostilities, and who, while they reside in the zones, perform no work of a military character.

When the Parties concerned have agreed upon the geographical position, administration, food supply and supervision 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 beginning and the duration of the neutralization of the zone.

#### ARTICLE I6

The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect.

As far as military considerations allow, each Party to the conflict shall facilitate the steps 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 17

The Parties to the conflict shall endeavour to conclude local agreements for the removal from besieged or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases, and for the passage of ministers of all religions, medical personnel and medical equipment on their way to such areas.

#### ARTICLE 18

Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack, but shall at all times be respected and protected by the Parties to the conflict.

States which are Parties to a conflict shall provide all civilian hospitals with certificates showing that they are civilian hospitals and that the buildings which they occupy are not used for any purpose which would deprive these hospitals of protection in accordance with Article 19.

Civilian hospitals shall be marked by means of the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, but only if so authorized by the State.

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.

In view of the dangers to which hospitals may be exposed by being close to military objectives, it is recommended that such hospitals be situated as far as possible from such objectives.

#### ARTICLE 19

The protection to which civilian hospitals are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after due warning has been given, naming, in all appropriate cases, a reasonable time limit, and after such warning has remained unheeded.

The fact that sick or wounded members of the armed forces are nursed in these hospitals, or the presence of small arms and ammunition taken from such combatants and not yet handed to the proper service, shall not be considered to be acts harmful to the enemy.

#### ARTICLE 20

Persons regularly and solely engaged in the operation and administration of civilian hospitals, including the personnel engaged in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases, shall be respected and protected.

In occupied territory and in zones of military operations, the above personnel shall be recognizable by means of an identity card certifying their status, bearing the photograph of the holder and embossed with the stamp of the responsible authority, and also by means of a stamped, water-resistant armlet which they shall wear on the left arm while carrying out their duties. This armlet shall be issued by the State and shall bear the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Other personnel who are engaged in the operation and administration of civilian hospitals shall be entitled to respect and protection and to wear the armlet, as provided in and under the conditions prescribed in this Article, while they are employed on such duties. The identity card shall state the duties on which they are employed.

The management of each hospital shall at all times hold at the disposal of the competent national or occupying authorities an up-to-date list of such personnel.

#### ARTICLE 21

Convoys of vehicles or hospital trains on land or specially provided vessels on sea, 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 18, and shall be marked, with the consent of the State, by the display of the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

#### ARTICLE 22

Aircraft exclusively employed for the removal of wounded and sick civilians, the infirm and maternity cases, or for the transport of medical personnel and equipment, shall not be

attacked, but shall be respected while flying at heights, times and on routes specifically agreed upon between all the Parties to the conflict concerned.

They may be marked with the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

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

Such aircraft shall obey every summons to land. In the event of a landing thus imposed, the aircraft with its occupants may continue its flight after examination, if any.

#### ARTICLE 23

Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases.

The obligation of a High Contracting Party to allow the free passage of the consignments indicated in the preceding paragraph is subject to the condition that this Party is satisfied that there are no serious reasons for fearing:

- (a) that the consignments may be diverted from their destination,
- (b) that the control may not be effective, or
- (c) that a definite advantage may accrue to the military efforts or economy of the enemy through the substitution of the above-mentioned consignments for goods which would otherwise be provided or produced by the enemy or through the release of such material, services or facilities as would otherwise be required for the production of such goods.

The Power which allows the passage of the consignments indicated in the first paragraph of this Article may make such permission conditional on the distribution to the persons benefited thereby being made under the local supervision of the Protecting Powers.

Such consignments shall be forwarded as rapidly as possible, and the Power which permits their free passage shall have the right to prescribe the technical arrangements under which such passage is allowed.

#### ARTICLE 24

The Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition.

The Parties to the conflict shall facilitate the reception of such children in a neutral country for the duration of the conflict with the consent of the Protecting Power, if any, and under due safeguards for the observance of the principles stated in the first paragraph.

They shall, furthermore, endeavour to arrange for all children under twelve to be identified by the wearing of identity discs, or by some other means.

#### ARTICLE 25

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 speedily and without undue delay.

If, as a result of circumstances, it becomes difficult or impossible to exchange family correspondence by the ordinary post, the Parties to the conflict concerned shall apply to a neutral intermediary, such as the Central Agency provided for in Article 140, and shall decide in consultation with it how to ensure the fulfilment of their obligations under the best possible conditions, in particular with the cooperation of the National Red Cross (Red Crescent, Red Lion and Sun) Societies.

If the Parties to the conflict deem it necessary to restrict family correspondence, such restrictions shall be confined to the compulsory use of standard forms containing twenty-five freely chosen words, and to the limitation of the number of these forms despatched to one each month.

## ARTICLE 26

Each Party 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. It shall encourage, in particular, the work of organizations engaged on this task provided they are acceptable to it and conform to its security regulations.

## 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 27

Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion.

However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war.

#### ARTICLE 28

The presence of a protected person may not be used to render certain points or areas immune from military operations.

#### ARTICLE 29

The Party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.

#### ARTICLE 30

Protected persons shall have every facility for making application to the Protecting Powers, the International Committee of the Red Cross, the National Red Cross (Red Crescent, Red Lion and Sun) Society of the country where they may be, as well as to any organization that might assist them.

These several organizations shall be granted all facilities for that purpose by the authorities, within the bounds set by military or security considerations.

Apart from the visits of the delegates of the Protecting Powers and of the International Committee of the Red Cross, provided for by Article 143, the Detaining or Occupying Powers shall facilitate as much as possible visits to protected persons by the representatives of other organizations whose object is to give spiritual aid or material relief to such persons.

#### ARTICLE 31

No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

#### ARTICLE 32

The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents.

#### ARTICLE 33

No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. Pillage is prohibited. Reprisals against protected persons and their property are prohibited.

#### ARTICLE 34

The taking of hostages is prohibited.

### SECTION II

#### ALIENS IN THE TERRITORY OF A PARTY TO THE CONFLICT

#### ARTICLE 35

All protected persons who may desire to leave the territory at the outset of, or during a conflict, shall be entitled to do so, unless their departure is contrary to the national interests of the State. The applications of such persons to leave shall be decided in accordance with regularly established procedures and the decision shall be taken as rapidly as possible. Those persons permitted to leave may provide themselves with the necessary funds for their journey and take with them a reasonable amount of their effects and articles of personal use.

If any such person is refused permission to leave the territory, he shall be entitled to have such refusal reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose.

Upon request, representatives of the Protecting Power shall, unless reasons of security prevent it, or the persons concerned object, be furnished with the reasons for refusal of any request for permission to leave the territory and be given, as expeditiously as possible, the names of all persons who have been denied permission to leave.

#### ARTICLE 36

Departures permitted under the foregoing Article shall be carried out in satisfactory conditions as regards safety, hygiene, sanitation and food. All costs in connection therewith, from the point of exit in the territory of the Detaining Power, shall be borne by the country of destination, or, in the case of accommodation in a neutral country, by the Power whose nationals are benefited. The practical details of such movements may, if necessary, be settled by special agreements between the Powers concerned.

The foregoing shall not prejudice such special agreements as may be concluded between Parties to the conflict concerning the exchange and repatriation of their nationals in enemy hands.

#### ARTICLE 37

Protected persons who are confined pending proceedings or serving a sentence involving loss of liberty, shall during their confinement be humanely treated.

As soon as they are released, they may ask to leave the territory in conformity with the foregoing Articles.

#### ARTICLE 38

With the exception of special measures authorized by the present Convention, in particular by Articles 27 and 41 thereof, the situation of protected persons shall continue to be regulated,

in principle, by the provisions concerning aliens in time of peace. In any case, the following rights shall be granted to them:

- (1) They shall be enabled to receive the individual or collective relief that may be sent to them.
- (2) They shall, if their state of health so requires, receive medical attention and hospital treatment to the same extent as the nationals of the State concerned.
- (3) They shall be allowed to practise their religion and to receive spiritual assistance from ministers of their faith.
- (4) If they reside in an area particularly exposed to the dangers of war, they shall be authorized to move from that area to the same extent as the nationals of the State concerned.
- (5) Children under fifteen years, pregnant women and mothers of children under seven years shall benefit by any preferential treatment to the same extent as the nationals of the State concerned.

#### ARTICLE 39

Protected persons who, as a result of the war, have lost their gainful employment, shall be granted the opportunity to find paid employment. That opportunity shall, subject to security considerations and to the provisions of Article 40, be equal to that enjoyed by the nationals of the Power in whose territory they are.

Where a Party to the conflict applies to a protected person methods of control which result in his being unable to support himself, and especially if such a person is prevented for reasons of security from finding paid employment on reasonable conditions, the said Party shall ensure his support and that of his dependents.

Protected persons may in any case receive allowances from their home country, the Protecting Power, or the relief societies referred to in Article 30.

#### ARTICLE 40

Protected persons may be compelled to work only to the same extent as nationals of the Party to the conflict in whose territory they are.

If protected persons are of enemy nationality, they may only be compelled to do work which is normally necessary to ensure the feeding, sheltering, clothing, transport and health of human beings and which is not directly related to the conduct of military operations.

In the cases mentioned in the two preceding paragraphs, protected persons compelled to work shall have the benefit of the same working conditions and of the same safeguards as national workers, in particular as regards wages, hours of labour, clothing and equipment, previous training and compensation for occupational accidents and diseases.

If the above provisions are infringed, protected persons shall be allowed to exercise their right of complaint in accordance with Article 30.

#### ARTICLE 41

Should the Power in whose hands protected persons may be consider the measures of control mentioned in the present Convention to be inadequate, it may not have recourse to any other measure of control more severe than that of assigned residence or internment, in accordance with the provisions of Articles 42 and 43.

In applying the provisions of Article 39, second paragraph, to the cases of persons required to leave their usual places of residence by virtue of a decision placing them in assigned residence elsewhere, the Detaining Power shall be guided as closely as possible by the standards of welfare set forth in Part III, Section IV of this Convention.

#### ARTICLE 42

The internment or placing in assigned residence of protected persons may be ordered only if the security of the Detaining Power makes it absolutely necessary.

If any person, acting through the representatives of the Protecting Power, voluntarily demands internment, and if his situation renders this step necessary, he shall be interned by the Power in whose hands he may be.

#### ARTICLE 43

Any protected person who has been interned or placed in assigned residence shall be entitled to have such action reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose. If the internment or placing in assigned residence is maintained, the court or administrative board shall periodically, and at least twice yearly, give consideration to his or her case, with a view to the favourable amendment of the initial decision, if circumstances permit.

Unless the protected persons concerned object, the Detaining Power shall, as rapidly as possible, give the Protecting Power the names of any protected persons who have been interned or subjected to assigned residence, or who have been released from internment or assigned residence. The decisions of the courts or boards mentioned in the first paragraph of the present Article shall also, subject to the same conditions, be notified as rapidly as possible to the Protecting Power.

#### ARTICLE 44

In applying the measures of control mentioned in the present Convention, the Detaining Power shall not treat as enemy aliens exclusively on the basis of their nationality *de jure* of an enemy State, refugees who do not, in fact, enjoy the protection of any government.

#### ARTICLE 45

Protected persons shall not be transferred to a Power which is not a 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.

Protected persons may be transferred by the Detaining Power only to a Power which is a party to the present Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the present Convention. If protected persons are transferred under such circumstances, responsibility for the application of the present Convention rests on the Power accepting them, while they are in its custody. Nevertheless, if that Power fails to carry out the provisions of the present Convention in any important respect, the Power by which the protected persons were transferred shall, upon being so notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the protected persons. Such request must be complied with.

In no circumstances shall a protected person be transferred to a country where he or she may have reason to fear persecution for his or her political opinions or religious beliefs.

The provisions of this Article do not constitute an obstacle to the extradition, in pursuance of extradition treaties concluded before the outbreak of hostilities, of protected persons accused of offences against ordinary criminal law.

#### ARTICLE 46

In so far as they have not been previously withdrawn, restrictive measures taken regarding protected persons shall be cancelled as soon as possible after the close of hostilities.

Restrictive measures affecting their property shall be cancelled, in accordance with the law of the Detaining Power, as soon as possible after the close of hostilities.

### SECTION III

#### OCCUPIED TERRITORIES

#### ARTICLE 47

Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.

#### ARTICLE 48

Protected persons who are not nationals of the Power whose territory is occupied, may avail themselves of the right to leave the territory subject to the provisions of Article 35, and decisions thereon shall be taken according to the procedure which the Occupying Power shall establish in accordance with the said Article.

#### ARTICLE 49

Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.

The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are affected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.

The Protecting Power shall be informed of any transfers and evacuations as soon as they have taken place.

The Occupying Power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand.

The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

#### ARTICLE 50

The Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children.

The Occupying Power shall take all necessary steps to facilitate the identification of children and the registration of their parentage. It may not, in any case, change their personal status, nor enlist them in formations or organizations subordinate to it.

Should the local institutions be inadequate for the purpose, the Occupying Power shall make arrangements for the maintenance and education, if possible by persons of their own nationality, language and religion, of children who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend.

A special section of the Bureau set up in accordance with Article 136 shall be responsible for taking all necessary steps to identify children whose identity is in doubt. Particulars of their parents or other near relatives should always be recorded if available.

The Occupying Power shall not hinder the application of any preferential measures in regard to food, medical care and protection against the effects of war, which may have been adopted prior to the occupation in favour of children under fifteen years, expectant mothers, and mothers of children under seven years.

#### ARTICLE 51

The Occupying Power may not compel protected persons to serve in its armed or auxiliary forces. No pressure or 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 then only on work which is necessary either for the needs of the army of occupation, or for the public utility services, or for the feeding, sheltering, clothing, transportation or health of the population of the occupied country. Protected persons may not be compelled to undertake any work which would involve them in the obligation of taking part in military operations. The Occupying Power may not compel 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 persons whose services have been requisitioned are. Every such 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 legislation in force in the occupied country concerning working conditions, and safeguards as regards, in particular, such matters as wages, hours of work, equipment, preliminary training and compensation for occupational accidents and diseases, shall be applicable to the protected persons assigned to the work referred to in this Article.

In no case shall requisition of labour lead to a mobilization of workers in an organization of a military or semi-military character.

#### ARTICLE 52

No contract, agreement or regulation shall impair the right of any 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.

All measures aiming at creating unemployment or at restricting the opportunities offered to workers in an occupied territory, in order to induce them to work for the Occupying Power, are prohibited.

#### ARTICLE 53

Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.

#### ARTICLE 54

The Occupying Power may not alter the status of public officials or judges in the occupied territories, or in any way apply sanctions to or take any measures of coercion or discrimination against them, should they abstain from fulfilling their functions for reasons of conscience.

This prohibition does not prejudice the application of the second paragraph of Article 51. It does not affect the right of the Occupying Power to remove public officials from their posts.

#### ARTICLE 55

To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate.

The Occupying Power may not requisition foodstuffs, articles or medical supplies available in the occupied territory, except for use by the occupation forces and administration personnel, and then only if the requirements of the civilian population have been taken into account. Subject to the provisions of other international Conventions, the Occupying Power shall make arrangements to ensure that fair value is paid for any requisitioned goods.

The Protecting Power shall, at any time, be at liberty to verify the state of the food and medical supplies in occupied territories, except where temporary restrictions are made necessary by imperative military requirements.

#### ARTICLE 56

To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the cooperation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics. Medical personnel of all categories shall be allowed to carry out their duties.

If new hospitals are set up in occupied territory and if the competent organs of the occupied State are not operating there, the occupying authorities shall, if necessary, grant them the recognition provided for in Article 18. In similar circumstances, the occupying authorities shall also grant recognition to hospital personnel and transport vehicles under the provisions of Articles 20 and 21.

In adopting measures of health and hygiene and in their implementation, the Occupying Power shall take into consideration the moral and ethical susceptibilities of the population of the occupied territory.

ARTICLE 57

The Occupying Power may requisition civilian hospitals only temporarily and only in cases of urgent necessity for the care of military wounded and sick, and then on condition that suitable arrangements are made in due time for the care and treatment of the patients and for the needs of the civilian population for hospital accommodation.

The material and stores of civilian hospitals cannot be requisitioned so long as they are necessary for the needs of the civilian population.

ARTICLE 58

The Occupying Power shall permit ministers of religion to give spiritual assistance to the members of their religious communities.

The Occupying Power shall also accept consignments of books and articles required for religious needs and shall facilitate their distribution in occupied territory.

ARTICLE 59

If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on 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 organizations such as the International Committee of the Red Cross, shall consist, in particular, of the provision of consignments of foodstuffs, medical supplies and clothing.

All Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection.

A Power granting free passage to consignments on their way to territory occupied by an adverse Party to the conflict shall, however, have the right to search the consignments, to regulate their passage according to prescribed times and routes, and to be reasonably satisfied through the Protecting Power that these consignments are to be used for the relief of the needy population and are not to be used for the benefit of the Occupying Power.

ARTICLE 60

Relief consignments shall in no way relieve the Occupying Power of any of its responsibilities under Articles 55, 56 and 59. The Occupying Power shall in no way whatsoever divert relief consignments from the purpose for which they are intended, except in cases of urgent necessity, in the interests of the population of the occupied territory and with the consent of the Protecting Power.

ARTICLE 61

The distribution of the relief consignments referred to in the foregoing Articles shall be carried out with the cooperation and under the supervision of the Protecting Power. This duty may also be delegated, by agreement between the Occupying Power and the Protecting Power, to a neutral Power, to the International Committee of the Red Cross or to any other impartial humanitarian body.

Such consignments shall be exempt in occupied territory from all charges, taxes or customs duties unless these are necessary in the interests of the economy of the territory. The Occupying Power shall facilitate the rapid distribution of these consignments.

All Contracting Parties shall endeavour to permit the transit and transport, free of charge, of such relief consignments on their way to occupied territories.

ARTICLE 62

Subject to imperative reasons of security, protected persons in occupied territories shall be permitted to receive the individual relief consignments sent to them.

ARTICLE 63

Subject to temporary and exceptional measures imposed for urgent reasons of security by the Occupying Power:

- (a) recognized National Red Cross (Red Crescent, Red Lion and Sun) Societies shall be able to pursue their activities in accordance with Red Cross principles, as defined by the International Red Cross Conferences. Other relief societies shall be permitted to continue their humanitarian activities under similar conditions;

- (b) the Occupying Power may not require any changes in the personnel or structure of these societies, which would prejudice the aforesaid activities.

The same principles shall apply to the activities and personnel of special organizations of a non-military character, which already exist or which may be established, for the purpose of ensuring the living conditions of the civilian population by the maintenance of the essential public utility services, by the distribution of relief and by the organization of rescues.

#### ARTICLE 64

The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention. Subject to the latter consideration and to the necessity for ensuring the effective administration of justice, the tribunals of the occupied territory 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 which are essential to enable the Occupying Power to fulfil its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the Occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them.

#### ARTICLE 65

The penal provisions enacted by the Occupying Power shall not come into force before they have been published and brought to the knowledge of the inhabitants in their own language. The effect of these penal provisions shall not be retroactive.

#### ARTICLE 66

In case of a breach of the penal provisions promulgated by it by virtue of the second paragraph of Article 64, the Occupying Power may hand over the accused to its properly constituted, non-political military courts, on condition that the said courts sit in the occupied country. Courts of appeal shall preferably sit in the occupied country.

#### ARTICLE 67

The courts shall apply only those provisions of law which were applicable prior to the offence, and which are in accordance with general principles of law, in particular the principle that the penalty shall be proportioned to the offence. They shall take into consideration the fact that the accused is not a national of the Occupying Power.

#### ARTICLE 68

Protected persons who commit an offence which is solely intended to harm the Occupying Power, but which 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 forces or administration or the installations used by them, shall be liable to internment or simple imprisonment, provided the duration of such internment or imprisonment is proportionate to the offence committed. Furthermore, internment or imprisonment shall, for such offences, be the only measure adopted for depriving protected persons of liberty. The courts provided for under Article 66 of the present Convention may at their discretion convert a sentence of imprisonment to one of internment for the same period.

The penal provisions promulgated by the Occupying Power in accordance with Articles 64 and 65 may impose the death penalty on a protected person only in cases where the person is guilty of espionage, of serious acts of sabotage against the military installations of the Occupying Power or of intentional offences which have caused the death of one or more persons, provided that such offences were punishable by death under the law of the occupied territory in force before the occupation began.

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 since the accused is not a national of the Occupying Power, he is not bound to it by any duty of allegiance.

In any case, the death penalty may not be pronounced against a protected person who was under eighteen years of age at the time of the offence.

#### ARTICLE 69

In all cases, the duration of the period during which a protected person accused of an offence is under arrest awaiting trial or punishment shall be deducted from any period of imprisonment awarded.

#### ARTICLE 70

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, shall not be arrested, prosecuted, convicted or deported from the occupied territory, except for offences committed after the outbreak of hostilities, or for offences under common law committed before the outbreak of hostilities which, according to the law of the occupied State, would have justified extradition in time of peace.

#### ARTICLE 71

No sentence shall be pronounced by the competent courts of the Occupying Power except after a regular trial.

Accused persons who are prosecuted by the Occupying Power shall be promptly informed, in writing, in a language which they understand, of the particulars of the charges preferred against them, and shall be brought to trial as rapidly as possible. The Protecting Power shall be informed of all proceedings instituted by the Occupying Power against protected persons in respect of charges involving the death penalty or imprisonment for two years or more; it shall be enabled, at any time, to obtain information regarding the state of such proceedings. Furthermore, the Protecting Power shall be entitled, on request, to be furnished with all particulars of these and of any other proceedings instituted by the Occupying Power against protected persons.

The notification to the Protecting Power, as provided for in the second paragraph above, shall be sent immediately, and shall in any case reach the Protecting Power three weeks before the date of the first hearing. Unless, at the opening of the trial, evidence is submitted that the provisions of this Article are fully complied with, the trial shall not proceed. The notification shall include the following particulars:

- (a) description of the accused;
- (b) place of residence or detention;
- (c) specification of the charge or charges (with mention of the penal provisions under which it is brought);
- (d) designation of the court which will hear the case;
- (e) place and date of the first hearing.

#### ARTICLE 72

Accused persons shall have the right to present evidence necessary to their defence and may, in particular, call witnesses. They shall have the right to be assisted by a qualified advocate or counsel of their own choice, who shall be able to visit them freely and shall enjoy the necessary facilities for preparing the defence.

Failing a choice by the accused, the Protecting Power may provide him with an advocate or counsel. When an accused person has to meet a serious charge and the Protecting Power is not functioning, the Occupying Power, subject to the consent of the accused, shall provide an advocate or counsel.

Accused persons shall, unless they freely waive such assistance, be aided by an interpreter, both during preliminary investigation and during the hearing in court. They shall have the right at any time to object to the interpreter and to ask for his replacement.

#### ARTICLE 73

A convicted person shall have the right of appeal provided for by the laws applied by the court. He shall be fully informed of his right to appeal or petition and of the time limit within which he may do so.

The penal procedure provided in the present Section shall apply, as far as it is applicable, to appeals. Where the laws applied by the Court make no provision for appeals, the convicted person shall have the right to petition against the finding and sentence to the competent authority of the Occupying Power.

#### ARTICLE 74

Representatives of the Protecting Power shall have the right to attend the trial of any protected person, unless the hearing has, as an exceptional measure, to be held *in camera* in the interests of the security of the Occupying Power, which shall then notify the Protecting Power. A notification in respect of the date and place of trial shall be sent to the Protecting Power.

Any judgment involving a sentence of death, or imprisonment for two years or more, shall be communicated, with the relevant grounds, as rapidly as possible to the Protecting Power. The notification shall contain a reference to the notification made under Article 71, and, in the case of sentences of imprisonment, the name of the place where the sentence is to be served. A record of judgments other than those referred to above shall be kept by the court and shall be open to inspection by representatives of the Protecting Power. Any period allowed for appeal in the case of sentences involving the death penalty, or imprisonment of two years or more, shall not run until notification of judgment has been received by the Protecting Power.

#### ARTICLE 75

In no case shall persons condemned to death be deprived of the right of petition for pardon or reprieve.

No death sentence shall be carried out before the expiration of a period of at least six months from the date of receipt by the Protecting Power of the notification of the final judgment confirming such death sentence, or of an order denying pardon or reprieve.

The six months period of suspension of the death sentence herein prescribed may be reduced in individual cases in circumstances of grave emergency involving an organized threat to the security of the Occupying Power or its forces, provided always that the Protecting Power is notified of such reduction and is given reasonable time and opportunity to make representations to the competent occupying authorities in respect of such death sentences.

#### ARTICLE 76

Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. They shall, if possible, be separated from other detainees and shall enjoy conditions of food and hygiene which will be sufficient to keep them in good health, and which will be at least equal to those obtaining in prisons in the occupied country.

They shall receive the medical attention required by their state of health.

They shall also have the right to receive any spiritual assistance which they may require.

Women shall be confined in separate quarters and shall be under the direct supervision of women.

Proper regard shall be paid to the special treatment due to minors.

Protected persons who are detained shall have the right to be visited by delegates of the Protecting Power and of the International Committee of the Red Cross, in accordance with the provisions of Article 143.

Such persons shall have the right to receive at least one relief parcel monthly.

#### ARTICLE 77

Protected persons who have been accused of offences or convicted by the courts in occupied territory, shall be handed over at the close of occupation, with the relevant records, to the authorities of the liberated territory.

#### ARTICLE 78

If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment.

Decisions regarding such assigned residence or internment shall be made according to a regular procedure to be prescribed by the Occupying Power in accordance with the provisions

of the present Convention. This procedure shall include the right of appeal for the parties concerned. Appeals shall be decided with the least possible delay. In the event of the decision being upheld, it shall be subject to periodical review, if possible every six months, by a competent body set up by the said Power.

Protected persons made subject to assigned residence and thus required to leave their homes shall enjoy the full benefit of Article 39 of the present Convention.

## SECTION IV

### REGULATIONS FOR THE TREATMENT OF INTERNEES

#### CHAPTER I

##### GENERAL PROVISIONS

###### ARTICLE 79

The Parties to the conflict shall not intern protected persons, except in accordance with the provisions of Articles 41, 42, 43, 68 and 78.

###### ARTICLE 80

Internees shall retain their full civil capacity and shall exercise such attendant rights as may be compatible with their status.

###### ARTICLE 81

Parties to the conflict who intern protected persons shall be bound to provide free of charge for their maintenance, and to grant them also the medical attention required by their state of health.

No deduction from the allowances, salaries or credits due to the internees shall be made for the repayment of these costs.

The Detaining Power shall provide for the support of those dependent on the internees, if such dependents are without adequate means of support or are unable to earn a living.

###### ARTICLE 82

The Detaining Power shall, as far as possible, accommodate the internees according to their nationality, language and customs. Internees who are nationals of the same country shall not be separated merely because they have different languages.

Throughout the duration of their internment, members of the same family, and in particular parents and children, shall be lodged together in the same place of internment, except when separation of a temporary nature is necessitated for reasons of employment or health or for the purposes of enforcement of the provisions of Chapter IX of the present Section. Internees may request that their children who are left at liberty without parental care shall be interned with them.

Wherever possible, interned members of the same family shall be housed in the same premises and given separate accommodation from other internees, together with facilities for leading a proper family life.

#### CHAPTER II

##### PLACES OF INTERNMENT

###### ARTICLE 83

The Detaining Power shall not set up places of internment in areas particularly exposed to the dangers of war.

The Detaining Power shall give the enemy Powers, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of places of internment.

Whenever military considerations permit, internment camps shall be indicated by the letters IC, placed so as to be clearly visible in the daytime from the air. The Powers concerned may, however, agree upon any other system of marking. No place other than an internment camp shall be marked as such.

#### ARTICLE 84

Internees shall be accommodated and administered separately from prisoners of war and from persons deprived of liberty for any other reason.

#### ARTICLE 85

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 every possible safeguard as regards hygiene and health, and provide efficient protection against the rigours of the climate and the effects of the war. In no case shall permanent places of internment be situated in unhealthy areas, or in districts the climate of which is injurious to the internees. In all cases where the district, in which a protected person is temporarily interned, is in an unhealthy area or has a climate which is harmful to his health, he shall be removed to a more suitable place of internment as rapidly as circumstances permit.

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 spacious 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 with sufficient water and soap for their daily personal toilet and for washing their personal laundry; installations and facilities necessary for this purpose shall be granted to them. Showers or baths shall also be available. The necessary time shall be set aside for washing and for cleaning.

Whenever it is necessary, as an exceptional and temporary measure, to accommodate women internees who are not members of a family unit in the same place of internment as men, the provision of separate sleeping quarters and sanitary conveniences for the use of such women internees shall be obligatory.

#### ARTICLE 86

The Detaining Power shall place at the disposal of interned persons, of whatever denomination, premises suitable for the holding of their religious services.

#### ARTICLE 87

Canteens shall be installed in every place of internment, except where other suitable facilities are available. Their purpose shall be to enable internees to make purchases, at prices not higher than local market prices, of foodstuffs and articles of everyday use, including soap and tobacco, such as would increase their personal well-being and comfort.

Profits made by canteens shall be credited to a welfare fund to be set up for each place of internment, and administered for the benefit of the internees attached to such place of internment. The Internee Committee provided for in Article 102 shall have the right to check the management of the canteen and of the said fund.

When a place of internment is closed down, the balance of the welfare fund shall be transferred to the welfare fund of a place of internment for internees of the same nationality, or, if such a place does not exist, to a central welfare fund which shall be administered for the benefit of all internees remaining in the custody of the Detaining Power. 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 88

In all places of internment exposed to air raids and other hazards of war, shelters adequate in number and structure to ensure the necessary protection shall be installed. In case of alarms, the internees shall be free to enter such shelters as quickly as possible, excepting those who remain for the protection of their quarters against the aforesaid hazards. Any protective measures taken in favour of the population shall also apply to them.

All due precautions must be taken in places of internment against the danger of fire.

## CHAPTER III FOOD AND CLOTHING

### ARTICLE 89

Daily food rations for internees shall be sufficient in quantity, quality and variety to keep internees in a good state of health and prevent the development of nutritional deficiencies. Account shall also be taken of the customary diet of the internees.

Internees shall also be given the means by which they can prepare for 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 in proportion to the kind of labour which they perform.

Expectant and nursing mothers, and children under fifteen years of age, shall be given additional food, in proportion to their physiological needs.

### ARTICLE 90

When taken into custody, 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 any internees not have sufficient clothing, account being taken of the climate, and be unable to procure any, it shall be provided free of charge to them 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 outfits, including protective clothing, whenever the nature of their work so requires.

## CHAPTER IV HYGIENE AND MEDICAL ATTENTION

### ARTICLE 91

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 an appropriate diet. Isolation wards shall be set aside for cases of contagious or mental diseases.

Maternity cases and internees suffering from serious diseases, or whose condition requires special treatment, a surgical operation or hospital care, must be admitted to any institution where adequate treatment can be given and shall receive care not inferior to that provided for the general population.

Internees shall, for preference, have the attention of medical personnel of their own nationality.

Internees may not be prevented from presenting themselves to the medical authorities for examination. The medical authorities of the Detaining Power shall, upon request, issue to every internee who has undergone treatment an official certificate showing the nature of his illness or injury, and the duration and nature of the treatment given. A duplicate of this certificate shall be forwarded to the Central Agency provided for in Article 140.

Treatment, including the provision of any apparatus necessary for the maintenance of internees in good health, particularly dentures and other artificial appliances and spectacles, shall be free of charge to the internee.

### ARTICLE 92

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 diseases. Such inspections shall include, in particular, the checking of weight of each internee and, at least once a year, radioscopic examination.

## CHAPTER V

### RELIGIOUS, INTELLECTUAL AND PHYSICAL ACTIVITIES

#### ARTICLE 93

Internees shall enjoy complete latitude in the exercise of their religious duties, including attendance at the services of their faith, on condition that they comply with the disciplinary routine prescribed by the detaining authorities.

Ministers of religion who are interned shall be allowed to minister freely to the members of their community. For this purpose, the Detaining Power shall ensure their equitable allocation amongst the various places of internment in which there are internees speaking the same language and belonging to the same religion. Should such ministers be too few in number, the Detaining Power shall provide them with the necessary facilities, including means of transport, for moving from one place to another, and they shall be authorized to visit any internees who are in hospital. Ministers of religion shall be at liberty to correspond on matters concerning their ministry with the religious authorities in the country of detention and, as far as possible, with the international religious organizations of their faith. Such correspondence shall not be considered as forming a part of the quota mentioned in Article 107. It shall, however, be subject to the provisions of Article 112.

When internees do not have at their disposal the assistance of ministers of their faith, or should these latter be too few in number, the local religious authorities of the same faith may appoint, in agreement with the Detaining Power, a minister of the internees' faith or, if such a course is feasible from a denominational point of view, a minister of similar religion or a qualified layman. The latter shall enjoy the facilities granted to the ministry he has assumed. Persons so appointed shall comply with all regulations laid down by the Detaining Power in the interests of discipline and security.

#### ARTICLE 94

The Detaining Power shall encourage intellectual, educational and recreational pursuits, sports and games amongst internees, whilst leaving them free to take part in them or not. It shall take all practicable measures to ensure the exercise thereof, in particular by providing suitable premises.

All possible facilities shall be granted to internees to continue their studies or to take up new subjects. The education of children and young people shall be ensured; they shall be allowed to attend schools either within the place of internment or outside.

Internees shall be given opportunities for physical exercise, sports and outdoor games. For this purpose, sufficient open spaces shall be set aside in all places of internment. Special playgrounds shall be reserved for children and young people.

#### ARTICLE 95

The Detaining Power shall not employ internees as workers, unless they so desire. Employment which, if undertaken under compulsion by a protected person not in internment, would involve a breach of Articles 40 or 51 of the present Convention, and employment on work which is of a degrading or humiliating character are in any case prohibited.

After a working period of six weeks, 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 interned doctors, dentists and other medical personnel in their professional capacity on behalf of their fellow internees, or to employ internees for administrative and maintenance work in places of internment and to detail such persons for work in the kitchens or for other domestic tasks, or to require such persons to undertake duties connected with the protection of internees against aerial bombardment or other war risks. No internee may, however, be required to perform tasks for which he is, in the opinion of a medical officer, physically unsuited.

The Detaining Power shall take entire responsibility for all working conditions, for medical attention, for the payment of wages, and for ensuring that all employed internees receive compensation for occupational accidents and diseases. The standards prescribed for the said working conditions and for compensation shall be in accordance with the national laws and regulations, and with the existing practice; they shall in no case be inferior to those obtaining for work of the same nature in the same district. Wages for work done shall be determined

on an equitable basis by special agreements between the internees, the Detaining Power, and, if the case arises, employers other than the Detaining Power, due regard being paid to the obligation of the Detaining Power to provide for free maintenance of internees and for the medical attention which their state of health may require. Internees permanently detailed for categories of work mentioned in the third paragraph of this Article, shall be paid fair wages by the Detaining Power. The working conditions and the scale of compensation for occupational accidents and diseases to internees thus detailed, shall not be inferior to those applicable to work of the same nature in the same district.

#### ARTICLE 96

All labour detachments shall remain part of and dependent upon a place of internment. The competent authorities of the Detaining Power and the commandant of a place of internment shall be responsible for the observance in a 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 may visit the places of internment.

### CHAPTER VI

#### PERSONAL PROPERTY AND FINANCIAL RESOURCES

#### ARTICLE 97

Internees shall be permitted to retain articles of personal use. Monies, cheques, bonds, etc., and valuables in their possession may not be taken from them except in accordance with established procedure. Detailed receipts shall be given therefor.

The amounts shall be paid into the account of every internee as provided for in Article 98. Such amounts may not be converted into any other currency unless legislation in force in the territory in which the owner is interned so requires or the internee gives his consent.

Articles which have above all a personal or sentimental value may not be taken away.

A woman internee shall not be searched except by a woman.

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 accordance with Article 98, with the exception of any articles or amounts withheld by the Detaining Power by virtue of its legislation in force. If the property of an internee is so withheld, the owner shall receive a detailed receipt.

Family or identity documents in the possession of internees may not be taken away without a receipt being given. At no time shall internees be left without identity documents. If they have none, they shall be issued with special documents drawn up by the detaining authorities, which will serve as their 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 make purchases.

#### ARTICLE 98

All internees shall receive regular allowances, sufficient to enable them to purchase goods and articles, such as tobacco, toilet requisites, etc. Such allowances may take the form of credits or purchase coupons.

Furthermore, internees may receive allowances from the Power to which they owe allegiance, the Protecting Powers, the organizations which may assist them, or their families, as well as the income on their property in accordance with the law of the Detaining Power. The amount of allowances granted by the Power to which they owe allegiance shall be the same for each category of internees (infirm, sick, pregnant women, etc.), but may not be allocated by that Power or distributed by the Detaining Power on the basis of discriminations between internees which are prohibited by Article 27 of the present Convention.

The Detaining Power shall open a regular account for every internee, to which shall be credited the allowances named in the present Article, the wages earned and the remittances received, together with such sums taken from him as may be available under the legislation in force in the territory in which he is interned. Internees shall be granted all facilities consistent with the legislation in force in such territory to make remittances to their families and to other dependants. They may draw from their accounts the amounts necessary for

their personal expenses, within the limits fixed by the Detaining Power. They shall at all times be afforded reasonable facilities for consulting and obtaining copies of their accounts. A statement of accounts shall be furnished to the Protecting Power on request, and shall accompany the internee in case of transfer.

## CHAPTER VII

### ADMINISTRATION AND DISCIPLINE

#### ARTICLE 99

Every place of internment shall be put under the authority of a responsible officer, chosen from 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 the official language, or one of the official languages, of his country and shall be responsible for its application. The staff in control of internees shall be instructed in the provisions of the present Convention and of the administrative measures adopted to ensure its application.

The text of the present Convention and the texts of special agreements concluded under the said Convention shall be posted inside the place of internment, in a language which the internees understand, or shall be in the possession of the Internee Committee.

Regulations, orders, notices and publications of every kind shall be communicated to the internees and posted inside the places of internment, in a language which they understand.

Every order and command addressed to internees individually, must likewise be given in a language which they understand.

#### ARTICLE 100

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 or markings on the body, is prohibited.

In particular, prolonged standing and roll-calls, punishment drill, military drill and manoeuvres, or the reduction of food rations, are prohibited.

#### ARTICLE 101

Internees shall have the right to present to the authorities in whose power they are, any petition with regard to the conditions of internment to which they are subjected.

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 Power, 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, and even if the latter are recognized to be unfounded, they may not occasion any punishment.

Periodic reports on the situation in places of internment and as to the needs of the internees, may be sent by the Internee Committees to the representatives of the Protecting Powers.

#### ARTICLE 102

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 organization which may assist them. The members of the Committee shall be eligible for re-election.

Internees so elected shall enter upon their duties after their election has been approved by the detaining authorities. The reasons for any refusals or dismissals shall be communicated to the Protecting Powers concerned.

#### ARTICLE 103

The Internee Committees shall further 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 under other provisions of the present Convention.

#### ARTICLE 104

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

Members of Internee Committees may appoint from amongst the internees such assistants as they may require. All material facilities shall be granted to them, particularly a certain freedom of movement necessary for the accomplishment of their duties (visits to labour detachments, receipt of supplies, etc.).

All facilities shall likewise be accorded to members of Internee Committees 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 organizations which give assistance to internees. Committee members in labour detachments shall enjoy similar facilities for communication with their Internee Committee in the principal place of internment. Such communications shall not be limited, nor considered as forming a part of the quota mentioned in Article 107.

Members of Internee Committees who are transferred shall be allowed a reasonable time to acquaint their successors with current affairs.

### CHAPTER VIII

#### RELATIONS WITH THE EXTERIOR

#### ARTICLE 105

Immediately upon interning protected persons, the Detaining Powers shall inform them, the Power to which they owe allegiance and their Protecting Power of the measures taken for executing the provisions of the present Chapter. The Detaining Powers shall likewise inform the Parties concerned of any subsequent modifications of such measures.

#### ARTICLE 106

As soon as he is interned, or at the latest not more than one week after his arrival in a place of internment, and likewise in cases of sickness or transfer to another place of internment or to a hospital, every internee shall be enabled to send direct to his family, on the one hand, and to the Central Agency provided for by Article 140, on the other, an internment card similar, if possible, to the model annexed to the present Convention, informing his relatives of his detention, address and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any way.

#### ARTICLE 107

Internees 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 internee, the said number shall not be less than two letters and four cards monthly; these shall be drawn up so as to conform as closely as possible 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 to which such internees owe allegiance, possibly at the request of the Detaining Power. Such letters and cards must be conveyed with reasonable despatch; they may not be delayed or retained for disciplinary reasons.

Internees who have been a long time without news, or who find it impossible to receive news from their relatives, or to give them news by the ordinary postal route, as well as those who are at a considerable distance from their homes, shall be allowed to send telegrams, the charges being paid by them in the currency at their disposal. They shall likewise benefit by this provision in cases which are recognized to be urgent.

As a rule, internees' mail shall be written in their own language. The Parties to the conflict may authorize correspondence in other languages.

#### ARTICLE 108

Internees shall be allowed to receive, by post or by any other means, individual parcels or collective shipments containing in particular foodstuffs, clothing, medical supplies, as well as books and objects of a devotional, educational or 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.

Should military necessity require the quantity of such shipments to be limited, due notice thereof shall be given to the Protecting Power and to the International Committee of the Red Cross, or to any other organization giving assistance to the internees and 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, which may in no case delay the receipt by the internees of relief supplies. Parcels of clothing and foodstuffs may not include books. Medical relief supplies shall, as a rule, be sent in collective parcels.

#### ARTICLE 109

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

The special agreements provided for above shall in no case restrict the right of Internee Committees to take possession of collective relief shipments intended for internees, to undertake their distribution and to dispose of them in the interests 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 organization giving assistance to internees and responsible for the forwarding of collective shipments, to supervise their distribution to the recipients.

#### ARTICLE 110

All relief shipments for internees shall be exempt from import, customs and other dues.

All matter sent by mail, including relief parcels sent by parcel post and remittances of money, addressed from other countries to internees or despatched by them through the post office, either direct or through the Information Bureaux provided for in Article 136 and the Central Information Agency provided for in Article 140, shall be exempt from all postal dues both in the countries of origin and destination and in intermediate countries. To this end, in particular, the exemption provided by the Universal Postal Convention of 1947 and by the agreements of the Universal Postal Union in favour of civilians of enemy nationality detained in camps or civilian prisons, shall be extended to the other interned persons protected by the present Convention. The countries not signatory to the above-mentioned agreements shall be bound to grant freedom from charges in the same circumstances.

The cost of transporting relief shipments which are intended for internees and which, by reason of their weight or any other cause, cannot be sent through the post office, shall be borne by the Detaining Power in all the territories under its control. Other Powers which are Parties to the present Convention shall bear the cost of transport in their respective territories.

Costs connected with the transport of such shipments, which are not covered by the above paragraphs, shall be charged to the senders.

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

#### ARTICLE 111

Should military operations prevent the Powers concerned from fulfilling their obligation to ensure the conveyance of the mail and relief shipments provided for in Articles 106, 107, 108 and 113, the Protecting Powers concerned, the International Committee of the Red Cross or any other organization duly approved by the Parties to the conflict may undertake the conveyance of such shipments by suitable means (rail, motor vehicles, vessels or aircraft, etc.). For this purpose, the High Contracting Parties shall endeavour to supply them with such transport, and to allow its circulation, especially by granting the necessary safe-conducts.

Such transport may also be used to convey:

- (a) correspondence, lists and reports exchanged between the Central Information Agency referred to in Article 140 and the National Bureaux referred to in Article 136;
- (b) correspondence and reports relating to internees which the Protecting Powers, the International Committee of the Red Cross or any other organization assisting the internees exchange either with their own delegates or with the Parties to the conflict.

These provisions in no way detract from the right of any Party to the conflict to arrange other means of transport if it should so prefer, nor preclude the granting of safe-conducts, under mutually agreed conditions, to such means of transport.

The costs occasioned by the use of such means of transport shall be borne, in proportion to the importance of the shipments, by the Parties to the conflict whose nationals are benefited thereby.

#### ARTICLE II2

The censoring of correspondence addressed to internees or despatched by them shall be done as quickly as possible.

The examination of consignments intended for internees shall not be carried out under conditions that will expose the goods contained in them to deterioration. It shall be done in the presence of the addressee, or of a fellow-internee duly delegated by him. The delivery to internees of individual or collective consignments 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 be only temporary and its duration shall be as short as possible.

#### ARTICLE II3

The Detaining Powers shall provide all reasonable facilities for the transmission, through the Protecting Power or the Central Agency provided for in Article 140, or as otherwise required, of wills, powers of attorney, letters of authority, or any other documents intended for internees or despatched by them.

In all cases the Detaining Powers shall facilitate the execution and authentication in due legal form of such documents on behalf of internees, in particular by allowing them to consult a lawyer.

#### ARTICLE II4

The Detaining Power shall afford internees all facilities to enable them to manage their property, provided this is not incompatible with the conditions of internment and the law which is applicable. For this purpose, the said Power may give them permission to leave the place of internment in urgent cases and if circumstances allow.

#### ARTICLE II5

In all cases where an internee is a party to proceedings in any court, the Detaining Power shall, if he so requests, cause the court to be informed of his detention and shall, within legal limits, ensure that all necessary steps are taken to prevent him from being in any way prejudiced, by reason of his internment, as regards the preparation and conduct of his case or as regards the execution of any judgment of the court.

#### ARTICLE II6

Every internee shall be allowed to receive visitors, especially near relatives, at regular intervals and as frequently as possible.

As far as is possible, internees shall be permitted to visit their homes in urgent cases, particularly in cases of death or serious illness of relatives.

### CHAPTER IX

#### PENAL AND DISCIPLINARY SANCTIONS

#### ARTICLE II7

Subject to the provisions of the present Chapter, the laws in force in the territory in which they are detained will continue to apply to internees who commit offences during internment.

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 disciplinary punishments only.

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

#### ARTICLE II8

The courts or authorities shall in passing sentence take as far as possible into account the fact that the defendant is not a national of the Detaining Power. They shall be free to reduce the penalty prescribed for the offence with which the internee is charged and shall not be obliged, to this end, to apply the minimum sentence prescribed.

Imprisonment in premises without daylight and, in general, all forms of cruelty without exception are forbidden.

Internees who have served disciplinary or judicial sentences shall not be treated differently from other internees.

The duration of preventive detention undergone by an internee shall be deducted from any disciplinary or judicial penalty involving confinement to which he may be sentenced.

Internee Committees shall be informed of all judicial proceedings instituted against internees whom they represent, and of their result.

#### ARTICLE 119

The disciplinary punishments applicable to internees shall be the following:

- (1) A fine which shall not exceed 50 per cent of the wages which the internee would otherwise receive under the provisions of Article 95 during a period of not more than thirty days.
- (2) Discontinuance of privileges granted over and above the treatment provided for by the present Convention.
- (3) Fatigue duties, not exceeding two hours daily, in connection with the maintenance of the place of internment.
- (4) Confinement.

In no case shall disciplinary penalties be inhuman, brutal or dangerous for the health of internees. Account shall be taken of the internee's age, sex and state of health.

The duration of any single punishment shall in no case exceed a maximum of thirty consecutive days, even if the internee is answerable for several breaches of discipline when his case is dealt with, whether such breaches are connected or not.

#### ARTICLE 120

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.

Article 118, 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.

Internees who aid and abet an escape, or attempt to escape, shall be liable on this count to disciplinary punishment only.

#### ARTICLE 121

Escape, or attempt to escape, even if it is a repeated offence, shall not be deemed an aggravating circumstance in cases where an internee is prosecuted for offences committed during his escape.

The Parties to the conflict shall ensure that the competent authorities exercise leniency in deciding whether punishment inflicted for an offence shall be of a disciplinary or judicial nature, especially in respect of acts committed in connection with an escape, whether successful or not.

#### ARTICLE 122

Acts which constitute offences against discipline shall be investigated immediately. This rule shall be applied, in particular, 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 be reduced to an absolute minimum for all internees, and shall not exceed fourteen days. Its duration shall in any case be deducted from any sentence of confinement.

The provisions of Articles 124 and 125 shall apply to internees who are in confinement awaiting trial for offences against discipline.

#### ARTICLE 123

Without prejudice to 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.

Before any disciplinary punishment is awarded, the accused internee shall be given precise information regarding the offences of which he is accused, and given an opportunity of explaining his conduct and of defending himself. He shall be permitted, in particular, to call witnesses and to have recourse, if necessary, to the services of a qualified interpreter. The decision shall be announced in the presence of the accused and of a member of the Internee Committee.

The period elapsing between the time of award of a disciplinary punishment and its execution shall not exceed one month.

When an internee is awarded a further disciplinary punishment, a period of at least three days shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

A record of disciplinary punishments shall be maintained by the commandant of the place of internment and shall be open to inspection by representatives of the Protecting Power:

#### ARTICLE 124

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.

Women internees undergoing disciplinary punishment shall be confined in separate quarters from male internees and shall be under the immediate supervision of women.

#### ARTICLE 125

Internees awarded disciplinary punishment shall be allowed to exercise and to stay in the open air at least two hours daily.

They shall be allowed, if they so 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 infirmary of the place of internment or to a hospital.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money, however, may be withheld from them until the completion of their punishment; such consignments shall meanwhile be entrusted to the Internee Committee, who will hand 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 Articles 107 and 143 of the present Convention.

#### ARTICLE 126

The provisions of Articles 71 to 76 inclusive shall apply, by analogy, to proceedings against internees who are in the national territory of the Detaining Power.

### CHAPTER X

#### TRANSFERS OF INTERNEES

#### ARTICLE 127

The transfer of internees shall always be effected humanely. As a general rule, it shall be carried out by rail or other means of transport, and under conditions at least equal to those obtaining for the forces of the Detaining Power in their changes of station. If, as an exceptional measure, such removals have to be 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.

The Detaining Power shall supply internees during transfer with drinking water and food sufficient in quantity, quality and variety to maintain them in good health, and also with the necessary clothing, adequate shelter and 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, wounded or infirm internees and maternity cases shall not be transferred if the journey would be seriously detrimental to them, unless their safety imperatively so demands.

If the combat zone draws close to a place of internment, the internees in the said place shall not be transferred unless their removal can be carried out in adequate conditions of safety, or unless they are exposed to greater risks by remaining on the spot than by being transferred.

When making decisions regarding the transfer of internees, the Detaining Power shall take their interests into account and, in particular, shall not do anything to increase the difficulties of repatriating them or returning them to their own homes.

#### ARTICLE 128

In the event of transfer, 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 transfer so require, but in no case to less than twenty-five kilograms per internee.

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 take, in agreement with the Internee Committee, any measures needed to ensure the transport of the internees' community property and of the luggage the internees are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph.

### CHAPTER XI

#### DEATHS

#### ARTICLE 129

The wills of internees shall be received for safe-keeping by the responsible authorities; and in the event of the death of an internee his will shall be transmitted without delay to a person whom he has previously designated.

Deaths of internees shall be certified in every case by a doctor, and a death certificate shall be made out, showing the causes of death and the conditions under which it occurred.

An official record of the death, duly registered, shall be drawn up in accordance with the procedure relating thereto in force in the territory where the place of internment is situated, and a duly certified copy of such record shall be transmitted without delay to the Protecting Power as well as to the Central Agency referred to in Article 140.

#### ARTICLE 130

The detaining authorities shall ensure that internees who die while interned are honourably buried, if possible according to the rites of the religion to which they belonged, and that their graves are respected, properly maintained, and marked in such a way that they can always be recognized.

Deceased internees shall be buried in individual graves unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, on account of the religion of the deceased or in accordance with his expressed wish to this effect. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased. The ashes shall be retained for safe-keeping by the detaining authorities and shall be transferred as soon as possible to the next of kin on their request.

As soon as circumstances permit, and not later than the close of hostilities, the Detaining Power shall forward lists of graves of deceased internees to the Powers on whom the deceased internees depended, through the Information Bureaux provided for in Article 136. Such lists shall include all particulars necessary for the identification of the deceased internees, as well as the exact location of their graves.

#### ARTICLE 131

Every death or serious injury of an internee, caused or suspected to have been caused by a sentry, another internee or any other person, as well as any death the cause of which is unknown, shall be immediately followed by an official enquiry by the Detaining Power.

A communication on this subject shall be sent immediately to the Protecting Power. The evidence of any witnesses shall be taken, and a report including such evidence 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 necessary steps to ensure the prosecution of the person or persons responsible.

## CHAPTER XII

### RELEASE, REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES

#### ARTICLE 132

Each interned person shall be released by the Detaining Power as soon as the reasons which necessitated his internment no longer exist.

The Parties to the conflict shall, moreover, endeavour during the course of hostilities, to conclude agreements for the release, the repatriation, the return to places of residence or the accommodation in a neutral country of certain classes of internees, in particular children, pregnant women and mothers with infants and young children, wounded and sick, and internees who have been detained for a long time.

#### ARTICLE 133

Internment shall cease as soon as possible after the close of hostilities.

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, committees may be set up after the close of hostilities, or of the occupation of territories, to search for dispersed internees.

#### ARTICLE 134

The High Contracting Parties shall endeavour, upon the close of hostilities or occupation, to ensure the return of all internees to their last place of residence, or to facilitate their repatriation.

#### ARTICLE 135

The Detaining Power shall bear the expense of returning released internees to the places where they were residing when interned, or, if it took them into custody while they were in transit or on the high seas, the cost of completing their journey or of their return to their point of departure.

Where a Detaining Power refuses permission to reside in its territory to a released internee who previously had his permanent domicile therein, such Detaining Power shall pay the cost of the said internee's repatriation. If, however, the internee elects to return to his country on his own responsibility or in obedience to the Government of the Power to which he owes allegiance, the Detaining Power need not pay the expenses of his journey beyond the point of his departure from its territory. The Detaining Power need not pay the costs of repatriation of an internee who was interned at his own request.

If internees are transferred in accordance with Article 45, the transferring and receiving Powers shall agree on the portion of the above costs to be borne by each.

The foregoing shall not prejudice such special agreements as may be concluded between Parties to the conflict concerning the exchange and repatriation of their nationals in enemy hands.

## SECTION V

### INFORMATION BUREAUX AND CENTRAL AGENCY

#### ARTICLE 136

Upon the outbreak of a conflict and in all cases of occupation, each of the Parties to the conflict shall establish an official Information Bureau responsible for receiving and transmitting information in respect of the protected persons who are in its power.

Each of the Parties to the conflict shall, within the shortest possible period, give its Bureau information of any measure taken by it concerning any protected persons who are kept in custody for more than two weeks, who are subjected to assigned residence or who are interned.

It shall, furthermore, require its various departments concerned with such matters to provide the aforesaid Bureau promptly with information concerning all changes pertaining to these protected persons, as, for example, transfers, releases, repatriations, escapes, admittances to hospitals, births and deaths.

#### ARTICLE 137

Each national Bureau shall immediately forward information concerning protected persons by the most rapid means to the Powers of whom the aforesaid persons are nationals, or to Powers in whose territory they resided, through the intermediary of the Protecting Powers and likewise through the Central Agency provided for in Article 140. The Bureaux shall also reply to all enquiries which may be received regarding protected persons.

Information Bureaux shall transmit information concerning a protected person unless its transmission might be detrimental to the person concerned or to his or her relatives. Even in such a case, the information may not be withheld from the Central Agency which, upon being notified of the circumstances, will take the necessary precautions indicated in Article 140.

All communications in writing made by any Bureau shall be authenticated by a signature or a seal.

#### ARTICLE 138

The information received by the national Bureau and transmitted by it shall be of such a character as to make it possible to identify the protected person exactly and to advise his next of kin quickly. The information in respect of each person shall include at least his surname, first names, place and date of birth, nationality, last residence and distinguishing characteristics, the first name of the father and the maiden name of the mother, the date, place and nature of the action taken with regard to the individual, the address at which correspondence may be sent to him and the name and address of the person to be informed.

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

#### ARTICLE 139

Each national Information Bureau shall, furthermore, be responsible for collecting all personal valuables left by protected persons mentioned in Article 136, in particular those who have been repatriated or released, or who have escaped or died; it shall forward the said valuables to those concerned, either direct, or, if necessary, through the Central Agency. Such articles shall be sent by the Bureau in sealed packets which shall be accompanied by statements giving clear and full identity particulars of the person to whom the articles belonged, and by a complete list of the contents of the parcel. Detailed records shall be maintained of the receipt and despatch of all such valuables.

#### ARTICLE 140

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 123 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

The function of the Agency shall be to collect all information of the type set forth in Article 136 which it may obtain through official or private channels and to transmit it as rapidly as possible to the countries of origin or of residence 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 reasonable facilities for effecting such transmissions.

The High Contracting Parties, and in particular those whose nationals benefit by the services of the Central Agency, are requested to give the said Agency the financial aid it may require.

The foregoing provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross and of the relief societies described in Article 142.

#### ARTICLE 141

The national Information Bureaux and the Central Information Agency shall enjoy free postage for all mail, likewise the exemptions provided for in Article 110, and further, so far as possible, exemption from telegraphic charges or, at least, greatly reduced rates.

## PART IV

### EXECUTION OF THE CONVENTION

#### SECTION I

##### GENERAL PROVISIONS

###### ARTICLE 142

Subject to the measures which the Detaining Powers may consider essential to ensure their security or to meet any other reasonable need, the representatives of religious organizations, relief societies, or any other organizations assisting the protected persons, shall receive from these Powers, for themselves or their duly accredited agents, all facilities for visiting the protected persons, for distributing relief supplies and material from any source, intended for educational, recreational or religious purposes, or for assisting them in organizing their leisure time within the places of internment. Such societies or organizations may be constituted in the territory of the Detaining Power, or in any other country, or they may have an international character.

The Detaining Power may limit the number of societies and organizations whose delegates are allowed to carry out their activities in its territory and under its supervision, on condition, however, that such limitation shall not hinder the supply of effective and adequate relief to all protected persons.

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

###### ARTICLE 143

Representatives or delegates of the Protecting Powers shall have permission to go to all places where protected persons are, particularly to places of internment, detention and work.

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 then only as an exceptional and temporary measure. Their duration and frequency shall not be restricted.

Such representatives and delegates shall have full liberty to select the places they wish to visit. The Detaining or Occupying Power, the Protecting Power and when occasion arises 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 also enjoy the above 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.

###### ARTICLE 144

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 include 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.

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 145

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.

#### ARTICLE 146

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

#### ARTICLE 147

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

#### ARTICLE 148

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

#### ARTICLE 149

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

### SECTION II

#### FINAL PROVISIONS

#### ARTICLE 150

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

#### ARTICLE 151

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949.

#### ARTICLE 152

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

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

#### ARTICLE 153

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

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

#### ARTICLE 154

In the relations between the Powers who are bound by The Hague Conventions respecting 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 be supplementary to Sections II and III of the Regulations annexed to the above mentioned Conventions of The Hague.

#### ARTICLE 155

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

#### ARTICLE 156

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

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 157

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

#### ARTICLE 158

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release, repatriation and re-establishment of the persons protected by the present Convention have been terminated.

■ The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

#### ARTICLE 159

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

For AFGHANISTAN

M. Osman AMIRI

For the PEOPLE'S REPUBLIC OF ALBANIA

With attached reservations <sup>1</sup>

J. MALO

For ARGENTINA

With attached reservations <sup>2</sup>

Guillermo A. SPERONI

For AUSTRALIA

Norman R. MIGHELL

Subject to ratification <sup>3</sup>

For AUSTRIA

Dr. Rud. BLUEHDORN

For BELGIUM

Maurice BOURQUIN

For the BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

С оговорками по ст. ст. 11, 45 <sup>4</sup>

Текст оговорок прилагается

Глава делегации БССР

И. КУЦЕЙНИКОВ

For BOLIVIA

G. MEDEIROS

<sup>1</sup> See text of reservations on page 342.

<sup>2</sup> See text of reservations on page 343.

<sup>3</sup> When signing, the Australian Plenipotentiary declared that his Government retained the right to enter reservations at the time of ratification.

<sup>4</sup> See text of reservations on page 343.

For BRAZIL

With attached reservation <sup>1</sup>

João PINTO DA SILVA

General Floriano DE LIMA BRAYNER

For the BULGARIAN PEOPLE'S REPUBLIC

With attached reservations <sup>2</sup>

K. B. SVETLOV

For CANADA

With the reservation hereto attached <sup>3</sup>

Max H. WERSHOF

For CHILE

F. CISTERNAS ORTIZ

For CHINA

Wu Nan-Ju

For COLOMBIA

Rafael ROCHA SCHLOSS

For CUBA

J. DE LA LUZ LEÓN

For DENMARK

Georg COHN

Paul IPSEN

BAGGE

For EGYPT

A. K. SAFWAT

For ECUADOR

Alex. GASTELÚ

For SPAIN

Luis CALDERÓN

<sup>1</sup> See text of reservation on page 344.

<sup>2</sup> See text of reservations on page 344.

<sup>3</sup> See text of reservation on page 346.

For the UNITED STATES OF AMERICA

Signed with the reservation hereto attached <sup>1</sup>

John Carter VINCENT

For ETHIOPIA

Gachaou ZELLEKE

For FINLAND

Reinhold SVENTO

For FRANCE

G. CAHEN-SALVADOR

JACQUINOT

For GREECE

M. PESMAZOGLOU

For GUATEMALA

A. DUPONT-WILLEMIN

For the HUNGARIAN PEOPLE'S REPUBLIC

With attached reservations <sup>2</sup>

Anna KARA

For INDIA

D. B. DESAI

For IRAN

A. H. MEYKADEH

For the REPUBLIC OF IRELAND

Sean MACBRIDE

For ISRAEL

With attached reservation <sup>3</sup>

M. KAHANY

For ITALY

Giacinto AURITI

Ettore BAISTROCCHI

<sup>1</sup> See text of reservation on page 346.

<sup>2</sup> See text of reservations on page 346.

<sup>3</sup> See text of reservation on page 348.

For the LEBANON

MIKAOUI

For LIECHTENSTEIN

Comte F. WILCZEK

For LUXEMBURG

J. STURM

For MEXICO

Pedro DE ALBA

W. R. CASTRO

For the PRINCIPALITY OF MONACO

M. LOZÉ

For NICARAGUA

*Ad referendum*

LIFSCHITZ

For NORWAY

Rolf ANDERSEN

For NEW ZEALAND

G. R. LAKING

With the reservations hereto attached <sup>1</sup>

For PAKISTAN

S. M. A. FARUKI, M. G.

A. H. SHAIKH

For PARAGUAY

Conrad FEHR

For the NETHERLANDS

With the reservation hereto attached <sup>2</sup>

J. BOSCH DE ROSENTHAL

For PERU

Gonzalo PIZARRO

<sup>1</sup> See text of reservations on page 349.

<sup>2</sup> See text of reservation on page 349.

For the REPUBLIC OF THE PHILIPPINES

P. SEBASTIAN <sup>1</sup>

For POLAND

With attached reservations <sup>2</sup>

Julian PRZYBOS

For PORTUGAL

With attached reservations <sup>3</sup>

G. CALDEIRA COELHO

For the RUMANIAN PEOPLE'S REPUBLIC

With attached reservations <sup>4</sup>

I. DRAGOMIR

For the UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

With the reservation hereto attached <sup>5</sup>

Robert CRAIGIE

H. A. STRUTT

W. H. GARDNER

For the HOLY SEE

Philippe BERNARDINI

For EL SALVADOR

R. A. BUSTAMANTE

For SWEDEN

Subject to ratification by the Government of His Majesty the King of Sweden  
with the approval of the Riksdag

Staffan SÖDERBLOM

For SWITZERLAND

Max PETITPIERRE

Plinio BOLLA

Colonel div. DU PASQUIER

Ph. ZUTTER

H. MEULI

For SYRIA

Omar EL DJABRI

A. GENNAOUI

<sup>1</sup> " This signature is subject to ratification by the Philippines Senate in accordance with the provisions of their Constitution."

<sup>2</sup> See text of reservations on page 350.

<sup>3</sup> See text of reservations on page 351.

<sup>4</sup> See text of reservations on page 351.

<sup>5</sup> See text of reservation on page 352.

For CZECHOSLOVAKIA

With attached reservations <sup>1</sup>

TAUBER

For TURKEY

Rana TARHAN

For the UKRAINIAN SOVIET SOCIALIST REPUBLIC

С оговорками по статьям 11, 45 <sup>2</sup>

Текст оговорок прилагается

По уполномочию Правительства УССР

Профессор О. БОГОМОЛЕЦ

For the UNION OF SOVIET SOCIALIST REPUBLICS

С оговорками по статьям 11, 45 <sup>3</sup>

Текст оговорок прилагается

Глава делегации СССР

Н. СЛАВИН

For URUGUAY

Conseiller Colonel Hector J. BLANCO

For VENEZUELA

A. POSSE DE RIVAS

For the FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA

With attached reservations <sup>4</sup>

Milan RISTIĆ

<sup>1</sup> See text of reservations on page 353.

<sup>2</sup> See text of reservations on page 354.

<sup>3</sup> See text of reservations on page 355.

<sup>4</sup> See text of reservations on page 356.

## ANNEX I

### DRAFT AGREEMENT RELATING TO HOSPITAL AND SAFETY ZONES AND LOCALITIES

#### ARTICLE 1

Hospital and safety zones shall be strictly reserved for the persons mentioned in Article 23 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, and in Article 14 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949, and for the personnel entrusted with the organization and administration of these zones and localities and with the care of the persons therein assembled.

Nevertheless, persons whose permanent residence is within such zones shall have the right to stay there.

#### ARTICLE 2

No persons residing, in whatever capacity, in a hospital and safety zone shall perform any work, either within or without the zone, directly connected with military operations or the production of war material.

#### ARTICLE 3

The Power establishing a hospital and safety zone shall take all necessary measures to prohibit access to all persons who have no right of residence or entry therein.

#### ARTICLE 4

Hospital and safety zones shall fulfil the following conditions:

- (a) They shall comprise only a small part of the territory governed by the Power which has established them.
- (b) They shall be thinly populated in relation to the possibilities of accommodation.
- (c) They shall be far removed and free from all military objectives, or large industrial or administrative establishments.
- (d) They shall not be situated in areas which, according to every probability, may become important for the conduct of the war.

#### ARTICLE 5

Hospital and safety zones 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 transport of military personnel or material, even in transit.
- (b) They shall in no case be defended by military means.

#### ARTICLE 6

Hospital and safety zones shall be marked by means of oblique red bands on a white ground, placed on the buildings and outer precincts.

Zones reserved exclusively for the wounded and sick may be marked by means of the Red Cross (Red Crescent, Red Lion and Sun) emblem on a white ground.

They may be similarly marked at night by means of appropriate illumination.

#### ARTICLE 7

The Powers shall communicate to all the High Contracting Parties in peacetime or on the outbreak of hostilities, a list of the hospital and safety zones in the territories governed by them. They shall also give notice of any new zones set up during hostilities.

As soon as the adverse Party has received the above-mentioned notification, the zone shall be regularly established.

If, however, the adverse Party considers that the conditions of the present agreement have not been fulfilled, it may refuse to recognize the zone by giving immediate notice thereof to the Party responsible for the said zone, or may make its recognition of such zone dependent upon the institution of the control provided for in Article 8.

#### ARTICLE 8

Any Power having recognized one or several hospital and safety zones instituted by the adverse Party shall be entitled to demand control by one or more Special Commissions, for the purpose of ascertaining if the zones fulfil the conditions and obligations stipulated in the present agreement.

For this purpose, members of the Special Commissions shall at all times have free access to the various zones and may even reside there permanently. They shall be given all facilities for their duties of inspection.

#### ARTICLE 9

Should the Special Commissions note any facts which they consider contrary to the stipulations of the present agreement, they shall at once draw the attention of the Power governing the said zone to these facts, and shall fix a time limit of five days within which the matter should be rectified. They shall duly notify the Power who has recognized the zone.

If, when the time limit has expired, the Power governing the zone has not complied with the warning, the adverse Party may declare that it is no longer bound by the present agreement in respect of the said zone.

#### ARTICLE 10

Any Power setting up one or more hospital and safety zones, and the adverse Parties to whom their existence has been notified, shall nominate or have nominated by the Protecting Powers or by other neutral Powers, persons eligible to be members of the Special Commissions mentioned in Articles 8 and 9.

#### ARTICLE 11

In no circumstances may hospital and safety zones be the object of attack. They shall be protected and respected at all times by the Parties to the conflict.

#### ARTICLE 12

In the case of occupation of a territory, the hospital and safety zones therein shall continue to be respected and utilized as such.

Their purpose may, however, be modified by the Occupying Power, on condition that all measures are taken to ensure the safety of the persons accommodated.

#### ARTICLE 13

The present agreement shall also apply to localities which the Powers may utilize for the same purposes as hospital and safety zones.

## ANNEX II

### DRAFT REGULATIONS CONCERNING COLLECTIVE RELIEF

#### ARTICLE I

The Internee Committees shall be allowed to distribute collective relief shipments for which they are responsible, to all internees who are dependent for administration on the said Committee's place of internment, including those internees who are in hospitals, or in prisons or other penitentiary establishments.

#### ARTICLE 2

The distribution of collective relief shipments shall be effected in accordance with the instructions of the donors and with a plan drawn up by the Internee Committees. The issue of medical stores shall, however, be made for preference in agreement with the senior medical officers, and the latter may, in hospitals and infirmaries, waive 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

Members of Internee Committees shall be allowed to go to the railway stations or other points of arrival of relief supplies near their places of internment so as to enable them to verify the quantity as well as the quality of the goods received and to make out detailed reports thereon for the donors.

#### ARTICLE 4

Internee Committees shall be given the facilities necessary for verifying whether the distribution of collective relief in all subdivisions and annexes of their places of internment has been carried out in accordance with their instructions.

#### ARTICLE 5

Internee Committees shall be allowed to complete, and to cause to be completed by members of the Internee Committees in 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.). Such forms and questionnaires, duly completed, shall be forwarded to the donors without delay.

#### ARTICLE 6

In order to secure the regular distribution of collective relief supplies to the internees in their place of internment, and to meet any needs that may arise through the arrival of fresh parties of internees, the Internee Committees shall be allowed to create and maintain sufficient reserve stocks of collective relief. For this purpose, they shall have suitable warehouses at their disposal; each warehouse shall be provided with two locks, the Internee Committee holding 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 is in any way possible and subject to the regulations governing the food supply of the population, authorize purchases of goods to be made in their territories for the distribution of collective relief to the internees. They shall likewise facilitate the transfer of funds and other financial measures of a technical or administrative nature taken for the purpose of making such purchases.

#### ARTICLE 8

The foregoing provisions shall not constitute an obstacle to the right of internees to receive collective relief before their arrival in a place of internment or in the course of their transfer, nor to the possibility of representatives of the Protecting Power, or of the International Committee of the Red Cross or any other humanitarian organization giving assistance to internees and responsible for forwarding such supplies, ensuring the distribution thereof to the recipients by any other means they may deem suitable.

ANNEX III

I. INTERNMENT CARD

1. Front

<u>CIVILIAN INTERNEE MAIL</u>	Postage free
<b>POST CARD</b>	
<p style="text-align: center;">IMPORTANT</p> <p>This card must be completed by each internee immediately on being interned and each time his address is altered by reason of transfer to another place of internment or to a hospital.</p> <p>This card is not the same as the special card which each internee is allowed to send to his relatives.</p>	<p><b>CENTRAL INFORMATION AGENCY FOR PROTECTED PERSONS</b></p> <p>INTERNATIONAL COMMITTEE OF THE RED CROSS</p>

2. Reverse side

Write legibly and in block letters—1. Nationality										
2. Surname	3. First names ( <i>in full</i> )	4. First name of father								
<table style="width: 100%;"> <tr> <td style="width: 50%; padding: 5px;">5. Date of birth</td> <td style="width: 50%; padding: 5px;">6. Place of birth</td> </tr> <tr> <td colspan="2" style="padding: 5px;">7. Occupation</td> </tr> <tr> <td colspan="2" style="padding: 5px;">8. Address before detention</td> </tr> <tr> <td colspan="2" style="padding: 5px;">9. Address of next of kin</td> </tr> </table>			5. Date of birth	6. Place of birth	7. Occupation		8. Address before detention		9. Address of next of kin	
5. Date of birth	6. Place of birth									
7. Occupation										
8. Address before detention										
9. Address of next of kin										
<p>*10. Interned on: (or) Coming from (hospital, etc.) on:</p> <p>*11. State of health</p>										
<table style="width: 100%;"> <tr> <td style="width: 50%; padding: 5px;">12. Present address</td> <td style="width: 50%; padding: 5px;">14. Signature</td> </tr> <tr> <td style="width: 50%; padding: 5px;">13. Date</td> <td style="width: 50%; padding: 5px;"></td> </tr> </table>			12. Present address	14. Signature	13. Date					
12. Present address	14. Signature									
13. Date										
<p>* Strike out what is not applicable—Do not add any remarks—See explanations on other side of card.</p>										

(Size of internment card—10 × 15 cm.)

ANNEX III

II. LETTER

CIVILIAN INTERNEE SERVICE

Postage free

To

Street and number

Place of destination (*in block capitals*)

Province or Department

Country (*in block capitals*)

Internment address

Date and place of birth

Surname and first names

Sender :

(Size of letter—29 × 15 cm.)



(e) RESERVATIONS MADE AT THE TIME OF SIGNATURE  
OF THE GENEVA CONVENTIONS FOR THE PROTECTION  
OF WAR VICTIMS OF AUGUST 12, 1949

PEOPLE'S REPUBLIC OF ALBANIA

Mr. MALO, First Secretary to the Albanian Legation in Paris:

(1) Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

*Article 10:* "The People's Republic of Albania will not recognize a request by a Detaining Power to a humanitarian organization or to a neutral State to take the place of a Protecting Power, as being in order, unless the Power of which the protected persons are nationals has given its consent."

(2) Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.

*Article 10:* "The People's Republic of Albania will not recognize a request by a Detaining Power to a humanitarian organization or to a neutral State to take the place of a Protecting Power, as being in order, unless the Power of which the protected persons are nationals has given its consent."

(3) Convention relative to the Treatment of Prisoners of War.

*Article 10:* "The People's Republic of Albania will not recognize a request by a Detaining Power to a humanitarian organization or to a neutral State to take the place of a Protecting Power, as being in order, unless the Power of which the prisoners of war are nationals has given its consent."

*Article 12:* "The People's Republic of Albania considers that in the case of prisoners of war being transferred to another Power by the Detaining Power, the responsibility for the application of the Convention to such prisoners of war will continue to rest with the Power which captured them."

*Article 85:* "The People's Republic of Albania considers that persons convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, of war crimes and crimes against humanity, must be treated in the same manner as persons convicted in the country in question. Albania does not, therefore, consider herself bound by Article 85 so far as the category of persons mentioned in the present reservation is concerned."

(4) Convention relative to the Protection of Civilian Persons in Time of War.

*Article 11:* "The People's Republic of Albania will not recognize a request by a Detaining Power to a humanitarian organization or to a neutral State to take the place of a Protecting Power, as being in order, unless the Power of which the protected persons are nationals has given its consent."

*Article 45:* "The People's Republic of Albania considers that in the case of protected persons being transferred to another Power by the Detaining Power, the responsibility for the application of the Convention to such protected persons will continue to rest with the Detaining Power."

## ARGENTINA

Mr. SPERONI, First Secretary to the Argentine Legation in Berne, made the following reservation to the four Geneva Conventions:

"The Argentine Government has followed the work of the Conference with interest and the Argentine Delegation has taken part in it with pleasure. The task was a difficult one, but as our President said at the closing meeting, we have succeeded.

"Argentina, Gentlemen, has always taken a leading place among many other nations on the questions which have formed the subject of our discussions. I shall, therefore, sign the four Conventions in the name of my Government and subject to ratification, with the reservation that Article 3, common to all four Conventions, shall be the only Article, to the exclusion of all others, which shall be applicable in the case of armed conflicts not of an international character. I shall likewise sign the Convention relative to the Protection of Civilian Persons with a reservation in respect of Article 68."

## BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

Mr. KOUTEINIKOV, Head of the Delegation of the Byelorussian Soviet Socialist Republic:

(1) On signing the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Government of the Byelorussian Soviet Socialist Republic makes the following reservation:

*Article 10:* "The Byelorussian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained."

(2) On signing the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Government of the Byelorussian Soviet Socialist Republic makes the following reservation:

*Article 10:* "The Byelorussian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained."

(3) On signing the Convention relative to the Treatment of Prisoners of War, the Government of the Byelorussian Soviet Socialist Republic makes the following reservations:

*Article 10:* "The Byelorussian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the prisoners of war are nationals has been obtained."

*Article 12:* "The Byelorussian Soviet Socialist Republic does not consider as valid the freeing of a Detaining Power, which has transferred prisoners of war to another Power, from responsibility for the application of the Convention to such prisoners of war while the latter are in the custody of the Power accepting them."

*Article 85:* "The Byelorussian Soviet Socialist Republic does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for war crimes and crimes against

humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment.”

(4) On signing the Convention relative to the Protection of Civilian Persons in Time of War, the Government of the Byelorussian Soviet Socialist Republic feels called upon to make the following declaration:

“ Although the present Convention does not cover the civilian population in territory not occupied by the enemy and does not, therefore, completely meet humanitarian requirements, the Byelorussian Delegation, recognizing that the said Convention makes satisfactory provision for the protection, of the civilian population in occupied territory and in certain other cases, declares that it is authorized by the Government of the Byelorussian Soviet Socialist Republic to sign the present Convention with the following reservations:

*Article 11:* “ The Byelorussian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected person are nationals has been obtained.

*Article 45:* “ The Byelorussian Soviet Socialist Republic will not consider as valid the freeing of a Detaining Power, which has transferred protected persons to another Power, from responsibility for the application of the Convention to the persons transferred, while the latter are in the custody of the Power accepting them.”

## BRAZIL

Mr. PINTO DA SILVA, Consul-General of Brazil at Geneva, made the following reservations to the Geneva Convention relative to the Protection of Civilian Persons in Time of War:

“ On signing the Convention relative to the Protection of Civilian Persons in Time of War, Brazil wishes to make two express reservations—in regard to Article 44, because it is liable to hamper the action of the Detaining Power, and in regard to Article 46, because the matter dealt with in its second paragraph is outside the scope of the Convention, the essential and specific purpose of which is the protection of persons and not of their property.”

## BULGARIAN PEOPLE'S REPUBLIC

Mr. Kosta B. SVETLOV, Bulgarian Minister in Switzerland, made the following declaration:

“ In my capacity as representative of the Government of the Bulgarian People's Republic, I have the pleasant duty of expressing here its satisfaction at having been able to take part in drawing up a humanitarian instrument of the highest international importance—a group of conventions for the protection of war victims.

“ Nevertheless, my wish is that there shall be no need to apply them; that is to say, that we may exert every effort to prevent a new war, so that there may be no victims to be helped in accordance with the provisions of a convention.

“ I must, first of all, express my Government's deep regret that the majority of the Diplomatic Conference did not accept the Soviet Delegation's proposal for the unconditional banning of atomic weapons and other weapons for the mass extermination of the population.”

Therefore, on signing the Conventions, the Government of the Bulgarian People's Republic makes the following reservations, which constitute an integral part of the Conventions:

(1) Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949.

On signing the present Convention, the Government of the Bulgarian People's Republic makes the following reservations, which constitute an integral part of the Convention:

*With regard to Article 11:* "The Bulgarian People's Republic will not recognize as valid the action of a Detaining Power of civilian persons in time of war, in approaching a neutral Power or a humanitarian organization with a view to entrusting it with the protection of such persons without the consent of the Government of the country of which the latter are nationals."

*With regard to Article 45:* "The Bulgarian People's Republic will not consider the Detaining Power of civilian persons in time of war, which has transferred such persons to another Power which has agreed to accept them, as being freed from responsibility for applying the provisions of the Convention to such persons during the time that they are detained by the other Power."

(2) Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949.

On signing the present Convention, the Government of the Bulgarian People's Republic makes the following reservation which constitutes an integral part of the Convention:

*With regard to Article 10:* "The Bulgarian People's Republic will not recognize as valid the action of a Detaining Power of wounded, sick and shipwrecked persons or of medical personnel of armed forces at sea, in approaching a neutral Power or a humanitarian organization, with a view to entrusting it with the protection of such persons without the consent of the Government of the country of which the latter are nationals."

(3) Convention relative to the Treatment of Prisoners of War of August 12, 1949.

On signing the present Convention, the Government of the Bulgarian People's Republic makes the following reservations, which constitute an integral part of the Convention:

*With regard to Article 10:* "The Bulgarian People's Republic will not recognize as valid the action of a Detaining Power of prisoners of war, in approaching a neutral Power or a humanitarian organization with a view to entrusting it with the protection of such persons without the consent of the Government of the country of which the latter are nationals."

*With regard to Article 12:* "The Bulgarian People's Republic will not consider the Detaining Power of prisoners of war, which has transferred such persons to another Power which has agreed to accept them, as being freed from responsibility for applying the provisions of the Convention to such persons during the time that they are detained by the other Power."

*With regard to Article 85:* "The Bulgarian People's Republic does not consider itself bound to extend the application of the provisions derived from Article 85 to prisoners of war convicted, under the law of the Detaining Power and in accordance with the principles of the Nuremberg trial, of war crimes or crimes against humanity which they committed before being taken prisoner, because those thus convicted must be subject to the regulations of the country in which they have to serve their sentence."

(4) Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

On signing the present Convention, the Government of the Bulgarian People's Republic makes the following reservation, which constitutes an integral part of the Convention.

*With regard to Article 10:* "The Bulgarian People's Republic will not recognize as valid the action of a Detaining Power of wounded and sick persons or of medical personnel in armed forces in the field, in approaching a neutral Power or a humanitarian organization with a view to entrusting it with the protection of such persons without the consent of the Government of the country of which the latter are nationals."

## CANADA

Mr. WERSHOF, Counsellor, Office of the High Commissioner for Canada in London, made the following reservation to the Geneva Convention for the Protection of Civilian Persons in Time of War:

“Canada reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins.”

## SPAIN

Mr. CALDERÓN Y MARTIN, Spanish Minister in Switzerland, made the following reservation to the Geneva Convention relative to the Treatment of Prisoners of War, the text of the reservation being submitted in the Spanish, French and English languages:

“In matters regarding procedural guarantees and penal and disciplinary sanctions, Spain will grant prisoners of war the same treatment as is provided by her legislation for members of her own national forces.

“Under ‘International Law in force’ (Article 99) Spain understands she only accepts that which arises from contractual sources or which has been previously elaborated by Organizations in which she participates.”

## UNITED STATES OF AMERICA

Mr. VINCENT, Minister of the United States of America in Switzerland, on signing the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949, made the following declaration:

“The Government of the United States fully supports the objectives of this Convention.

“I am instructed by my Government to sign, making the following reservation to Article 68:

“The United States reserve the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins.”

## HUNGARIAN PEOPLE'S REPUBLIC

Mrs. KARA made the following reservations:

“At the meeting of the Diplomatic Conference on August 11th, 1949, the Delegation of the Hungarian People's Republic reserved the right to make express reservations on signing the Conventions, after having examined them. In their speech at the above meeting the Hungarian Delegation observed that they were not in agreement with all the provisions of the Conventions. After a thorough study of the text of the Conventions, the Government of the Hungarian People's Republic decided to sign the Conventions in spite of their

obvious defects, as it considered that the Conventions constituted an advance in comparison with the existing situation from the point of view of the practical application of humanitarian principles and the protection of war victims.

“ The Government of the Hungarian People’s Republic is obliged to state that the concrete results achieved by the Diplomatic Conference which ended on August the 12th do not come up to expectations, since the majority of the members of the Conference did not adopt the proposals of the Soviet Delegation concerning the atomic weapon and other means of mass extermination of the population.

“ The Delegation of the Hungarian People’s Republic noted with regret the point of view of the majority of the Conference, which was contrary to the wishes of the nations engaged in the struggle for peace and liberty. The Delegation of the Hungarian People’s Republic is convinced that the adoption of the Soviet proposals would have been the most effective means of protecting war victims. The Delegation of the Hungarian People’s Republic wishes, in particular, to point out the essential defects of the Convention relative to the Protection of Civilian Persons in Time of War; they drew the attention of the States taking part in the Conference to those defects during the meetings. A particular case in point is that of Article 4 of the Convention; by virtue of that Article the provisions of the Civilians Convention do not apply to certain persons, because the States whose nationals they are, have not adhered to the Convention. The Government of the Hungarian People’s Republic considers that the above provision is contrary to the humanitarian principles which the Convention is intended to uphold.

“ The Hungarian People’s Government has also serious objections to Article 5 of the said Convention; according to the terms of that Article, if protected persons are definitely suspected of activities hostile to the security of the State, that is enough to deprive them of protection under the Convention. The Government of the Hungarian People’s Republic considers that that provision has already made any hope of realizing the fundamental principles of the Convention illusory.

“ The express reservations made by the Government of the Hungarian People’s Republic on signing the Conventions, are as follows:

(1) “ In the opinion of the Government of the Hungarian People’s Republic, the provisions of Article 10 of the Wounded and Sick, Maritime Warfare and Prisoners of War Conventions and of Article 11 of the Civilians Convention, concerning the replacement of the Protecting Power, can only be applied if the Government of the State of which the protected persons are nationals, no longer exists.

(2) “ The Government of the Hungarian People’s Republic cannot approve the provisions of Article 11 of the Wounded and Sick, Maritime Warfare and Prisoners of War Conventions and of Article 12 of the Civilians Convention, according to which the competence of the Protecting Power extends to the interpretation of the Convention.

(3) “ In regard to Article 12 of the Convention relative to the Treatment of Prisoners of War, the Government of the Hungarian People’s Republic maintains its point of view that in the case of the transfer of prisoners of war from one Power to another, the responsibility for the application of the provisions of the Conventions must rest with both of those Powers.

(4) “ The Delegation of the Hungarian People’s Republic repeats the objection which it made, in the course of the meetings at which Article 85 of the Prisoners of War Convention was discussed, to the effect that prisoners of war convicted of war crimes and crimes against humanity in accordance with the principles of Nuremberg, must be subject to the same treatment as criminals convicted of other crimes.

(5) “ Lastly, the Government of the Hungarian People’s Republic maintains the point of view which it expressed in regard to Article 45 of the Civilians Convention, namely that, in the case of the transfer of protected persons from one Power to another, the responsibility for the application of the Convention must rest with both of those Powers.”

## ISRAEL

Mr. KAHANY, Delegate of Israel to the European Office of the United Nations and to the International Committee of the Red Cross, made the following declaration:

"In accordance with instructions received from my Government, I shall sign the Geneva Convention relative to the Treatment of Prisoners of War without any reservation. But in the case of each of the other three Conventions, our signature will be given with reservations the purport of which is as follows:

(1) Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

"Subject to the reservation that, while respecting the inviolability of the distinctive signs and emblems of the Convention, Israel will use the Red Shield of David as the emblem and distinctive sign of the medical services of her armed forces."

(2) Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.

"Subject to the reservation that, while respecting the inviolability of the distinctive signs and emblems of the Convention, Israel will use the Red Shield of David on the flags, armlets and on all equipment (including hospital ships), employed in the medical service."

(3) Geneva Convention relative to the Protection of Civilian Persons in Time of War.

"Subject to the reservation that, while respecting the inviolability of the distinctive signs and emblems provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, Israel will use the Red Shield of David as the emblem and distinctive sign provided for in this Convention."

## ITALY

Mr. AURITI, Ambassador, made the following declaration concerning the Convention relative to the Treatment of Prisoners of War and Resolutions 6, 7 and 9 of the Diplomatic Conference of Geneva:

(1) Geneva Convention relative to the Treatment of Prisoners of War.

"The Italian Government declares that it makes a reservation in respect of the last paragraph of Article 66 of the Convention relative to the Treatment of Prisoners of War."

(2) Resolution 6 of the Diplomatic Conference of Geneva.

"Whereas the Conference has recommended 'that the High Contracting Parties will, in the near future, instruct a Committee of Experts to examine technical improvements of modern means of communication between hospital ships, on the one hand, and warships and military aircraft, on the other', the Italian Government expresses the hope that the said Committee of Experts may be convoked, if possible, during the coming months, in order that they may draw up an international code of rules for the use of the above means of communication.

"The Italian Armed Forces are at present engaged in making a thorough study of the above subject and will, if necessary, be ready to submit concrete proposals of a technical nature as a basis for discussion."

(3) Resolution 7 of the Diplomatic Conference of Geneva.

“ The Italian Government is prepared to arrange that, whenever conveniently practicable, hospital ships shall frequently and regularly broadcast particulars of their position, route and speed.”

(4) Resolution 9 of the Diplomatic Conference of Geneva.

“ In regard to the second paragraph of Resolution 9, the Italian Government considers that the departments dealing with telecommunications in the countries of the High Contracting Parties must collaborate in drawing up some method of grouping telegrams of prisoners of war, so as to facilitate the transmission of numbered messages and thus avoid errors and the duplication of international transmissions and the consequent increase in their cost.”

## LUXEMBURG

Mr. STURM, Chargé d’Affaires of Luxemburg in Switzerland, made the following reservation:

“ The undersigned Delegate of the Grand Duchy of Luxemburg, duly empowered by its Government, has this eighth day of December, 1949, signed the Convention established by the Diplomatic Conference of Geneva relative to the Treatment of Prisoners of War, with the reservation:

“ that its existing national law shall continue to be applied to cases now under consideration.”

## NEW ZEALAND

Mr. George Robert LAKING, Counsellor to the New Zealand Embassy in Washington, made the following declaration:

“ In signing the four Conventions established by the Diplomatic Conference at Geneva 1949, the New Zealand Government desire me to state that as there has been insufficient opportunity to study the reservations made on behalf of other States, the Government for the present reserve their views in regard to such reservations.

“ In signing the Convention relating to the protection of civilian persons in time of war, the New Zealand Government desire me to make the following reservations:

(1) “ New Zealand reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins;

(2) “ In view of the fact that the General Assembly of the United Nations, having approved the principles established by the Charter and judgment of the Nuremberg Tribunal, has directed the International Law Commission to include these principles in a general codification of offences against the peace and security of mankind, New Zealand reserves the right to take such action as may be necessary to ensure that such offences are punished, notwithstanding the provisions of Article 70, paragraph 1.”

## NETHERLANDS

Mr. BOSCH, Chevalier VAN ROSENTHAL, Minister of the Netherlands in Switzerland, made the following declaration:

“ My Government has instructed me to sign the four Conventions established at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, but my Govern-

ment wishes to make the following reservation regarding the Convention relative to the Protection of Civilian Persons in Time of War, which reservation reads as follows:

“The Kingdom of the Netherlands reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins.”

## POLAND

Mr. PRZYBOS, Polish Minister in Switzerland, made the following reservations concerning the four Geneva Conventions:

(1) “On signing the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, I declare that the Government of the Polish Republic adheres to the said Convention, with a reservation in respect of Article 10.

“The Government of the Polish Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded and sick, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.”

(2) “On signing the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, I declare that the Government of the Polish Republic adheres to the said Convention, with a reservation in respect of Article 10.

“The Government of the Polish Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded, sick and shipwrecked, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(3) “On signing the Geneva Convention relative to the Treatment of Prisoners of War, I declare that the Government of the Polish Republic adheres to the said Convention, with reservations in respect of Articles 10, 12 and 85.

“In regard to Article 10, the Government of the Polish Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of prisoners of war, unless the Government whose nationals they are has given its consent.”

“In regard to Article 12, the Government of the Polish Republic will not consider it legal for a Power, which effects a transfer of prisoners of war, to be freed from its responsibility for applying the Convention, even for the time during which such prisoners of war are in the custody of the Power accepting them.”

“In regard to Article 85, the Government of the Polish Republic will not consider it legal for prisoners of war convicted of war crimes and crimes against humanity in accordance with the principles set forth at the time of the Nuremberg trials, to continue to enjoy protection under the present Convention, it being understood that prisoners of war convicted of such crimes must be subject to the regulations for the execution of punishments, in force in the State concerned.”

(4) “On signing the Geneva Convention relative to the Protection of Civilian Persons in Time of War, I declare that the Government of the Polish Republic adheres to the said Convention, with reservations in respect of Articles 11 and 45.

“In regard to Article 11, the Government of the Polish Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization

or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of protected persons, unless the Government whose nationals they are has given its consent."

"In regard to Article 45, the Government of the Polish Republic will not consider it legal for a Power, which effects a transfer of protected persons, to be freed from its responsibility for applying the Convention, even for the time during which such protected persons are in the custody of the Power accepting them."

## PORTUGAL

Mr. Gonçalo CALDEIRA COELHO, Chargé d'Affaires of Portugal in Switzerland made the following declaration:

*(a) Article 3, common to the four Conventions:*

"As there is no actual definition of what is meant by a conflict not of an international character, and as, in case this term is intended to refer solely to civil war, it is not clearly laid down at what moment an armed rebellion within a country should be considered as having become a civil war, Portugal reserves the right not to apply the provisions of Article 3, in so far as they may be contrary to the provisions of Portuguese law, in all territories subject to her sovereignty in any part of the world."

*(b) Article 10 of Conventions I, II and III and Article 11 of Convention IV:*

"The Portuguese Government only accepts the above Articles with the reservation that requests by the Detaining Power to a neutral State or to a humanitarian organization to undertake the functions normally performed by protecting Powers are made with the consent or agreement of the government of the country of which the persons to be protected are nationals (Countries of origin)."

*(c) Article 13 of Convention I and Article 4 of Convention III:*

"The Portuguese Government makes a reservation regarding the application of the above Articles in all cases in which the legitimate Government has already asked for and agreed to an armistice or the suspension of military operations of no matter what character, even if the armed forces in the field have not yet capitulated."

*(d) Article 60 of Convention III:*

"The Portuguese Government accepts this Article with the reservation that it in no case binds itself to grant prisoners a monthly rate of pay in excess of 50% of the pay due to Portuguese soldiers of equivalent appointment or rank, on active service in the combat zone."

## RUMANIAN PEOPLE'S REPUBLIC

Mr. Ioan DRAGOMIR, Chargé d'Affaires of Rumania in Switzerland, made the following declaration:

(1) "On signing the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Government of the Rumanian People's Republic makes the following reservation:

*Article 10:* "The Rumanian People's Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained."

(2) " On signing the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Government of the Rumanian People's Republic makes the following reservation:

*Article 10:* " The Rumanian People's Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(3) " On signing the Convention relative to the Treatment of Prisoners of War, the Government of the Rumanian People's Republic makes the following reservations:

*Article 10:* " The Rumanian People's Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the prisoners of war are nationals has been obtained.

*Article 12:* " The Rumanian People's Republic does not consider as valid the freeing of a Detaining Power, which has transferred prisoners of war to another Power, from responsibility for the application of the Convention to such prisoners of war while the latter are under the protection of the Power accepting them.

*Article 85:* " The Rumanian People's Republic does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment.

(4) " I am authorized to make the following declaration on signing the Convention relative to the Protection of Civilian Persons in Time of War:

" The Government of the Rumanian People's Republic considers that this Convention does not completely meet humanitarian requirements, owing to the fact that it does not apply to the civilian population in territory not occupied by the enemy.

" Nevertheless, taking into consideration the fact that the Convention is intended to protect the interests of the civilian population in occupied territory, I am authorized by the Rumanian People's Government to sign the said Convention with the following reservations:

*Article 11:* " The Rumanian People's Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

*Article 45:* " The Rumanian People's Republic will not consider as valid the freeing of a Detaining Power, which has transferred protected persons to another Power, from responsibility for the application of the Convention to the persons transferred, while the latter are under the protection of the Power accepting them."

## UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

The Rt. Hon. Sir Robert CRAIGIE, Foreign Office, made the following declaration:

" In signing the Convention relative to the Protection of Civilian Persons in Time of War, His Majesty's Government in the United Kingdom desire me to make the following reservation:

" The United Kingdom of Great Britain and Northern Ireland reserve the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2,

without regard to whether the offences referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins.”

## CZECHOSLOVAKIA

Mr. TAUBER, Minister of Czechoslovakia in Switzerland, made the following reservations:

(1) “ On proceeding to sign the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, I declare that the Government of the Czechoslovakian Republic adheres to the said Convention, with a reservation in respect of Article 10.

“ The Government of the Czechoslovakian Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded and sick, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(2) “ On proceeding to sign the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, I declare that the Government of the Czechoslovakian Republic adheres to the said Convention, with a reservation in respect of Article 10.

“ The Government of the Czechoslovakian Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded, sick and shipwrecked, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(3) “ On proceeding to sign the Geneva Convention relative to the Treatment of Prisoners of War, I declare that the Government of the Czechoslovakian Republic adheres to the said Convention, with reservations in respect of Articles 10, 12 and 85.

“ In regard to Article 10, the Government of the Czechoslovakian Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of prisoners of war, unless the Government whose nationals they are has given its consent.

“ In regard to Article 12, the Government of the Czechoslovakian Republic will not consider it legal for a Power, which effects a transfer of prisoners of war, to be freed from its responsibility for applying the Convention, even for the time during which such prisoners of war are in the custody of the Power accepting them.

“ In regard to Article 85, the Government of the Czechoslovakian Republic will not consider it legal for prisoners of war convicted of war crimes and crimes against humanity in accordance with the principles set forth at the time of the Nuremberg trials, to continue to enjoy protection under the present Convention, it being understood that prisoners of war convicted of such crimes must be subject to the regulations for the execution of punishments, in force in the State concerned.

(4) “ On proceeding to sign the Geneva Convention relative to the Protection of Civilian Persons in Time of War, I declare that the Government of the Czechoslovakian Republic adheres to the said Convention, with reservations in respect of Articles 11 and 45.

“ In regard to Article 11, the Government of the Czechoslovakian Republic will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of protected persons, unless the Government whose nationals they are has given its consent.

" In regard to Article 45, the Government of the Czechoslovakian Republic will not consider it legal for a Power, which effects a transfer of protected persons, to be freed from its responsibility for applying the Convention, even for the time during which such protected persons are in the custody of the Power accepting them."

## UKRAINIAN SOVIET SOCIALIST REPUBLIC

Mr. BOGOMOLETZ, Head of the Delegation of the Ukrainian Soviet Socialist Republic:

(1) " On signing the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Government of the Ukrainian Soviet Socialist Republic makes the following reservation:

*Article 10:* " The Ukrainian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(2) " On signing the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Government of the Ukrainian Soviet Socialist Republic makes the following reservation:

*Article 10:* " The Ukrainian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(3) " On signing the Convention relative to the Treatment of Prisoners of War, the Government of the Ukrainian Soviet Socialist Republic makes the following reservations:

*Article 10:* " The Ukrainian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the prisoners of war are nationals has been obtained.

*Article 12:* " The Ukrainian Soviet Socialist Republic does not consider as valid the freeing of a Detaining Power, which has transferred prisoners of war to another Power, from responsibility for the application of the Convention to such prisoners of war while the latter are in the custody of the Power accepting them.

*Article 85:* " The Ukrainian Soviet Socialist Republic does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment.

(4) " On signing the Convention relative to the Protection of Civilian Persons in Time of War, the Government of the Ukrainian Soviet Socialist Republic feels called upon to make the following declaration:

" Although the present Convention does not cover the civilian population in territory not occupied by the enemy and does not, therefore, completely meet humanitarian requirements, the Ukrainian Delegation, recognizing that the said Convention makes satisfactory provision for the protection of the civilian population in occupied territory and in certain other cases, declares that it is authorized by the Government of the Ukrainian Soviet Socialist Republic to sign the present Convention with the following reservations:

*Article 11:* " The Ukrainian Soviet Socialist Republic will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to

undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

*Article 45:* "The Ukrainian Soviet Socialist Republic will not consider as valid the freeing of a Detaining Power, which has transferred protected persons to another Power, from responsibility for the application of the Convention to the persons transferred, while the latter are in the custody of the Power accepting them."

## UNION OF SOVIET SOCIALIST REPUBLICS

General SLAVIN, Head of the Delegation of the Union of Soviet Socialist Republics:

(1) "On signing the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the Government of the Union of Soviet Socialist Republics makes the following reservation:

*Article 10:* "The Union of Soviet Socialist Republics will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(2) "On signing the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, the Government of the Union of Soviet Socialist Republics makes the following reservation:

*Article 10:* "The Union of Soviet Socialist Republics will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

(3) "On signing the Convention relative to the Treatment of Prisoners of War, the Government of the Union of Soviet Socialist Republics makes the following reservations:

*Article 10:* "The Union of Soviet Socialist Republics will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the prisoners of war are nationals has been obtained.

*Article 12:* "The Union of Soviet Socialist Republics does not consider as valid the freeing of a Detaining Power, which has transferred prisoners of war to another Power, from responsibility for the application of the Convention to such prisoners of war while the latter are in the custody of the Power accepting them.

*Article 85:* "The Union of Soviet Socialist Republics does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for war crimes and crimes against humanity, it being understood that persons convicted of such crimes must be subject to the conditions obtaining in the country in question for those who undergo their punishment.

(4) "On signing the Convention relative to the Protection of Civilian Persons in Time of War, the Government of the Union of Soviet Socialist Republics feels called upon to make the following declaration:

"Although the present Convention does not cover the civilian population in territory not occupied by the enemy and does not, therefore, completely meet humanitarian requirements, the Soviet Delegation, recognizing that the said Convention makes satisfactory provision for the protection of the civilian population in occupied territory and in certain other cases, declares that it is authorized by the Government of the Union of Soviet Socialist Republics to sign the present Convention with the following reservations:

*Article 11:* "The Union of Soviet Socialist Republics will not recognize the validity of requests by the Detaining Power to a neutral State or to a humanitarian organization, to undertake the functions performed by a Protecting Power, unless the consent of the Government of the country of which the protected persons are nationals has been obtained.

*Article 45:* "The Union of Soviet Socialist Republics will not consider as valid the freeing of a Detaining Power, which has transferred protected persons to another Power, from responsibility for the application of the Convention to the persons transferred, while the latter are in the custody of the Power accepting them."

## FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA

Mr. Milan RISTIĆ, Yugoslav Minister in Switzerland, made the following declaration:

(1) "On signing the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, I declare that the Government of the Federal People's Republic of Yugoslavia adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Federal People's Republic of Yugoslavia will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded and sick, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(2) "On signing the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, I declare that the Government of the Federal People's Republic of Yugoslavia adheres to the said Convention, with a reservation in respect of Article 10.

"The Government of the Federal People's Republic of Yugoslavia will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of the wounded, sick and shipwrecked, or medical personnel and chaplains, unless the Government whose nationals they are has given its consent.

(3) "On signing the Geneva Convention relative to the Treatment of Prisoners of War, I declare that the Government of the Federal People's Republic of Yugoslavia adheres to the said Convention, with reservations in respect of Articles 10 and 12.

"In regard to Article 10, the Government of the Federal People's Republic of Yugoslavia will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions performed under the present Convention by the Protecting Powers, on behalf of prisoners of war, unless the Government whose nationals they are has given its consent.

"In regard to Article 12, the Government of the Federal People's Republic of Yugoslavia will not consider that the Power which has effected the transfer of prisoners of war, is freed from its responsibility for the application of the Convention for the whole of the time during which such prisoners of war are in the custody of the Power accepting them.

(4) "On signing the Geneva Convention relative to the Protection of Civilian Persons in Time of War, I declare that the Government of the Federal People's Republic of Yugoslavia adheres to the said Convention, with reservations in respect of Articles 11 and 45.

"In regard to Article 11, the Government of the Federal People's Republic of Yugoslavia will not consider as legal a request by the Detaining Power that a neutral State or an international organization or a humanitarian organization should undertake the functions

performed under the present Convention by the Protecting Powers, on behalf of protected persons, unless the Government whose nationals they are has given its consent.

“ In regard to Article 45, the Government of the Federal People’s Republic of Yugoslavia will not consider it legal for a Power, which effects a transfer of protected persons to another Power, to be freed from its responsibility for applying the Convention for the whole of the time during which such protected persons are in the custody of the Power accepting them.”



III

RESOLUTIONS OF THE DIPLOMATIC CONFERENCE OF GENEVA  
1949



#### RESOLUTION 1

The Conference recommends that, in the case of a dispute relating to the interpretation or application of the present Conventions which cannot be settled by other means, the High Contracting Parties concerned endeavour to agree between themselves to refer such dispute to the International Court of Justice.

#### RESOLUTION 2

Whereas circumstances may arise in the event of the outbreak of a future international conflict in which there will be no Protecting Power with whose cooperation and under whose scrutiny the Conventions for the Protection of Victims of War can be applied; and

whereas Article 10 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, Article 10 of the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, Article 10 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, and Article 11 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949, provide that the High 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 aforesaid Conventions,

the Conference recommends that consideration be given as soon as possible to the advisability of setting up an international body, the functions of which shall be, in the absence of a Protecting Power, to fulfil the duties performed by Protecting Powers in regard to the application of the Conventions for the Protection of War Victims.

#### RESOLUTION 3

Whereas agreements may only with difficulty be concluded during hostilities;

whereas Article 28 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, provides that the Parties to the conflict shall, during hostilities, make arrangements for relieving where possible retained personnel, and shall settle the procedure of such relief;

whereas Article 31 of the same Convention provides that, as from the outbreak of hostilities, Parties to the conflict may determine by special arrangement the percentage of personnel to be retained, in proportion to the number of prisoners and the distribution of the said personnel in the camps,

the Conference requests the International Committee of the Red Cross to prepare a model agreement on the two questions referred to in the two Articles mentioned above and to submit it to the High Contracting Parties for their approval.

#### RESOLUTION 4

Whereas Article 33 of the Geneva Convention of July 27th, 1929, for the Relief of the Wounded and Sick in Armies in the Field, 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 such 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 in Article 40 of the new Convention.

#### RESOLUTION 5

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, as well as other emblems referred to in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, is used only within the limits prescribed by the Geneva Conventions, in order to safeguard their authority and protect their high significance.

#### RESOLUTION 6

Whereas the present Conference has not been able to raise the question of the technical study of means of communication between hospital ships, on the one hand, and warships and military aircraft, on the other, since that study went beyond its terms of reference;

whereas this question is of the greatest importance for the safety and efficient operation of hospital ships,

the Conference recommends that the High Contracting Parties will, in the near future, instruct a Committee of Experts to examine technical improvements of modern means of communication between hospital ships, on the one hand, and warships and military aircraft, on the other, and also to study the possibility of drawing up an International Code laying down precise regulations for the use of those means, in order that hospital ships may be assured of the maximum protection and be enabled to operate with the maximum efficiency.

#### RESOLUTION 7

The Conference, being desirous of securing the maximum protection for hospital ships, expresses the hope that all High Contracting Parties to the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, of August 12, 1949, will arrange that, whenever conveniently practicable, such ships shall frequently and regularly broadcast particulars of their position, route and speed.

#### RESOLUTION 8

The Conference wishes to affirm before all nations:

that, its work having been inspired solely by humanitarian aims, its earnest hope is that, in the future, Governments may never have to apply the Geneva Conventions for the Protection of War Victims;

that its strongest desire is that the Powers, great and small, may always reach a friendly settlement of their differences through cooperation and understanding between nations, so that peace shall reign on earth for ever.

#### RESOLUTION 9

Whereas Article 71 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, provides that prisoners of war who have been without news for a long period, or who are unable to receive news from their next of kin or to give them news by the ordinary postal route, as well as those who are at a great distance from their home, shall be permitted to send telegrams, the fees being charged against the prisoners of war's accounts with the Detaining Power or paid in the currency at their disposal, and that prisoners of war shall likewise benefit by these facilities in cases of urgency; and

whereas to reduce the cost, often prohibitive, of such telegrams or cables, it appears necessary that some method of grouping messages should be introduced whereby a series of short specimen messages concerning personal health, health of relatives at home, schooling, finance, etc., could be drawn up and numbered, for use by prisoners of war in the aforesaid circumstances,

the Conference, therefore, requests the International Committee of the Red Cross to prepare a series of specimen messages covering these requirements and to submit them to the High Contracting Parties for their approval.

#### RESOLUTION 10

The Conference considers that the conditions under which a Party to a conflict can be recognized as a belligerent by Powers not taking part in this conflict, are governed by the general rules of international law on the subject and are in no way modified by the Geneva Conventions.

#### RESOLUTION 11

Whereas the Geneva Conventions require the International Committee of the Red Cross to be ready at all times and in all circumstances to fulfil the humanitarian tasks entrusted to it by these Conventions,

the Conference recognizes the necessity of providing regular financial support for the International Committee of the Red Cross.

IV

COMMUNICATION FROM THE SWISS FEDERAL POLITICAL  
DEPARTMENT TO STATES PARTICIPATING IN THE  
GENEVA CONVENTIONS OF AUGUST 12, 1949



*(Letter to Governments who signed the Conventions on August 12th, 1949)*

September 1949

Monsieur le Ministre,

We have the honour to forward to Your Excellency herewith the Final Act of the Diplomatic Conference of Geneva for the Protection of War Victims, together with the Draft Conventions and Resolutions attached to it.

The Delegation of ..... signed the Final Act and the four new Conventions on August 12th, 1949, and we take this opportunity of expressing the pleasure we have had in collaborating with the representatives of Your Government.

The new Geneva Conventions will come into force as soon as two instruments of ratification have been deposited; we hope that many countries will be parties to these new agreements.

The Final Record of the Diplomatic Conference of Geneva will be published next year, and we shall not fail to send a copy to Your Excellency.

We avail ourselves of this opportunity to renew to you, Monsieur le Ministre, the assurance of our highest consideration.

FEDERAL POLITICAL DEPARTMENT.

To His Excellency

the Minister for Foreign Affairs of .....

*(Letter to Governments who did not sign the Convention on August 12th, 1949)*

September 1949

Monsieur le Ministre,

We have the honour to forward to Your Excellency herewith the Final Act of the Diplomatic Conference of Geneva for the Protection of War Victims, together with the Draft Conventions and Resolutions attached to it.

The new Conventions have already been signed, on August 12th, 1949, at the closing session of the Conference, by the Delegates of the following countries: Austria, Chile, Colombia, Cuba, Denmark, Ecuador, Guatemala, Liechtenstein, Monaco, Nicaragua, Norway, Pakistan, Peru, Syria, Turkey, Uruguay and Switzerland. The Delegation of the United States of America signed the first three Conventions.

The other countries which took part in the Diplomatic Conference of Geneva may sign the Conventions at the Swiss Federal Political Department in Berne on any date up to February 12th, 1950, or at the official signature ceremony which is to be held at Geneva on December 8th, 1949.

We hope that the new Conventions of Geneva which have been drawn up by the representatives of sixty-four States, and which constitute, in the opinion of all concerned, a real advance on the Conventions actually in existence, will be signed and ratified by all States. We should therefore be grateful if Your Excellency would kindly let us know what the intentions of Your Government are, and who their representatives will be at the official signature ceremony on December 8th, 1949, to which we have the honour of hereby inviting them.

We avail ourselves of this opportunity to express the pleasure we have had in collaborating with the representatives of your country at Geneva, and to renew to you, Monsieur le Ministre, the assurance of our highest consideration.

FEDERAL POLITICAL DEPARTMENT.

To His Excellency

the Minister for Foreign Affairs of .....



PART III



I

MARGINAL HEADINGS (OR TITLES OF ARTICLES) ESTABLISHED  
BY THE SWISS FEDERAL POLITICAL DEPARTMENT



GENEVA CONVENTION  
FOR THE AMELIORATION OF THE CONDITION  
OF THE WOUNDED AND SICK  
IN ARMED FORCES IN THE FIELD  
OF AUGUST 12, 1949

CHAPTER I

GENERAL PROVISIONS

- 1 Respect for the Convention.
- 2 Application of the Convention.
- 3 Conflicts not of an international character.
- 4 Application by neutral Powers.
- 5 Duration of application.
- 6 Special agreements.
- 7 Non-renunciation of rights.
- 8 Protecting Powers.
- 9 Activities of the International Committee of the Red Cross.
- 10 Substitutes for Protecting Powers.
- 11 Conciliation procedure.

CHAPTER II

WOUNDED AND SICK

- 12 Protection and care.
- 13 Protected persons.
- 14 Status.
- 15 Search for casualties. Evacuation.
- 16 Recording and forwarding of information.
- 17 Prescriptions regarding the dead. Graves Registration Service.
- 18 Role of the population.

CHAPTER III

MEDICAL UNITS AND  
ESTABLISHMENTS

- 19 Protection.
- 20 Protection of hospital ships.
- 21 Discontinuance of protection of medical establishments and units.
- 22 Conditions not depriving medical units and establishments of protection.
- 23 Hospital zones and localities.

CHAPTER IV

PERSONNEL

- 24 Protection of permanent personnel.
- 25 Protection of auxiliary personnel.
- 26 Personnel of aid societies.
- 27 Societies of neutral countries.
- 28 Retained personnel.
- 29 Status of auxiliary personnel.
- 30 Return of medical and religious personnel.
- 31 Selection of personnel for return.
- 32 Return of personnel belonging to neutral countries.

CHAPTER V

BUILDINGS AND MATERIAL

- 33 Buildings and stores.
- 34 Property of aid societies.

CHAPTER VI

MEDICAL TRANSPORTS

- 35 Protection.
- 36 Medical aircraft.
- 37 Flight over neutral countries. Landing of wounded.

CHAPTER VII

THE DISTINCTIVE EMBLEM

- 38 Emblem of the Convention.
- 39 Use of the emblem.
- 40 Identification of medical and religious personnel.
- 41 Identification of auxiliary personnel.
- 42 Marking of medical units and establishments.
- 43 Marking of units of neutral countries.
- 44 Restrictions in the use of the emblem. Exceptions.

## CHAPTER VIII

### EXECUTION OF THE CONVENTION

- 45 Detailed execution. Unforeseen cases.
- 46 Prohibition of reprisals.
- 47 Dissemination of the Convention.
- 48 Translations.

## CHAPTER IX

### REPRESSION OF ABUSES AND INFRACTIONS

- 49 Penal sanctions.
  - I. General observations.
- 50 II. Grave breaches.
- 51 III. Responsibilities of the Contracting Parties.

- 52 Enquiry procedure.
- 53 Misuse of the emblem.
- 54 Prevention of misuse.

### FINAL PROVISIONS

- 55 Languages.
- 56 Signature.
- 57 Ratification.
- 58 Coming into force.
- 59 Relation to previous Conventions.
- 60 Accession.
- 61 Notification of accessions.
- 62 Immediate effect.
- 63 Denunciation.
- 64 Registration with the United Nations.

## GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF WOUNDED, SICK AND SHIPWRECKED MEMBERS OF ARMED FORCES AT SEA OF AUGUST 12, 1949

### CHAPTER I

#### GENERAL PROVISIONS

- I Respect for the Convention.
- 2 Application of the Convention.
- 3 Conflicts not of an international character.
- 4 Field of application.
- 5 Application by neutral Powers.
- 6 Special agreements.
- 7 Non-renunciation of rights.
- 8 Protecting Powers.
- 9 Activities of the International Committee of the Red Cross.
- 10 Substitutes for Protecting Powers.
- 11 Conciliation procedure.

### CHAPTER II

#### WOUNDED, SICK AND SHIPWRECKED

- 12 Protection and care.
- 13 Protected persons.
- 14 Handing over to a belligerent.
- 15 Wounded taken on board a neutral war-ship.
- 16 Wounded falling into enemy hands.
- 17 Wounded landed in a neutral port.
- 18 Search for casualties after an engagement.
- 19 Recording and forwarding of information.
- 20 Prescriptions regarding the dead.
- 21 Appeals to neutral vessels.

### CHAPTER III

#### HOSPITAL SHIPS

- 22 Notification and protection of military hospital ships.
- 23 Protection of medical establishments ashore.
- 24 Hospital ships utilized by relief societies and private individuals of
  - I. Parties to the conflict.
  - II. Neutral countries.
- 25 Tonnage.
- 26 Coastal rescue craft.
- 28 Protection of sick-bays.
- 29 Hospital ships in occupied ports.
- 30 Employment of hospital ships and small craft.
- 31 Right of control and search.
- 32 Stay in a neutral port.
- 33 Converted merchant vessels.
- 34 Discontinuance of protection.
- 35 Conditions not depriving hospital ships of protection.

### CHAPTER IV

#### PERSONNEL

- 36 Protection of the personnel of hospital ships.
- 37 Medical and religious personnel of other ships.

## CHAPTER V

### MEDICAL TRANSPORTS

- 38 Ships used for the conveyance of medical equipment.
- 39 Medical aircraft.
- 40 Flight over neutral countries.  
Landing of wounded.

## CHAPTER VI

### THE DISTINCTIVE EMBLEM

- 41 Use of the emblem.
- 42 Identification of medical and religious personnel.
- 43 Marking of hospital ships and small craft.
- 44 Limitation in the use of markings.
- 45 Prevention of misuse.

## CHAPTER VII

### EXECUTION OF THE CONVENTION

- 46 Detail execution.  
Unforeseen cases.
- 47 Prohibition of reprisals.
- 48 Dissemination of the Convention.

- 49 Translations.  
Rules of application.

## CHAPTER VIII

### REPRESSION OF ABUSES AND INFRACTIONS

- 50 Penal sanctions.
  - I. General observations.
- 51 II. Grave breaches.
- 52 III. Responsibilities of the Contracting Parties.
- 53 Enquiry procedure.

### FINAL PROVISIONS

- 54 Languages.
- 55 Signature.
- 56 Ratification.
- 57 Coming into force.
- 58 Relation to the 1907 Convention.
- 59 Accession.
- 60 Notification of accessions.
- 61 Immediate effect.
- 62 Denunciation.
- 63 Registration with the United Nations.

# GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR OF AUGUST 12, 1949

## PART I

### GENERAL PROVISIONS

- 1 Respect for the Convention.
- 2 Application of the Convention.
- 3 Conflicts not of an international character.
- 4 Prisoners of war.
- 5 Beginning and end of application.
- 6 Special agreements.
- 7 Non-renunciation of rights.
- 8 Protecting Powers.
- 9 Activities of the International Committee of the Red Cross.

- 10 Substitutes for Protecting Powers.
- 11 Conciliation procedure.

## PART II

### GENERAL PROTECTION OF PRISONERS OF WAR

- 12 Responsibility for the treatment of prisoners.
- 13 Humane treatment of prisoners.
- 14 Respect for the person of prisoners.
- 15 Maintenance of prisoners.
- 16 Equality of treatment.

## PART III

### CAPTIVITY

#### SECTION I

##### BEGINNING OF CAPTIVITY

- 17 Questioning of prisoners.
- 18 Property of prisoners.
- 19 Evacuation of prisoners.
- 20 Conditions of evacuation.

#### SECTION II

##### INTERNMENT OF PRISONERS OF WAR

###### CHAPTER I

###### GENERAL OBSERVATIONS

- 21 Restriction of liberty of movement.
- 22 Places and conditions of internment.
- 23 Security of prisoners.
- 24 Permanent transit camps.

###### CHAPTER II

###### QUARTERS, FOOD AND CLOTHING OF PRISONERS OF WAR

- 25 Quarters.
- 26 Food.
- 27 Clothing.
- 28 Canteens.

###### CHAPTER III

###### HYGIENE AND MEDICAL ATTENTION

- 29 Hygiene.
- 30 Medical attention.
- 31 Medical inspections.
- 32 Prisoners engaged on medical duties.

###### CHAPTER IV

###### MEDICAL PERSONNEL AND CHAPLAINS RETAINED TO ASSIST PRISONERS OF WAR

- 33 Rights and privileges of retained personnel.

###### CHAPTER V

###### RELIGIOUS, INTELLECTUAL AND PHYSICAL ACTIVITIES

- 34 Religious duties.
- 35 Retained chaplains.
- 36 Prisoners who are ministers of religion.

- 37 Prisoners without a minister of their religion.
- 38 Recreation, study, sports and games.

#### CHAPTER VI

##### DISCIPLINE

- 39 Administration. Saluting.
- 40 Badges and Decorations.
- 41 Posting of the Convention, and of regulations and orders concerning prisoners.
- 42 Use of weapons.

#### CHAPTER VII

##### RANK OF PRISONERS OF WAR

- 43 Notification of ranks.
- 44 Treatment of officers.
- 45 Treatment of other prisoners.

#### CHAPTER VIII

##### TRANSFER OF PRISONERS OF WAR AFTER THEIR ARRIVAL IN CAMP

- 46 Conditions.
- 47 Circumstances precluding transfer.
- 48 Procedure for transfer.

#### SECTION III

##### LABOUR OF PRISONERS OF WAR

- 49 General observations.
- 50 Authorized work.
- 51 Working conditions.
- 52 Dangerous or humiliating labour.
- 53 Duration of labour.
- 54 Working pay.  
Occupational accidents and disease.
- 55 Medical supervision.
- 56 Labour detachments.
- 57 Prisoners working for private employers.

#### SECTION IV

##### FINANCIAL RESOURCES OF PRISONERS OF WAR

- 58 Ready money.
- 59 Amounts in cash taken from prisoners.
- 60 Advances of pay.
- 61 Supplementary pay.
- 62 Working pay.
- 63 Transfer of funds.
- 64 Prisoners' accounts.
- 65 Management of prisoners' accounts.
- 66 Winding up of accounts.
- 67 Adjustments between Parties to the conflict.
- 68 Claims for compensation.

## SECTION V

### RELATIONS OF PRISONERS OF WAR WITH THE EXTERIOR

- 69 Notification of measures taken.
- 70 Capture card.
- 71 Correspondence.
- 72 Relief shipments.
  - I. General principles.
- 73 II. Collective relief.
- 74 Exemption from postal and transport charges.
- 75 Special means of transport.
- 76 Censorship and examination.
- 77 Preparation, execution and transmission of legal documents.

## SECTION VI

### RELATIONS BETWEEN PRISONERS OF WAR AND THE AUTHORITIES

#### CHAPTER I

##### COMPLAINTS OF PRISONERS OF WAR RESPECTING THE CONDITIONS OF CAPTIVITY

- 78 Complaints and requests.

#### CHAPTER II

##### PRISONERS OF WAR REPRESENTATIVES

- 79 Election.
- 80 Duties.
- 81 Prerogatives.

#### CHAPTER III

##### PENAL AND DISCIPLINARY SANCTIONS

###### I. GENERAL PROVISIONS.

- 82 Applicable legislation.
- 83 Choice of disciplinary or judicial proceeding.
- 84 Courts.
- 85 Offences committed before capture.
- 86 " Non bis in idem. "
- 87 Penalties.
- 88 Execution of penalties.

###### II. DISCIPLINARY SANCTIONS.

- 89 General observations.
  - I. Forms of punishment.
- 90 II. Duration of punishments.
- 91 Escapes.
  - I. Successful escape.
- 92 II. Unsuccessful escape.
- 93 III. Connected offences.
- 94 IV. Notification of recapture.

- 95 Procedure.
    - I. Confinement awaiting hearing.
  - 96 II. Competent authorities and right of defence.
  - 97 Execution of punishment.
    - I. Premises.
  - 98 II. Essential safeguards.
- ###### III. JUDICIAL PROCEEDINGS.
- 99 Essential rules.
    - I. General principles.
  - 100 II. Death penalty.
  - 101 III. Delay in execution of the death penalty.
  - 102 Procedure.
    - I. Conditions for validity of sentence.
  - 103 II. Confinement awaiting trial (Deduction from sentence, treatment).
  - 104 III. Notification of proceedings.
  - 105 IV. Rights and means of defence.
  - 106 V. Appeals.
  - 107 VI. Notification of finding and sentence.
  - 108 Execution of penalties. Penal regulations.

## PART IV

### TERMINATION OF CAPTIVITY

#### SECTION I

##### DIRECT REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES

- 109 General observations.
- 110 Cases of repatriation and accommodation.
- 111 Internment in a neutral country.
- 112 Mixed Medical Commissions.
- 113 Prisoners entitled to examination by Mixed Medical Commissions.
- 114 Prisoners meeting with accidents.
- 115 Prisoners serving a sentence.
- 116 Costs of repatriation.
- 117 Activity after repatriation.

#### SECTION II

##### RELEASE AND REPATRIATION OF PRISONERS OF WAR AT THE CLOSE OF HOSTILITIES

- 118 Release and repatriation.
- 119 Details of procedure.

#### SECTION III

##### DEATH OF PRISONERS OF WAR

- 120 Wills, death certificates, burial, cremation.
- 121 Prisoners killed or injured in special circumstances.

## PART V

### INFORMATION BUREAUX AND RELIEF SOCIETIES FOR PRISONERS OF WAR

- 122 National Bureaux.
- 123 Central Agency.
- 124 Exemption from charges.
- 125 Relief societies and other organizations.

## PART VI

### EXECUTION OF THE CONVENTION

#### SECTION I

##### GENERAL PROVISIONS

- 126 Supervision.
- 127 Dissemination of the Convention.
- 128 Translations.
  - Rules of application.

- 129 Penal sanctions.
  - I. General observations.
  - 130 II. Grave breaches.
  - 131 III. Responsibilities of the Contracting Parties.
- 132 Enquiry procedure.

#### SECTION II

##### FINAL PROVISIONS

- 133 Languages.
- 134 Relation to the 1929 Convention.
- 135 Relation to the Hague Conventions.
- 136 Signature.
- 137 Ratification.
- 138 Coming into force.
- 139 Accession.
- 140 Notification of accessions.
- 141 Immediate effect.
- 142 Denunciation.
- 143 Registration with the United Nations.

## GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR OF AUGUST 12, 1949

## PART I

### GENERAL PROVISIONS

- 1 Respect for the Convention.
- 2 Application of the Convention.
- 3 Conflicts not of an international character.
- 4 Definition of protected persons.
- 5 Derogations.
- 6 Beginning and end of application.
- 7 Special agreements.
- 8 Non-renunciation of rights.
- 9 Protecting Powers.
- 10 Activities of the International Committee of the Red Cross.
- 11 Substitutes for Protecting Powers.
- 12 Conciliation procedure.

- 16 Wounded and sick.
  - I. General protection.
  - 17 II. Evacuation.
  - 18 III. Protection of hospitals.
  - 19 IV. Discontinuance of protection of hospitals.
  - 20 V. Hospital staff.
  - 21 VI. Land and sea transport.
  - 22 VII. Air transport.
  - 23 Consignments of medical supplies, food and clothing.
  - 24 Measures relating to child welfare.
  - 25 Family news.
  - 26 Dispersed families.

## 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

- 13 Field of application of Part II.
- 14 Hospital and safety zones and localities.
- 15 Neutralized zones.

- 27 Treatment.
  - I. General observations.
  - 28 II. Danger zones.

- 29 III. Responsibilities.
- 30 Applications to Protecting Powers and relief organizations.
- 31 Prohibition of coercion.
- 32 Prohibition of corporal punishment, torture, etc.
- 33 Individual responsibility, collective penalties, reprisals, pillage.
- 34 Hostages.

## SECTION II

### ALIENS IN THE TERRITORY OF A PARTY TO THE CONFLICT

- 35 Right to leave the territory.
- 36 Method of repatriation.
- 37 Persons in confinement.
- 38 Non-repatriated persons.
  - I. General observations.
  - 39 II. Means of existence.
  - 40 III. Employment.
  - 41 IV. Assigned residence. Internment.
  - 42 V. Grounds for internment or assigned residence. Voluntary internment.
  - 43 VI. Procedure.
  - 44 VII. Refugees.
  - 45 VIII. Transfer to another Power.
  - 46 Cancellation of restrictive measures.

## SECTION III

### OCCUPIED TERRITORIES

- 47 Inviolability of rights.
- 48 Special cases of repatriation.
- 49 Deportations, transfers, evacuations.
- 50 Children.
- 51 Enlistment. Labour.
- 52 Protection of workers.
- 53 Prohibited destruction.
- 54 Judges and public officials.
- 55 Food and medical supplies for the population.
- 56 Hygiene and public health.
- 57 Requisition of hospitals.
- 58 Spiritual assistance.
- 59 Relief.
  - I. Collective relief.
  - 60 II. Responsibilities of the Occupying Power.
  - 61 III. Distribution.
  - 62 IV. Individual relief.
  - 63 National Red Cross and other relief societies.

- 64 Penal legislation.
  - I. General observations.
  - 65 II. Publication.
  - 66 III. Competent courts.
  - 67 IV. Applicable provisions.
  - 68 V. Penalties. Death penalty.
  - 69 VI. Deduction from sentence of period spent under arrest.
  - 70 VII. Offences committed before occupation.
  - 71 Penal procedure.
    - I. General observations.
    - 72 II. Right of defence.
    - 73 III. Right of appeal.
    - 74 IV. Assistance by the Protecting Power.
    - 75 V. Death sentence.
    - 76 Treatment of detainees.
    - 77 Handing over of detainees at the close of occupation.
    - 78 Security measures. Internment and assigned residence. Right of appeal.

## SECTION IV

### REGULATIONS FOR THE TREATMENT OF INTERNEES

#### CHAPTER I

##### GENERAL PROVISIONS

- 79 Cases of internment and provisions applicable.
- 80 Civil capacity.
- 81 Maintenance.
- 82 Grouping of internees.

#### CHAPTER II

##### PLACES OF INTERNMENT

- 83 Location of places of internment. Marking of camps.
- 84 Separate internment.
- 85 Accommodation, hygiene.
- 86 Premises for religious services.
- 87 Canteens.
- 88 Air raid shelters. Protective measures.

#### CHAPTER III

##### FOOD AND CLOTHING

- 89 Food.
- 90 Clothing.

#### CHAPTER IV

##### HYGIENE AND MEDICAL ATTENTION

- 91 Medical attention.
- 92 Medical inspections.

CHAPTER V  
RELIGIOUS, INTELLECTUAL  
AND PHYSICAL ACTIVITIES

- 93 Religious duties.
- 94 Recreation, study, sports and games.
- 95 Working conditions.
- 96 Labour detachments.

CHAPTER VI  
PERSONAL PROPERTY AND  
FINANCIAL RESOURCES

- 97 Valuables and personal effects.
- 98 Financial resources and individual accounts.

CHAPTER VII  
ADMINISTRATION AND DISCIPLINE

- 99 Camp administration.  
Posting of the Convention and of orders.
- 100 General discipline.
- 101 Complaints and petitions.
- 102 Internee committees.
  - I. Election of members.
- 103 II. Duties.
- 104 III. Prerogatives.

CHAPTER VIII  
RELATIONS WITH THE EXTERIOR

- 105 Notification of measures taken.
- 106 Internment card.
- 107 Correspondence.
- 108 Relief shipments.
  - I. General principles.
  - II. Collective relief.
  - III. Exemption from postal and transport charges.
- 111 Special means of transport.
- 112 Censorship and examination.
- 113 Execution and transmission of legal documents.
- 114 Management of property.
- 115 Facilities for preparation and conduct of cases.
- 116 Visits.

CHAPTER IX  
PENAL AND DISCIPLINARY SANCTIONS

- 117 General provisions.  
Applicable legislation.
- 118 Penalties.
- 119 Disciplinary punishments.
- 120 Escapes.
- 121 Connected offences.
- 122 Investigations.  
Confinement awaiting hearing.
- 123 Competent authorities.  
Procedure.

- 124 Premises for disciplinary punishments.
- 125 Essential safeguards.
- 126 Provisions applicable to judicial proceedings.

CHAPTER X  
TRANSFERS OF INTERNEES

- 127 Conditions.
- 128 Method.

CHAPTER XI  
DEATHS

- 129 Wills. Death certificates.
- 130 Burial. Cremation.
- 131 Internees killed or injured in special circumstances.

CHAPTER XII  
RELEASE, REPATRIATION AND  
ACCOMMODATION IN NEUTRAL  
COUNTRIES

- 132 During hostilities or occupation.
- 133 After the close of hostilities.
- 134 Repatriation and return to last place of residence.
- 135 Costs.

SECTION V  
INFORMATION BUREAUX  
AND CENTRAL AGENCY

- 136 National Bureaux.
- 137 Transmission of information.
- 138 Particulars required.
- 139 Forwarding of personal valuables.
- 140 Central Agency.
- 141 Exemption from charges.

PART IV

EXECUTION  
OF THE CONVENTION

SECTION I  
GENERAL PROVISIONS

- 142 Relief societies and other organizations.
- 143 Supervision.
- 144 Dissemination of the Convention.
- 145 Translations. Rules of application.
- 146 Penal sanctions.
  - I. General observations.
  - II. Grave breaches.
- 148 III. Responsibilities of the Contracting Parties.
- 149 Enquiry procedure.

SECTION II  
FINAL PROVISIONS

150 Languages.  
151 Signature.  
152 Ratification.

153 Coming into force.  
154 Relation with The Hague Conventions.  
155 Accession.  
156 Notification of accessions.  
157 Immediate effect.  
158 Denunciation.  
159 Registration with the United Nations.



## II

REFERENCE TABLES SHOWING THE RELATIONSHIP BETWEEN THE ARTICLES OF THE DRAFT CONVENTIONS WHICH WERE TAKEN AS THE BASIS FOR DISCUSSION AT THE DIPLOMATIC CONFERENCE AND THE ARTICLES OF THE GENEVA CONVENTIONS OF AUGUST 12,

1949



WOUNDED AND SICK CONVENTION

MARITIME WARFARE CONVENTION

Working sequence	Final sequence	Working sequence	Final sequence
1	1	1	1
2	2	2	2
2 A	3	2 A	3
3	4	3	4
3 A	5	4	5
4	6	5	6
5	7	6	7
6	8	7	8
7	9	8	9
8	10	9	10
9	11	10	11
10	12	11	12
10 A	13	11 A	13
11	14	13	14
12	15	14	15
13	16	14 A	16
13 A	17	15	17
14	18	16	18
15	19	17	19
15 A	20	17 A	20
16	21	18	21
17	22	19	22
18	23	19 A	23
19	24	20	24
19 A	25	21	25
20	26	21 A	26
21	27	21 B	27
22	28	21 C	28
22 A	29	24	29
23	30	25	30
24	31	26	31
25	32	27	32
26	33	28	33
27	34	29	34
28	35	29 A	35
29	36	30	36
30	37	31	37
31	38	35	38
32	39	36	39
33	40	37	40
33 A	41	38	41
34	42	39	42
35	43	40	43
36	44	40 A	44
37	45	40 B	45
37 A	46	41	46
38	47	41 A	47
38 A	48	42	48
39	49	42 A	49
40	50	43	50
40 A	51	44	51
41	52	44 A	52
42	53	45	53

WOUNDED AND SICK CONVENTION

Working sequence	Final sequence
42 A	54
43	55
44	56
45	57
46	58
47	59
48	60
49	61
50	62
51	63
52	64

MARITIME WARFARE CONVENTION

Working sequence	Final sequence
46	54
47	55
48	56
49	57
50	58
51	59
52	60
53	61
54	62
55	63

PRISONERS OF WAR CONVENTION

Working sequence	Final sequence
I	I
2	2
2 A	3
3	4
4	5
5	6
6	7
7	8
8	9
9	10
10	11
11	12
12	13
13	14
14	15
14 A	16
15	17
16	18
17	19
18	20
19	21
20	22
21	23
22	24
23	25
24	26
25	27
26	28
27	29
28	30
29	31
29 A	32
29 B	33
30	34
30 A	35
30 B	36
30 C	37

PRISONERS OF WAR CONVENTION

Working sequence	Final sequence
31	38
32	39
33	40
34	41
35	42
36	43
37	44
37 A	45
38	46
39	47
40	48
41	49
42	50
42 A	51
43	52
44	53
45	54
46	55
47	56
48	57
49	58
50	59
51	60
51 A	61
52	62
53	63
54	64
55	65
56	66
57	67
57 A	68
58	69
59	70
60	71
61	72
62	73
63 (deleted)	—

Working sequence	Final sequence	Working sequence	Final sequence
64	74	105	115
65	75	106	116
66	76	107	117
67	77	108	118
68	78	109	119
69	79	110	120
70	80	111	121
71	81	112	122
72	82	113	123
73	83	114	124
74	84	115	125
75	85	116	126
76	86	117	127
77	87	118	128
78	88	119	129
79	89	119 A	130
80	90	119 B	131
81	91	119 C	132
82	92	119 D (deleted)	—
83	93	120	133
84	94	121	134
85	95	122	135
86	96	123	136
87	97	124	137
88	98	125	138
89	99	126	139
90	100	127	140
91	101	128	141
92	102	129	142
93	103	130	143
94	104	Signature	Signature
95	105	Annex I	I
96	106	„ II	II
97	107	„ III	III
98	108	„ IV I	IV A
99 (deleted)	—	„ IV II	IV B
100	109	„ IV III 1	IV C 1
101	110	„ IV III 2	IV C 2
101 A	111	„ IV IV	IV D
102	112	„ IV V	IV E
103	113	„ V	V
104	114		

#### CIVILIANS CONVENTION

Working sequence	Final sequence
1	1
2	2
2 A	3
3	4
3 A	5
4	6
5	7
6	8

#### CIVILIANS CONVENTION

Working sequence	Final sequence
7	9
8	10
9	11
10	12
11	13
12	14
12 A	15
13	16

Working sequence	Final sequence	Working sequence	Final sequence
14	17	65	75
15	18	66	76
16	19	67	77
18	20	68	78
19 A	21	69	79
19 C	22	70	80
20	23	71	81
21	24	72	82
22	25	73	83
23	26	74	84
25	27	75	85
25 A	28	75 A	86
26	29	76	87
28	30	77	88
29	31	78	89
29 A	32	79	90
30	33	80	91
31	34	81	92
32	35	82	93
33	36	83	94
34	37	84	95
35	38	85	96
36	39	86	97
37	40	87	98
38	41	88	99
39	42	89	100
40	43	90	101
40 A	44	91	102
41	45	92	103
42	46	93	104
43	47	94	105
44	48	95	106
45	49	96	107
46	50	97	108
47	51	98	109
48	52	100	110
48 A	53	101	111
48 B	54	102	112
49	55	103	113
50	56	104	114
50 A	57	105	115
50 B	58	106	116
50 C	59	107	117
51	60	108	118
52	61	109	119
53	62	110	120
54	63	111	121
55	64	112	122
56	65	113	123
57	66	114	124
58	67	115	125
59	68	116	126
59 A	69	117	127
60	70	118	128
61	71	119	129
62	72	119 A	130
63	73	120	131
64	74	121	132

Working sequence	Final sequence	Working sequence	Final sequence
I22	I33	I30 C	I49
I22 A	I34	I31	I50
I22 B	I35	I32	I51
I23	I36	I33	I52
I23 A	I37	I34	I53
I23 B	I38	I35	I54
I23 C	I39	I36	I55
I24	I40	I37	I56
I25	I41	I38	I57
I25 A	I42	I39	I58
I26	I43	I40	I59
I28	I44	Signature	Signature
I29	I45	Annex I	Annex I
I30	I46	” II	” II
I30 A	I47	” III	” III
I30 B	I48		



