

MAR 14 1902

CONVENTION BETWEEN UNITED STATES AND OTHER
POWERS.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

**AN AUTHENTICATED COPY OF A CONVENTION WITH RESPECT TO
THE LAWS AND CUSTOMS OF WAR ON LAND, SIGNED AT THE
HAGUE, JULY 29, 1899, BY THE PLENIPOTENTIARIES OF THE
UNITED STATES AND OTHER POWERS.**

APRIL 5, 1900.—Read; convention read the first time and referred to the Committee on Foreign Relations, and, together with the message, ordered to be printed in confidence for the use of the Senate.

To the Senate:

I transmit herewith, with a view to receiving the advice and consent of the Senate to its ratification, an authenticated copy of a convention with respect to the laws and customs of war on land, signed at The Hague on July 29, 1899, by the plenipotentiaries of the United States and other powers.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *April 5, 1900.*

[Translation.]

- 1 CONVENTION WITH RESPECT TO THE LAWS AND CUSTOMS OF WAR
2 ON LAND.
- 3 His Majesty the Emperor of Germany, King of Prussia; His
4 Majesty the Emperor of Austria, King of Bohemia etc., and
5 Apostolic King of Hungary; His Majesty the King of the Bel-
6 gians; His Majesty the King of Denmark; His Majesty the King
7 of Spain and in His Name Her Majesty the Queen Regent of the
8 Kingdom; the President of the United States of America; the

1 President of the United Mexican States; the President of the
 2 French Republic; Her Majesty the Queen of the United Kingdom
 3 of Great Britain and Ireland, Empress of India; His Majesty the
 4 King of the Hellenes; His Majesty the King of Italy; His Majesty
 5 the Emperor of Japan; His Royal Highness the Grand Duke of
 6 Luxemburg, Duke of Nassau; His Highness the Prince of Monte-
 7 negro; Her Majesty the Queen of the Netherlands; His Imperial
 8 Majesty the Shah of Persia; His Majesty the King of Portugal
 9 and of the Algarves etc.; His Majesty the King of Roumania;
 10 His Majesty the Emperor of all the Russias; His Majesty the
 11 King of Servia; His Majesty the King of Siam; His Majesty the
 12 King of Sweden and Norway; His Majesty the Emperor of the
 13 Ottomans and His Royal Highness the Prince of Bulgaria.

14 Considering that, while seeking means to preserve peace and
 15 prevent armed conflicts among nations, it is likewise necessary to
 16 have regard to cases where an appeal to arms may be caused by
 17 event which their solicitude could not avert:

18 Animated by the desire to serve, even in this extreme hypothe-
 19 sis, the interests of humanity and the ever increasing requirements
 20 of civilization:

21 Thinking it important, with this object, to revise the laws and
 22 general customs of war, either with the view of defining them
 23 more precisely, or of laying down certain limits for the purpose
 24 of modifying their severity as far as possible;

25 Inspired by these views which are enjoined at the present day,
 26 as they were twenty-five years ago at the time of the Brussels
 27 Conference in 1874, by a wise and generous foresight;

28 Have, in this spirit, adopted a great number of provisions, the
 29 object of which is to define and govern the usages of war on land.

30 In view of the High Contracting Parties, these provisions, the
 31 wording of which has been inspired by the desire to diminish the
 32 evils of war so far as military necessities permit, are destined to
 33 serve as general rules of conduct for belligerents in their relations
 34 with each other and with populations.

35 It has not, however, been possible to agree forthwith on provi-
 36 sions embracing all the circumstances which occur in practice.

37 On the other hand, it could not be intended by the High Con-
 38 tracting Parties that the cases not provided for should, for want

1 of a written provision, be left to the arbitrary judgment of the
2 military Commanders.

3 Until a more complete code of the laws of war is issued, the
4 High Contracting Parties think it right to declare that in cases
5 not included in the Regulations adopted by them, populations
6 and belligerents remain under the protection and empire of the
7 principles of international law, as they result from the usages
8 established between civilized nations, from the laws of humanity,
9 and the requirements of the public conscience;

10 They declare that it is in this sense especially that Articles I
11 and II of the Regulations adopted must be understood;

12 The High Contracting Parties, desiring to conclude a Conven-
13 tion to this effect, have appointed as their Plenipotentiaries,
14 to-wit:—

15 His Majesty the Emperor of Germany, King of Prussia: His
16 Excellency Count de Munster, Prince of Derneburg, His Amba-
17 sador at Paris.

18 His Majesty the Emperor of Austria, King of Bohemia, etc.,
19 and Apostolic King of Hungary: His Excellency Count R. de
20 Welsersheimb, His Ambassador Extraordinary and Plenipoten-
21 tiary: Mr. Alexander Okolicsanyi d'Okolicsna, His Envoy Extraor-
22 dinary and Minister Plenipotentiary at the Hague.

23 His Majesty the King of the Belgians: His Excellency Mr.
24 Auguste Beernaert, His Minister of State, President of the Cham-
25 ber of Representatives; Count de Grelle Rogier, His Envoy
26 Extraordinary and Minister Plenipotentiary at the Hague; the
27 Chevalier Descamps, Senator.

28 His Majesty the King of Denmark: His Chamberlain Fr. E. de
29 Bille, His Envoy Extraordinary and Minister Plenipotentiary at
30 London.

31 His Majesty the King of Spain and in His Name, Her Majesty
32 the Queen Regent of the Kingdom: His Excellency the Duke of
33 Tetuan, former Minister for Foreign Affairs; Mr. W. Ramirez de
34 Villa Urrutia, His Envoy Extraordinary and Minister Plenipoten-
35 tiary at Brussels; Mr. Arthur de Baguer, His Envoy Extraordi-
36 nary and Minister Plenipotentiary at the Hague.

37 The President of the United States of America: Mr. Stanford
38 Newel, Envoy Extraordinary and Minister Plenipotentiary at the
39 Hague.

1 The President of the United Mexican States: Mr. de Mier,
2 Envoy Extraordinary and Minister Plenipotentiary at Paris; Mr.
3 Zenil, Minister Resident at Brussels.

4 The President of the French Republic: Mr. Léon Bourgeois,
5 former President of the Council, former Minister for Foreign
6 Affairs, Member of the Chamber of Deputies; Mr. George Bihourd,
7 Envoy Extraordinary and Minister Plenipotentiary at the Hague;
8 the Baron d'Estournelles de Constant, Minister Plenipotentiary,
9 Member of the Chamber of Deputies.

10 Her Majesty the Queen of the United Kingdom of Great
11 Britain and Ireland, Empress of India: His Excellency the Right
12 Honorable Baron Pauncefote of Preston, Member of Her
13 Majesty's Privy Council, Her Ambassador Extraordinary and
14 Plenipotentiary at Washington; Sir Henry Howard, Her Envoy
15 Extraordinary and Minister Plenipotentiary at the Hague.

16 His Majesty the King of the Hellenes: Mr. N. Delyanni,
17 former President of the Council, former Minister for Foreign
18 Affairs, His Envoy Extraordinary and Minister Plenipotentiary
19 at Paris.

20 His Majesty the King of Italy: His Excellency Count Nigra,
21 His Ambassador at Vienna, Senator of the Kingdom; Count A.
22 Zannini, His Envoy Extraordinary and Minister Plenipotentiary
23 at the Hague; Commander Guido Pompilj, Deputy in the Italian
24 Parliament.

25 His Majesty the Emperor of Japan: Mr. I. Motono, His Envoy
26 Extraordinary and Minister Plenipotentiary at Brussels.

27 His Royal Highness the Grand Duke of Luxemburg, Duke of
28 Nassau: His Excellency Mr. Byschen, His Minister of State,
29 President of the Grand Ducal Government.

30 His Highness the Prince of Montenegro: His Excellency Mr.
31 de Staal, Privy Councillor, Ambassador of Russia at London.

32 Her Majesty the Queen of the Netherlands: the Jonkheer A. P.
33 C. van Karnebeek, former Minister of Foreign Affairs, Member of
34 the Second Chamber of the States General; General J. C. C. den
35 Beer Poortugael, former Minister of War, Member of the Council
36 of State; Mr. T. M. C. Asser, Member of the Council of State;
37 Mr. E. N. Rahusen, Member of the First Chamber of the States
38 General.

1 His Imperial Majesty the Shah of Persia: His Aid-de-Camp
2 General Mirza Riza Khan, Arfa-ud-Dovleh, His Envoy Extra-
3 ordinary and Minister Plenipotentiary at St. Petersburg and
4 at Stockholm.

5 His Majesty the King of Portugal and of the Algarves, etc.:
6 Count de Macedo, Peer of the Kingdom, former Minister of
7 Marine and of the Colonies, His Envoy Extraordinary and Min-
8 ister Plenipotentiary at Madrid; Mr. d'Ornellas et Vasconcellos,
9 Peer of the Kingdom, His Envoy Extraordinary and Minister
10 Plenipotentiary at St. Petersburg; Count de Selir, His Envoy
11 Extraordinary and Minister Plenipotentiary at the Hague.

12 His Majesty the King of Roumania: Mr. Alexander Beldiman,
13 His Envoy Extraordinary and Minister Plenipotentiary at Berlin;
14 Mr. Jean N. Papiniu, His Envoy Extraordinary and Minister
15 Plenipotentiary at the Hague.

16 His Majesty the Emperor of all the Russias: His Excellency
17 Mr. de Staal, Privy Councillor, His Ambassador at London; Mr.
18 de Martens, Permanent Member of the Council of the Imperial
19 Ministry of Foreign Affairs, His Privy Councillor; Mr. de Basily,
20 His Councillor of State, Chamberlain, Director of the First
21 Department of the Imperial Ministry for Foreign Affairs.

22 His Majesty the King of Servia: Mr. Miyatovitch, His Envoy
23 Extraordinary and Minister Plenipotentiary at London and at
24 the Hague.

25 His Majesty the King of Siam: M. Phya Suriya Nuvat, His
26 Envoy Extraordinary and Minister Plenipotentiary at St. Peters-
27 burg and at Paris; M. Phya Visuddha Suriyasa'kti, His Envoy
28 Extraordinary and Minister Plenipotentiary at the Hague and at
29 London.

30 His Majesty the King of Sweden and Norway: the Baron de
31 Rildt, His Envoy Extraordinary and Minister Plenipotentiary at
32 Rome.

33 His Majesty the Emperor of the Ottomans: His Excellency
34 Turkhan Pasha, former Minister of Foreign Affairs, Member of
35 His Council of State; Noury Bey, Secretary General in the Min-
36 istry of Foreign Affairs.

37 His Royal Highness the Prince of Bulgaria: Dr. Dimitri Stan-
38 cioff, Diplomatic Agent at St. Petersburg; Major Christo Hes-
39 saptchieff, Military Attaché at Belgrade.

1 Who, after communication of their full powers, found in good
2 and due form, have agreed on the following:—

3 ARTICLE I.

4 The High Contracting Parties shall issue instructions to their
5 armed land forces, which shall be in conformity with the “Regu-
6 lations respecting the Laws and Customs of War on Land”, an-
7 nexed to the present Convention.

8 ARTICLE II.

9 The provisions contained in the Regulations mentioned in Article
10 I are only binding on the Contracting Powers, in case of war be-
11 tween two or more of them.

12 These provisions shall cease to be binding from the time when,
13 in a war between Contracting Powers, a non-Contracting Power
14 joins one of the belligerents.

15 ARTICLE III.

16 The present Convention shall be ratified as speedily as possible.

17 The ratifications shall be deposited at the Hague.

18 A *procès-verbal* shall be drawn up recording the receipt of
19 each ratification, and a copy, duly certified, shall be sent through
20 the diplomatic channel, to all the Contracting Powers.

21 ARTICLE IV.

22 Non-Signatory Powers are allowed to adhere to the present
23 Convention.

24 For this purpose they must make their adhesion known to the
25 Contracting Powers by means of a written notification, addressed
26 to the Netherland Government, and by it communicated to all the
27 other Contracting Powers.

28 ARTICLE V.

29 In the event of one of the High Contracting Parties denounc-
30 ing the present Convention, such denunciation would not take
31 effect until a year after the written notification made to the Nether-
32 land Government, and by it at once communicated to all the other
33 Contracting Powers.

34 This denunciation shall affect only the notifying Power.

1 In faith of which the Plenipotentiaries have signed the present
2 Convention and affixed their seals thereto.

3 Done at the Hague the 29th July 1899, in a single copy, which
4 shall be kept in the archives of the Netherland Government, and
5 copies of which, duly certified, shall be delivered to the Contract-
6 ing Powers through the diplomatic channel.

7 For Germany:

8 (Signed) MUNSTER DERNEBURG.

9 For Austria-Hungary:

10 (Signed) WELSERSHEIMB.

11 OKOLICSANYI.

12 For Belgium:

13 (Signed) A. BEERNAERT.

14 CTE DE GRELLE ROGIER.

15 CHR DESCAMPS.

16 For Denmark:

17 (Signed) F. BILLE.

18 For Spain:

19 (Signed) EL-DUQUE DE TETUAN.

20 W. R. DE VILLA URRUTIA.

21 ARTURO DE BAGUER.

22 For the United States of America:

23 (Signed) STANFORD NEWEL.

24 For the United Mexican States:

25 (Signed) M. DE MIER.

26 J. ZENIL.

27 For France:

28 (Signed) LEON BOURGEOIS.

29 G. BIHOUD.

30 D'ESTOURNELLES DE CONSTANT.

31 For Great Britain and Ireland:

32 (Signed) PAUNCEFOTE.

33 HENRY HOWARD.

34 For Greece:

35 (Signed) N. DELYANNI.

36 For Italy:

37 (Signed) NIGRA.

38 A. ZANNINI.

39 G. POMPILJ.

- 1 For Japan:
 2 (Signed) I. MOTONO.
 3 For Luxemburg:
 4 (Signed) EYSCHEN.
 5 For Montenegro:
 6 (Signed) STAAL.
 7 For the Netherlands:
 8 (Signed) v. KARNEBEEK.
 9 DEN BEER POORTUGAEL.
 10 T. M. C. ASSER.
 11 E. N. RAHUSEN.
 12 For Persia:
 13 (Signed) MIRZA RIZA KHAN, Arfa-ud-Dovleh.
 14 For Portugal:
 15 (Signed) CONDE DE MACEDO.
 16 AGOSTINHO D'ORNELLAS DE VASCONCELLOS.
 17 CONDE DE SELIR.
 18 For Roumania:
 19 (Signed) A. BELDIMAN.
 20 J. N. PAPINIU.
 21 For Russia:
 22 (Signed) STAAL.
 23 MARTENS.
 24 A. BASILY.
 25 For Servia:
 26 (Signed) CHEDO MIYATOVITCH.
 27 For Siam:
 28 (Signed) PHYA SURIA NUVATR.
 29 VISUDDHA.
 30 For the United Kingdoms of Sweden and Norway:
 31 (Signed) BILDT.
 32 For Turkey:
 33 (Signed) TURKHAN.
 34 MEHEMED NOURY.
 35 For Bulgaria:
 36 (Signed) D. STANCIOFF.
 37 MAJOR HESSAPTCHIEFF.

[Translation.]

ANNEX TO THE CONVENTION.

REGULATIONS RESPECTING THE LAWS AND CUSTOMS
OF WAR ON LAND.

1 SECTION I.—ON BELLIGERENTS.

2 CHAPTER I.—*On the Qualifications of Belligerents.*

3 ARTICLE I.

4 The laws, rights, and duties of war apply not only to armies,
5 but also to militia and volunteer corps, fulfilling the following
6 conditions:

7 1. To be commanded by a person responsible for his subor-
8 dinates;

9 2. To have a fixed distinctive emblem recognizable at a distance;

10 3. To carry arms openly: and

11 4. To conduct their operations in accordance with the laws and
12 customs of war.

13 In countries where militia or volunteer corps constitute the
14 army, or form part of it, they are included under the denomina-
15 tion "army."

16 ARTICLE II.

17 The population of a territory which has not been occupied who,
18 on the enemy's approach, spontaneously take up arms to resist the
19 invading troops without having time to organize themselves in
20 accordance with Article I, shall be regarded a belligerent, if they
21 respect the laws and customs of war.

22 ARTICLE III.

23 The armed forces of the belligerent parties may consist of com-
24 batants and non-combatants. In case of capture by the enemy
25 both have a right to be treated as prisoners of war.

CHAPTER II.—*On Prisoners of War.*

1

2

ARTICLE IV.

3

4

Prisoners of war are in the power of the hostile Government, but not in that of the individuals or corps who captured them.

5

They must be humanely treated.

6

7

All their personal belongings, except arms, horses and military papers remain their property.

8

ARTICLE V.

9

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11

12

Prisoners of war may be interned in a town, fortress, camp, or any other locality, and bound not to go beyond certain fixed lines; but they can only be confined as an indispensable measure of safety.

13

ARTICLE VI.

14

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16

The State may utilize the labor of prisoners of war according to their rank and aptitude. Their tasks shall not be excessive, and shall have nothing to do with the military operations.

17

18

Prisoners may be authorized to work for the Public Service, for private persons, or on their own account.

19

20

21

Work done for the State shall be paid for according to the tariffs in force for soldiers of the national army employed on similar tasks.

22

23

24

When the work is for other branches of the Public Service or for private persons, the conditions shall be settled in agreement with the military authorities.

25

26

27

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them at the time of their release, after deducting the cost of their maintenance.

28

ARTICLE VII.

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34

The Government into whose hands prisoners of war have fallen is bound to maintain them.

Failing a special agreement between the belligerents, prisoners of war shall be treated as regards food, quarters, and clothing, on the same footing as the troops of the Government which has captured them.

1

ARTICLE VIII.

2 Prisoners of war shall be subject to the laws, regulations, and
3 orders in force in the army of the State into whose hands they
4 have fallen.

5 Any act of insubordination warrants the adoption, as regards
6 them, of such measures of severity as may be necessary.

7 Escaped prisoners, recaptured before they have succeeded in
8 rejoining their army or before quitting the territory occupied by
9 the army that captured them, are liable to disciplinary pun-
10 ishment.

11 Prisoners who, after succeeding in escaping are again taken pris-
12 oners, are not liable to any punishment for the previous flight.

13

ARTICLE -IX.

14 Every prisoner of war, if questioned, is bound to declare his
15 true name and rank, and if he disregards this rule, he is liable to
16 a curtailment of the advantages accorded to the prisoners of war
17 of his class.

18

ARTICLE X.

19 Prisoners of war may be set at liberty on parole if the laws of
20 their country authorize it, and, in such a case, they are bound, on
21 their personal honour, scrupulously to fulfill, both as regards
22 their own Government and the Government by whom they were
23 made prisoners, the engagements they have contracted.

24 In such cases, their own Government shall not require of nor
25 accept from them any service incompatible with the parole given.

26

ARTICLE XI.

27 A prisoner of war cannot be forced to accept his liberty on
28 parole; similarly the hostile Government is not obliged to assent
29 to the prisoner's request to be set at liberty on parole.

30

ARTICLE XII.

31 Any prisoner of war, who is liberated on parole and recap-
32 tured, bearing arms against the Government to whom he had
33 pledged his honor, or against the allies of that Government, for-
34 feits his right to be treated as a prisoner of war, and can be
35 brought before the Courts.

ARTICLE XIII.

1

2 Individuals who follow an army without directly belonging to
3 it, such as newspaper correspondents and reporters, sutlers, con-
4 tractors, who fall into the enemy's hands, and whom the latter
5 think fit to detain, have a right to be treated as prisoners of war,
6 provided they can produce a certificate from the military authori-
7 ties of the army they were accompanying.

8

ARTICLE XIV.

9 A Bureau for information relative to prisoners of war is insti-
10 tuted, on the commencement of hostilities, in each of the bel-
11 ligerent States, and when necessary, in the neutral countries on
12 whose territory belligerents have been received. This Bureau
13 is intended to answer all inquiries about prisoners of war, and
14 is furnished by the various services concerned with all the nec-
15 essary information to enable it to keep an individual return for
16 each prisoner of war. It is kept informed of interments and
17 changes, as well as of admissions into hospital and deaths.

18 It is also the duty of the Information Bureau to receive and
19 collect all objects of personal use, valuables, letters, &c., found
20 on the battlefields or left by prisoners who have died in hospital
21 or ambulance, and to transmit them to those interested.

22

ARTICLE XV.

23 Relief Societies for prisoners of war, which are regularly con-
24 stituted in accordance with the law of the country with the object
25 of serving as the intermediary for charity, shall receive from the
26 belligerents for themselves and their duly accredited agents every
27 facility, within the bounds of military requirements and Admin-
28 istrative Regulations, for the effective accomplishment of their
29 humane task. Delegates of these Societies may be admitted to
30 the places of interment for the distribution of relief, as also to
31 the halting places of repatriated prisoners, if furnished with a
32 personal permit by the military authorities, and on giving an
33 engagement in writing to comply with all their Regulations for
34 order and police.

1 ARTICLE XVI.

2 The Information Bureau shall have the privilege of free post-
3 age. Letters, money orders, and valuables, as well as postal
4 parcels destined for the prisoners of war or dispatched by them,
5 shall be free of all postal duties both in the countries of origin
6 and destination, as well as in those they pass through.

7 Gifts and relief in kind for prisoners of war shall be admitted
8 free of all duties of entry and others, as well as of payments for
9 carriage by the Government railways.

10 ARTICLE XVII.

11 Officers taken prisoners may receive, if necessary, the full pay
12 allowed them in this position by their country's regulations, the
13 amount to be repaid by their Government.

14 ARTICLE XVIII.

15 Prisoners of war shall enjoy every latitude in the exercise of
16 their religion, including attendance at their own church services,
17 provided only they comply with the regulations for order and
18 police issued by the military authorities.

19 ARTICLE XIX.

20 The wills of prisoners of war are received or drawn up on the
21 same conditions as for soldiers of the National Army.

22 The same rules shall be observed regarding death certificates,
23 as well as for the burial of prisoners of war, due regard being
24 paid to their grade and rank.

25 ARTICLE XX.

26 After the conclusion of peace, the repatriation of prisoners of
27 war shall take place as speedily as possible.

28 CHAPTER III.—*On the Sick and Wounded.*

29 ARTICLE XXI.

30 The obligations of belligerents with regard to the sick and
31 wounded are governed by the Geneva Convention of the 22nd
32 August, 1864, subject to any modifications which may be intro-
33 duced into it.

1 SECTION II.—ON HOSTILITIES.

2 CHAPTER I. —*On means of injuring the Enemy, Sieges, and*
3 *Bombardments.*

4 ARTICLE XXII.

5 The right of belligerents to adopt means of injuring the enemy
6 is not unlimited.

7 ARTICLE XXIII.

8 Besides the prohibitions provided by special Conventions, it is
9 especially prohibited:—

10 (a.) To employ poison or poisoned arms;

11 (b.) To kill or wound treacherously individuals belonging to
12 the hostile nation or army;13 (c.) To kill or wound an enemy who, having laid down arms, or
14 having no longer means of defence, has surrendered at discretion;

15 (d.) To declare that no quarter will be given;

16 (e.) To employ arms, projectiles, or material of a nature to
17 cause superfluous injury;18 (f.) To make improper use of a flag of truce, the national flag,
19 or military ensigns and the enemy's uniform, as well as the dis-
20 tinctive badges of the Geneva Convention;21 (g.) To destroy or seize the enemy's property, unless such
22 destruction or seizure be imperatively demanded by the neces-
23 sities of war.

24 ARTICLE XXIV.

25 Ruses of war and the employment of methods necessary to
26 obtain information about the enemy and the country, are con-
27 sidered allowable.

28 ARTICLE XXV.

29 The attack or bombardment of towns, villages, habitations or
30 buildings which are not defended, is prohibited.

31 ARTICLE XXVI.

32 The Commander of an attacking force, before commencing a
33 bombardment, except in the case of an assault, should do all he
34 can to warn the authorities.

1 ARTICLE XXVII.

2 In sieges and bombardments all necessary steps should be
 3 taken to spare as far as possible edifices devoted to religion, art,
 4 science, and charity, hospitals, and places where the sick and
 5 wounded are collected, provided they are not used at the same
 6 time for military purposes.

7 The besieged should indicate these buildings or places by some
 8 particular and visible signs, which should previously be notified
 9 to the assailants.

10 ARTICLE XXVIII.

11 The pillage of a town or place, even when taken by assault, is
 12 prohibited.

13 CHAPTER II.—*On Spies.*

14 ARTICLE XXIX.

15 An individual can only be considered a spy if, acting clandes-
 16 tinely, or on false pretences, he obtains, or seeks to obtain infor-
 17 mation in the zone of operations of a belligerent, with the
 18 intention of communicating it to the hostile party.

19 Thus, soldiers not in disguise who have penetrated into the zone
 20 of operations of a hostile army to obtain information are not con-
 21 sidered spies. Similarly, the following are not considered spies:
 22 soldiers or civilians, carrying out their mission openly, charged
 23 with the delivery of despatches destined either for their own army
 24 or for that of the enemy. To this class belong likewise individ-
 25 uals sent in balloons to deliver despatches, and generally to main-
 26 tain communication between the various parts of an army or a
 27 territory.

28 ARTICLE XXX.

29 A spy taken in the act cannot be punished without previous
 30 trial.

31 ARTICLE XXXI.

32 A spy who, after rejoining the army to which he belongs, is
 33 subsequently captured by the enemy, is treated as a prisoner of
 34 war, and incurs no responsibility for his previous acts of espionage.

CHAPTER III.—*On Flags of Truce.*

ARTICLE XXXII.

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2
3 An individual is considered as bearing a flag of truce who is
4 authorized by one of the belligerents to enter into communication
5 with the other, and who carries a white flag. He has a right to
6 inviolability, as well as the trumpeter, bugler, or drummer, the
7 flag-bearer, and the interpreter who may accompany him.

ARTICLE XXXIII.

8
9 The Chief to whom a flag of truce is sent is not obliged to
10 receive it in all circumstances.

11 He can take all steps necessary to prevent the envoy taking
12 advantage of his mission to obtain information.

13 In case of abuse, he has the right to detain the envoy tem-
14 porarily.

ARTICLE XXXIV.

15
16 The envoy loses his rights of inviolability if it is proved beyond
17 doubt that he has taken advantage of his privileged position to
18 provoke or commit an act of treachery.

CHAPTER IV.—*On Capitulations.*

ARTICLE XXXV.

19
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21 Capitulations agreed on between the Contracting Parties must
22 be in accordance with the rules of military honour.

23 When once settled, they must be scrupulously observed by
24 both the parties.

CHAPTER V.—*On Armistices.*

ARTICLE XXXVI.

25
26
27 An armistice suspends military operations by mutual agree-
28 ment between the belligerent parties. If its duration is not
29 fixed, the belligerent parties can resume operations at any time,
30 provided always the enemy is warned within the time agreed
31 upon, in accordance with the terms of the armistice.

1

ARTICLE XXXVII.

2 An armistice may be general or local. The first suspends all
3 military operations of the belligerent States; the second, only
4 those between certain fractions of the belligerent armies and in a
5 fixed radius.

6

ARTICLE XXXVIII.

7 An armistice must be notified officially, and in good time, to the
8 competent authorities and the troops. Hostilities are suspended
9 immediately after the notification, or at a fixed date.

10

ARTICLE XXXIX.

11 It is for the Contracting Parties to settle, in the terms of the
12 armistice, what communications may be held, on the theatre of
13 war, with the population and with each other.

14

ARTICLE XL.

15 Any serious violation of the armistice by one of the parties
16 gives the other party the right to denounce it, and even, in case
17 of urgency, to recommence hostilities at once.

18

ARTICLE XLI.

19 A violation of the terms of the armistice by private individuals
20 acting on their own initiative, only confers the right of demand-
21 ing the punishment of the offenders, and, if necessary, indemnity
22 for the losses sustained.

23

SECTION III.—ON MILITARY AUTHORITY OVER HOSTILE

24

TERRITORY.

25

ARTICLE XLII.

26 Territory is considered occupied when it is actually placed under
27 the authority of the hostile army.

28 The occupation applies only to the territory where such authority
29 is established, and in a position to assert itself.

30

ARTICLE XLIII.

31 The authority of the legitimate power having actually passed
32 into the hands of the occupant, the latter shall take all steps in

1 his power to re-establish and insure, as far as possible, public order
2 and safety, while respecting, unless absolutely prevented, the laws
3 in force in the country.

4 ARTICLE XLIV.

5 Any compulsion of the population of occupied territory to take
6 part in military operations against its own country is prohibited.

7 ARTICLE XLV.

8 Any pressure on the population of occupied territory to take
9 the oath to the hostile Power is prohibited.

10 ARTICLE XLVI.

11 Family honours and rights, individual lives and private prop-
12 erty, as well as religious convictions and liberty, must be respected.
13 Private property cannot be confiscated.

14 ARTICLE XLVII.

15 Pillage is formally prohibited.

16 ARTICLE XLVIII.

17 If, in the territory occupied, the occupant collects the taxes,
18 dues, and tolls imposed for the benefit of the State, he shall do it,
19 as far as possible, in accordance with the rules in existence and
20 the assessment in force, and will in consequence be bound to
21 defray the expenses of the administration of the occupied territory
22 on the same scale as that by which the legitimate Government was
23 bound.

24 ARTICLE XLIX.

25 If, besides the taxes mentioned in the preceding Article, the
26 occupant levies other money taxes in the occupied territory, this
27 can only be for military necessities or the administration of such
28 territory.

29 ARTICLE L.

30 No general penalty, pecuniary or otherwise, can be inflicted on
31 the population on account of the acts of individuals for which it
32 cannot be regarded as collectively responsible.

1

ARTICLE LI.

2 No tax shall be collected except under a written order and on
3 the responsibility of a Commander-in-Chief.

4 This collection shall only take place, as far as possible, in accord-
5 ance with the rules in existence and the assessment of taxes in
6 force.

7 For every payment a receipt shall be given to the taxpayer.

8

ARTICLE LII.

9 Neither requisition in kind nor services can be demanded from
10 communes or inhabitants except for the necessities of the army of
11 occupation. They must be in proportion to the resources of the
12 country, and of such a nature as not to involve the population in
13 the obligation of taking part in military operations against their
14 country.

15 These requisitions and services shall only be demanded on the
16 authority of the Commander in the locality occupied.

17 The contributions in kind shall, as far as possible, be paid for
18 in ready money; if not, their receipt shall be acknowledged.

19

ARTICLE LIII.

20 An army of occupation can only take possession of the cash,
21 funds, and property liable to requisition belonging strictly to the
22 State, depôts of arms, means of transport, stores and supplies,
23 and, generally, all movable property of the State which may be
24 used for military operations.

25 Railway plant, land telegraphs, telephones, steamers, and other
26 ships, apart from cases governed by maritime law, as well as
27 depôts of arms and, generally, all kinds of war material, even
28 though belonging to Companies or to private persons, are like-
29 wise material which may serve for military operations, but they
30 must be restored at the conclusion of peace, and indemnities paid
31 for them.

32

ARTICLE LIV.

33 The plant of railways coming from neutral States, whether the
34 property of those States, or of Companies, or of private persons,
35 shall be sent back to them as soon as possible.

1 ARTICLE LV.

2 The occupying State shall only be regarded as administrator
3 and usufructuary of the public buildings, real property, forests,
4 and agricultural works belonging to the hostile State, and situated
5 in the occupied country. It must protect the capital of these
6 properties, and administer it according to the rules of usufruct.

7 ARTICLE LVI.

8 The property of the communes, that of religions, charitable,
9 and educational institutions, and those of arts and science, even
10 when State property, shall be treated as private property.

11 All seizure of, and destruction, or intentional damage done to
12 such institutions, to historical monuments, works of art or science,
13 is prohibited, and should be made the subject of proceedings.

14 SECTION IV.—ON THE INTERNMENT OF BELLIGERENTS AND THE
15 CARE OF THE WOUNDED IN NEUTRAL COUNTRIES.

16 ARTICLE LVII.

17 A neutral State which receives in its territory troops belonging
18 to the belligerent armies shall intern them, as far as possible, at
19 a distance from the theatre of war.

20 It can keep them in camps, and even confine them in fortresses
21 or locations assigned for this purpose.

22 It shall decide whether officers may be left at liberty on giving
23 their parole that they will not leave the neutral territory without
24 authorization.

25 ARTICLE LVIII.

26 Failing a special Convention, the neutral State shall supply the
27 interned with the food, clothing, and relief required by humanity.

28 At the conclusion of peace, the expenses caused by the intern-
29 ment shall be made good.

30 ARTICLE LIX.

31 A neutral State may authorize the passage through its territory
32 of wounded or sick belonging to the belligerent armies, on condi-
33 tion that the trains bringing them shall carry neither combatants
34 nor war material. In such a case, the neutral State is bound to

1 adopt such measures of safety and control as may be necessary
2 for the purpose.

3 Wounded and sick brought under these conditions into neutral
4 territory by one of the belligerents, and belonging to the hostile
5 party, must be guarded by the neutral State, so as to insure their
6 not taking part again in the military operations. The same duty
7 shall devolve on the neutral State with regard to wounded or sick
8 of the other army who may be committed to its care.

9

ARTICLE LX.

10 The Geneva Convention applies to sick and wounded interned
11 in neutral territory.