

LAWS AND CUSTOMS OF WAR ON LAND.

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

**A CONVENTION SIGNED BY THE DELEGATES OF THE UNITED STATES TO THE SECOND INTERNATIONAL PEACE CONFERENCE HELD AT THE HAGUE FROM JUNE 15 TO OCTOBER 18, 1907, RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND.**

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FEBRUARY 27, 1908.—Read; convention read the first time and referred to the Committee on Foreign Relations, and, together with the message and accompanying papers, ordered to be printed in confidence for the use of the Senate.

MARCH 10, 1908.—Ratified and made public.

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*To the Senate:*

I transmit, with a view to receiving the advice and consent of the Senate to ratification, the conventions and declaration signed by the delegates of the United States to the Second International Peace Conference held at The Hague from June 15 to October 18, 1907, together with a report by the Secretary of State and other accompanying papers.

The attention of the Senate is invited to the recommendations made by the Secretary of State, in which I concur.

THEODORE ROOSEVELT.

THE WHITE HOUSE,  
*February 27, 1908.*

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THE PRESIDENT:

I submit for your consideration and for transmission to the Senate, should you deem it proper to do so, with a view to obtaining the advice and consent of that body to ratification, the following conventions and declaration signed by the delegates of the United States to the Second International Peace Conference held at The Hague from the 15th of June to the 18th of October, 1907:

Convention for the Pacific Settlement of International Disputes.

Convention respecting the Limitation of the Employment of Force for the Recovery of Contract Debts.

Convention relative to the Opening of Hostilities.

Convention respecting the Laws and Customs of War on Land.

Convention respecting the Rights and Duties of Neutral Powers and Persons in case of War on Land.

Convention relative to the Laying of Automatic Submarine Contact Mines.

Convention respecting Bombardment by Naval Forces in Time of War.

Convention for the Adaptation to Naval War of the Principles of the Geneva Convention.

Convention relative to certain Restrictions with regard to the Exercise of the Right of Capture in Naval War.

Convention relative to the Creation of an International Prize Court.

Declaration prohibiting the discharge of Projectiles and Explosives from Balloons.

I recommend that as to the convention for the peaceful adjustment of international differences, the ratification be subject to the following declaration:

In approving the convention for the Pacific Settlement of International Disputes, the United States exercises the option contained in article 53 of said Convention, to exclude the formulation of the *compromis* by the Permanent Court, and hereby expressly excludes from the competence of the Permanent Court the power to frame the *compromis* required by general or special treaties of arbitration concluded or hereafter to be concluded by the United States, and further expressly declares that the *compromis* required by any treaty of arbitration to which the United States may be a party shall be settled only by agreement between the contracting parties, unless such treaty shall expressly provide otherwise.

I submit also a convention concerning the rights and duties of neutral powers in naval war, voted for by a majority of the delegates, but which the American delegates at the Conference refrained from signing and reserved for further consideration. Upon careful consideration of this Convention, I recommend that the United States become a party thereto by formal adherence, reserving, however, and excluding from its assent the second paragraph of Article III, which is in the following words:

If the prize is not in the jurisdiction of the neutral power, the captor government, on the demand of that power, must liberate the prize with its officers and crew.

And reserving also and excluding from its assent Article XXIII, which is in the following words:

A neutral power may allow prizes to enter its ports and roadsteads, whether under convoy or not, when they are brought there to be sequestered pending the decision of a prize court. It may have the prize taken to another of its ports.

If the prize is convoyed by a war ship, the prize crew may go on board the convoying ship.

If the prize is not under convoy, the prize crew are left at liberty.

I transmit also as relevant and material to the consideration of these Conventions the following documents:

1. The Final Act of the Conference.
2. The instructions to the American delegates, including the 1899 instructions.
3. The report of the American delegates of the proceedings of the Conference and their participation therein.
4. Copies of the two Conventions signed by other delegates but not signed by the American delegates, adherence to which is still open to the United States, but adherence to which is not now recommended.

Let me go beyond the limits of the customary formal letter of transmittal and say that I think the work of the Second Hague Conference, which is mainly embodied in these Conventions, presents the greatest advance ever made at any single time toward the reasonable and peaceful regulation of international conduct, unless it be the advance made at The Hague Conference of 1899.

The most valuable result of the Conference of 1899 was that it made the work of the Conference of 1907 possible. The achievements of the two Conferences justify the belief that the world has entered upon an orderly process through which, step by step, in successive Conferences, each taking the work of its predecessor as its point of departure, there may be continual progress toward making the practice of civilized nations conform to their peaceful professions.

Respectfully submitted.

ELIHU ROOT.

DEPARTMENT OF STATE,

*Washington, February 26, 1908.*

1 His Majesty the German Emperor, King of Prussia; the  
 2 President of the United States of America; the President of the  
 3 Argentine Republic; His Majesty the Emperor of Austria, King  
 4 of Bohemia, &c., and Apostolic King of Hungary; His Majesty  
 5 the King of the Belgians; the President of the Republic of  
 6 Bolivia; the President of the Republic of the United States of  
 7 Brazil; His Royal Highness the Prince of Bulgaria; the Presi-  
 8 dent of the Republic of Chile; His Majesty the Emperor of  
 9 China; the President of the Republic of Colombia; the Provi-  
 10 sional Governor of the Republic of Cuba; His Majesty the King  
 11 of Denmark; the President of the Dominican Republic; the  
 12 President of the Republic of Ecuador; His Majesty the King of  
 13 Spain; the President of the French Republic; His Majesty the  
 14 King of the United Kingdom of Great Britain and Ireland and of  
 15 the British Dominions beyond the Seas, Emperor of India; His  
 16 Majesty the King of the Hellenes; the President of the Republic  
 17 of Guatemala; the President of the Republic of Haiti; His  
 18 Majesty the King of Italy; His Majesty the Emperor of Japan;  
 19 His Royal Highness the Grand Duke of Luxemburg, Duke of  
 20 Nassau; the President of the United States of Mexico; His Royal  
 21 Highness the Prince of Montenegro; the President of the Re-  
 22 public of Nicaragua; His Majesty the King of Norway; the  
 23 President of the Republic of Panamá; the President of the  
 24 Republic of Paraguay; Her Majesty the Queen of the Nether-  
 25 lands; the President of the Republic of Peru; His Imperial

1 Majesty the Shah of Persia; His Majesty the King of Portugal  
 2 and of the Algarves, &c.; His Majesty the King of Roumania;  
 3 His Majesty the Emperor of All the Russias; the President of the  
 4 Republic of Salvador; His Majesty the King of Servia; His  
 5 Majesty the King of Siam; His Majesty the King of Sweden;  
 6 the Swiss Federal Council; His Majesty the Emperor of the  
 7 Ottomans; the President of the Oriental Republic of Uruguay;  
 8 the President of the United States of Venezuela:

9 Seeing that, while seeking means to preserve peace and pre-  
 10 vent armed conflicts between nations, it is likewise necessary to  
 11 bear in mind the case where the appeal to arms has been brought  
 12 about by events which their care was unable to avert;

13 Animated by the desire to serve, even in this extreme case, the  
 14 interests of humanity and the ever progressive needs of civilization;

15 Thinking it important, with this object, to revise the general  
 16 laws and customs of war, either with a view to defining them  
 17 with greater precision or to confining them within such limits  
 18 as would mitigate their severity as far as possible;

19 Have deemed it necessary to complete and explain in certain  
 20 particulars the work of the First Peace Conference, which, fol-  
 21 lowing on the Brussels Conference of 1874, and inspired by the  
 22 ideas dictated by a wise and generous forethought, adopted pro-  
 23 visions intended to define and govern the usages of war on land.

24 According to the views of the High Contracting Parties, these  
 25 provisions, the wording of which has been inspired by the desire to  
 26 diminish the evils of war, as far as military requirements permit,  
 27 are intended to serve as a general rule of conduct for the bellig-  
 28 erents in their mutual relations and in their relations with the  
 29 inhabitants.

30 It has not, however, been found possible at present to concert  
 31 Regulations covering all the circumstances which arise in practice ;

32 On the other hand, the High Contracting Parties clearly do not  
 33 intend that unforeseen cases should, in the absence of a written  
 34 undertaking, be left to the arbitrary judgment of military  
 35 commanders.

36 Until a more complete code of the laws of war has been issued,  
 37 the High Contracting Parties deem it expedient to declare that,  
 38 in cases not included in the Regulations adopted by them, the  
 39 inhabitants and the belligerents remain under the protection  
 40 and the rule of the principles of the law of nations, as they

1 result from the usages established among civilized peoples, from  
2 the laws of humanity, and the dictates of the public conscience.

3 They declare that it is in this sense especially that Articles I  
4 and II of the Regulations adopted must be understood.

5 The High Contracting Parties, wishing to conclude a fresh  
6 Convention to this effect, have appointed the following as their  
7 Plenipotentiaries:---

8 [For names of Plenipotentiaries, see Final Act, *supra*.]

9 Who, after having deposited their full powers, found in good  
10 and due form, have agreed upon the following:--

11 ARTICLE I.

12 The Contracting Powers shall issue instructions to their armed  
13 land forces which shall be in conformity with the Regulations  
14 respecting the Laws and Customs of War on Land, annexed to  
15 the present Convention.

16 § ARTICLE II.

17 The provisions contained in the Regulations referred to in  
18 Article I, as well as in the present Convention, do not apply  
19 except between Contracting Powers, and then only if all the  
20 belligerents are parties to the Convention.

21 ARTICLE III.

22 A belligerent party which violates the provisions of the said  
23 Regulations shall, if the case demands, be liable to pay compen-  
24 sation. It shall be responsible for all acts committed by persons  
25 forming part of its armed forces.

26 ARTICLE IV.

27 The present Convention, duly ratified, shall as between the  
28 Contracting Powers, be substituted for the Convention of the  
29 29th July, 1899, respecting the Laws and Customs of War on  
30 Land.

31 The Convention of 1899 remains in force as between the Pow-  
32 ers which signed it, and which do not also ratify the present  
33 Convention.

34 ARTICLE V.

35 The present Convention shall be ratified as soon as possible.

36 The ratifications shall be deposited at The Hague.

37 The first deposit of ratifications shall be recorded in a *procès-*  
38 *verbal* signed by the Representatives of the Powers which take  
39 part therein and by the Netherland Minister for Foreign Affairs.

1 The subsequent deposits of ratifications shall be made by means  
2 of a written notification, addressed to the Netherland Govern-  
3 ment and accompanied by the instrument of ratification.

4 A duly certified copy of the *procès-verbal* relative to the first  
5 deposit of ratifications, of the notifications mentioned in the  
6 preceding paragraph, as well as of the instruments of ratifica-  
7 tion, shall be immediately sent by the Netherland Government,  
8 through the diplomatic channel, to the Powers invited to the  
9 Second Peace Conference, as well as to the other Powers which  
10 have adhered to the Convention. In the cases contemplated in  
11 the preceding paragraph the said Government shall at the same  
12 time inform them of the date on which it received the notification.

#### 13 ARTICLE VI.

14 Non-Signatory Powers may adhere to the present Convention.  
15 The Power which desires to adhere notifies in writing its inten-  
16 tion to the Netherland Government, forwarding to it the act of  
17 adhesion, which shall be deposited in the archives of the said  
18 Government.

19 This Government shall at once transmit to all the other Powers  
20 a duly certified copy of the notification as well as of the act of  
21 adhesion, mentioning the date on which it received the notifi-  
22 cation.

#### 23 ARTICLE VII.

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

#### 31 ARTICLE VIII.

32 In the event of one of the Contracting Powers wishing to  
33 denounce the present Convention, the denunciation shall be  
34 notified in writing to the Netherland Government, which shall  
35 at once communicate a duly certified copy of the notification to  
36 all the other Powers, informing them of the date on which it was  
37 received.

1 The denunciation shall only have effect in regard to the noti-  
 2 fying Power, and one year after the notification has reached the  
 3 Netherland Government.

4 ARTICLE IX.

5 A register kept by the Netherland Ministry for Foreign Affairs  
 6 shall give the date of the deposit of ratifications made in virtue  
 7 of Article V, paragraphs 3 and 4, as well as the date on which the  
 8 notifications of adhesion (Article VI, paragraph 2) or of denun-  
 9 ciation (Article VIII, paragraph 1) were received.

10 Each Contracting Power is entitled to have access to this  
 11 register and to be supplied with duly certified extracts.

12 In faith whereof the Plenipotentiaries have appended their  
 13 signatures to the present Convention.

14 Done at The Hague, the 18th October, 1907, in a single copy,  
 15 which shall remain deposited in the archives of the Netherland  
 16 Government, and duly certified copies of which shall be sent,  
 17 through the diplomatic channel, to the Powers which have been  
 18 invited to the Second Peace Conference.

19 ANNEX TO THE CONVENTION.

20 *Regulations respecting the Laws and Customs of War on Land.*

21 SECTION I.—ON BELLIGERENTS.

22 CHAPTER I.—*The Qualifications of Belligerents.*

23 ARTICLE I.

24 THE laws, rights, and duties of war apply not only to armies,  
 25 but also to militia and volunteer corps fulfilling the following  
 26 conditions:—

27 1. To be commanded by a person responsible for his subor-  
 28 dinates;

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

31 3. To carry arms openly; and

32 4. To conduct their operations in accordance with the laws  
 33 and customs of war.

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





1 The wages of the prisoners shall go towards improving their  
 2 position, and the balance shall be paid them on their release,  
 3 after deducting the cost of their maintenance.

4 ARTICLE VII.

5 The Government into whose hands prisoners of war have fallen  
 6 is charged with their maintenance.

7 In the absence of a special agreement between the belligerents,  
 8 prisoners of war shall be treated as regards board, lodging, and  
 9 clothing on the same footing as the troops of the Government  
 10 who captured them.

11 ARTICLE VIII.

12 Prisoners of war shall be subject to the laws, regulations,  
 13 and orders in force in the army of the State in whose power  
 14 they are. Any act of insubordination justifies the adoption  
 15 towards them of such measures of severity as may be con-  
 16 sidered necessary.

17 Escaped prisoners who are retaken before being able to  
 18 rejoin their own army or before leaving the territory occupied  
 19 by the army which captured them are liable to disciplinary  
 20 punishment.

21 Prisoners who, after succeeding in escaping, are again taken  
 22 prisoners, are not liable to any punishment on account of the  
 23 previous flight.

24 ARTICLE IX.

25 Every prisoner of war is bound to give, if he is questioned  
 26 on the subject, his true name and rank, and if he infringes  
 27 this rule, he is liable to have the advantages given to prisoners  
 28 of his class curtailed.

29 ARTICLE X.

30 Prisoners of war may be set at liberty on parole if the laws  
 31 of their country allow, and, in such cases, they are bound, on  
 32 their personal honour, scrupulously to fulfil, both towards their  
 33 own Government and the Government by whom they were  
 34 made prisoners, the engagements they have contracted.

35 In such cases their own Government is bound neither to  
 36 require of nor accept from them any service incompatible with  
 37 the parole given.

## ARTICLE XI.

1

2 A prisoner of war cannot be compelled to accept his liberty  
3 on parole; similarly the hostile Government is not obliged to  
4 accede to the request of the prisoner to be set at liberty on  
5 parole.

6

## ARTICLE XII.

7 Prisoners of war liberated on parole and recaptured bearing  
8 arms against the Government to whom they had pledged  
9 their honour, or against the allies of that Government, forfeit  
10 their right to be treated as prisoners of war, and can be brought  
11 before the Courts.

12

## ARTICLE XIII.

13 Individuals who follow an army without directly belonging  
14 to it, such as newspaper correspondents and reporters, sutlers  
15 and contractors, who fall into the enemy's hands and whom  
16 the latter thinks expedient to detain, are entitled to be treated  
17 as prisoners of war, provided they are in possession of a certifi-  
18 cate from the military authorities of the army which they  
19 were accompanying.

20

## ARTICLE XIV.

21 An inquiry office for prisoners of war is instituted on the  
22 commencement of hostilities in each of the belligerent States,  
23 and, when necessary, in neutral countries which have received  
24 belligerents in their territory. It is the function of this office  
25 to reply to all inquiries about the prisoners. It receives from  
26 the various services concerned full information respecting  
27 internments and transfers, releases on parole, exchanges,  
28 escapes, admissions into hospital, deaths, as well as other  
29 information necessary to enable it to make out and keep up  
30 to date an individual return for each prisoner of war. The  
31 office must state in this return the regimental number, name  
32 and surname, age, place of origin, rank, unit, wounds, date  
33 and place of capture, internment, wounding, and death, as  
34 well as any observations of a special character. The indi-  
35 vidual return shall be sent to the Government of the other  
36 belligerent after the conclusion of peace.

37

38 It is likewise the function of the inquiry office to receive  
39 and collect all objects of personal use, valuables, letters, &c.,  
found on the field of battle or left by prisoners who have been

1 released on parole, or exchanged, or who have escaped, or  
2 died in hospitals or ambulances, and to forward them to those  
3 concerned.

4 **ARTICLE XV.**

5 Relief societies for prisoners of war, which are properly con-  
6 stituted in accordance with the laws of their country and with  
7 the object of serving as the channel for charitable effort shall  
8 receive from the belligerents, for themselves and their duly  
9 accredited agents every facility for the efficient performance  
10 of their humane task within the bounds imposed by military  
11 necessities and administrative regulations. Agents of these  
12 societies may be admitted to the places of internment for the  
13 purpose of distributing relief, as also to the halting places of  
14 repatriated prisoners, if furnished with a personal permit by  
15 the military authorities, and on giving an undertaking in writ-  
16 ing to comply with all measures of order and police which the  
17 latter may issue.

18 **ARTICLE XVI.**

19 Inquiry offices enjoy the privilege of free postage. Letters,  
20 money orders, and valuables, as well as parcels by post, intended  
21 for prisoners of war, or dispatched by them, shall be exempt  
22 from all postal duties in the countries of origin and destination,  
23 as well as in the countries they pass through.

24 Presents and relief in kind for prisoners of war shall be admitted  
25 free of all import or other duties, as well as of payments for car-  
26 riage by the State railways.

27 **ARTICLE XVII.**

28 Officers taken prisoners shall receive the same rate of pay as  
29 officers of corresponding rank in the country where they are  
30 detained, the amount to be ultimately refunded by their own  
31 Government.

32 **ARTICLE XVIII.**

33 Prisoners of war shall enjoy complete liberty in the exercise  
34 of their religion, including attendance at the services of what-  
35 ever Church they may belong to, on the sole condition that they  
36 comply with the measures of order and police issued by the  
37 military authorities.

38 **ARTICLE XIX.**

39 The wills of prisoners of war are received or drawn up in the  
40 same way as for soldiers of the national army.

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

4 ARTICLE XX.

5 After the conclusion of peace, the repatriation of prisoners of  
 6 war shall be carried out as quickly as possible.

7 CHAPTER III.—*The Sick and Wounded.*

8 ARTICLE XXI.

9 The obligations of belligerents with regard to the sick and  
 10 wounded are governed by the Geneva Convention.

11 SECTION II.—HOSTILITIES.

12 CHAPTER I.—*Means of Injuring the Enemy, Sieges, and Bom-*  
 13 *bardments.*

14 ARTICLE XXII.

15 The right of belligerents to adopt means of injuring the enemy  
 16 is not unlimited.

17 ARTICLE XXIII.

18 In addition to the prohibitions provided by special Conven-  
 19 tions, it is especially forbidden—

- 20 (a.) To employ poison or poisoned weapons;  
 21 (b.) To kill or wound treacherously individuals belonging  
 22 to the hostile nation or army;  
 23 (c.) To kill or wound an enemy who, having laid down his  
 24 arms, or having no longer means of defence, has  
 25 surrendered at discretion;  
 26 (d.) To declare that no quarter will be given;  
 27 (e.) To employ arms, projectiles, or material calculated to  
 28 cause unnecessary suffering;  
 29 (f.) To make improper use of a flag of truce, of the national  
 30 flag, or of the military insignia and uniform of the  
 31 enemy, as well as the distinctive badges of the  
 32 Geneva Convention;  
 33 (g.) To destroy or seize the enemy's property, unless such  
 34 destruction or seizure be imperatively demanded by  
 35 the necessities of war;  
 36 (h.) To declare abolished, suspended, or inadmissible in a  
 37 Court of law the rights and actions of the nationals  
 38 of the hostile party.

1 A belligerent is likewise forbidden to compel the nationals of  
 2 the hostile party to take part in the operations of war directed  
 3 against their own country, even if they were in the belligerent's  
 4 service before the commencement of the war.

5 ARTICLE XXIV.

6 Ruses of war and the employment of measures necessary for  
 7 obtaining information about the enemy and the country are  
 8 considered permissible.

9 ARTICLE XXV.

10 The attack or bombardment, by whatever means, of towns,  
 11 villages, dwellings, or buildings which are undefended is pro-  
 12 hibited.

13 ARTICLE XXVI.

14 The officer in command of an attacking force must, before  
 15 commencing a bombardment, except in cases of assault, do all  
 16 in his power to warn the authorities.

17 ARTICLE XXVII.

18 In sieges and bombardments all necessary steps must be taken  
 19 to spare, as far as possible, buildings dedicated to religion, art,  
 20 science, or charitable purposes, historic monuments, hospitals,  
 21 and places where the sick and wounded are collected, provided  
 22 they are not being used at the time for military purposes.

23 It is the duty of the besieged to indicate the presence of such  
 24 buildings or places by distinctive and visible signs, which shall  
 25 be notified to the enemy beforehand.

26 ARTICLE XXVIII.

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

29 CHAPTER II.—*Spies.*

30 ARTICLE XXIX.

31 A person can only be considered a spy when, acting clandes-  
 32 tinely or on false pretences, he obtains or endeavours to obtain  
 33 information in the zone of operations of a belligerent, with the  
 34 intention of communicating it to the hostile party.

35 Thus, soldiers not wearing a disguise who have penetrated  
 36 into the zone of operations of the hostile army, for the purpose  
 37 of obtaining information, are not considered spies. Similarly,  
 38 the following are not considered spies: Soldiers and civilians,

1 carrying out their mission openly, intrusted with the delivery  
 2 of despatches intended either for their own army or for the  
 3 enemy's army. To this class belong likewise persons sent in  
 4 balloons for the purpose of carrying despatches and, generally,  
 5 of maintaining communications between the different parts of  
 6 an army or a territory.

7 ARTICLE XXX.

8 A spy taken in the act shall not be punished without previous  
 9 trial.

10 ARTICLE XXXI.

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

15 CHAPTER III.—*Flags of Truce.*

16 ARTICLE XXXII.

17 A person is regarded as bearing a flag of truce who has been  
 18 authorized by one of the belligerents to enter into communi-  
 19 cation with the other, and who advances bearing a white flag.  
 20 He has a right to inviolability, as well as the trumpeter, bugler  
 21 or drummer, the flag-bearer and interpreter who may accom-  
 22 pany him.

23 ARTICLE XXXIII.

24 The commander to whom a flag of truce is sent is not in all  
 25 cases obliged to receive it.

26 He may take all the necessary steps to prevent the envoy  
 27 taking advantage of his mission to obtain information.

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

30 ARTICLE XXXIV.

31 The envoy loses his rights of inviolability if it is proved in  
 32 a clear and incontestable manner that he has taken advantage  
 33 of his privileged position to provoke or commit an act of treachery.

34 CHAPTER IV.—*Capitulations.*

35 ARTICLE XXXV.

36 Capitulations agreed upon between the contracting parties  
 37 must take into account the rules of military honour.

38 Once settled, they must be scrupulously observed by both  
 39 parties.

CHAPTER V.—*Armistices.*1  
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## ARTICLE XXXVI.

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not defined, the belligerent parties may resume operations at any time, provided always that the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

## ARTICLE XXXVII.

An armistice may be general or local. The first suspends the military operations of the belligerent States everywhere; the second only between certain fractions of the belligerent armies and within a fixed radius.

## ARTICLE XXXVIII.

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

## ARTICLE XXXIX.

It rests with the contracting parties to settle, in the terms of the armistice, what communications may be held in the theatre of war with the inhabitants and between the inhabitants of one belligerent State and those of the other.

## ARTICLE XL.

Any serious violation of the armistice by one of the parties gives the other party the right of denouncing it, and even, in cases of urgency, of recommencing hostilities immediately.

## ARTICLE XLI.

A violation of the terms of the armistice by private persons acting on their own initiative only entitles the injured party to demand the punishment of the offenders or, if necessary, compensation for the losses sustained.

## SECTION III.—MILITARY AUTHORITY OVER THE TERRITORY OF THE HOSTILE STATE.

## ARTICLE XLII.

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

The occupation extends only to the territory where such authority has been established and can be exercised.

## ARTICLE XLIII.

1  
2 The authority of the legitimate power having in fact passed  
3 into the hands of the occupant, the latter shall take all the  
4 measures in his power to restore, and ensure, as far as possible,  
5 public order and safety, while respecting, unless absolutely  
6 prevented, the laws in force in the country.

## ARTICLE XLIV.

7  
8 A belligerent is forbidden to force the inhabitants of territory  
9 occupied by it to furnish information about the army of the  
10 other belligerent, or about its means of defence.

## ARTICLE XLV.

11  
12 It is forbidden to compel the inhabitants of occupied territory  
13 to swear allegiance to the hostile Power.

## ARTICLE XLVI.

14  
15 Family honour and rights, the lives of persons, and private  
16 property, as well as religious convictions and practice, must be  
17 respected.

18 Private property cannot be confiscated.

## ARTICLE XLVII.

19  
20 Pillage is formally forbidden.

## ARTICLE XLVIII.

21  
22 If, in the territory occupied, the occupant collects the taxes,  
23 dues, and tolls imposed for the benefit of the State, he shall do  
24 so, as far as is possible, in accordance with the rules of assessment  
25 and incidence in force, and shall in consequence be bound to  
26 defray the expenses of the administration of the occupied ter-  
27 ritory to the same extent as the legitimate Government was so  
28 bound.

## ARTICLE XLIX.

29  
30 If, in addition to the taxes mentioned in the above Article,  
31 the occupant levies other money contributions in the occupied  
32 territory, this shall only be for the needs of the army or of the  
33 administration of the territory in question.

## ARTICLE L.

34  
35 No general penalty, pecuniary or otherwise, shall be inflicted  
36 upon the population on account of the acts of individuals for  
37 which they cannot be regarded as jointly and severally respon-  
38 sible.







