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XVIIth INTERNATIONAL RED CROSS CONFERENCE

(STOCKHOLM, AUGUST 1948)

**DRAFT REVISED OR NEW CONVENTIONS  
FOR THE PROTECTION OF WAR VICTIMS**

ESTABLISHED BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS

WITH THE ASSISTANCE OF GOVERNMENT EXPERTS, NATIONAL RED CROSS SOCIETIES

AND OTHER HUMANITARIAN ASSOCIATIONS

INTERNATIONAL COMMITTEE OF THE RED CROSS

GENEVA, MAY 1948

No. 4a

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## ABBREVIATIONS :

ICRC	=	International Committee of the Red Cross.
RC 1946.	=	Preliminary Conference of Red Cross Societies, Geneva, July 1946.
SAIN 1947	=	Commission on Spiritual and Intellectual Needs of PW, Geneva, March 1947.
GE 1947	=	Conference of Government Experts, Geneva, April 1947.
June Experts	=	Meeting of Government Experts, Geneva, June 1947.
RC Commission	=	Commission of Red Cross Societies for the study of the Conventions, Geneva, September, 1947.
PW	=	Prisoner(s) of War.
DP	=	Detaining Power.
MMC	=	Mixed Medical Commission(s).

Draft Sick and Wounded Convention (Draft S. and W. Convention) = Convention of July 27, 1929 for the Relief of Sick and Wounded of Armies in the Field in its revised form.

Draft PW Convention = Convention of July 27, 1929, relative to the Treatment of Prisoners of War, in its revised form.

# DRAFT REVISED OR NEW CONVENTIONS FOR THE PROTECTION OF WAR VICTIMS

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## *INTRODUCTION*

Since its foundation the International Committee of the Red Cross (ICRC) has worked constantly in view of the development of the humanitarian Conventions (Geneva Conventions and Agreements relating thereto). Its endeavours have aimed at adapting these treaties to present day conditions, and also at establishing new ones.

The main task of the ICRC in the interval between the two World Wars was the establishment of draft Conventions, and in particular of the Convention relative to the treatment of Prisoners of War, which was signed in the year 1929 and served during the last War to safeguard the lives of millions of prisoners. Other draft Conventions, either revised or newly created, were drafted by the Committee in co-operation with Government Experts and National Red Cross Societies, and should have been formally approved by a Diplomatic Conference which the Swiss Federal Council had summoned for that purpose, at the beginning of 1940. This meeting was unfortunately postponed owing to the outbreak of hostilities.

During the recent war, the chief part of the Committee's activities was devoted to numerous and urgent relief undertakings; it never lost sight of the fact, however, that as soon as peace was once more established the experience gained during these critical years should serve for the development and perfecting of the rules of international law in the humanitarian field. In view of this task, the ICRC classified in its records all the documents that might prove useful.

In a memorandum dated February 15, 1945, before the close of hostilities, the ICRC informed Governments and National Red Cross Societies of the world that it was undertaking the work of preparing the revision of the Conventions and the conclusion of new humanitarian agreements, as it had already done after the year 1918. In so doing, the ICRC felt it a duty to supply the contribution which its practically universal activities, past experience, and comprehensive records enabled it to do. In the same memorandum the ICRC requested the assistance of Governments and National Red Cross Societies, and recommended that they should assemble, classify and summarize all useful data on the above subjects.

These proposals were favourably received by numerous Governments and Red Cross Societies, and the ICRC at once started upon its task. To this end it adopted methods similar to those employed after the first World War, namely :

- (1) The assembling of preliminary documentation, as complete as circumstances allowed, showing in what respects public international law required confirmation, addition or amendment.
- (2) The establishment, with the help of Red Cross Societies and Governments, of draft revised Conventions or of new agreements, these drafts to be submitted to the XVIIth International

Red Cross Conference, and in the last resort, should Governments approve, to a Diplomatic Conference.

The above undertaking bore generally on the four following subjects.

- (1) Revision of the Geneva Convention of July 27, 1929, for the relief of Wounded and Sick of Armies in the field;
- (2) Revision of the Xth Hague Convention of October 18, 1907 for the adaptation to Maritime Warfare of the principles of the Geneva Convention;
- (3) Revision of the Convention signed at Geneva on July 27, 1929, relative to the treatment of Prisoners of War;
- (4) Drafting of a new Convention for the protection of Civilians in time of war.

In October 1945, the ICRC began by consulting in their expert capacity the neutral members of the Mixed Medical Commission (MMC), who during the War had undertaken to examine sick and wounded prisoners of war and decide on their possible repatriation.

The ICRC then submitted its proposals and first drafts to the "Preliminary Conference of National Red Cross Societies for the study of the Conventions and of various Problems relative to the Red Cross", which met in Geneva at the invitation of the ICRC from July 26 to August 3, 1946. This meeting comprised one hundred and forty-five Delegates from fifty countries, among whom were sixteen Chairmen of National Societies. The ICRC duly noted the numerous important suggestions made by National Societies relating to questions which are of their peculiar competency, and pursued its studies during the following months; it prepared very full reports, covering on this occasion the entire field and dealing with all the treaty stipulations to be established. Thus in March 1947, the Committee consulted the representatives of religious and non-sectarian associations which had co-operated in supplying spiritual and intellectual relief to the victims of the war.

This meeting was followed by the session in Geneva, from April 14 to 26, 1947, of the "Conference of Governments Experts for the study of the Conventions for the protection of war victims". This Conference comprised seventy representatives of fifteen Governments having extensive knowledge of the matters placed on the Agenda. On the basis of the proposals submitted by the ICRC, of the opinions expressed by the National Red Cross Societies, and of drafts prepared by several Governments, the Conference established revised drafts of the three existing Conventions (Geneva Convention of 1929 relating to the sick and wounded; Xth Hague Convention of 1907 concerning maritime warfare, and lastly, Geneva Convention of 1929 relating to prisoners of war). The Conference further adopted a preliminary draft of a new Convention for the protection of civilians in time of war.

The ICRC then sought the opinion of several Governments who had not been in a position to participate in the April meeting. Some of these Governments sent their expert representatives to Geneva and discussed the above subjects with the ICRC from June 9 to 12, 1947.

The drafts thus gradually elaborated were finally submitted by the ICRC to the "Commission of National Red Cross Societies for the study of the Conventions". This body had been appointed by the Preliminary Conference of July 26, 1946, and the thirteen member Societies were nominated by the Executive Committee of the League. The Commission sat in Geneva on September 15 and 16, 1947, and gave its general approval to the drafts submitted by the ICRC; it also made a certain number of suggestions which were duly noted.

The ICRC now submits its final draft in the annexed document, to all National Red Cross Societies and to all Governments signatory to the Geneva Convention, in view of discussion and adoption by the XVIIth International Red Cross Conference. However, in view of the importance and complexity of the subject, the ICRC reserves the option of introducing into this draft, until it is submitted for final decision to a Diplomatic Conference, the amendments which continued study may show to be required.

These drafts—the outcome of two years of constant labour—aim at offering to possible victims of future wars the most extensive humanitarian safeguards, to which every State may feel at liberty to subscribe. The fact that the great majority of the proposals made by the ICRC have been approved by Commissions of experts, in successive meetings, justifies the hope that these drafts will meet with the approval of the Stockholm Conference, and will thereupon be favourably considered by Governments.

\* \* \*

Each Article of the revised draft Conventions given in the present document is followed by the corresponding Articles of the years 1929 or 1907, printed in smaller type.

Since it is obviously impossible to reproduce in each particular case the commentary given in previous drafts, references have been added, enabling the reader to find the relevant passages in the principal reports already published in Geneva by the ICRC. The reports are the necessary complement to the present document and supply to some extent a statement of the grounds underlying each treaty stipulation. These publications are as follows :

- ✓ (1.) Report on the Work of the Preliminary Conference of National Red Cross Societies for the study of the Conventions and of various Problems relative to the Red Cross (Geneva, July 26—August 3, 1946) <sup>1</sup>. S. 10.
- (2.) Report on the Work of the Commission appointed for the Study of Treaty Stipulations relative to the Spiritual and Intellectual Needs of Prisoners of War and Civilian Internees (Geneva, March 3 and 4, 1947) <sup>2</sup>. SAIN
- ✓ (3.) Report on the Work of the Conference of Government Experts for the study of Conventions for the Protection of War Victims (Geneva, April 14-26, 1947) <sup>3</sup>. S. 10.

Lastly, under the heading "Remarks" the reader will find included, wherever required, further suggestions submitted by experts since the publication of these three Reports <sup>4</sup>. The ICRC also takes advantage of this heading to stress important point in which it has been led to abandon or modify the views expressed in previous drafts.

<sup>1</sup> Indicated by the abbreviation RC 1946.

<sup>2</sup> Indicated by the abbreviation SAIN 1947.

<sup>3</sup> Indicated by the abbreviation GE 1947.

<sup>4</sup> The Government Experts who had not participated in the April meeting and who met the ICRC in Geneva, are referred to under the abbreviation "June Experts". The Commission of National Red Cross Societies for the study of the Convention is referred to as "RC Commission".

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

TITLE

GENEVA CONVENTION (date)  
FOR THE RELIEF OF THE WOUNDED AND SICK IN ARMIES  
IN THE FIELD<sup>1</sup>

CHAPTER I

General Provisions

*Remarks*

The ICRC has thought it useful to assemble all stipulations of a general nature and to place them at the head of each of the new or revised Conventions. This procedure is logical and might facilitate later amalgamation of these Conventions, if as the Government Experts have recommended, that course is followed. This merging is a task of great difficulty, but will in any case be simplified if the general principles common to all the Conventions are brought together and expressed in identical wording. Should it be decided to draft a single Convention, the general stipulations could, after slight adaptation, be placed at the head of the text.

With the same end in view the ICRC has attempted to give to those stipulations which, in the drafts of the various Conventions, treat of similar matters, a wording identical in each case.

GE 1947, p. 332.

ARTICLE 1

Respect  
of the Convention

*The High Contracting Parties undertake, in the name of their peoples, to respect, and to ensure respect for the present Convention in all circumstances.*

*1929 Convention, Art. 25, Sec. 1:*

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

<sup>1</sup> All changes or amendments introduced are shown in italics.



*Remarks*

The ICRC believes that this Article, the scope of which has been widened, should be placed at the head of the Convention. The new wording covers three points :

(1) The undertaking subscribed to by High Contracting Parties to respect the Convention in all circumstances.

(2) The undertaking subscribed to by the High Contracting Parties to ensure respect for the Convention in all circumstances.

(3) A formal declaration stating that the two above undertakings are subscribed to by Governments in the name of their peoples.

*Re* (1) This stipulation corresponds to Art. 25, Sec. 1, of the 1929 Convention.

*Re* (2) The ICRC believes it necessary to stress that if the system of protection of the Convention is to be effective, the High Contracting Parties cannot confine themselves to implementing the Convention. They must also do everything in their power to ensure that the humanitarian principles on which the Convention is founded shall be universally applied.

*Re* (3) By inviting the High Contracting Parties to make formal declaration of their undertaking, in the name of their peoples, the ICRC aims at associating the peoples themselves with the duty of ensuring respect for the principles on which the present Convention is founded, and of implementing the obligations which result therefrom. Another advantage of the present wording will be to facilitate the implementing of the present Convention, especially in case of civil war.

(See similar provisions under Art. 1, Draft PW Convention and Art. 1, Draft Civilian Convention.)

ARTICLE 2

**Application  
of the Convention**

*Beyond the stipulations to 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 should the state of war not be 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 should the said occupation meet with no armed resistance.*

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

*In all cases of armed conflict which are not of an international character, especially cases of civil war, colonial conflicts, or wars of religion, which may occur in the territory of one or more of the High Contracting Parties, the implementing of the principles of the present Convention shall be obligatory on each of the adversaries. The application of the Convention in these circumstances shall in nowise depend on the legal status of the parties to the conflict and shall have no effect on that status.*

1929 Convention, Art. 25, Sec. 2 :

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.

RC 1946, pp. 14 and 70.

GE 1947, p. 105, 270-271.

*Remarks*

The general observations made by the Government Experts concerning the Civilian Convention (GE, p. 270) and Art. 1 of the Committee's Draft, have led the ICRC to adopt a wording which differs materially from previous drafts.

The Conference of Government Experts approved the wording which stated that in case of civil war the principles of the Convention should be applied by the contracting Party, on condition that the adverse Party did likewise. After due consideration the ICRC did not think it possible to keep this wording. The condition of reciprocity might indeed render this stipulation valueless, as one Party could always allege that its adversary disregarded some specific clause of the Convention.

During the said Conference one Delegation pointed out that the Convention should clearly state that its application to cases of internal conflict must in no way affect the legal status of the two Parties concerned. This view was shared by the June Experts (1947) and by the RC Commission. The ICRC has therefore thought proper to amend the wording of the Article accordingly.

The Committee has also inserted in Sec. 3 the clause *non si omnes*, which up till now was embodied in Art. 25, Sec. 2, of the 1929 Convention.

Finally, the clause appearing at the beginning of the Article, "beyond the stipulations to be implemented in peace time" was inserted in obedience to a suggestion made by the June Experts.

(See similar provisions under Art. 2, Draft PW Convention and Art. 2, Draft Civilian Convention.)

ARTICLE 3

**Application  
by neutral Powers**

*Neutral Powers shall apply the stipulations of the present Convention by analogy to the wounded and sick, as also to members of the medical personnel and to chaplains, who are members of belligerent armies and who may be interned in their territories.*

*Remarks*

The Fifth Hague Convention, of 1907, Art. 15, respecting the rights and duties of neutral Powers, rules that the Geneva Convention shall apply to wounded and sick who are interned in neutral territories. The

ICRC has thought useful to insert here a stipulation of this kind. The wording is, however, more precise and covers also the medical personnel and chaplains.

#### ARTICLE 4

##### Special agreements

*Besides the agreements expressly foreseen by Articles 12, 18 and 24, the Parties to the conflict may conclude special agreements on all matters for which they may consider it desirable to make particular provision. These 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 impair the rights which it grants them.*

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

*1929 Convention, Art. 2, Sec. 2 :*

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.

GE 1947, p. 259.

##### Remarks

The ICRC has thought opportune to give a wider scope to Art. 2, Sec. 2 of the 1929 Convention. It has also adopted a more detailed wording, suggested by the texts recommended by the Government Experts for the corresponding stipulations of the PW Convention.

(See similar provisions under Art. 5, Draft PW Convention and Art. 5, Draft Civilian Convention.)

#### ARTICLE 5

##### Acquired rights

*Wounded and sick, as also members of the medical personnel and chaplains may in no circumstances be induced by constraint or by any other means of coercion, to abandon partially or wholly the rights conferred on them by the present Convention, and, should the case arise, by the special agreements foreseen in the preceding Article.*

(See similar provisions under Art. 6, Draft PW Convention and Art. 6, Draft Civilian Convention.)

ARTICLE 6

**Protecting Powers**

*The present Convention shall be applied with the co-operation and under the control of the Protecting Powers, whose duty it is to safeguard the interests of the Parties to the conflict. To this end, the Protecting Powers may appoint, besides their diplomatic staff, delegates among their own nationals, or among nationals of other neutral Powers. These delegates shall be subject to the approval of the Power in whose territory 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.*

*Remarks*

Taking account of the fact that the status of members of medical personnel and of chaplains is modified by the present Draft, as compared to the status granted to these categories by the 1929 Convention, the ICRC has thought it necessary to introduce into the text of the Geneva Convention the above Article relating to the Protecting Powers, as well as the two following Articles. This course is in harmony with the principles stated at the head of the present Draft, namely, that the wording of the general provisions of the humanitarian Conventions should, as far as possible, agree.

(See similar provisions under Art. 7, Draft PW Convention and Art. 7, Draft Civilian Convention.)

ARTICLE 7

**Activities  
of the International  
Committee of  
the Red Cross**

*The provisions of the present Convention do not constitute an obstacle to the humanitarian activities which the International Committee of the Red Cross may undertake for the protection of wounded and sick, of members of the medical personnel and of chaplains, and for their relief, subject to the consent of the Parties to the conflict who may be concerned.*

(See Remarks on the preceding Article, and similar provisions under Art. 8, Draft PW Convention and Art. 8, Draft Civilian Convention.)

ARTICLE 8

**Substitutes  
for Protecting Powers**

*The Contracting Parties may, at all times, 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.*

*Moreover, 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*

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 it under the terms of the present Article.

GE 1947, pp. 263, 270-271.

(See Remarks on Art. 6 and similar provisions under Art. 9, Draft PW Convention, and Art. 9, Draft Civilian Convention.)

#### ARTICLE 9

#### Procedure of Conciliation

Whenever they consider it desirable in the interest of wounded and sick, and of members of medical personnel and chaplains, especially if the Parties to the conflict do not agree regarding the application of the provisions of the present Convention, the Protecting Powers shall lend their good offices with the object of facilitating such application.

To this end, 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 wounded and sick, and for members of medical personnel and chaplains, eventually on suitably chosen neutral territory. The Parties to the conflict shall be required to give effect to the proposals made to them in this sense. 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 participate in this meeting.

(See similar provisions under Art. 10, Draft PW Convention and Art. 10, Draft Civilian Convention.)

#### CHAPTER II

#### Wounded and Sick

#### ARTICLE 10

#### Protection and care

Members of the armed forces and persons designated in Article 3 of the Convention 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 with humanity and cared for by the belligerent in whose power they may be, without any discrimination of race, nationality, religion or political opinions, or any other distinction founded on similar criteria. Discriminatory treatment is permissible only for 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.

*1929 Convention, Art. 1 :*

Officers and soldiers (Members of the armed forces) 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.

RC 1946, p. 21 — SAIN 1947, p. 3 — GE 1947, p. 12.

*Remarks*

*Re Section 1.* — In order to define to which persons the Convention should apply, it appeared necessary to refer to the PW Convention (revised), which includes a very detailed enumeration, applicable also in the present case.

*Re Section 2.* — The June Experts considered that the text suggested by the Government Experts (1947) “without any distinction of nationality, race, religion or political opinion... Women shall be treated with all the consideration due to their sex” was inadequate, since distinctions might be drawn with regard to membership of certain forces, rank, age, etc. They advised to replace it by a statement that no distinction may be drawn between any human beings, except for medical reasons.

The Committee considered that both principles could be satisfactorily combined.

ARTICLE 11

**Status** Subject to the provisions of the preceding 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 be applicable to them.

*1929 Convention, Art. 2, Section 1 :*

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

GE 1947, p. 13.

*Remarks*

The word “general” has been deleted. Henceforward, the PW Convention will be applicable to captured wounded and sick. The

ICRC thought preferable, however, to leave a wide margin in this instance, to meet the case of States being signatories to the present Convention, but not to the PW Convention.

#### ARTICLE 12

#### Search for the wounded and dead. Evacuation

*At all times, and particularly after an engagement, belligerents shall without delay take all possible, steps 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.*

Whenever circumstances permit, a local armistice or a 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.*

*1929 Convention, Art. 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.

RC 1946, p. 22 — GE 1947, p. 14.

#### ARTICLE 13

#### Communication of information Prescriptions regarding the dead

Belligerents shall communicate to each other, as soon as possible, *according to the procedure described in Art. 77 of the 1929 Convention 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.

They shall establish and transmit to each other, *by the same channel*, certificates of death or, *in lieu thereof, duly authenticated lists of the dead.*

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, especially one-half of their identity discs, *which should be of a standard pattern*, the other half to remain attached to the body.

*Bodies shall not be cremated except for imperious reasons of hygiene, or for religious motives. 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 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 end, at the commencement of hostilities, they shall organize an official graves registration service, in order to allow ultimate exhumations and to ensure the identification of bodies, whatever the subsequent site of the graves, *and the possible transportation to the home country.* *These stipulations also apply, as 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, they shall exchange a list of graves and of dead interred in their cemeteries and elsewhere.*

*1929 Convention, Art. 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 indication 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 the 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 organise 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.

RC 1946, p. 23 — SAIN 1947, p. 3 — GE 1947, p. 15.

*Remarks*

*Re Section 3.* — During the June meeting, one delegation objected to the insertion of the words "having an intrinsic or sentimental value", on the grounds that the sorting of personal belongings should not be left to the appreciation of the Detaining Power.

*Re Section 6.* — The addition of the words "and their possible transportation to the country of origin" was suggested by the June Experts.

ARTICLE 14

**Role of the population**

The military authorities may appeal to the charity of the inhabitants in order to collect and care for, under their direction, the wounded or sick of armed forces, and may grant persons who have responded to this appeal special protection and certain facilities. *In case of occupation, the adverse belligerent shall grant these persons the same protection and the same facilities.*

*In no circumstances may inhabitants and relief societies, even in occupied regions, be prohibited from collecting and caring, of their own accord, for*



*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. It is the duty of the civilian population to protect these wounded and sick, and to abstain from offering them violence.*

*1929 Convention, Art. 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.

RC 1946, p. 24 — GE 1947, p. 20.

#### *Remarks*

As regards Section 2, the ICRC has adopted a wording resembling more closely that recommended by the Preliminary Conference (1946). The suggestion to mention relief societies, at the beginning of Section 2, was made by the June Experts (1947).

### CHAPTER III

#### Medical Units and Establishments

#### ARTICLE 15

#### Protection

*Fixed establishments and mobile hospital units of the Medical Service may in no circumstances be attacked, but shall at all times be respected and protected by the belligerents. Should they fall into the hands of the adverse party, they 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 who may be in such establishments and units.*

*The responsible authorities shall ensure that the medical establishments and units mentioned above are located in such a manner that attacks against military objectives cannot endanger them.*

*1929 Convention, Art. 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 services shall be respected and protected by the belligerents.

RC 1946, p. 25 — GE 1947, p. 23.

#### *Remarks*

Section 2 has been added by the ICRC, following on Art. 15 of Draft Civilian Convention.

The June Experts (1947) suggested a possible stipulation that no military installation shall be placed within from 500 metres from fixed establishments, in order to protect the latter. The ICRC leaves discussion of this point to the military experts.

ARTICLE 16

**End of protection**

The protection to which medical units and establishments are entitled shall cease *only* if they are used to commit acts harmful to the enemy, *and after due warning, naming a reasonable time limit and remaining without effect.*

*1929 Convention, Art. 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.

RC 1946, p. 26 — GE 1947, p. 24.

*Remarks*

The words "naming a reasonable time limit" were suggested by the June Experts (1947).

ARTICLE 17

**Facts not  
cancelling protection**

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

- (1) The fact that the personnel of the unit 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 medical 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 transferred to the proper service, are discovered 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 of it ;
- (5) *That the humanitarian activities of medical units and establishments or of their personnel extend to the care of civilian wounded or sick.*

*1929 Convention, Art. 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 picket 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.

RC 1946, p. 26 — GE 1947, p. 25.

ARTICLE 18

**Hospital Zones  
and Localities**

*Already in peace-time, the Contracting Powers and, in case of hostilities, the Parties to the conflict shall make every endeavour to set up, in their own territory and in occupied territories, hospital zones and localities so organized as to shield from the effects of war both the wounded and sick, and the personnel entrusted with the organization and administration of these zones and localities, and with the care of the persons therein assembled.*

*From the outset of a conflict and throughout its duration, 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 to facilitate the setting up and recognition of these hospital zones and localities.*

RC 1946, p. 65 — GE 1947, p. 26.

*Remarks*

In order to facilitate the creation of hospital localities and zones, the ICRC considered it advisable to draw up, in the form of an Annexe to the Convention, a Draft Agreement between States. This Draft Agreement which is also applicable to the establishment of security localities and zones intended to shelter certain sections of the civilian population, thus constitutes also an Annex to the Convention for the protection of Civilians. (See below).

CHAPTER IV

**Personnel**

ARTICLE 19

**Protection**

The *medical* personnel exclusively engaged in the *search*, collection, transport and treatment of the wounded and sick, *and in the prevention of disease*, further, the personnel exclusively engaged in the administration of medical units and establishments, and the chaplains attached to armed forces, shall be respected and protected in all circumstances.

*1929 Convention, Art. 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 the 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 prisoner(s) while carrying out these functions.

RC 1946, p. 28 and 30 — SAIN 1947, p. 6 — GE 1947, p. 28.

*Remarks*

The question of keeping back PW medical personnel and the status to be granted to its members detained in camps to care for PW, gave rise to thorough study and debate during the sessions of experts. (Refer, particularly on this point, to the Reports on the meetings of the experts.)

The draft Article tabled by Government Experts stated that if persons mentioned in Clause 1 fell into the hands of the adverse party, they should be treated as PW, subject to the provisions of the Article relative to their regimen.

It seems that both Government and Red Cross experts finally agreed that the status of detained medical personnel should be similar to that of PW, but that they should enjoy certain important facilities. The RC Commission considered that it was not desirable to describe the status of detained personnel as "PW status", since detained personnel enjoyed a special status, which was carefully defined in the following Articles. The adoption of such a terminology would tend to lessen the scope of the facilities granted to this personnel. Furthermore, a statement of this kind would be out of place in Art. 19. The ICRC agreed with this point of view.

ARTICLE 20

**Red Cross Societies**

The personnel 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 said personnel, provided that the personnel 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, in any case before any actual employment, the names of the societies which it has authorised, under its responsibility, to lend assistance to the regular medical service of its armed forces.

*1929 Convention. Art. 10 :*

The personnel of Voluntary Aid Societies, duly recognised and authorised by their Governments, who may be employed on the same duties as the personnel mentioned in the first paragraph of Art. 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 laws 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 authorised, under its responsibility, to render assistance to the regular medical services of its armed forces.

RC 1946, p. 30 — SAIN 1947, p. 6 — GE 1947, p. 33.

*Remarks*

The ICRC thought it useful to make express mention here of National Red Cross Societies. The RC Commission agreed.

ARTICLE 21

**Neutral Societies**

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 authorization of the belligerent concerned. *The neutral Government shall notify this consent to the adverse party of the State which accepts such assistance.*

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

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

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

*1929 Convention. Art. 11 :*

A recognised 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 authorisation of the belligerent concerned.

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

RC 1946, p. 33 — GE 1947, p. 35.

ARTICLE 22

**Retained personnel**

*The members of personnel named in Art. 19 and 20, and taken prisoner by 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, they 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 above stipulation does not relieve the Detaining Power of its obligations to provide medical and spiritual care to prisoners of war.*

*Members of personnel mentioned in Section 1 of the present Article shall enjoy all the rights of prisoners of war. 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, especially as regards accommodation, food, correspondence relating to their particular duties, the election of a spokesman among themselves, and such travel facilities, with or without escort, as may be necessary for their work.*

At the outbreak of hostilities, belligerents shall come to an agreement as to corresponding ranks of medical personnel, including those of the societies mentioned in Article 20.

*1929 Convention. Art. 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 whom 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 belligerents to whom they belong.

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

RC 1946, p. 34 — SAIN, p. 6 — GE 1947, p. 36 sqq.

*Remarks*

The wording of the first clause, which differs slightly from that of the Government Experts, is that of the RC Commission. This also applies to the last section, which includes and completes the last clause of Article 13 (1929).

ARTICLE 23

**Return to  
the belligerent**

*Members of personnel named in Articles 19 and 20, whose retention 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 enjoy at least all the rights of prisoners of war.*

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

*Members of this personnel shall not be repatriated against their will.*

RC 1946, p. 34 — SAIN, p. 6 — GE 1947, p. 37.

*Remarks*

The new Section 3 meets a suggestion made by the June Experts, some of whom agreed with one Delegation to the April 1947 meeting

that the categories of personnel to be repatriated should be restricted to medical officers and orderlies.

ARTICLE 24

**Selection  
of repatriates**

*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 in captivity, in proportion to the number of prisoners.*

RC 1946, p. 34 — SAIN 1947, p. 7 — GE 1947, p. 38.

*Remarks*

The words "and their state of health" were added in obedience to the suggestion of the June Experts (1947).

ARTICLE 25

**Return of neutrals**

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

Unless otherwise agreed, they shall be *authorized 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 return, 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 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.

*1929 Convention. Art. 12 :*

See above.

*Art. 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 allowance and the same pay as are granted to the corresponding personnel of their own armed forces.

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

GE 1947, p. 38.

CHAPTER V

Buildings and Material

ARTICLE 26

**Buildings,  
material and stores**

*The buildings, material and stores of fixed medical establishments and of mobile medical units 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.

*1929 Convention. Art. 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 authorities shall be free to use the equipment and stores for the care of the wounded and sick; it (they) shall be restored under the conditions laid down for the medical personnel and as far as possible at the same time.

*1929 Convention. Art. 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 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.

RC 1946, p. 38 — GE 1946, p. 40.

*Remarks*

When the Government Experts proposed to merge Art. 14 and 15 of the 1929 Convention—a course which was justified by the fact that medical units will no longer be restored, as before, to the Powers to whom they belong—they were not perhaps fully conscious of the fact that the protection due to mobile medical units is to some extent impaired thereby. In the 1929 text, it is clearly stated that mobile medical units falling into enemy hands shall keep their equipment, means of transport and drivers. The 1929 Convention however stipulates especially that the captor State may only use such equipment for the care of the wounded and sick, whereas the buildings, equipment and means of transport of fixed establishments are spoils of war, and may therefore be diverted to other and even military purposes. According to the revised text, the equipment of mobile units would also be liable to be regarded as spoils of war.

The ICRC merely recommends here that this question should be examined by the Governments in the light of the above facts. (See also Draft Civilian Convention, Art. 17.)



ARTICLE 27

**Material  
of Relief Societies**

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 granted to belligerents by the laws and customs of war shall be exercised only in case of urgent necessity, and only after the welfare of the wounded and sick has been ensured.

*1929 Convention. Art. 16 :*

No change.

RC 1946, p. 38 — GE 1947, p. 41.

CHAPTER VI

**Medical Transports**

ARTICLE 28

**Protection**

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

*1929 Convention. Art. 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 organised 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.

RC 1946, p. 39 — GE 1947, p. 42.

#### ARTICLE 29

#### Medical aircraft

Aircraft defined 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, on condition that 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.

*Unless otherwise agreed, flights over land or maritime war zones, military objectives or units, whether on land or sea, and over territories belonging to the enemy or occupied by him, shall be prohibited.*

Medical aircraft shall obey every summons to land.

In the event of landing thus imposed, or of an involuntary landing in enemy territory, or in territory occupied by the enemy, 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 22 and following.

#### 1929 Convention. Art. 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 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 (are) employed until the close of hostilities in the medical service only.

RC 1946, p. 40 — GE 1947, p. 44.

#### Remarks

The June Experts (1947) proposed that medical aircraft should be obliged to fly low (maximum 700 metres, for instance) and at low speed (maximum 150 kilometres per hour, for instance).

The RC Commission recommended that medical aircraft should be better protected.

ARTICLE 30

**Flight over  
neutral countries**

*Medical aircraft shall have free passage over the territories or territorial waters of neutral countries, on condition that such passage be previously notified to the latter.*

*The aircraft shall obey every summons to land.*

*In the event of a thus imposed or involuntary landing, the wounded and sick shall be detained by the neutral State, so that they may not be able to take part again in military operations. The medical personnel and material, as well as the aircraft and crew, shall be subject to the general rules of international law.*

*The costs of accommodation and treatment shall be borne by the State to which the wounded and sick belong.*

GE 1947, p. 47.

CHAPTER VII

**The Distinctive Emblem**

ARTICLE 31

**Emblem  
of the Convention**

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

Nevertheless, in the case of countries which already use as a distinctive sign, the Red Crescent or the Red Lion and Sun, in place of the Red Cross, on a white ground, these emblems are also recognized by the terms of the present Convention.

*1929 Convention. Art. 19. No change.*

RC 1946, p. 46 — GE 1947, p. 47.

*Remarks*

The emblem of the red lion and sun on a white ground is employed only by one country, Iran. It might seem highly desirable that this State should adopt the red cross or red crescent in its place, in which case the latter emblem would be the only exception. Further, the Powers would thus show their constant determination not to furnish an argument for the use of other exceptional emblems.

ARTICLE 32

**Use of the Emblem**

The emblem shall be displayed on the flags, armlets and on all equipment belonging to the Medical Service, with the consent of the responsible military authority.

*1929 Convention. Art. 20. No change.*

GE 1947, page 48.

ARTICLE 33

**Identification  
of medical personnel**

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

*Such personnel shall also carry an identity card attesting their status, which can be put in the pocket. It shall be water-resistant, bear the photograph and finger-prints of the holder, 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 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.*

*All identity cards shall be established at least in duplicate, one copy being issued to the owner and the other kept by the Power of origin.*

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

*1929 Convention. Art. 21 :*

The personnel protected in pursuance of Articles 9 (paragraph 1), 10 and 11 shall wear, affixed to the left arm, an armband bearing the distinctive sign, issued and stamped by the 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 of the certificates of identity belonging to them.

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

RC 1946, p. 48 — GE 1947, p. 49.

*Remarks*

During the Conference of April, 1947, one delegation reserved their Government's opinion as regards finger-prints. The June Experts proposed, should Governments object, that the words "or in default of the latter his autograph signature" should be added after the words "finger-prints of the holder".

The ICRC believes that it would be regrettable not to make compulsory the affixing of finger-prints on the identity card.

ARTICLE 34

**Medical units**

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 fly no other flag than that of the Convention.

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

*1929 Convention. Art. 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 exigences 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.

RC 1946, p. 51 — GE 1947, p. 51.

#### ARTICLE 35

##### Neutral units

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, *should the latter make use of the faculty conferred on him by Article 34.*

*Subject to contrary orders 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.*

*1929 Convention. Art. 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.

RC 1946, p. 51 — GE 1947, p. 53.

#### ARTICLE 36

##### Restrictions and exceptions

*With the exception of the cases mentioned in the last three Sections 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 condition shall apply to the emblems mentioned in *Article 31, Section 2*, in respect of the countries which use them.

*The Societies named in Article 20 shall have the right 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 all times, in accordance with their national legislation, make use of the emblem for their other activities. In the latter case, the conditions for the use of the emblem, and in particular its size, shall be such that it cannot be considered as conferring the protection of the Convention.*

*Under the conditions fixed by the preceding paragraph, the International Red Cross organizations and their duly authorized personnel shall be similarly allowed 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 authority of one of the National Red Cross (Red Crescent, Red Lion and Sun) Societies*, use may be made of the emblem of the Convention in time of peace *to identify ambulances* and to mark the position of aid stations exclusively reserved for the purpose of giving free treatment to the wounded or sick.

*1929 Convention. Art. 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 formation 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 connection 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 and sick.

RC 1946, p. 52 — GE 1947, p. 54.

### *Remarks*

The RC Commission pointed out that the wording of the previous drafts of this Article was not clear, and the ICRC has endeavoured to make it more precise. It has, in particular, thought proper to insert a new clause (Art. 36, Sec. 2) which confirms that Voluntary Aid Societies attached to the Army Medical Service may use the distinctive emblem and thus enjoy treaty protection in respect of their work under the Convention. This stipulation is implied in Section 1. Nevertheless, in view of the wording of Section 3, which grants the use of the emblem to Red Cross Societies, without carrying protection, for their other

activities, it appeared necessary to stipulate clearly the case where they may use the emblem as a means of protection.

The words “and their duly authorized personnel” in Section 4 were added at the suggestion of the June Experts.

## CHAPTER VIII

### Execution of the Convention

#### ARTICLE 37

##### Details of execution Interdiction of reprisals

*The belligerents, acting through their commanders-in-chief, shall ensure the detailed execution of the preceding Articles, and provide for unforeseen cases, in accordance with the instructions of their respective Governments and in conformity with the general principles of the present Convention.*

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

*1929 Convention. Art. 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.

RC 1946, p. 51 — GE 1947, p. 58.

##### Remarks

Although Section 2 merely confirms an uncontested rule, this Section might be inserted in Chapter I of the Convention, thus giving it more weight.

#### ARTICLE 38

##### Publication of the Convention

*The High Contracting Parties undertake to give the widest publicity in their respective countries, both in time of peace and in time of war, to the text of the present Convention, and especially to include the study of the latter among the subjects of the military and civilian syllabus, in order that its principles may be familiar to the entire population, and in particular to the armed fighting forces, the medical personnel and the chaplains.*

*1939 Convention. Art. 27 :*

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

GE 1947, p. 59.

CHAPTER IX

Repression of Abuses and Infractions

ARTICLE 39

**Legislation**      *The legislation of the Contracting Parties shall repress all acts contrary to the stipulations of the present Convention.*

The Contracting Parties shall communicate to one another, through the Swiss Federal Council, the provisions relating to such repression, not later than *one year* from the ratification of the present Convention.

*1929 Convention. Art. 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 Conventions.

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.

RC 1946, p. 54 — GE 1947, p. 62 sqq.

*Remarks*

The ICRC have come to the conclusion that Art. 29, Sec. 1 of the 1929 Convention is redundant, in view of Art. 33, Sec. 2 of the draft established by the Government Experts in April 1947. This draft has been inserted in the present text, in a somewhat more imperative form; it replaces the wording of 1929 and will therefore not be reproduced in the following Article.

The time limit mentioned in Section 2 has been reduced from five years to one, as suggested by the RC Commission (1947).

ARTICLE 40

**Penal sanctions**      *The Contracting Parties shall be under the obligation to search for persons charged with breaches of the present Convention, whatever their nationality. They shall further, in accordance with their national legislation or with the Conventions for the repression of acts considered as war crimes, refer them for trial to their own courts, or hand them over for judgment to another Contracting Party.*

GE 1947, p. 63-64.

*Remarks*

The ICRC adopted here a somewhat different wording than that proposed by the Government Experts (1947). The ICRC considered that it was not sufficient merely to state that acts contrary to the Convention would be considered as war crimes, but that the means of repres-



sion should be foreseen. The solution advised here leaves the States entirely free to punish infractions, in obedience to the law of the land, and also allows reference of such cases to an International Penal Court, should the latter be established.

#### ARTICLE 41

##### Procedure of enquiry

*Independently of the procedure foreseen in Article 9, any High Contracting Party alleging a violation of the present Convention may demand the opening of an official enquiry.*

*This enquiry shall be carried out as soon as possible by a Commission instituted for each particular case, and comprising three neutral members selected 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 should they disagree, by the President of the Court of International Justice or, should the latter be a national of a belligerent State, by the President of the International Committee of the Red Cross.*

*As soon as the enquiry 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. Its members shall enjoy diplomatic privileges and immunities.*

*1929 Convention. Art. 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.

RC 1946, p. 54 — GE 1947, p. 64.

##### *Remarks*

Two adjunctions have been made to previous drafts, on the suggestion of the RC Commission (1947). The first was the nomination of the President of the ICRC as a substitute for the President of the Court of International Justice, should the latter be a national of a belligerent country. The second was to stipulate, in the last Section that members of commissions of enquiry should enjoy diplomatic privileges and immunities.

#### ARTICLE 42

##### Abuse of the Emblem

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

(a) The use of the emblem or of the designation "Red Cross" or "Geneva

Cross” by private individuals, societies, 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, *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, societies, firms or companies of the arms of the Swiss Confederation or marks constituting an imitation, whether as trade-marks or commercial marks, or as parts of such marks, or for a purpose contrary to commercial honesty, or in circumstances capable of wounding Swiss national sentiment.

*The States not party to the Convention of July 27, 1929 for the Relief of the Wounded and Sick in Armies in the Field, which may subsequently ratify the present Convention or adhere thereto, shall take the measures necessary to prevent at all times the acts mentioned under (a) and (b), in such a manner that the prohibition 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.*

1929 Convention. Art. 28 :

The Governments of the High Contracting Parties whose legislation is not at present adequate for the purpose, shall adopt or propose to their legislature 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 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.

*Remarks*

The ICRC considered it more logical to place this Article, combating abuses in the commercial field, after the Articles condemning violation of major humanitarian principles.

**Final Provisions <sup>1</sup>**

ARTICLE 43

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

ARTICLE 44

**Signatures**      The present Convention, which bears the date of this day, the . . . . . is open to signature for a period of six months, i.e. until . . . . . on behalf of all the *Powers* represented at the Conference which opened at Geneva on . . . . . ; 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 45

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

ARTICLE 46

**Coming into force**      The present Convention shall come into force six months after two instruments of ratification at least have been deposited.  
Thereafter, it shall come into force for each High Contracting Party six months after the deposit of its instrument of ratification.

ARTICLE 47

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

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<sup>1</sup> As the Final Provisions of the 1929 Convention elicited no criticism, the ICRC has given them below with only slight amendments.

ARTICLE 48

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

ARTICLE 49

**Notification of accession** 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 Powers* on whose behalf the Convention has been signed or whose accession has been notified.

ARTICLE 50

**Immediate effect** *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*.

ARTICLE 51

**Denunciation** 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 have effect only in respect of the High Contracting Party which has made notification thereof.

Such 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, repatriation or establishment of the persons protected by the present Convention are terminated*.

ARTICLE 52

**Communication to the United Nations** A certified copy of the present Convention shall be deposited in the archives of the *United Nations* by the Swiss Federal Council. Similarly, ratifications, accessions and denunciations which are notified to the Swiss Federal Council shall be communicated by them to the *United Nations*.

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

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 the 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 should 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.

GE 1947, p. 51.

(2) Whereas many breaches have occurred in respect of the use of the Red Cross emblem, the Conference recommends that States should take strict measures to ensure that the said emblem is used only within the bounds prescribed by the Geneva Conventions, in order to safeguard its authority and to protect its high significance.

GE 197, p. 58.

The ICRC also considers it desirable that the Diplomatic Conference should study (in view of a possible recommendation in the Final Act) the problem which arose during the recent War in connexion with the voluntary or compulsory enrolment in the medical service or the Red Cross of an occupying country, of nationals of occupied or annexed territories. After the close of the war such persons incurred heavy penalties by virtue of the penal legislation of their home countries. The spirit of the Geneva Convention, which demands that relief should be given to all war victims irrespective of nationality, is opposed to the assimilation of such persons to those who take up arms against their country. The question thus arises whether it could not be ensured, by appropriate means remaining to be found, that these persons shall not be liable to penalties for having afforded such humanitarian assistance, at least when they can show that they were not in a position to pursue their usual work in a national unit.

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

TITLE

CONVENTION (date...) FOR THE RELIEF OF WOUNDED, SICK  
AND SHIPWRECKED OF ARMED FORCES ON SEA

CHAPTER I

General Provisions

ARTICLE 1

Respect  
of the Convention

*The High Contracting Parties undertake, in the name of their peoples, to respect, and to ensure respect for the present Convention in all circumstances.*

(See Art. 1, Draft Sick and Wounded Convention, p. 4.)

ARTICLE 2

Application  
of the Convention

*Beyond the stipulations to 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 should the state of war not be 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 should the said occupation meet with no armed resistance.*

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

*In all cases of armed conflict which are not of an international character, especially cases of civil war, colonial conflicts, or wars of religion, which may occur in the territory of one or more of the High Contracting Parties the implementing of the principles of the present Convention shall be*

*obligatory on each of the adversaries. The application of the Convention in these circumstances shall in no wise depend on the legal status of the parties to the conflict and shall have no effect on that status.*

(See Art. 2, Draft Sick and Wounded Convention, p. 5.)

### ARTICLE 3

#### Obligatory character

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

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

ART. 22 (1907). — In case of hostilities between belligerent land and naval forces, the provisions of the present Convention apply only to forces on board <sup>1</sup>.

GE. p. 100.

### ARTICLE 4

#### Application by neutral Powers

*Neutral Powers shall apply the stipulations of the present Convention by analogy to the wounded and sick, as also to members of the medical personnel and to chaplains, who are members of belligerent armies and who may be interned in their territories.*

(See Art. 3, Draft Sick and Wounded Convention, p. 6.)

### ARTICLE 5

#### Special agreements

*Besides the agreements expressly foreseen by Articles 12, 18 and 24, the Parties to the conflict may conclude special agreements on all matters for which they may consider it desirable to make particular provision. These 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 impair the rights which it grants them.*

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

(See Art. 4, Draft Sick and Wounded Convention, p. 7.)

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<sup>1</sup> The English translation of the 1907 Hague Convention is quoted from "The Hague Conventions and Declarations of 1899 and 1907". Edited by James Brown Scott. Carnegie Endowment, New York, London, etc., 1915.

ARTICLE 6

**Acquired rights**

*Wounded and sick, as also members of the medical personnel and chaplains may in no circumstances be induced by constraint or by any other means of coercion, to abandon partially or wholly the rights conferred on them by the present Convention, and, should the case arise, by the special agreements foreseen in the preceding Article.*

(See Art. 5, Draft Sick and Wounded Convention, p. 7.)

ARTICLE 7

**Protecting Powers**

*The present Convention shall be applied with the co-operation and under the control of the Protecting Powers, whose duty it is to safeguard the interests of the Parties to the conflict. To this end, the Protecting Powers, may appoint, besides their diplomatic staff, delegates among their own nationals, or among nationals of other neutral Powers. These delegates shall be subject to the approval of the Power in whose territory 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.*

(See Art. 6, Draft Sick and Wounded Convention, p. 8.)

ARTICLE 8

**Activities of the International Committee of the Red Cross**

*The provisions of the present Convention do not constitute an obstacle to the humanitarian activities which the International Committee of the Red Cross may undertake for the protection of wounded and sick, of members of the medical personnel and of chaplains, and for their relief, subject to the consent of the Parties to the conflict who may be concerned.*

(See Art. 7, Draft Sick and Wounded Convention, p. 8.)

ARTICLE 9

**Substitutes for Protecting Powers**

*The Contracting Parties may, at all times, 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.*

*Moreover, 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 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 organizations replacing it under the terms of the present Article.*

(See Art. 8, Draft Sick and Wounded Convention, p. 8.)

#### ARTICLE 10

##### Procedure of conciliation

*Whenever they consider it desirable in the interest of wounded and sick, and of members of medical personnel and chaplains, especially if the Parties to the conflict do not agree regarding the application of the provisions of the present Convention, the Protecting Powers shall lend their good offices with the object of facilitating such application.*

*To this end, 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 sick and wounded, the medical personnel and the chaplains, ultimately on suitably chosen neutral territory. The Parties to the conflict shall be required to give effect to the proposals made to them in this sense. 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 participate in this meeting.*

(See Art. 9, Draft Sick and Wounded Convention, p. 9.)

#### CHAPTER II

### Wounded, Sick and Shipwrecked

#### ARTICLE 11

##### Protection and care

*Members of the land, sea and air forces and persons designated in Article 3 of the Convention 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 with humanity 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. Discriminatory treatment is permissible only for medical reasons.*

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

(See Art. 10, Draft Sick and Wounded Convention, p. 9.)

*1907 Convention. Art. 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.*

RC 1946, p. 57. — GE 1947, p. 76.

*Remarks*

The draft adopted by the Preliminary Conference (1946) and the Government Experts (1947) comprised a section running as follows: "The benefit of the foregoing provisions shall also be extended to wounded, sick and shipwrecked of all vessels which are victims of hazards of war". The ICRC considered it preferable to omit this provision here, with a view to its inclusion in the new Convention for the protection of Civilians.

ARTICLE 12

**Status**      *Subject to the provisions of the preceding 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 be applicable to them. The captor may decide, according to circumstances, whether they shall be held, sent to a port of his home country, to a neutral port, or even to an enemy port. In the last case, prisoners thus returned to their home country may not serve again for the duration of the war.*

(See Art. 11, Draft Sick and Wounded Convention, p. 10.)

*1907 Convention. Art. 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.

GE 1947, page 78.

ARTICLE 13

**Surrender of wounded**      *All warships of a belligerent Party shall have the right to demand the surrender of the wounded, sick or shipwrecked on board military hospital ships, hospital ships of relief societies or private individuals, merchant vessels, yachts and other craft, whatever their nationality, provided that the state of the wounded and sick permits.*

*1907 Convention. Art. 12 :*

Any warship 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, shall be handed over.

GE 1947, page 79.

*Remarks*

For medical considerations, the ICRC thought it necessary to add, at the end of this Article, the words "provided that the state of the wounded or sick permits".

ARTICLE 14

**Wounded taken  
on board a neutral  
warship**

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

*1907 Convention. Art. 13 :*

*If sick, wounded, or shipwrecked persons are taken on board a neutral warship every possible precaution must be taken that they do not again take part in operations of war.*

GE 1947, p. 79.

ARTICLE 15

**Landing of wounded  
at neutral ports**

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

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

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

*All warships 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.*

*1907 Convention. Art. 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.*

GE 1947, page 80.

ARTICLE 16

**Search  
for shipwrecked  
and dead**

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

(See Art. 12, Draft Sick and Wounded Convention, p. 11.)

1907 Convention. Art. 16, Sect. 1.

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.

GE 1947, page 83.

ARTICLE 17

**Communication  
of information  
Prescriptions  
regarding the dead**

*Belligerents shall communicate to each other as soon as possible, according to the procedure described in Article 77 of the 1929 Convention relative to the treatment of Prisoners of War, the names of the wounded, sick, shipwrecked and dead discovered and collected, together with any indications which may assist in their identification.*

*They shall establish and forward to each other, by the same channel, certificates of death or, in lieu thereof, duly authenticated lists of the dead.*

*They shall likewise collect and exchange by the same channel, all articles of a personal nature having an intrinsic or sentimental value found in captured vessels or on the dead, especially one-half of their identity discs, which should be of a standard pattern, the other half to remain attached to the body.*

*Bodies shall not be cremated, except for imperative reasons of hygiene or for religious motives. In case of cremation, the circumstances and motives which made it necessary 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 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 end, at the commencement of hostilities, they shall organize an official graves registration service, in order to allow ultimate exhumations and to ensure the identification of bodies, whatever the subsequent site of the grave, and the possible transportation to the home country. These stipulations also apply, as far as may be, to the ashes, which shall be kept by the graves registration service until the end of hostilities.*

*As soon as circumstances permit, and at latest at the close of hostilities, they shall exchange a list of graves and of dead interred in their cemeteries and elsewhere.*

*Should wounded, sick, shipwrecked or dead be collected by neutrals, the latter shall assume as regards the belligerents the obligations indicated in the preceding sections.*

(See Art. 13, Draft Sick and Wounded Convention, p. 11.)

1907 Convention. Art. 16, Sect. 2 :

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 bodies.

GE 1947, page 84.

ARTICLE 18

**Appeals to merchant  
and private vessels**

*The belligerents may appeal to the charity of commanders of neutral merchant vessels, yachts or other craft, in order 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 benefit by special protection and facilities to carry out such assistance.*

*They may in no case be captured on account of such transport; in the absence of promises to the contrary they shall, however, remain liable to capture for any violations of neutrality they may have committed.*

(See Art. 14, Draft Sick and Wounded Convention, p. 12.)

*1907 Convention. Art. 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.

GE 1947, p. 85.

CHAPTER III

**Hospital Ships**

ARTICLE 19

**Military hospital ships**

*Military hospital ships, that is to say, ships built or equipped by the Powers specially and solely with a view to assisting the wounded, sick and shipwrecked, and whose names and description have been communicated to the belligerent Powers at the commencement or during hostilities, in any case before they are employed, may in no circumstances be attacked, but shall at all times be respected and protected by the belligerents, and cannot be captured.*

(See Art. 15, Draft Sick and Wounded Convention, p. 13.)

*1907 Convention. Art. 1, Sect. 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.

GE 1947, page 86.

ARTICLE 20

**Hospital ships  
belonging  
to the Red Cross  
or to private persons**

*Hospital ships utilised by National Red Cross Societies, officially recognised relief societies or private persons shall likewise be respected and exempt from capture, if the belligerent Power to whom they belong has given them an official commission and notified their names to the adverse Power, at the commencement or during the course of hostilities, and in any case before they are employed.*

*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 final departure.*

*1907 Convention. Art. 2 :*

Hospital-ships, equipped wholly or in part at the expense of private persons 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 final departure.

RC 1946, page 57 — GE 1947, p. 87.

ARTICLE 21

**Hospital ships  
belonging to neutral  
countries**

*Hospital ships utilised by National Red Cross Societies, officially recognised 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 himself, and that the latter has notified their names to the adversary, at the commencement, or during the course of hostilities, and in any case before they are employed.*

*1907 Convention. Art. 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.

RC 1946, page 58 — GE 1947, p. 88.

ARTICLE 22

**Employment**

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

*Governments undertake not to use these ships for any military purpose. These vessels shall in no wise hamper the movements of the combatants. During and after an engagement, they will act at their own risk.*

*1907 Convention. Art. 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 these 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.

RC 1946, p. 59 — GE 1947, p. 89.

#### ARTICLE 23

#### Rights of belligerents

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

*As far as possible, the belligerents shall enter in the log of the hospital ship, in a language intelligible to the captain of the vessel, the orders they give him.*

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

*1907 Convention. Art. 4 :*

See above.

RC 1946, p. 58 — GE 1947, p. 90.

#### ARTICLE 24

#### Stay in neutral ports

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

*1907 Convention. Art. 1, Sect. 2 :*

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

GE 1947, p. 91.

ARTICLE 25

**Transformation  
of merchant vessels**

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

GE 1947, p. 91.

ARTICLE 26

**Withdrawal  
of protection**

*The protection to which hospital ships and sick-bays are entitled shall cease only if they are used to commit acts harmful to the enemy, and after due warning, naming a reasonable time-limit and remaining without effect.*

*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.*

(See Art. 16 and 17, Draft Sick and Wounded Convention, p. 14.)

*1907 Convention. Art. 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 (are) not sufficient reason(s) for withdrawing protection.

RC 1946, p. 60 — GE 1947, p. 92.

CHAPTER IV

**Personnel**

ARTICLE 27

**Protection and status**

*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 no there are wounded and sick on board.*

(See Art. 19, Draft Sick and Wounded Convention, p. 15.)

*1907 Convention. Art. 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.

GE 1947, p. 92.

#### ARTICLE 28

#### Medical staff of captured ships

*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 wounded and sick.*

*On landing, they shall be subject to the stipulations provided for captured hospital staff by the Geneva Conventions and by the Eleventh Hague Convention of 1907.*

(See Art. 22 and 23, Draft Sick and Wounded Convention, p. 17-18.)

GE 1947, p. 93.

#### CHAPTER V

#### Material

#### ARTICLE 29

#### Protection of sick-bays

*Should fighting occur on board warships, 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 they may not be diverted from their purpose so long as they are required for the wounded and sick. The commander into whose power they have fallen may, after ensuring the proper care of the wounded and sick who are nursed there, apply them to other purposes in case of urgent military necessity.*

(See Art. 26, Draft Sick and Wounded Convention, p. 20.)

*1907 Convention. Art. 7 :*

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

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

GE 1947, p. 93.

## CHAPTER VI

### Medical Transport

#### ARTICLE 30

#### Medical aircraft

*The provisions of Articles 29 and 30 of the Geneva Convention are applicable in case of hostilities at sea, in particular as regards seaplanes used as medical aircraft.*

*Belligerents may conclude agreements to ensure the benefit of the said Convention to medical aircraft entrusted with the search and transport of wounded, sick and shipwrecked at sea.*

(See Art. 29 and 30, Draft Sick and Wounded Convention, p. 22-23.)

GE 1947, p. 94.

#### ARTICLE 31

#### Transport of medical equipment

*Hospital ships, and all ships chartered to this end shall be authorized to transport medical equipment, provided their routes and tasks have been notified to the adverse Power. The latter, duly advised, shall keep the right to board, but not to capture them.*

*In agreement with the belligerents, neutral observers may be placed on board these ships to verify the medical equipment carried.*

*On their return journey, hospital ships, having neither sick nor wounded on board, may transport only medical personnel or supplies.*

(See Art. 28, Draft Sick and Wounded Convention, p. 21.)

GE 1947, page 95.

#### Remarks

The wording of Section 3, which differs somewhat from previous drafts, is that of the RC Commission (1947).

CHAPTER VII

The Distinctive Emblem

ARTICLE 32

**Use of the Emblem**     *The emblem of the Red Cross shall be displayed on the flags, armbands and all equipment belonging to the Medical Service, with the consent of the responsible military authority.*

(See Art. 31, Draft Sick and Wounded Convention, p. 23.)

GE 1947, p. 96.

ARTICLE 33

**Identification of medical personnel**     *The personnel named in Articles 27 and 28 shall wear, affixed to the left arm, a water-resistant armband, bearing the distinctive emblem, issued and stamped by the military authority.*

*Such personnel shall also carry an identity card attesting their status, which can be put in the pocket. It 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.*

*All identity cards shall be established at least in duplicate, one copy to be given to the owner and the other kept by the Power of origin.*

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

(See Art. 33, Draft Sick and Wounded Convention, p. 24.)

GE 1947, p. 96.

ARTICLE 34

**Marking of hospital ships**     *The ships referred to in Article 19, 20 and 21 shall be distinguished by being painted white outside, with a horizontal red band about a metre and a half in breadth.*

*The boats of the said ships, as also small craft which may be used for hospital work, shall bear similar markings.*

*The decks, funnels, and superstructures of the ships mentioned in Section 1 shall be painted white and bear large red crosses, so as to render the distinctive emblem plainly visible to the enemy land, air, and naval forces.*

*All hospital ships shall, make themselves known by hoisting, besides their national flag, the white flag with a red cross, and further, should they belong*

*to a neutral State, by flying at the mainmast the national flag of the belligerent whose control they have accepted.*

*Hospital ships provisionally detained by the enemy in accordance with Article 23, shall haul down the national flag of the belligerent to whom they belong.*

*The said ships and craft which may wish to ensure by night the privileges to which they are entitled must, subject to the assent of the belligerent they are accompanying, take the necessary measures to render their painting and distinctive emblems sufficiently apparent.*

(See Art. 34, Draft Sick and Wounded Convention, p. 24.)

*1907 Convention. Art. 5 :*

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.

RC 1946, p. 62 — GE 1947, p. 97.

## CHAPTER VIII

### Execution of the Convention

#### ARTICLE 35

#### Details of execution Prohibition of reprisals

*The belligerents, acting through their admirals-in-chief of the fleet, shall ensure the detailed execution of the preceding Articles, and shall provide for unforeseen cases, in accordance with the instructions of their Governments and in conformity with the general principles of the present Conventions.*

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

(See Art. 37, Draft Sick and Wounded Convention, p. 27.)

*1907 Convention. Art. 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 36

**Publication  
of the Convention**

*The High Contracting Parties undertake to give the widest publicity in their respective countries, both in time of peace and in time of war, to the text of the present Convention, and especially to include the study of the latter among the subjects of the military and civilian syllabus, in order that its principles may be familiar to the entire population, and in particular to the armed fighting forces, the medical personnel and the chaplains.*

(See Art. 38, Draft Sick and Wounded Convention, p. 27.)

*1907 Convention. Art. 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 to the members entitled thereunder to immunity, and for making them know to the public.

GE 1947, p. 101.

CHAPTER IX

**Repression of Abuses and Infractions**

ARTICLE 37

**Legislation**

*The legislation of the contracting States shall repress all acts contrary to the stipulations of the present Convention. The abuse of the distinctive markings named in Article 34 by vessels not protected by the present Convention shall be prosecuted as an unlawful adoption of military markings.*

*The contracting States shall communicate to one another, through the Swiss Federal Council, the provisions relating to such repression, not later than one year from the ratification of the present Convention.*

(See Art. 39, Draft Sick and Wounded Convention, p. 28.)

*1907 Convention. Art. 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 unauthorised use of the distinctive marks mentioned in Article 5 by vessels not protected by the present Convention.

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

GE 1947, p. 101.

ARTICLE 38

**Penal sanctions**      *The contracting Parties shall be under the obligation to search for persons charged with breaches of the present Convention, whatever their nationality. They shall further, in accordance with their national legislation or with the Conventions for the repression of acts considered as war crimes, refer them for trial to their own courts, or hand them over for judgment to another Contracting Party.*

(See Art. 40, Draft Sick and Wounded Convention, p. 29.)

ARTICLE 39

**Procedure of enquiry**      *Independently of the procedure foreseen in Article 9, any High Contracting Party alleging a violation of the present Convention may demand the opening of an official enquiry.*

*This enquiry shall be carried out as soon as possible by a Commission instituted for each particular case, and comprising three neutral members selected 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, should they disagree, by the President of the Court of International Justice, or should the latter be a national of a belligerent State, by the President of the International Committee of the Red Cross.*

*As soon as the enquiry 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.*

(See Art. 41, Draft Sick and Wounded Convention, p. 29.)

**Final Provisions**

Here follow Articles 40 to 49 inclusive, which correspond to Articles 43 to 52 of the Draft Sick and Wounded Convention. (See pp. 31-32.) In Article 44 (corresponding to Article 47 of the above Convention) the Conventions quoted shall be replaced by: "The Tenth Convention of the Hague of October 18, 1907, for the adaptation to maritime warfare of the principles of the Geneva Convention of 1906."

Deletions and insertions  
noted were made to the  
Stockholm draft at  
Stockholm by the Legal  
Commission and were  
approved by the XVIII<sup>th</sup> International  
Red Cross Conference

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

*Remarks*

One of the suggestions received by the ICRC observes that the title of the Convention does not correspond exactly to its contents. Several Articles do not directly concern the treatment of Prisoners of War, but deal rather with reciprocal obligations between States. The writer would prefer a title similar to that of the Convention relative to the Sick and Wounded, e. g. "Convention for the Amelioration of the Lot (or rather "for the Relief") of Prisoners of War". While it does not desire to put forward a definite opinion on this point, the ICRC has considered it preferable to keep the present title, which has become customary.

**PART I**

**GENERAL PROVISIONS<sup>1</sup>**

See Remarks on Chap. I, Draft S. and W. Convention<sup>2</sup>.

**ARTICLE 1**

**Respect  
of the Convention**

The High Contracting Parties undertake, *in the name of their peoples,* to respect, and to ensure respect for the present Convention in all circumstances.

*Delet*

*1929 Convention. Art. 82, Sect. 1:*

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

See Remarks on Art. 1, Draft S. and W. Convention, p. 5.

<sup>1</sup> All changes or amendements introduced are shown in italics.

<sup>2</sup> The abbreviation "Draft S. and W. Convention" indicates the draft established for the revision of the "Convention for the Relief of Sick and Wounded in Armies in the Field".

[ ] deletion

ARTICLE 2

Application of the Convention

Beyond the stipulations to 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 should the state of war not be 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 should the said occupation meet with no armed resistance.

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

In all cases of armed conflict which are not of an international character, especially cases of civil war, colonial conflicts, or wars of religion, which may occur in the territory of one or more of the High Contracting Parties, the implementing of the principles of the present Convention shall be obligatory for each of the adversaries. The application of the Convention in these circumstances shall in no wise depend on the legal status of the parties to the conflict and shall have no effect on that status.

In Section here

In case of civil war in any part of the home, colonial or dependent territories of a Contracting or Adhering Party, the provisions of the present Convention shall also be applied by the said Party subject to the adverse Party also complying therewith

1929 Convention. Art. 82, Sec. 2 :

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.

Preliminary Conference (1946), p. 14 and 70.  
G.E., p. 107 and 301.

See Remarks on Art. 2, Draft S. and W. Convention, p. 6.

ARTICLE 3

Prisoners of war.

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

- (1) Members of armed forces of the Parties to the conflict, including members of [militias and] 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, [particularly if they act in liaison with the armed forces of one of the Parties to the conflict.]
- (3) Persons who follow the armed forces without directly forming part thereof (for instance, war correspondents, contractors, members of labour units, or of services employed for the welfare of combatants), on condition that they are bearers of an identity card similar to the annexed model and issued by the armed forces which they accompany.
- (4) Members of crews of the mercantile marine of the Parties to the conflict, [who have been captured at sea.] do not benefit by more favourable rules of treatment under the international laws.

Civilian members of crews of military aircraft

insertion

insertion



- (5) *The population of a non-occupied territory, who on the approach of the enemy take up arms of their own accord to resist the invading troops, without having had time to constitute regular armed forces, on condition that they bear arms openly and respect the laws and customs of warfare.*
- (6) *Persons belonging to a military organization, constituted in an occupied territory with a view to combating the occupying Power, on condition:*
  - (a) *that this organization has notified its participation in the conflict to the occupying Power, either through its responsible commander, or through the intermediary of a Party to the conflict, [or that it has secured the effective, albeit temporary control of a determined area;] or through the government to which they bear allegiance;*
  - (b) *that its members are placed under the orders of a responsible commander; that they constantly wear a fixed distinctive emblem, recognizable at a distance; that they carry arms openly; that they act in obedience to the laws and customs of warfare; and in particular that they treat nationals of the occupying Power who may have fallen into their hands, according to the provisions of the present Convention.*

*The following shall also 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, for reasons of security, to intern them.*
- (2) *Persons belonging to one of the categories named in [the preceding paragraph,] <sup>this article,</sup> who have been accommodated by neutral or non-belligerent Powers in their territories, subject to the rules of international law peculiar to maritime warfare, and without prejudice to any more favourable treatment which the said Powers may think fit to grant them, and under reservation of the provisions of Articles 7, 9, 14 (Sec. 1), 28 (Sec. 5), 49-57 inclusive, 72-107 inclusive and 116. The situations governed by these Articles may be the subject of special agreements between the Powers concerned.*

*This Convention also shall provide a minimum standard of protection for any category of persons who are captured & detained as the result of an armed conflict whose protection is not specifically provided for under some other convention.*

*1929 Convention. Art. 1 :*

*The present Convention shall apply without prejudice to the stipulations of Part VII :—*

- 1) *to all persons referred to in articles 1, 2 and 3 of the Regulations annexed to The Hague Convention of October 18, 1907, concerning the Laws and Customs of War on Land, who are captured by the enemy.*
- 2) *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 have reached a prisoners of war camp.*

*Preliminary Conference (1946), p. 81-83.*

*G. E., p. 102*

*Remarks*

The ICRC has taken up, in its broad lines, the proposal made by the Government Experts. As regards the persons mentioned sub (6), commonly known by the name of "Partisans", the ICRC has adopted one of the solutions recommended at the Conference of Government Experts, which was not unanimous on this point.

In conformity with the wish expressed by the Government Experts, the ICRC has replaced the word "captured by" in the 1929 text, by the expression "fallen in the hands of", which has a wider sense and covers also the case of members of forces falling into the power of the enemy without fighting, for instance as the result of a surrender. This wording has also been used in the other stipulations of the Convention where the same idea had to be expressed.

On the other hand, following on the recommendation expressed by the Government Experts (G. E., pp. 116-117), the ICRC has deleted the exceptions to the application of the Convention which the 1929 text indicated in respect of persons captured in the course of maritime or aerial warfare.

It would certainly be preferable that the regulations concerning the treatment of personnel of belligerent forces who are interned in neutral countries, should form the subject of a distinct and more detailed Convention. However, pending the establishment of such a Convention, the ICRC has thought it necessary to extend to these combatants the benefit of the provisions of the Convention relative to the treatment of Prisoners of War, due attention being paid, as far as possible, to their peculiar situation.

ARTICLE 4

**Beginning  
and end of application**

*The present Convention shall apply to the persons named in Art. 3, as soon as they have fallen into the hands of the enemy and until their final release and repatriation.*

*Should any doubt arise whether any of these persons belongs to one of the categories named in the said Article, that person shall have the benefit of the present Convention until his or her status has been determined by some responsible authority.*

Preliminary Conference (1946), p. 70.  
G. E., p. 115.

*Remarks*

Section 1 of this Article expresses the ideas already embodied in Art. 83, Sec. 2, and Art. 96, Sec. 3 of the 1929 Convention.

Section 2 introduces a new concept recommended in several communications made to the ICRC.

ARTICLE 5

**Special agreements**

*Besides the agreements expressly foreseen 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 on all matters relating to prisoners of war, for which they may consider it desirable to make particular provision. These agreements shall in no case adversely affect the situation of the prisoners of war, as defined by the present Convention, nor impair the rights which it grants them.*

Prisoners of war 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.

*1929 Convention. Art. 83, Sec. 1 and 2 :*

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.

Preliminary Conference (1946), p. 70.  
G. E., p. 258.

*Remarks*

This Article is that proposed by the Government Experts, with a slight amendment.

ARTICLE 6

**Acquired rights**

*Prisoners of war may in no circumstances be induced [by constraint, or by any other means of coercion] to abandon partially or wholly the rights conferred on them by the present Convention, and, should the case arise, by the special agreements foreseen in the preceding Article.*

Preliminary Conference (1946), p. 70.

*Remarks*

The suggestion embodied in this article was not explicitly put forward by the Government Experts, but it is implied in all their deliberations and apparently satisfies a practical need. It confirms the individual rights which the Convention gives to prisoners of war in many of its stipulations.

ARTICLE 7

Protecting Powers

<sup>supervision</sup>  
*The present Convention shall be applied with the co-operation and under the [control] of the Protecting Powers, whose duty it is to safeguard the interests of the Parties to the conflict. To this end, the Protecting Powers may appoint, besides their diplomatic staff, delegates among their own nationals, or among nationals of other neutral Powers. These delegates shall be subject to the approval of the Power in whose territory they are to carry out their duties, but such approval shall not be withheld* *once for all reasons*

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

*1929 Convention. Art. 86, Sec. 1 and beginning of Sec. 3 :*

The High Contracting Parties recognise 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...

Belligerents shall facilitate as much as possible the task of the representatives or recognised delegates of the Protecting Power.

Preliminary Conference (1946), p. 68.

G. E., p. 262.

*Remarks*

The text of the 1929 Convention has been reproduced with very slight amendments, the aim of which is to define more clearly the role and competence of the Protecting Powers.

ARTICLE 8

Activities  
of the International  
Committee of the  
Red Cross

*The provisions of the present Convention do not constitute an obstacle to the humanitarian activities which the International Committee of the Red Cross may undertake for the protection of prisoners of war and for the supply of relief to them, subject to the consent of the Parties to the conflict who may be concerned.*

*1929 Convention. Art. 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.

G. E., p. 267-268.

*Remarks*

The above text takes into account the recommendations expressed by the Government Experts, with a few amendments in the wording.

ARTICLE 9

**Substitutes  
for Protecting Powers**

*The Contracting Parties may, at all times, 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.*

*Moreover, if prisoners of war 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 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 it in the sense of the present Article.*

G. E. p. 263, 270-271.

*Remarks*

In drafting this Article, the ICRC relied mainly on the observations made by the Government Experts (see Preamble to the Draft Convention relating to Civilians, G. E., pp. 270-271).

*Re Section 1.* — The ICRC notes that the creation or appointment of an international competent organization, which was suggested by the Government Experts, has not further materialized, to its knowledge. In conformity with the recommendations made by the R. C. Commission (1947), the above draft was worded in such a manner that the Convention can be usefully implemented, whatever the policy adopted in this matter.

In order to leave every latitude to States in this field, the ICRC has adopted a wording which allows the plan suggested by the Government Experts to be carried out. The expression "body which presents all guarantees of impartiality and efficacy" is used to emphasize the fact that it may refer to a body already in existence, or created particularly for the purpose. The expression offers further the advantage of excluding the constitution of agencies set up, for instance, by agreement between an occupying Power and the Authorities of the occupied territory, with a view to taking over the functions of Protecting Power. The Government Experts stressed their anxiety to avoid such situations, in view of experience gained during the recent war.

*Re Section 2.* — This Section agrees with the recommendation of the Government Experts, stating that prisoners of war should never be deprived of protection (G. E., p. 263).

*Re Section 3.* — The aim of this Section is to avoid the frequent repetition in the text of the Convention, of reference to the body foreseen in Section 1, besides the reference to the Protecting Power.

ARTICLE 10

**Procedure  
of conciliation**

*Whenever they consider it useful, especially in case of disagreement between the Parties to the conflict regarding the application of the provisions*

In case, lacking a Protecting Power, shall a Protecting Body be designated through agreement between the Detaining Power and the Power on which the prisoners depend if the Detaining Power or one of its allies occupies the territory of the Power on which the prisoners of war depend, and if the prisoners of war government remains in the occupied territory.

*of the present Convention, or if it be in the interest of prisoners of war, the Protecting Powers shall lend their good offices with the object of facilitating such application.*

To this end, each of the Protecting Powers may, *either at the invitation of one Party or by its own motion*, propose to the Parties to the conflict a meeting of their representatives, *in particular of the authorities responsible for prisoners of war*, ultimately on suitably chosen neutral territory. *The Parties to the conflict* shall be required to give effect to the proposals made to them in this sense. 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 participate in this meeting.

*1929 Convention. Art. 83, Sec. 3 :*

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, authorise meetings of representatives of the respective authorities charged with the administration of prisoners of war.

*1929 Convention. Art. 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.

Preliminary Conference (1946), p. 70.  
G. E. p. 260 and 267.

#### *Remarks*

This text assembles in a single Article stipulations which, although closely related, were up to the present included in two different Articles of the Convention.

It gives to the Protecting Powers, who could act hitherto only on the invitation of belligerents, the faculty of taking action by their own motion, in order to facilitate the implementing of the Convention and the solution of the difficulties which its application may ultimately cause. This system may perhaps allow the adaptation of the Convention to new forms of warfare which cannot be foreseen at the present time.

## PART II

### GENERAL PROTECTION OF PRISONERS OF WAR

#### *Remarks*

The title of the 1929 text "General Provisions" has already been employed to cover the new Articles introduced at the end of the Conven-

tion. The ICRC has therefore considered it useful to replace it by another and equally general title.

With the exception of the former Art. 1, which has been inserted among the general Articles, the stipulations included in the present Part II are those of Part I of the 1929 text. Like these, they have been written in French with the verbs in the present tense, in order to stress their value as fundamental principles which are unanimously recognized.

As regards the former Part II and the stipulations included therein, see Remarks on Part III, Section I, p. 61.

#### ARTICLE 11

#### Responsibility for the treatment of prisoners

Prisoners of war are in the hands of the enemy Power, but not of the individuals or military units *which have captured them*. *Independently of any individual responsibilities which may exist, the Detaining Power is responsible for the treatment granted to them.*

*Prisoners of war cannot be transferred by the Detaining Power to any Power not party to the Convention. When they are transferred to a Power party to the Convention, responsibility for implementing the Convention devolves jointly on the two Powers concerned.*

*1929 Convention. Art. 2, Sec. 1 :*

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

G. E., pp. 116-117.

#### Remarks

The ICRC has thought it advisable to insert in a distinct Article everything which concerns responsibility for the implementing of the Convention, and to include Sec. 2 and 3 of the text adopted in 1929, in the following Article.

It has appeared necessary to add to Sec. 1, the words "independently of any individual responsibilities which may exist", so as to stress the fact that the responsibility of the States in no way excludes the personal responsibility which may devolve upon its agents in respect of their acts relative to prisoners of war, nor the possibility of their punishment for such acts, in obedience to Art. 119.

As regards responsibility in case of transfer, the ICRC is conscious of the difficulties of application which may result from any solution that provides for the joint responsibility of both Powers; it has nevertheless adopted this course, since experience has taught it that the benefits which accrued to prisoners of war were greater than the disadvantages possibly incurred by the said Powers.

#### ARTICLE 12

#### Humane treatment of prisoners

Prisoners of war shall at all times be humanely treated and protected, particularly against *any act of violence and intimidation*, as against insults and public curiosity. *No prisoner of war may be subjected to physical*

Measures of reprisal against them are forbidden.

*mental or  
scientific  
experiment of any*

1929 Convention. Art. 2, Sec. 2 and 3 :

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.

G. E., pp. 117 and 118.

#### ARTICLE 13

#### Respect for the persons of prisoners

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

Women shall be treated with all consideration due to their sex *and shall in any case 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 country of origin; they may exercise all the rights which may be granted to them by the Detaining Power.*

1929 Convention. Art. 3 :

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

Prisoners retain their civil capacity.

G. E., pp. 118-119.

#### Remarks

*Re Section 1.* — The ICRC believes that the French word “*personne*”, instead of “*personnalité*”, expresses more clearly the idea contained in this Section. (No change in the translation.)

*Re Section 3.* — In conformity with the recommendation made by the June Experts, the ICRC has considered it useful to stress that the civil capacity alluded to is that founded on the legislation of the prisoner's country of origin.

#### ARTICLE 14

#### Maintenance and discriminatory treatment

The Power detaining Prisoners of war is under obligation to furnish them with *free maintenance and to grant them similarly the medical care which their state of health may require.*

*Account being taken of the provisions of the present Convention regarding rank and sex, and subject to any privileged treatment which may be granted to prisoners of war by reason of their health, age or professional capacity, all prisoners shall be treated alike by the Detaining Power, without any discrimination of race, nationality, religious belief, political opinions, or any other distinction founded on similar criteria.*

1929 Convention. Art. 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.

G. E., pp. 120 and 121.

*Remarks*

The Committee has adopted, for Section 2, a wording which is slightly different from that suggested by the Government Experts. The draft expresses, with greater force, in the Committee's opinion, the principle on which this Article rests, namely the equality of prisoners of war before the law of captivity. The Committee has therefore thought it useful to take up at the close of the Section, the wording relative to discriminatory measures which was recommended by the Government Experts for the Draft S. and W. Convention. The wording is in accord with the most recent international studies and discussions.

PART III

CAPTIVITY

*Remarks*

Whenever the subdivisions of the Convention are indicated by the same titles as in the 1929 text—as in the present case—the ICRC has preferred, in the French text, to give them a more modern form by deleting the preposition “de”.

SECTION I

Beginning of Captivity

*Remarks*

The Committee has considered it advisable to include in this Section the stipulations which appeared in the 1929 text under the title: “Capture”. These stipulations concern matters which relate to captivity, on the assumption (as in the general lay-out of the present Draft) that captivity begins at the moment when the combatant falls into the hands of the enemy. The stipulations must therefore, in good logic, be included in Part III. The Committee has abandoned the wording “De la capture” (“Capture”) for reasons already indicated (see Remarks on Art. 3, p. 000), and further because these stipulations do not concern in any way the circumstances or the conditions of capture.

On the other hand, the Committee has thought it preferable to assemble in a single subdivision the former Art. 5, 6 and 7, and to replace the title "Evacuation of prisoners of war" by another having a wider scope.

ARTICLE 15

**Questioning  
of prisoners**

Every prisoner of war, if questioned on the subject, *shall be required to declare only his names and rank, the date of his birth, his army number or failing this, equivalent information.*

Should he *deliberately* infringe this rule, he shall be liable to restriction of the privileges which the Convention grants to prisoners of war of his rank or status.

*No physical or moral torture nor any other form of coercion may be inflicted on prisoners of war, especially to obtain from them information regarding either the situation of their armed forces or their country, or concerning their personal situation. Prisoners of war who refuse to reply may not be threatened, insulted, or exposed to any unpleasantness or disadvantage whatsoever.*

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

1929 Convention. Art. 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.

G. E., pp. 122-124.

ARTICLE 16

**Property  
of prisoners**

All personal effects and articles—except arms, horses, military equipment and military documents—shall remain in the possession of prisoners of war, as well as their metal helmets and gas masks. *They shall also remain in possession of effects and articles employed for their clothing or nutrition, even if these effects and articles form part of their regulation military equipment.*

*At no time shall prisoners of war find themselves without an identity document. The Detaining Power shall furnish such a document to prisoners of war who have 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.

*Each belligerent is required  
unless the persons under its  
jurisdiction who are liable to  
become prisoners of war with  
identification cards showing  
individual's name, rank,  
regimental or serial number,  
equivalent data and date  
with such identification  
cards showing finger prints of  
individual but need not  
tain any information other  
than that specified above.*

Sums of money carried by prisoners of war may only be taken from them by order of an officer, and after the amount has been verified. They shall be given a receipt for them. *The same applies to any valuables which may be taken from prisoners. These valuables, as well as sums impounded in any currency other than that of the Detaining Power and the conversion of which has not been asked for by the owner, shall be returned in their initial shape to prisoners of war by the said Power, at the time of their release.*

*1929 Convention. Art. 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.

G. E., pp. 124-127.

*Remarks*

*Re Sec. 3.* — The crediting to prisoners' accounts of impounded monies and, in a general way, the custody of this property during the owners' captivity, have been dealt with preferably in Art. 50. On the other hand, the Committee has considered it necessary to provide explicitly for the return to prisoners of war of the monies and articles named in this Section.

ARTICLE 17

**Evacuation  
of prisoners**

As soon as possible *after they are taken*, prisoners of war shall be removed to camps situated in an area sufficiently distant from the combat zone for them to be out of danger.

Prisoners of war who, by reason of wounds or sickness, would be exposed to greater risk by evacuation than by remaining on the spot, may alone be kept back temporarily in a danger zone.

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

*1929 Convention. Art. 7, Sec. 1, 2 and 3 :*

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 risk 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.

G. E., pp. 127-128.

*Remarks*

The Committee thought it preferable to follow the 1929 text, with slight amendments in the wording, and to devote a separate Article, which follows, to the conditions under which the evacuation of prisoners of war must be carried out.

ARTICLE 18

**Procedure of  
evacuation**

*The evacuation of prisoners of war shall always be carried out with humanity and in conditions [as far as possible] similar to those applied in the case of forces of the Detaining Power who are being moved.*

*The Detaining Power shall furnish prisoners of war who are being evacuated with an adequate supply of food and water, and with the necessary clothing and medical attention. The Detaining Power shall take all necessary precautions to ensure their safety during their removal, and shall establish as soon as possible lists of prisoners of war who have been evacuated.*

*Should prisoners of war pass during removal through transit camps, their stay in these camps shall be as short as possible.*

*1929 Convention. Art. 7, Sec. 4 :*

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 reassign water and food depots requires longer stages.

G.E., pp. 127-128 and 137-138, for Sec. 3.

*Remarks*

The establishing of lists of prisoners of war who are evacuated was suggested by certain Government Experts. The Committee has thought if opportune to adopt this suggestion, as such lists may be useful in case prisoners should happen to die during their removal.

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SECTION II

Internment of Prisoners of War

1929 Convention : Section II. — PRISONER OF WAR CAMPS.

G.E., p. 129.

CHAPTER I

General Observations

Remarks

In the 1929 text, the General Observations are included in Art. 9, which refers essentially to three matters : (1) Liberty of movement of prisoners of war; (2) Place and manner of detention; (3) Safety of prisoners of war in respect of military operations.

The Committee has considered it preferable to devote a separate Article to each of these questions, to add the question of transit camps of a permanent character, and to assemble these various Articles in the present Chapter I.

ARTICLE 19

Restriction of liberty of movement

[The Detaining Power may subject prisoners of war to internment. It may lay upon them the obligation not to leave the camp where they are interned beyond certain limits or, if the said camp is fenced-in, not to go outside its perimeter. Subject to the provisions of the present Convention concerning penal and disciplinary sanctions, prisoners of war shall not be shut in or confined except as a measure that is indispensable for reasons of hygiene, and only so long as circumstances require.]

[Prisoners of war may be partially or wholly released on parole or on undertaking, in so far as the laws of the Power on which they depend allow. This measure shall be taken particularly in cases where it can assist in improving their health.]

1929 Convention. Art. 9, Sec. 1 :

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.

substitution;  
Upon the outbreak of hostilities each belligerent shall notify the opposing Power of the laws and regulations allowing or prohibiting its own nationals to accept liberty from internment, on parole or undertaking, prisoners of war who are interned in accordance with its laws and regulations so notified are bound on their personal honor scrupulously to fulfill both towards their own governments and the Detaining Power its engagements of their paroles or undertakings. In cases, their own government is bound neither to require nor accept from them any services incompatible with the paroles or undertakings given.  
If prisoners of war liberated as paroled, undertake parole or undertaking...

Nevertheless, prisoners  
liberated on parole  
or undertaking  
attempt escape and  
recaptured before a  
successful escape may  
be punished by  
disciplinary measures  
defined in Articles  
- 89 inclusive

*Annex to the IV Hague Convention (1907)*<sup>1</sup>. Art. 10, 11 and 12 :

*Art. 10.* — Prisoners of war may be set at liberty on parole, if the laws of their country allow, and in such cases they are bound, on their personal honour, scrupulously to fulfil, both towards their own Government and the Government by whom they were made prisoners, the engagement they have contracted.

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

*Art. 11.* — A prisoner of war cannot be compelled to accept his liberty on parole; similarly the hostile Government is not obliged to accede to the request of the prisoner to be set at liberty on parole.

*Art. 12.* — Prisoners of war liberated on parole and recaptured bearing arms against the Government to whom they had pledged their honour, or against the allies of that Government, forfeit their right to be treated as prisoners of war, and can be brought before the courts.

G.E., pp. 129, 130 and 133-134 (Liberty on parole).

*Remarks*

This Article refers only to the essential principles which govern the liberty of movement allowed to prisoners of war; for this reason, the Committee has thought it necessary to include here the institution of liberty on parole. However, by reason of the new character which the Government Experts wish to give to this institution (personal and temporary measure, usually adopted for reasons of health), the Committee have not thought it necessary to take from the Hague Regulations of 1907 those clauses which concern the obligations and ultimately the sanctions relative to liberty on parole. Such obligations and sanctions can be determined by the Detaining Power in compliance with the rules of international law, and with the possible agreement of the Power on which the prisoners of war depend. The option of giving their parole is, in principle, confined to officers, and the term "undertaking" has been added in order to stress the fact that all prisoners of war, whether commissioned or not, may benefit by the said institution.

The term "camp" in Section I must not be understood in a restrictive sense (compound, hutments), but in the generic sense already given by the 1929 Convention, and which has been confirmed by practice. The word therefore indicates all the premises and installations, whatever their nature, where a number of prisoners of war are interned.

ARTICLE 20

**Places and manner  
of internment**

*Prisoners of war shall be interned only in establishments situated on land and offering all safeguards in respect of hygiene and salubrity. Except in particular cases which are justified in the interest of prisoners of war themselves, the latter shall not be interned permanently in penitentiaries.*

Prisoners of war interned in areas which are unhealthy, or whose climate is harmful to them, shall be removed as quickly 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.*

<sup>1</sup> Concerning the translation, see above p. 35.

*1929 Convention, Art. 9, Sec. 1, 2 and 3 :*

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.

SAIN, p. 17.

G. E., pp. 130-132.

### *Remarks*

*Re Section 1.* — The word “establishments” must be understood in its widest sense. The Section therefore covers equally camps under canvas, in so far as they fulfil the conditions named in this Section and in Art. 23, which deals with matters of accommodation.

*Re Section 3.* — The Committee has considered it useful to add the criterion of nationality, which has always played an important part, to the two other criteria of language and customs, which were proposed by the Government Experts for the classification of prisoners of war. These three criteria have been quoted in order of importance.

## ARTICLE 21

### Security of prisoners

Prisoners of war shall at no time be *sent into, or detained* in an area where they may be exposed to the fire of the combat zone, nor be so used that their persons may protect certain points or areas *against military operations.*

*Prisoners of war shall have the same right as the local civilian population to shelters against air raids and other hazards of war. In case of alarms, they shall be <sup>permitted</sup> allowed to enter such shelters as quickly as possible, except those who may be engaged in air raid precautions for the defence of their quarters. 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 intermediary of the Protecting Powers, all useful information concerning the geographical location of prisoner of war camps.*

*Prisoner of war camps shall be marked by day with 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.*

*1929 Convention. Art. 9, Sec. 4 :*

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.

G. E., p. 132-133.

*Remarks*

*Re Section 1.* — Since it is possible to be taken prisoner of war without being necessarily captured in the course of fighting, and thus being in a dangerous zone, the Committee has thought it necessary to replace the French word “renvoyé” by the word “envoyé”.

*Re Section 2.* — In view of the experience gained during the War, the Committee has found it useful to state clearly that prisoners of war shall be *effectively* enabled to resort to their shelters, and shall not be compelled to participate in air raid precautions for the defence of their workshops. This stipulation does not debar their voluntary participation in the protection of such premises.

Furthermore, the Committee has considered it opportune to add the last clause, having in mind that the development of warfare might nullify the protection given by shelters, and lead to the adoption of other means of protection.

ARTICLE 22

**Permanent  
transit camps**

*Transit or screening camps which are of a permanent nature, shall be installed in conditions similar to those described in the present Section, and prisoners of war shall enjoy therein the same treatment as in the other camps.*

G. E., pp. 137 and 138.

*Remarks*

In the opinion of the Committee, the transit camps named in this Article are distinct from the transit camps provided for in Art. 18 (see page 64). This difference is due rather to their permanent character, than to the fact that they are situated outside the zone of military operations—a condition which may apply to both kinds of transit camps.

CHAPTER II

**Accommodation, Food and Clothing of Prisoners of War**

*Remarks*

The Committee has considered it preferable to assemble in a single subdivision the stipulations contained in the two Chapters of the 1929 Convention entitled (1) Installation of Camps, and (2) Food and Clothing.

It has been occasionally suggested that the matters dealt with in this Chapter, as also in the following Chapter (Hygiene and Medical Attention) should be made the subject of Regulations annexed to the Convention. The ICRC believes that such regulations (which would



doubtless include very detailed stipulations and definite criteria, and which should be obligatory if they are to fulfil their purpose) might not be sufficiently adapted to varying conditions of place, climate, etc., and that the States might therefore refuse to subscribe to them; on the other hand, the stipulations relative to these matters being in annexe, their effective scope might be seriously limited, despite the fact that they are of capital importance in the daily life of prisoners of war. For these reasons, the Committee has considered it necessary to introduce these provisions into the Convention itself, and to draft them as clearly and completely, as also in as general a manner, as possible. This course does not, however, preclude the adoption of annexed regulations, which might complete these rulings in matters of detail and would then have the value of model agreements.

#### ARTICLE 23

##### Quarters

*Prisoners of war shall be accommodated in conditions as favourable as those for forces of the Detaining Power quartered in the same area. These conditions shall take account of the manners and customs of the prisoners and shall in no case be harmful to their health.*

*The preceding stipulations shall apply particularly to prisoner of war dormitories, both as regards their total area and minimum cubic air space, and the general installations and the bedding, including blankets.*

The premises shall be entirely free from damp, sufficiently heated and lighted, especially between nightfall and lights out. All precautions shall be taken against risk of fire.

##### *1929 Convention. Art. 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.

G. E., pp. 134-136.

##### *Remarks*

*Re Section 2.* — The installation of dormitories raises the same questions as camp installation in general. The Committee has, therefore, thought it preferable to follow the ruling suggested by the Government Experts in respect of Section 1 (assimilation to the forces of the Detaining Power, in so far as such assimilation takes into account the customs of the prisoners and is not detrimental to their health).

In the Committee's view, this ruling is both more precise and more easily adaptable than the wording suggested by the Experts for the

installation of dormitories; its application and supervision will thus be facilitated. In consequence, the Committee think it necessary to insert the former Section 3 immediately after Section 1.

ARTICLE 24

Food rations

[The food rations allotted to prisoners of war shall be at least equivalent to those of the Detaining Power's own forces which are not engaged in military operations, unless such rations are manifestly superior to those issued to the army to which the prisoners belong. In the latter case, prisoner of war rations may be reduced without, however, falling below those of the said army. In any case, rations shall be adequate in quantity, quality and variety in order to ensure a normal state of health.]

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 authorized.

Prisoners of war shall be associated as far as possible in the preparation of their meals; for this purpose they may be employed in the kitchens. They shall also be given the means for preparing themselves the additional foodstuffs in their possession.

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

1929 Convention. Art. 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.

G. E., pp. 138-140.

Remarks

In view of its own experience and in conformity with the recommendation of the June Experts and of the R. C. Commission, the Committee considered it necessary to complete the text of the Government Experts, by placing prisoners of war on the same footing in respect of rations as the forces of the Detaining Power. The Committee has, however, taken into account the objection raised to such assimilation, and has substituted for the expression "depot troops" the words "forces which are not engaged in military operations". The case has also been foreseen in which prisoner of war rations might be too substantial in comparison with those they would receive as active members of their own forces.

Several suggestions were addressed to the ICRC recommending that increased rations be granted to prisoners at work, and the Committee has thought it useful to embody this principle.

*all collective disciplinary measures affecting food prohibited.*

ARTICLE 25

**Clothing** Clothing, underwear and footwear shall be supplied to prisoners of war *in sufficient quantities* by the Detaining Power; *the latter shall [as far as possible] take into account the climate of the area in which prisoners of war are detained.*

The regular replacement and repair of such articles shall be assured *by the Detaining Power.* In addition, prisoners of war who are employed shall be furnished with appropriate clothing, wherever the nature of the work demands.

*The uniforms of enemy forces taken by the Detaining Power, shall [as far as possible] be used as clothing for prisoners of war belonging to the said forces.*

1929 Convention. Art. 12, Sec. 1 :

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.

Preliminary Conference (1946), p. 87.  
G. E., pp. 140-142.

*the calling of which is in no case to be higher than*

ARTICLE 26

**Canteens** In all camps, canteens shall be installed where prisoners of war shall be able to buy foodstuffs, articles of everyday use *and soap [at] the local market, [prices.]*

The profits accruing to the camp administration from the canteens shall be used for the benefit of the prisoners; *a special fund shall be instituted for this purpose. The prisoners' representative shall have the right to check the management of the canteens and of the said fund.*

*trans a hum. Aganti to be*

*When a camp is closed down, the profits of canteens shall be used 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 general repatriation, the profits shall be kept by the Detaining Power, subject to contrary agreement between the Powers concerned.*

1929 Convention. Art. 12, Sec. 2 and 3 :

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.

G. E. pp. 142-144.

**Remarks**

*Re Section 2. — In the Committee's view, the wording first approved by the Government Experts was more satisfactory than the text finally adopted by them.*

CHAPTER III

Hygiene and Medical Attention

1929 Convention : Chapter 3 — Hygiene in Camps.

ARTICLE 27

Hygiene

*The Detaining Power* 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.

Moreover, without prejudice to the baths and showerbaths with which the camps shall be furnished, prisoners of war shall be provided with sufficient water and soap for their personal toilet *and for laundry purposes; the necessary installations and facilities shall be granted them for the purpose.*

1929 Convention. Art. 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.

G. E., pp. 144-145.

Remarks

The Government Experts had suggested to remove Section 4 of the 1929 text, and to insert it in Art. 21 (former Art. 17) which refers to sports, games and leisure. The Committee shared this view.

ARTICLE 28

Medical attention

Each camp shall have an adequate infirmary where prisoners of war may receive the attention they require, *as well as appropriate diet.* Isolation wards shall, if necessary be set aside for patients suffering from contagious diseases.

Prisoners of war suffering from serious disease, or whose condition requires *special treatment*, a surgical operation, or *hospital care*, shall be admitted into any military or civilian institution where such treatment can be given, *even if their repatriation is due in the near future.* Particular facilities shall be granted for the treatment *[and] reeducation [of the blind,]* pending their repatriation.

*of the disabled, especially of the blind, and for their*

*Prisoners of war shall have by preference the attention of the 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, if required to do so, issue to every prisoner of war having undergone treatment, an official certificate showing the nature of his disease or wound, and the duration of the treatment and the care he has received. A duplicate of this certificate shall be sent to the Central Prisoners of War Agency.*

The costs of treatment, including those of *apparatus required to keep prisoners of war in good health, particularly dentures and spectacles*, shall be borne by the Detaining Power.

*1929 Convention, Art. 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.

G. E., pp. 145-148.

*Remarks*

The Committee has thought it necessary to give a more logical sequence to the various provisions and paragraphs of the 1929 text.

*Re Section 2.* — The last words "pending their repatriation" have been added to the text proposed by the Government Experts. The object is to stress the fact that the prospect of early repatriation must deprive neither the blind, nor the other sick repatriates, of the care they may require.

ARTICLE 29

**Medical inspections**

Medical inspections of prisoners of war shall be held at least once a month. Their object shall be, in particular, the supervision of the general state of health, *nutrition* and cleanliness of prisoners and the detection of infectious diseases, especially tuberculosis, *malaria* and venereal complaints. *Such examinations shall include, if possible, periodical radioscopic examination and the weighing of each prisoner.*

1929 Convention, Art. 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.

G. E., pp. 148-149.

*Remarks*

In view of the experience gained in the recent war, the Committee found it necessary to add malaria to the list of infectious diseases quoted as examples.

CHAPTER IV

Religious, Intellectual and Physical Activities

1929 Convention :

Chapter 4. — Intellectual and Moral Needs of Prisoners of War.

ARTICLE 30

Religious duties

Prisoners of war shall enjoy complete latitude in the performance of their religious duties, including attendance at the services of their community, on the sole condition that they comply with the disciplinary routine prescribed by the military authorities. *The Detaining Power shall provide it*

Ministers of religion, *who are prisoners of war*, whatever their denomination, shall be allowed freely to minister to the members of their community. *To this end, the Detaining Power shall ensure their due allocation between the various camps and labour detachments. [In case of need,] They shall enjoy all facilities for travelling from one camp or labour detachment to another. Every prisoner of war who can furnish evidence to the Detaining Power of his status as a minister of religion shall be dispensed from work.* *S*

*Further, representatives of religious organizations chosen by agreement between the Detaining and the Protecting Powers (preferably among nationals of neutral countries) shall be authorized, subject to the approval of the Detaining Power, to visit the prisoners of war and to minister to their religious needs.*

*In the official reports sent to the Governments on the conditions of the prisoners of war, special mention should be made of the religious assistance which they enjoy*

1929 Convention, Art. 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.

*now no minister of the religion of the prisoners of war, the Detaining Power shall permit for the religious instances be entrusted to a minister of the same denomination, possible, appointed by the local religious authorities with the approval of the Detaining Power.*

*The ministers of religion shall enjoy freedom of correspondence on matters pertaining to their ministry with the respective ecclesiastical authorities in the country of destination.*

*provide it adequate means*

*duly accredited*

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

SAIN, pp. 8-10.

G. E., pp. 149-150 and 311.

*Remarks*

*Re Section 3.* — The Committee considered that the right given by the Convention to certain organizations to visit prisoners for the purpose of distributing relief supplies in kind, should in good logic be extended to bodies which offer them moral support. It has thus followed the text suggested in this connection by certain Government Experts and by the representatives of religious Associations, and has amended the wording so as to take into account, as far as possible, security considerations which the Detaining Power might invoke as obstacles to the visit of representatives of religious Associations.

ARTICLE 31

Recreation, studies,  
sports and games

*While respecting the individual [liberty] <sup>wishes</sup> of each prisoner of war, the Detaining Power shall encourage intellectual, educational and recreational pursuits, sports and games amongst prisoners, and shall take the necessary measures to ensure their practice, 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.*

*1929 Convention, Art. 17 :*

Belligerents shall encourage as much as possible the organisation of intellectual and sporting pursuits by the prisoners of war.

*1929 Convention, Art. 13, Sec. 4 :*

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

SAIN, p. 11.

G. E., pp. 150-151.

*Remarks*

Following on the recommendation made by the June Experts, the Committee thought it useful to delete the words "organised by" used in the 1929 text. It is now made clear that the obligation laid upon the Detaining Power does not depend on any initiative taken in this field by the prisoners themselves.

Furthermore, the Committee found it opportune to complete Sec. 4 of the former Art. 13. This Section, if interpreted in a restrictive fashion, does not imply the obligation to arrange playing fields for sports, games and other physical recreations.

CHAPTER V

**Discipline**

*1929 Convention :*

Chapter 5. — Internal Discipline of Camps.

ARTICLE 32

**Administration  
Saluting**

Each prisoner of war camp shall be subordinate to a responsible officer *belonging to the regular armed forces of the Detaining Power. This officer shall possess the text of the present Convention ; he shall ensure that its provisions are known to the camp guard and shall be responsible for its application under the direction of his government.*

*With the exception of officers, prisoners of war shall salute all officers of the Detaining Power and show them the marks of respect defined in the regulations applying in their own forces.*

Officer prisoners of war shall only be bound to salute officers of a superior rank of the Detaining Power; *they shall, however, be obliged to salute the camp commander regardless of his rank.*

*1929 Convention, Art. 18 :*

Each prisoner 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.

G. E., pp. 151-153.

ARTICLE 33

**Badges and  
decorations**

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

*1929 Convention, Art. 19 :*

The wearing of badges of rank and decorations shall be permitted.

G. E., pp. 153-154.

ARTICLE 34

**Conventions,  
regulations and  
orders concerning  
prisoners**

In every camp the text of the present Convention, *of its annexes and of the particular agreements provided for in Article 5*, shall be posted, in the prisoners' own language and in places where all may read it. The text shall be supplied, on request, to prisoners who may be unable to consult the copy which has been posted.

Regulations, orders and publications of all kinds *relating to the conduct of prisoners of war* shall be communicated to them in a language which



they understand. *Such regulations, orders and publications shall be posted in the manner described in Section 1, and copies shall be handed to their representative. All orders and commands addressed to individual prisoners of war shall also be given in a language which they understand.*

The same principle shall apply to questionings.

*1929 Convention, Art. 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.

*1929 Convention, Art. 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.

G. E., pp. 154 and 261-262.

#### *Remarks*

The Committee has found it preferable to include in Art. 117 (former Art. 84) everything which concerns in a general way the publication of the Convention, and to include in Art. 34 above the rules concerning the communication of the Convention text to prisoners of war and in camps.

### ARTICLE 35

#### **Use of arms**

*The use of arms against prisoners of war, especially against those who are escaping or attempting to escape, shall only constitute a last resort, which must always be preceded by warnings appropriate to the circumstances.*

G. E., pp. 211-213.

#### *Remarks*

The recommendation expressed by the Government Experts regarding the use of arms against prisoners of war, was of a general character; the Committee has therefore considered it better to insert the new Article founded on this recommendation in the Section entitled "Discipline", rather than in the stipulations concerning escapes.

### CHAPTER VI

#### **Rank of Prisoners of War**

*1929 Convention :*

Chapter 6 — Special Provisions concerning Officers and persons of equivalent status.

G. E., p. 154.

ARTICLE 36

**Communication  
of ranks**

As from the outbreak of hostilities, the belligerents shall communicate to one another the titles and ranks of all persons defined in Article 3 of the present Convention, in order to ensure equality of treatment between prisoners of equivalent rank. Titles and ranks which are introduced subsequently shall be communicated in a similar fashion.

[In order to accelerate the communication of such information, the High Contracting Parties, on adhering to the present Convention, are invited to furnish the International Committee of the Red Cross with a list of titles and ranks in their armed forces, and with the changes which they may subsequently introduce.]

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

1929 Convention, Art. 21, Sec. 1 :

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.

G. E., pp. 154-155.

*Remarks*

It appears advisable, in the opinion of the Committee, to include in a single Article everything which concerns the treatment of officers. For this reason, Sec. 2 of the former Art. 21 has been inserted in the following Art. 37.

*Re Section 3.* — The words “The Power on which they depend” have been introduced by the Committee. The words “Power of origin of prisoners” are in fairly current usage, but it lacks precision, in so far as it does not cover prisoners who are not nationals of the Power in whose forces they were serving. The 1929 text uses the phrase “the Power in whose armies the prisoners have served”. This expression is cumbersome, and does not include the seamen of the merchant marine, nor the population rising *en masse*. Another wording has been suggested : “the Power whom the prisoners of war have served”. The Committee, after due consideration, has deemed it preferable to adopt the words inserted in the above Article, and the same wording will be found, in some cases as substitute for the earlier phrase, in Art. 45, 51, 53, 56, 57, 58, 60, 81, 103, 106 and 113 of the present Draft.

ARTICLE 37

**Treatment  
of officers**

Officers and assimilated prisoners of war shall be treated with the consideration due to their rank and seniority.

Service of officers' camps shall be ensured by other ranks of the

same forces and as far as possible speaking the same language, who shall be detailed in sufficient numbers, account being taken of the rank of officers and assimilated prisoners of war. *These orderlies shall not be compelled to do any other work.*

Officers shall be given every facility for the management of their own mess.

*1929 Convention, Art. 21, Sec. 2 :*

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

*1929 Convention, Art. 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.

G. E., pp. 155-157.

## CHAPTER VII

### Transfer of Prisoners of War after their Arrival in Camp

*1929 Convention :*

Chapter 8. — Transfer of Prisoners of War.

G. E., pp. 163-164.

#### *Remarks*

The Committee has abandoned the expression "transfer between base camps", since the idea of base camp does not occur in the Convention. The title of this Chapter, has, however, been altered, so as to take into account the idea expressed by the Government Experts.

As regards the former Chapter VII relating to the financial resources of prisoners of war, see page 87.

## ARTICLE 38

**Conditions** • *Transfers of prisoners of war shall always be carried out with humanity and in conditions similar to those of the forces of the Detaining Power when these are transferred.*

*The Detaining Power shall supply prisoners of war during their transfer with sufficient food and water, as well as with clothing and the necessary medical attention. The Detaining Power shall take all adequate precautions, especially in case of transport by sea, to ensure their security during*

*(or by air)*

*transfer, and shall establish before their departure a complete list of all men transferred.*

G. E., pp. 165, 166 and 167.

*Remarks*

On the basis of experience gained during the War, and in agreement with all experts who were consulted, the Committee have here introduced a new Article, the object of which is to improve the conditions under which prisoners of war are transferred.

The above text follows the stipulations of Art. 18 relating to evacuation (see p. 64). Here, however, the Committee has omitted the words "as much as possible", referring to the assimilation of national forces and the establishing of lists. The text thus emphasizes that certain exceptions, which may possibly be justified in the case of evacuation, cannot be admitted in the case of the transfers referred to in the present Article, as these must, in principle, be carried out under normal conditions.

The words "especially in case of transport by sea" are intended to stress the importance of ensuring the security of prisoners conveyed on board ships. The Committee has, in this connexion, omitted any stipulation relating to the marking of vessels conveying these prisoners. The reason of this is the complex nature of the problems raised. The Committee, however, recommends this question to the attention of Governments, and will ultimately take up the matter again, after careful study of these problems.

ARTICLE 39

**Exceptions**

Prisoners of war who are wounded or sick shall not be removed as long as their recovery may be endangered by the journey, *unless their security imperatively demands.*

*Should the combat zone extend to the neighbourhood of a camp, prisoners of war in that camp shall not be transferred, unless their removal can be carried out in adequate conditions of security, or if they run greater risks by remaining on the spot than by being transferred.*

*1929 Convention, Art. 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.

G. E., pp. 164-165 and 166 (letter (e) for Sec. 2).

*Remarks*

It has seemed useful to include in the same article the cases in which prisoners of war, whether sick or wounded or in good health, shall not be transferred.

ARTICLE 40

**Practical details**

In the event of transfers, prisoners of war shall be officially advised of their departure and of their new postal address. Such advice shall be given them sufficiently early to allow them to pack their belongings and notify their next of kin.

They shall be allowed to take with them their personal effects, including the correspondence and parcels which have arrived for them. *The weight of such baggage may be limited, should conditions of removal demand, but shall in no case be reduced to less than 25 kilograms per head.*

Mail and parcels addressed to the former camp shall be reforwarded immediately. *The camp commandant shall, if necessary, take in agreement with the prisoners' representative all measures to ensure the transport of their community kit and of the luggage they are unable to carry with them, owing to restrictions ordered by virtue of Section 2. Expenses incurred by the transfer shall be borne by the Detaining Power.*

1929 Convention, Art. 26 :

In the event of transfer, prisoners of war shall be officially informed of their destination; they shall be authorised 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 authorities of their new place of residence.

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

G. E., pp. 165-170.

*Remarks*

Account being taken of the situation created for prisoners of war by prolonged captivity, the Committee have thought it useful to foresee not only the transfer of community kit, but also of the luggage which the men are unable to take with them.

As regards the transfer of sums paid into prisoner of war accounts, see Art. 55, Sec. 3, p. 91.

The Committee has not reverted to Section 4 of the 1929 text, as this stipulation appears sufficiently covered by the general stipulations of Part II of the Convention, particularly by Art. 14 relating to the obligation of maintenance.

SECTION III

**Work of Prisoners of War**

1929 Convention

(No change)

*Remarks*

The Committee has thought it useful to place the various provisions of this Section in a more logical order, which differs from that of the 1929 text. It has moreover abolished the subdivisions in Chapters,

such subdivisions being made superfluous by the system of marginal notes and the small number of Articles.

#### ARTICLE 41

##### General observations

The Detaining Power may employ as workmen prisoners of war who are physically fit, other than officers and persons of equivalent status, *account being taken of their age, sex, rank and physical capacity, the object being especially to keep them in a good state of bodily and mental health.*

Non-commissioned officers may not be compelled to do other than supervision work. *Those who are not obliged to perform this may ask for other suitable employment, which shall be provided for them as far as possible.*

If officers or persons of equivalent status ask for suitable employment, this shall be found for them, as far as possible.

*Prisoners who are doctors, medical orderlies and chaplains, whatever their rank, may be required, under the authority of the Detaining Power and especially of its Medical Service, to carry out their medical or religious duties, in accordance with their professional or religious ethics, for the benefit of prisoners of war, preferably those of their own nationality.*

1929 Convention, Art. 27, Sec. 1, 2 and 3 :

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.

G. E., pp. 170-173.

##### Remarks

Section 4 of the 1929 text has been embodied in Art. 45. The Committee has kept here only the provisions which determine the extent to which prisoners of war of various ranks can be obliged to work.

*Re Section 1.* — As regards prisoners' capacity for work, see Art. 46.

*Re Section 4.* — The Committee preferred not to limit the application of this stipulation to officers only. The wording has been brought into line with Art. 22 of the Draft Convention on Sick and Wounded (see p. 17). It is understood that this Section refers only to doctors, medical orderlies and chaplains who, for any reason, are not protected by said Convention.

#### ARTICLE 42

##### Authorized work

*Besides work done in connection with camp administration, installation or maintenance, prisoners of war may only be obliged to do work included in the following classes of economic activity :*

*Substitute:*

Prisoners of war may be employed only in those occupations which are normally necessary for the feeding, sheltering, clothing, transportation, and health of human beings, but prisoners of war may not be employed in work which is otherwise of value in assisting the conduct of military operations.

- (a) Industries connected with production, extraction of raw material or manufacture, with the exception of iron and steel, machinery and chemical industries, and of public works and building which have a military character or purpose.
- (b) Transport and handling of stores having neither military character nor purpose.
- (c) Commercial business, and arts and crafts.
- (d) Domestic service.
- (e) Public utility services having no military character or purpose. Work connected with the removal of mines or similar devices placed by the prisoners themselves before they have been taken, or by other members of the forces to which they belonged, shall however be authorized, on condition that it is carried out in areas distant from the theatre of military operations and under conditions defined in the following Article.

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

*1929 Convention, Art. 31 :*

Work done by prisoners of war shall have no direct connection 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.

G. E., pp. 177-179.

*Remarks*

The meeting of Government Experts emphasized, in particular the growing difficulties which the rulings defined in the former Art. 31 are provoking, in consequence of the evolution of modern warfare. The above Article defined the permissible, or not permissible character of work carried out by prisoners of war according to its closer or remoter connection with military operations. The ICRC has here followed the suggestions made by several delegations, and has preferred another course : to enumerate the kind of work which prisoners of war may be compelled to do, and to exclude those fields of employment which, under present conditions, seem most likely to excite in prisoners the feeling that they are making a direct contribution to the war against their countrymen.

Clearly, this system, like all other systems which might doubtless be devised for the regulation of prisoner of war labour, has its disadvantages, especially the arbitrary character of any such lists. The Committee is, therefore, prepared to amend or clarify the above schedule, after careful consideration of the draft revised Articles which it may still receive from Governments. Only one such draft has reached Geneva at the time of writing.

As regards the work of removing mines, the Committee has noted that the majority of the Government Experts were against the idea of its total abolition. The Committee therefore thinks it preferable to mention this work explicitly, and to surround it by all possible safeguards. It appears, however, opportune to draw the particular attention of Governments to the above practice, which exposes prisoners of war to grave risks and which may further come to have the value of a precedent.

**Work of a dangerous or humiliating nature**

*add to art. 43 to take into account climatic conditions.*

ARTICLE 43

*No prisoner of war may be employed on any work of an unhealthy or dangerous nature, unless he has received previous adequate training and is provided with all the necessary means of protection. Further, he must be granted suitable working conditions, especially as regards accommodation, food and outfit; such conditions shall not be inferior to those enjoyed by nationals of the Detaining Power employed on similar work.*

*No prisoner of war shall be employed on labour which may be looked upon as humiliating for a member of the Detaining Power's own forces.*

*Conditions of work shall not be rendered more arduous by disciplinary measures.*

*1929 Convention, Art. 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.*

*G. E., pp. 179-180.*

ARTICLE 44

**Duration of work**

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 district, who are nationals of the Detaining Power and employed on the same work.

Prisoners of war shall be granted by rights a break of one hour in the middle of the day's work, and a rest of twenty-four consecutive hours weekly, preferably on Sunday. Further, prisoners of war who have worked a whole year, shall be granted a rest of eight consecutive days during which their wages shall be paid them.

*If methods of work such as piece work are employed, they shall not unduly increase hours of work.*

*1929 Convention, Art. 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.

*SAIN, p. 10.*

*G. E., pp. 175-177.*



ARTICLE 45

**Wages and working accidents**

*The wages due to prisoners of war shall be fixed according to the provisions of Art. 51 of the present Convention.*

*Prisoners of war who are victims of accidents at work, or who contract diseases during, or in consequence of their work, shall be given all the attention which their condition requires. The Detaining Power shall further issue them a medical certificate, allowing them to put in their claims to the Power on which they depend, and shall send a duplicate to the Central Prisoners of War Agency.*

*1929 Convention, Art. 27, Sec. 4 :*

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.

G. E., p. 173-174.

*Remarks*

Among the stipulations relating to prisoner of war labour, one at least should, in the opinion of the ICRC, briefly allude to the question of wages, even though this matter is given detailed consideration in the following Section relating to the financial resources of prisoners.

ARTICLE 46

**Medical supervision**

*The working capacity of prisoners of war shall be verified [at regular intervals] by medical examination at regular intervals and at least once a month*

*Should a prisoner of war consider himself incapable of working, he shall be allowed to consult the camp medical authorities. Prisoner of war doctors may recommend that prisoners who in their opinion are incapable of work, should be exempted.*

*1929 Convention, Art. 29 :*

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

G. E., pp. 175 and 170-171 (for Section I).

*Remarks*

It seems more logical (as suggested by Government Experts in relation with the former Art. 27) to deal with the control of prisoners' working capacity together with the stipulations of the former Art. 29, which refers to a similar problem.

ARTICLE 47

**Labour detachments**

Conditions governing labour detachments shall be similar to those of prisoner of war camps, especially as regards hygiene, food, medical attention in case of accidents or sickness, correspondence, and the receipt of parcels.

Every labour detachment shall be subordinate to a prisoner camp. *The military authorities and the commander of this camp shall be responsible for the observance in the labour detachment of the provisions of the present Convention.*

*The camp commander shall keep an exact record of the labour detachments subordinate to his camp, and shall communicate it to the delegates of the Protecting Power, the International Committee of the Red Cross, or of other agencies for prisoner of war relief who may visit the camp.*

*1929 Convention, Art. 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.

G. E., pp. 180-181.

ARTICLE 48

**Prisoners detailed to private employers**

The treatment of prisoners of war working in the employ of private persons *and placed under their direct control shall be equal at least to that which is foreseen by the present Convention.* The Detaining Power shall ensure the supervision and take the entire responsibility for these prisoners.

*The latter shall also have the right to remain in contact with their representatives in the camps to which they are subordinate.*

*1929 Convention, Art. 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.

G. E., p. 174-175.

*Remarks*

The words "and placed under their direct control" have been added in order to stress the essential difference of the position of prisoners of war provided for in this Article, from that of other prisoners. This distinction does not lie so much in the fact of working in the employ of private persons, but in the circumstance that the employers are themselves responsible for the safe keeping of these men.

*under the direction  
of their government*

SECTION IV

Financial Resources of Prisoners of War

1929 Convention :

Chapter 7. — Pecuniary Resources of Prisoners of War.

G. E., p. 157.

Remarks

The assembling into one subdivision of all provisions having a financial character, and the importance these clauses have acquired, induced the Committee to remove them from Section II (Internment of Prisoners of War), and to include them in a new Section. This course was further recommended by the fact that it appears logical to deal with the question of wages after the stipulations relating to employment.

ARTICLE 49

Ready money

As from the outbreak of hostilities, the Detaining Power may determine, in agreement with the Protecting Power, the maximum amount of money, in cash or in a similar form, which prisoners may carry on them. Any excess sum withdrawn or withheld from prisoners shall be placed to their credit, together with any money deposited by them, and shall not be converted into another currency without their consent.

When the Detaining Power supplies the prisoners of war with food, clothing, or other necessities, the payment shall be made by the camp administration and charged to the account of the prisoners of war concerned.

1929 Convention, Art. 24, Sec. 1 :

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.

G. E., p. 157.

Remarks

Although the Government Experts did not give their opinion concerning the rule embodied in the former Art. 24, the necessity of taking up this rule clearly results from their discussions, as well as from the system proposed by them for regulating the question of the financial resources of prisoners.

By making the amount of money depend on the agreement of the Protecting Power, and not on any special agreement between belligerents, the ICRC thought that such a course would, in practice, facilitate the determination of the said amount.

On the other hand, the phrase "or in a similar form" has been added in view of the established practice of issuing to prisoners of war token money which has no value except in camp.

ARTICLE 50

Sums taken  
from prisoners

*The sums taken from prisoners of war at the time when they are taken, and which are in the currency of the Detaining Power, shall be placed to their separate accounts, by virtue of the provisions of Art. 54 of the present Section.*

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

*Remarks*

The ICRC has found it more logical that the Section dealing with the various resources of prisoners of war (pay, wages, consignments of money, etc.) should also include a new Article referring to the sums which may be impounded at the time of capture and which, in point of time, constitute the first resources available to prisoners of war. As regards sums not in the currency of the Detaining Power and which are not ultimately converted into that currency, see Draft Art. 16.

ARTICLE 51

Pay

*The Detaining Power shall issue to all prisoners of war, <sup>a</sup> monthly <sup>allowance</sup> [pay], the amount of which shall be fixed by conversion into the currency of the Detaining Power of the following sums :*

- Category I (below sergeants) : eight Swiss gold francs.*
- » *II (men ranking as sergeants and other non-commissioned officers and prisoner of war equivalents) : twelve Swiss gold francs.*
- » *III (officers up to the rank of captain and prisoner of war equivalents) : fifty Swiss gold francs.*
- » *IV (majors, lieutenant-colonels and colonels and prisoner of war equivalents) : sixty Swiss gold francs.*
- » *V (general officers and prisoner of war equivalents) : seventy-five Swiss gold francs.*

*By Swiss gold franc, as above, is understood a franc of..... milligrammes fine gold.*

*Belligerents may, by special agreements, modify the amount of pay due to prisoners of the preceding categories.*

*The Detaining Power shall at all times accept remittances of money that the Power on which prisoners depend, may forward to them as supplementary <sup>allowance</sup> pay through the intermediary of the Protecting Power, on condition that all prisoners belonging to the same category receive the same amount.*

*1929 Convention, Art. 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.

G. E., pp. 157-159.

ARTICLE 52

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**Wages**

*Prisoners of war shall be paid fair wages by their employers, or direct by the detaining Authorities. The amounts shall be fixed by the said authorities, but may at no time be inferior to a quarter of one Swiss gold franc for an entire working day. The Detaining Power shall inform prisoners of war and the Power on which they depend, of the scale of daily wages which it may have fixed.*

*Wages shall also be paid by the detaining Authorities to prisoners of war detailed permanently to duties or to artisanal employment connected with the administration, installation or upkeep of camps, and also to prisoners carrying out the duties of the canteen.*

*The wages of the prisoners' representative, of his assistants and possible advisers shall be paid out of the fund constituted by the canteen profits. The amount of these wages shall be fixed by the prisoners' representative and approved by the camp commander. If no such fund exists, the detaining Authorities shall pay these prisoners a fair wage.*

*carrying out the duties of the canteen*

*Belligerents may by special agreements modify the amount of wages to be paid for their work.*  
1929 Convention, Art. 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.

G. E., pp. 159-161.

*Remarks*

As regards prisoners of war permanently employed in camps, the Committee have dropped the distinction drawn by the Government Experts between work done for the benefit of the Detaining Power and that done for the prisoners' own benefit. The Committee considered that it would be sometimes extremely difficult to make any such distinction, and it has thought it preferable, in agreement with several suggestions, that prisoners' wages should be paid by the Detaining Power which may, in any case, be looked upon as benefiting more or less directly by their labour.

ARTICLE 53

Transfer of funds

*Prisoners of war shall be authorized to receive consignments of money addressed to them individually, subject to the limits which the Protecting Power concerned may suggest to impose on these consignments in the interest of the prisoners themselves.*

*Each prisoner of war may dispose of the credit balance of his account, as foreseen in Art. 54, within the limits fixed by the Detaining Power, which shall execute the required payments. Subject to financial or monetary restrictions applicable to the whole of the population of the said Power, a prisoner of war may also have payments made abroad.*

*In any case he may, subject to the consent of the Power on which he depends, have payments made in his home country, in the following manner : — The Detaining Power shall give notice to the said Power, through the agency of the Protecting Power, and furnish all necessary details concerning the prisoners of war, the addressees and the amounts due for payment, expressed in the Detaining Power's own currency. The notice shall be signed by the prisoner of war and countersigned by the camp commander. The Detaining Power shall debit the prisoner's account of the corresponding amount, and the sums thus debited shall be placed to the credit of the Power on which the prisoner depends.*

*1929 Convention, Art. 24, Sec. 3 :*

During the continuance of the latter (the captivity), 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.

G. E., p. 163.

*Remarks*

*Re Section 1. — The Committee has thought it useful to include among the financial resources of prisoners of war the consignments of money which they may receive individually. It does not seem proper to exclude a priori the possibility of such consignments even if, in practice, and especially in case of war, transfers of funds by private persons are beset with difficulties of all kinds. Such a possibility is, as a matter of fact, implicit in Art. 38 of the 1929 text. As regards the limits which it may appear necessary, especially to the Detaining Power, to impose*

on such consignments, the Committee has adopted the course suggested by the Government Experts in respect of the limitation of relief consignments addressed to prisoners of war (see Remarks on Art. 61).

*Re Section 2.* — The Committee thinks it necessary to state clearly the right which prisoners enjoy of making use of their credit accounts. This rule is deduced from the discussions and recommendations of the Government Experts.

ARTICLE 54

Prisoners' accounts

*The Detaining Power shall keep a separate account for each prisoner, showing in substance the following details :*

- (1) *The amounts received by the prisoner in the shape of <sup>allowances</sup> pay or wages, or deriving from any other source; the sums in the currency of the Detaining Power which were taken from the prisoner; the sums taken from the prisoner and converted at his request into the currency of the said Power.*
- (2) *The sums paid out to the prisoner in cash or in any other similar form; the payments made for his account and at his request; the sums transferred according to Art. 53, Sec. 3.*

G. E., pp. 161-162.

Remarks

The Committee has introduced here a new Article, which agrees with the recommendations made by the Government Experts. Art. 24 of the 1929 Convention (see above p. 000) alludes to prisoners' accounts, but lays no precise obligation on the Detaining Power in this respect.

ARTICLE 55

Management of prisoners' accounts

*All items entered in a prisoner's account shall be countersigned by him, or by the representative acting on his behalf.*

*Prisoners of war shall at all times have reasonable opportunities of consulting their accounts, which may also be checked by the representatives of the Protecting Powers visiting the camp.*

*When a prisoner of war is transferred from one camp to another, or from one Detaining Power to another, his personal account shall follow.*

G. E., p. 162.

*If prisoners of war are transferred from one Detaining Power to another, their personal property and monies not in the currency of the Detaining Power shall follow them. They shall be given certificates of credit for any other monies remaining to their credit.*

ARTICLE 56

Winding up of accounts

*In case of the death of a prisoner, a certificate shall be sent to the Power on which he depended, showing the balance standing to his credit.*

*The same procedure shall be followed when a prisoner is repatriated*

during hostilities; a duplicate copy shall also be handed to the prisoner concerned.

*In the absence of any special agreement between the Powers concerned regarding the payment of credit balances to prisoners who are liberated or repatriated after the close of hostilities, such balances shall be paid by the Detaining Power to the prisoners concerned in cash.*

1929 Convention, Art. 24, Sec. 2 :

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

G. E., pp. 162-163.

#### *Remarks*

*Re Section 3.* — The Government Experts were unable to agree regarding the disposal of credit balances named in this Article, and the Committee preferred, in the interest of the prisoners themselves, to take up the ruling of the 1929 text in this connection.

#### ARTICLE 57

#### Compensation between belligerents

*The <sup>allowance</sup> [pay] issued to prisoners of war in virtue of Art. 51 shall be looked upon as an advance made on behalf of the Power on which they depend. All payments executed by the said Power in virtue of Art. 52, Sec. 3, shall be the subject of arrangements by the Powers concerned at the close of hostilities.*

1929 Convention, Art. 23, Sec. 3 :

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.

G. E., p. 163.

#### SECTION V

#### Relations of Prisoners of War with the Exterior

1929 Convention :

Section IV. — Relations of Prisoners of War with the Exterior.

#### ARTICLE 58

#### Notification of measures

*As soon as they have prisoners of war in their hands, the Detaining Powers shall inform them and the Powers on which they depend, through the intermediary of the Protecting Power, of the measures foreseen for the implementing of the provisions of the present Section. The said Detaining Powers shall also announce any changes introduced into such measures.*



1929 Convention, Art. 35 :

On the commencement of hostilities, belligerents shall publish the measures prescribed for the execution of the provisions of the present section.

G. E., p. 181.

#### ARTICLE 59

##### Capture card

*On being taken prisoner, or at the latest one week after their arrival in camp (even if it is a transit camp), and similarly in case of sickness or of admission to hospital or to another camp, each prisoner of war shall be enabled to send direct to his relatives, on the one hand, and to the Central Prisoners of War Agency foreseen by Article 113, on the other hand, a card drawn up if possible according to the model annexed to the present Convention, informing the addressees of his captivity, address and state of health. These cards shall be forwarded with all possible speed and may not be delayed in any manner.*

1929 Convention, Art. 36, Sec. 2 :

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.

Preliminary Conference (1946), p. 78.

G. E., p. 184.

##### Remarks

For the sake of clarity, the Committee has taken from the former Art. 36 the clause relating to capture cards which is now shown in the above new Article. See on p. 150 the Model Capture Card.

#### ARTICLE 60

##### Correspondence

*Prisoners of war shall be allowed to send and receive letters and cards. If the Detaining Power considers it necessary to limit the number of letters and cards sent by each prisoner, the number may not be less than two letters and four cards monthly, and these shall be established as far as possible on the lines of the models annexed to the present Convention. Should mail addressed to prisoners of war have to be restricted, such restrictions may only be ordered by the Power on which they depend, at the possible demand of the Detaining Power. These letters and cards shall be forwarded by the most rapid means, and may not be delayed, nor withheld for disciplinary reasons.*

*Prisoners of war (who have been a long time without news, or who find it impossible to receive news from next of kin, or to give them news by the ordinary postal route; further, those who are separated from home by considerable distances, shall be allowed to send telegrams, charges being paid by them in the currency at their disposal.*

*(Exclusive of the capture card referred to in Art. 59),*

*in cases of recognized emergency*

As a rule, prisoners of war mail shall be written in their own language. Belligerents may authorize correspondence in other languages.

Sacks containing prisoners mail should be securely tied and properly labeled indicate content and passed to office of destination.

1929 Convention, Art. 36, Sec. 1 and 3 :

Each of the belligerents shall fix periodically the number of letters and post-cards 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...

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

1929 Convention, Art. 38, Sec. 3 :

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

Preliminary Conference (1946), p. 79.  
G. E., pp. 182-183 and 192.

#### Remarks

*Re Section 1.* — The model forms of prisoners of war mail will be found on pp. 151-152.

*Re Section 2.* — The Committee preferred to insert here (and not in Art. 64) Sec. 3 of the former Art. 38, referring to the telegrams which prisoners may send.

It also seemed useful to extend the benefit of this provision to prisoners who are, for any reason, unable to correspond with their next of kin by the usual means.

The words "in the currency at their disposal" have been added, to stress the fact that if prisoners have only token money at their disposal, this money must be accepted in payment of cable charges. See Art. 64, Sec. 4, concerning the reduction of these charges.

#### ARTICLE 61

#### Relief consignments. General principles

Prisoners of war shall be allowed to receive, *by post or by any other means, individual or collective consignments containing especially food-stuffs, clothing, medicaments and articles to meet their needs in matters of religion, study or recreation. Such consignments shall in no way relieve the Detaining Power of the obligations laid upon it by the present Convention.*

*The only limits which may be placed on these consignments shall be those which may be proposed in the interest of the prisoners themselves by the Protecting Power, the International Committee of the Red Cross or any other agency giving assistance to the prisoners and which may be charged with the forwarding of such consignments.*

*The practical details relating to the forwarding of individual parcels and collective consignments 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.*

*1929 Convention, Art. 37 :*

Prisoners of war shall be authorised to receive individually postal parcels containing foodstuffs and other articles intended for consumption or clothing. The parcels shall be delivered to the addresses and a receipt given.

Preliminary Conference (1946), p. 83.

G. E., pp. 185-186.

*Remarks*

The Committee has thought it important to include in the above Article fundamental principles only, applicable both to individual and collective consignments.

For this reason, the ICRC considers it useful to introduce here, and not in the Article dealing with collective relief, the principle by virtue of which the sending of relief supplies to prisoners of war does not relieve the Detaining Power of its obligations.

On the other hand, considering that the right to receive such relief supplies is closely connected with the limits which may be imposed on the exercise of this right, and that these limits apply to both kinds of consignments, the ICRC thinks it advisable to deal with these limits also in this Article. To this end, the Committee has adopted the course proposed by the Government Experts in respect of collective relief (see GE, p. 188, sub 4). This seemed preferable to making such limits depend on special agreements between the belligerents concerned, since the conclusion of such agreements will sometimes be difficult. The Committee believes that it should not be left to the Protecting Power alone to propose such limits; should the supplies be forwarded by another agency, which is no doubt fully informed of the needs of prisoners of war, this agency should, the Committee is convinced, have competence in the matter.

As regards the naming of this agency, the Committee considered it preferable, in the interest of the prisoners themselves, and with due regard to the services rendered in this field by several organizations, not to make too strict a definition, but to add to the name of the Committee itself the words "any other agency working in behalf of the prisoners". While excluding purely technical and commercial organizations, this expression appears broad enough to cover any relief organization, whether it be under State or private management, national or

As regards the naming of this agency, the Committee considered it preferable, in the interest of the prisoners themselves, and with due regard to the services rendered in this field by several organizations, not to make too strict a definition, but to add to the name of the Committee itself the words "any other agency giving assistance to the prisoners". While excluding purely technical and commercial organizations, this expression appears broad enough to cover any relief organization, whether it be under State or private management, national or international, already existing or created for temporary purposes, and whether its humanitarian aims are of a permanent nature, or not. This expression consequently includes the former and too narrow definition

“relief societies duly recognized and authorized”, which occurs repeatedly in the 1929 text, and which is therefore dropped in the present Draft, except in Article 115, where the expression “Relief Societies” is consecrated by usage.

The Red Cross Commission expressed the recommendation that the right of sending relief to prisoners of war should be restricted to recognized societies, and that greater unity should be achieved in the forwarding of such supplies. The Committee believes that this is a matter which cannot be ruled by the Convention, and which essentially lies within the competency of the Power on which the prisoners depend. It is this Power which should take the necessary measures to assemble the consignments of relief supplies for prisoners of war, and to determine the manner in which such consignments should be forwarded. As regards the latter point, the Committee has not taken up, in the present draft Article, the recommendations made by the Government Experts concerning the forwarding of books and medical stores, but thought it better to introduce into Section 3 a general ruling on this point.

The wording referred to does not concern the manner of receipt and distribution of relief supplies, since this question concerns, in principle, collective supplies only, and is therefore dealt with in the following Article, as in the supplementary Regulations to be found in annex.

#### ARTICLE 62

#### Collective relief

*In the absence of special agreements between the Powers concerned as to the practical details of receiving and allocating collective relief consignments, the regulation concerning collective relief, annexed to the present Convention, shall be applied.*

*The special agreements mentioned above shall in no case limit the right of prisoners' representatives to take over collective consignments for prisoners of war, to issue and to dispose of them to the receivers' best advantage.*

*Further, these agreements shall not restrict the right for representatives of the protecting Powers, the International Committee of the Red Cross or any other agency giving assistance to prisoners of war and charged with the forwarding of collective consignments, to check their issue to the addressees.*

Preliminary Conference (1946), pp. 85 and 87.  
G. E., pp. 186-187.

#### Remarks

The Committee has considered it useful to select among the five principles adopted by the Government Experts in respect of collective relief (see GE, p. 188) only those which seem applicable to this class of relief, namely the co-operation of the prisoners' spokesmen in the issue of collective supplies, and the right of the Protecting Power or of the intermediary forwarding agency to supervise such issues. The other principles adopted by the Experts will be found in Art. 61 and 64 of the present Draft.

The wording adopted in Section 1, which refers to the Regulations concerning collective relief, annexed to the Convention (see p. 146), shows the wish of the Committee to emphasize that these Regulations apply automatically, together with the Convention, and that they have not merely the value of a model agreement to be concluded between the Powers concerned. On the other hand, the general right given by Art. 5 to these Powers, to conclude special agreements may be applied particularly in the field of collective relief, subject however to the principles embodied in Sections 2 and 3.

*Re Section 2.* — The words “to the receivers’ best advantage” were added, following on the observations made by the June experts.

*Re Section 3.* — As regards the words “any other agency”, see Remarks on Art. 61, Sec. 4, p. 95.

#### ARTICLE 63

Books, church  
vestments etc.

Prisoners of war shall be authorized to receive individual consignments of books.

The Protecting Powers and the *agencies giving assistance to prisoners of war* may forward single works and collections of books to prisoner camps, as well as church vestments and articles of devotion, scientific equipment, musical instruments, sports outfits and material allowing prisoners of war to pursue their studies or their artistic occupations.

*1929 Convention, Art. 39 :*

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

Representatives of the protection Powers and of duly recognised and authorised 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.

SAIN, pp. 17-18.

G. E., p. 192.

#### *Remarks*

Although the provisions of this Article are already covered by the general principles embodied in Art. 61, in particular by the words “articles to meet their needs ...”, the Committee believes it useful to take up these provisions, by reason of their proved value and the services they have rendered to many welfare organizations. It has seemed, however, more logical to place them before the Article dealing with postal franchise and with the supervision of consignments to prisoners of war.

*Re Section 2.* — Since the consignments named in this article may be forwarded by the prisoners’ country of origin, it seems proper not to limit such consignments to the representatives of the Protecting Powers or the prisoner of war relief agencies, the right to despatch. For this reason, the word “representatives” has been deleted.

Furthermore, it seems preferable to remove the provisions contained

in the 1929 text relative to the censoring of books, and to place them in Art. 66, which refers in particular to the control and censorship of consignments of all kinds which are sent to prisoners.

ARTICLE 64

Exemption from postal and transport charges

*Article:*  
all relief consignments for  
prisoners of war shall be exempt  
import, customs and other dues  
rail and authorized  
consignments of money addressed  
prisoners or sent by them through  
post office, either direct  
through the information  
cable named in Art. 112.  
The Central Prisoners of War  
Agency mentioned in Art. 113,  
shall be exempt from all  
postal charges, not only in the  
countries of origin and destination  
also in intermediate countries.  
Relief consignments for prisoners  
of war, by reason of their  
illness or of any other cause,  
not be forwarded through  
post office, shall benefit  
free transport in all the  
territories under the control  
of the detaining power. If  
conveyed by rail, they shall  
also benefit by free transport  
in the territories of the  
detaining power party to the  
Convention.

[Mail, consignments of money and parcels addressed to prisoners of war or sent by them, either direct or through the information bureau named in Art. 112, and the Central Prisoners of War Agency mentioned in Art. 113, shall be exempt from all postal charges.]

[Individual parcels and collective relief consignments for prisoners of war shall be exempt from all customs or other dues, as well as from carriage charges by rail in the territory of the High Contracting Parties. They shall also be exempt from road transport charges in the territory of the Detaining Power.]

The costs incurred by the transport of <sup>these consignments,</sup> [relief parcels] and which are not covered by the above exemptions, shall be borne by the senders.

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

1929 Convention, Art. 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 case of recognized urgency, be authorized to send telegrams on payment of the usual charges.

Preliminary Conference (1946), pp. 89-90.

G. E., pp. 190-192.

SAIN, p. 13.

Remarks

The Government Experts expressed the recommendation that individual consignments should be, as far as possible, exempted from transport charges. In conformity with this recommendation, the Committee has thought it useful to foresee that, should these consignments exceptionally not be sent by post, they shall nevertheless benefit by the exemptions mentioned in Section 2, and which up to the present applied only to collective relief supplies.

In agreement on this particular point with several of the Government Experts, the Committee hopes that both collective consignments conveyed by sea, and prisoner of war mail sent by air will be wholly, or partially exempted from charges and dues. The question has not been explicitly dealt with in Art. 64, but the Committee plans to take it up later and recommends it, here and now, to the attention of Governments.

Re Section 3. — This Section has been added in order to clarify a point which has provoked many difficulties.

Re Section 4. — This Section, like Art. 114, implies for the signatories to the Convention the duty to take the necessary steps to secure the agreement of all the members of the World Telegraphic Union to the reductions of charges named in this Section.

ARTICLE 65

Special transport

institute:

Should military operations prevent the Powers concerned from fulfilling their obligations to assure the transport of the consignments named in Articles 59, 60, 61, 63 and 67 of the present section, the Protecting Power concerned, the International Committee of the Red Cross or any body approved by the belligerents, may undertake to ensure the conveyance of these consignments by suitable means (railway cars, motor vehicles, messengers, aircraft, etc.) The High Contracting Parties shall endeavor to supply them for this purpose with the said means of transport and shall allow their traffic, in particular by granting them the necessary safe conducts.

These means of transport may also be utilized for the conveyance

(a) of the correspondence, lists and reports despatched by the central information agency named in Article 112, to the national bureaux foreseen in Article 112, or forwarded by those bureaux to the said agency;

(b) of the correspondence and reports relating to prisoners of war which the Protecting Power, the International Committee of the Red Cross or any other body assisting the prisoners, forward to them.

(In order to facilitate the conveyance of mail and the other authorized articles addressed to prisoners of war, as foreseen in Art. 59, 60, 61, 63 and 67 of the present Section, the International Committee of the Red Cross or any other agency duly approved by the belligerents concerned, shall be requested by them to find the necessary means of transport (railway cars and wagons, lorries or motor trucks, shipping, aircraft, etc.). The use of these means for the above purpose is subject to their having safe-conducts, which the High Contracting Parties undertake to grant.)

[These means of transport may also be used to carry to the countries of destination the mail and reports sent by the Central Prisoners of War Agency named in Art. 113, and to convey to the said Agency the information and reports supplied by the official information bureaux of all belligerent Powers concerning the prisoners of war held by them. They can also be used to forward to the belligerents concerned the reports and mail sent by the Protecting Power, the International Committee of the Red Cross, or any other body giving relief to prisoners of war.]

The costs incurred by the use of these means of transport shall be borne *pro rata* [proportionately] by the belligerents whose nationals benefit by such facilities.

Preliminary Conference (1946), pp. 90-91.  
G. E., pp. 189-190.

Remarks

The ICRC believes it useful to introduce here the text of a draft Article which had been submitted for consideration to the Government Experts, and which, in the Committee's view, expresses in happy and satisfactory fashion the essential principles it is anxious to have embodied in the Convention, regarding particular means of transport for the mail and other articles addressed to prisoners of war. In the first place, sea transport alone was contemplated, but it has seemed advisable to extend these principles to cover other means of transport; for this reason, the parenthesis in Section 1 has been completed by the words, "railway cars and wagons, lorries or motor-trucks, aircraft, etc."

The Committee preferred, however, not to take up the stipulations of the proposed draft relative to registering in neutral countries, and to flags. These provisions are peculiar to maritime transport, and it does not appear useful to determine the emblem under which these particular transports may be carried out, before knowing the agency which will be charged with them.

The Committee has found it difficult to determine already the

methods to be adopted in respect of other special means of transport. It thought better to leave this matter to be settled in practice. For this reason, and also because Art. 65 no longer refers merely to maritime transport, the Committee has preferred to abandon the idea of a meeting of naval experts; should it seem necessary to determine such details more clearly, the Diplomatic Conference itself would be in a position to do so.

The collocation of the words "or any other agency" with the name of the International Committee of the Red Cross in Sections 1 and 2, is explained by the reasons given above (see Remarks on Art. 61, Sec. 4). In Section 1, however, the Committee has deleted after "agency" the words "giving assistance to prisoners of war", since the character of the tasks named in Art. 65 does not entirely debar the possibility of their being entrusted to a purely technical and business undertaking.

#### ARTICLE 66

#### Censorship and control

The censoring of mail *addressed to prisoners of war or dispatched by them*, shall be carried out as quickly as possible. *Mail shall be censored only by the sender and receiver States and, if possible, once only by each.*

*The examination of consignments addressed to prisoners of war shall not be carried out in conditions likely to endanger the preservation of the goods contained therein; it shall be done, if possible, in the presence of the addressee, or of a prisoner delegated by him.* The forwarding of *light reading matter or educational works to prisoners of war* may not be delayed on the plea of difficulties of censorship.

Any prohibition of correspondence ordered by belligerents, either for military or political reasons, shall be of a temporary nature only, and of the shortest duration possible.

#### *1929 Convention, Art. 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 recognised 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.

Preliminary Conference (1946), p. 79.

G. E., p. 193-194.

#### *Remarks*

The Committee thought it more logical to embody in this Article, and not in Art. 63, the question of the censorship of light reading matter or educational works addressed to prisoners of war.

On the other hand, the Committee has removed from Section 2 to Section 1 the prohibition of double censoring. It seems difficult to restrict the right of transit States or of blockade authorities to examine parcels.



ARTICLE 67

**Establishment  
and transmission  
of legal documents**

The Detaining Powers shall grant all facilities *for the transmission, through the intermediary of the Protecting Power, or of the Central Prisoners of War Agency named in Art. 113, of deeds, papers and legal documents intended for prisoners of war or forwarded by them, especially powers of attorney and wills.*

*In all cases they shall facilitate the drafting of such documents by prisoners of war, especially by allowing them to consult a lawyer in their camp, and if necessary, by arranging for the authentication of their signatures. [by their representative.]*

*1929 Convention, Art. 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.

G. E., pp. 194-195.

*Remarks*

The Committee has thought useful to add to the wording suggested by the Government Experts, a clause stating that the Detaining Power shall facilitate to prisoners the drafting of legal documents. On the other hand, it seemed proper to specify that it was the duty of prisoner of war spokesmen, and not of the Detaining Power, to authenticate (and not to legalise) the signatures attached to these documents.

SECTION VI

**Relations between Prisoners of War and the Authorities**

*1929 Convention :*

Section V. — Relations between Prisoners of War and the Authorities.

CHAPTER I

**Complaints of Prisoners of War respecting the Conditions of Captivity**

*1929 Convention :*

(No change.)

ARTICLE 68

**Complaints  
and petitions**

Prisoners of war shall have the right to bring to the notice of the military authorities in whose hands they may be, their petitions concerning the conditions of captivity to which they are subject.

They shall also have the right to communicate, *without restriction, through the intermediary of the representative, or if they think necessary,*

direct with the representatives of the Protecting Powers, in order to draw their attention to the points on which they wish to complain with regard to the conditions of captivity.

Such petitions and complaints shall be transmitted immediately. Even though shown to be groundless, they shall not involve any punishment.

Short periodical reports on the situation in camps and on the needs of prisoners of war may be sent to these representatives by the prisoners' spokesmen.

1929 Convention, Art. 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.

G. E., pp. 195-197.

CHAPTER II

Prisoner of War Representatives

1929 Convention :

Chapter 2. — Representatives of Prisoners of War.

ARTICLE 69

of whenever a war may occur,

Election

In all places where prisoners of war may be, (the latter) shall freely elect every six months representatives or spokesmen, empowered to represent them in dealings with the military authorities, the Protecting Powers, the International Committee of the Red Cross and any other body which may assist them. These representatives shall be re-eligible.

In camps for officers and persons of equivalent status the senior officer of the highest rank shall be regarded as the representative. He shall be assisted by one or several advisers chosen among his fellow-prisoners.

The elections shall be subject to the approval of the detaining Authorities. The reasons underlying possible rejection of nominees shall be communicated to the Protecting Powers concerned.

except when officers prisoners of war are present, two prisoners of war

of mixed camp

In officer camps

1929 Convention, Art. 43, Sec. 1, 2 and 4 :

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.

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

A small number of officers only shall be stationed in the camps for enlisted men for the purpose of acting as messengers and performing camp administration. An officer prisoner of war shall be consulted concerning officers so detained. Where such officer prisoners of war are stationed in labor camps for enlisted men, two assistants

and in mixed camps assistants shall be elected and from enlisted prisoners

Where such officer prisoners of war are stationed in labor camps for enlisted men, two assistants

have the power to appoint an officer prisoner to assist him as interpreter in the course of conferences with the authorities of the camp.

G. E., pp. 197-199.

*Remarks*

It stands to reason, in the Committee's view, that Section 3 of the 1929 text should be inserted in the following Article, which deals with the duties of the representative.

ARTICLE 70

**Duties**

*The representatives shall contribute to the physical, moral and intellectual welfare of the prisoners of war.*

Should the prisoners in particular decide to organize among themselves a scheme for mutual assistance and aid, this organization shall be within the competence of the representatives, *independently of the particular duties laid upon them by other provisions of the present Convention, especially by Articles 26, 40, 62, 67, 68, 69, 86, 89, 94, 96 and 103.*

*1929 Convention, Art. 43, Sec. 3 :*

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.

G. E., pp. 197-199.

ARTICLE 71

**Privileges**

*Representatives shall not be compelled to do any other work, if the execution of their duties is hindered thereby.*

*Representatives may appoint from amongst their fellow prisoners the assistants they may require. They shall be granted all material facilities, especially a certain liberty of movement necessary for the accomplishment of their duties, <sup>particular</sup> visits to labour detachments, <sup>and</sup> reception of supplies, <sup>etc.</sup>*

*Representatives shall also be granted all facilities for their postal and telegraphic correspondence with the detaining Authorities, the Protecting Powers, the International Committee of the Red Cross and their delegates, the Mixed Medical Commissions and, further, with the bodies which may give assistance to prisoners of war. Representatives in labour detachments shall have the same facilities for their correspondence with the representatives in the main camp. This kind of correspondence shall not be limited, nor considered as forming part of the quota named in Article 60.*

When transferred, representatives shall always be allowed a reasonable time in which to inform their successors of current affairs.

*Should they be dismissed, the reasons for this step shall be communicated to the Protecting Power.*

*Representatives shall be permitted to visit premises where prisoners of war are detained and every prisoner of war shall be permitted access to his representative.*

*1929 Convention, Art. 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.

Preliminary Conference (1946), p. 79.  
G. E., pp. 199-201.

*Remarks*

As regards the wages of representatives, see Art. 52, Sec. 3, p. 000.

The Committee has thought proper to introduce into this Article the question of material facilities (assistants, liberty of movement, etc.) which representatives should enjoy and which the Government Experts foresaw in respect of Article 43 (1929).

CHAPTER III

**Penal and Disciplinary Sanctions**

*1929 Convention :*

Chapter 3. — Penal sanctions with regard to Prisoners of War.

G. E., p. 201.

*Remarks*

In conformity with a recommendation made by the Government Experts, the Committee has thought it useful entirely to recast the general lay-out of this Chapter. In consequence, a large number of Articles of the 1929 text have been divided up, and their provisions have been grouped differently, or joined to new stipulations.

Furthermore, the Committee believed it useful to add to the title of this Chapter a reference to disciplinary punishments.

**I. — General Provisions**

ARTICLE 72

**Applicable legislation**  
**I. Law applying to the**  
**armed forces of the**  
**Detaining Power**

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

*Any breach of such laws, regulations and orders committed by a prisoner of war shall authorize the Detaining Power to take in his case the measures prescribed by such laws, regulations and orders.*

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

*1929 Convention, Art. 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.

G. E., pp. 202-206.

*Remarks*

The Committee preferred to take up the present wording of the former Art. 45 with one amendment. The word "insubordination" has been modified, in conformity with the recommendations made by the Government Experts. The Committee has further taken into account the further views expressed by these Experts in introducing new Articles (73, 74 and 75) into this Chapter, and in completing the former Art. 46 (now Draft Art. 77).

ARTICLE 73

II. Regulations  
relating to prisoners

*Should laws, regulations or general orders render penal any acts committed by prisoners of war, whereas the same acts committed by members of the forces of the Detaining Power are not penal, the punishment involved can only be of a disciplinary nature.*

G. E., p. 204, II.

*Remarks*

During their meeting, the Government Experts pointed out the minor importance of the offences mentioned in this Article; the Committee has therefore thought proper to foresee disciplinary punishments only in such cases.

ARTICLE 74

Offences committed  
before capture

*Prisoners of war prosecuted by virtue of the laws of the Detaining Power for acts committed before being taken shall enjoy, even if convicted, the benefits of the present Convention, unless the acts of which they are indicted constitute serious breaches of the laws and customs of war. In that case, they cannot be deprived of the benefit of the Convention unless they have been convicted and sentenced by a judgment passed in conformity with the stipulations of the present Chapter.*

G. E., pp. 205-206.

*Remarks*

The Committee believed it preferable to make deprivation of the benefit of the Convention dependent on a judgment, and not on a simple indictment. The consequence of such deprivation is so serious for prisoners of war that it can only be decided on the grounds of clearly established facts, in other words, on a regular judgment. Moreover, the protection and especially the guarantees of procedure which, according to the Government Experts, should be granted to any prisoner of war indicted of such acts until he is judged, are on the whole similar to those foreseen by the Convention. In consequence, the establishing of a special regime does not appear necessary. The Committee has also largely borne in mind its own experience in this field.

ARTICLE 75

Courts

*Prisoners of war can only be judged by military courts, unless the legislation of the Detaining Power expressly reserves the competency of the civil courts in respect of certain offences committed by members of the national armed forces.*

*In no case shall prisoners of war be brought up before courts that do not offer the essential guarantees of independence and impartiality and the procedures of which do not conform to Article 95.*

G. E., p. 203 for Sec. 1, and p. 207 for Sec. 2.

ARTICLE 76

«Non bis in idem»

Prisoners of war may not be punished more than once for the same act, or on the same charge.

*1929 Convention, Art. 52, Sec. 3 :*

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

G. E., pp. 213-214.

*Remarks*

As this provision has a general character, it is proper that it should be placed among the "General Provisions".

ARTICLE 77

Penalties

Prisoners of war shall not be sentenced by the military authorities and the courts of the Detaining Power to any penalties except those which are prescribed for similar acts in the case of members of the armed forces of the said Power.

*The courts or authorities of the Detaining Power 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 Detaining Power's hand as the result of circumstances beyond his control. They shall be free to reduce the penalty foreseen for the offence of which the prisoner is accused and shall not be obliged, to this end, to apply the kind of penalty or the minimum sentence prescribed.*

Collective penalties for individual acts, corporal punishment, imprisonment in premises without daylight and in a general way all forms of torture or cruelty are prohibited.

No prisoner of war may be deprived of his rank by the Detaining Power, nor prevented from wearing his badges.

*1929 Convention, Art. 46, Sec. 1, 3 and 4 :*

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.

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.

*Art. 49, Sec. 1 :*

No prisoner of war may be deprived of his rank by the detaining Power.

G. E., pp. 206-208 and 214, III for Sec. 2.

#### *Remarks*

In order to keep in this Article only the stipulations referring to penalties applicable to prisoners in general (nature, duration), the Committee has placed Section 2 of the former Art. 46 in the following Article. It was further thought advisable to take up here, as Section 2, the recommendation made by the Government Experts concerning the former Art. 45 relative to the subordination of the prisoner of war to the Detaining Power. It seems that the idea expressed in this recommendation could usefully be completed by the suggestion made by a Red Cross Society, that the courts or authorities of the Detaining Power should be free to reduce the penalties inflicted on prisoners of war.

#### ARTICLE 78

#### **Execution of sentences**

Account being taken of equivalent ranks, prisoner of war officers and other ranks serving a disciplinary or *judicial* sentence shall not be subjected to treatment less favourable than that applied, in respect of the same sentence, to the armed forces of the Detaining Power.

Prisoners of war having served disciplinary or judicial sentences shall not be treated differently from their fellow prisoners.

*1929 Convention, Art. 46, Sec. 2 :*

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 regards the same punishment, for similar ranks in the armed forces of the detaining Power.

Art. 48, Sec. 1 :

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

G. E., pp. 207 for Sec. 1, and 209-210 for Sec. 2.

## II. — Disciplinary Sanctions

### ARTICLE 79

#### General observations I. Nature of penalties

*The disciplinary penalties applicable to prisoners of war shall be :*

- (1) *Fines up to and including fifty per cent of the monthly allowance and pay, mentioned in Art. 51 and 52,*
- (2) *Loss of privileges granted in addition to the treatment prescribed by the present Convention;*
- (3) *Fatigue; not to exceed two hours daily;*
- [ (4) *Additional work of the same kind as the usual employment, and not exceeding two hours daily;* ]
- [ (5) *Disciplinary drill not exceeding two hours daily;* ]
- (4) [ (6) ] *Confinement. penalty*  
*The [penalties] named, sub (3) [ (4) and (5) ] are not applicable to officers.*  
*Disciplinary penalties shall in no case be inhuman, brutal or detrimental to the health of prisoners of war.*

*1929 Convention, Art. 54, Sec. 1 :*

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

G. E., pp. 216 and 217.

#### *Remarks*

The Committee has thought it advisable to add fatigue to the disciplinary penalties which may be inflicted.

Further, it has appeared logical to include in the provisions concerning the serving of sentences (see Art. 89), the essential rights of which the prisoner may not be deprived by disciplinary penalties.

### ARTICLE 80

#### II. Duration of penalties

The duration of any single sentence shall *never* exceed thirty consecutive days.

This limit of thirty days may not be exceeded, even should the prisoner of war, when his case is dealt with, be answerable for several breaches of discipline, whether such breaches are connected or not.



1929 Convention, Art. 54, Sec. 2 and 3 :

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.

G. E., p. 217.

#### ARTICLE 81

#### Escapes

#### I. Successful escape

*Prisoners of war shall be considered to have successfully escaped if :*

- (1) *They have rejoined the armed forces of the Power on whom they depend, or those of an allied Power;*
- (2) *They have left the territory placed under the authority of the Detaining Power, or of an ally of this Power.*
- (3) *They have boarded a ship sailing under the flag of the Power to which they belong or of an allied Power, in the territorial waters of the Detaining Power, the said ship not being placed under the authority of the latter.*

*Prisoners of war who have successfully escaped, in the sense of the present Article, and who are recaptured, shall not be liable to any penalty for their previous escape.*

1929 Convention, Art. 50, Sec. 2 :

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.

G. E., pp. 211-213.

#### Remarks

Though the Convention defines "successful escape", it does not state exactly what escape itself signifies. In the view of the Committee, escape is the condition in which a prisoner of war finds himself when he has eluded the direct control of the authorities of the Detaining Power who are set to guard him, in a manner contrary to the will of the said authorities. A distinction should therefore be drawn between consummated escape (the prisoner has left the camp, but not the territory of the Detaining Power), and successful escape.

The wording employed in Sec. 1 (2) is an amended and simplified form of cases (1) and (3) of the four cases of successful escape foreseen by the Government Experts. It expresses, however, the same idea as cases (1) and (3).

#### ARTICLE 82

#### II. Unsuccessful escape

*Prisoners of war having escaped or attempted to escape, and who are recaptured before having successfully escaped in the sense of Article 81,*

shall be liable for this offence to disciplinary punishment only, even if it should be a repeated attempt.

Notwithstanding Art. 78, Sec. 2, prisoners of war punished in consequence of escape, or attempt to escape, may be subjected to special supervision, on condition however that this regime is not harmful to their health, that it be applied in a prisoner of war camp, and that it does not involve the abolition of any of the safeguards afforded to prisoners of war by the present Convention.

The same provision shall apply to prisoners of war who have been released from internment members of a capitulated army & have been sent home.

1929 Convention, Art. 50, Sec. 1 :

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.

Art. 48, Sec. 2 :

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.

(a) In case of an unsuccessful attempt to reach the forces to which they belong and which are still engaged in the hostilities,  
(b) In case of failure to answer a call-up for internment.

G. E., pp. 211-213, and 209-210 for Sec. 2.

#### ARTICLE 83

### III. Connected offences

*Escape, or attempted escape, even should it be a repeated offence, shall not be looked upon as an aggravating circumstance, should the prisoner of war be brought before the courts for breaches committed during his escape.*

Belligerents shall ensure that the responsible authorities show the greatest indulgence in appreciating the question whether a breach committed by a prisoner of war should involve a disciplinary or a judicial penalty. *This applies specially to incidents connected with the escape or attempt to escape.*

*Offences not accompanied by violence against persons, breaches committed in respect of public property, theft without intention of personal profit, the establishing and use of forged documents, the wearing of civilian clothing, shall in particular involve disciplinary penalties only, in so far as the prisoners of war committed these breaches with the sole intention of facilitating their escape.*

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

1929 Convention, Art. 51, Sec. 1 :

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.

1929 Convention, Art. 52, Sec. 1 and 2 :

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 connection with escape or attempted escape.

*1929 Convention, Art. 51, Sec. 2 :*

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

G. E., pp. 213 and 214.

*Remarks*

The Committee has thought it advisable to merge into one single Article the stipulations of the former Art. 51 and 52, with the exception of Section 3 of Art. 52. This Section expresses a general principle which has been embodied in the provisions placed at the head of this Chapter.

ARTICLE 84

**IV. Notification  
of recapture**

*Should an escaped prisoner of war be recaptured, the fact shall be notified to the Power on which he depends, according to the methods named in Art. 112, and on condition that his escape has already been notified.*

G. E., pp. 211-213.

ARTICLE 85

**Procedure  
I. Preventive detention  
(regime, deduction)**

Acts constituting a breach of discipline shall be enquired into immediately. *The same applies particularly to escape or attempts to escape. Recaptured prisoners of war shall be handed over as soon as possible to the competent military authorities.*

*In case of a breach of discipline, preventive detention of all prisoners of war shall be reduced to a strict minimum, and shall not exceed fourteen days. The duration of preventive detention shall in all cases be deducted from any sentence of confinement.*

*The provisions of Art. 88 and 89 of this Chapter shall apply to prisoners of war who are under preventive detention for breaches of discipline.*

*1929 Convention, Art. 47, Sec. 1 :*

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.

G. E., p. 208.

*Remarks*

*Re Section 1. — On the strength of experience gained in the last War, the Committee has thought it useful to add the last clause of this Section.*

*Re Section 3.* — The Committee has not thought it advisable to take up the provisions suggested by the Government Experts, in order to determine the treatment during preventive detention. These provisions would, the Committee believes, be difficult to apply, especially in view of the lack of precision in the last of them. It appears sufficient, seeing the short period foreseen for such detention, to ensure to the defendant prisoner the benefit of essential safeguards. The treatment of men under preventive detention would be defined by the laws of the Detaining Power, subject to the general provisions contained in this Chapter.

#### ARTICLE 86

### II. Responsible authorities and procedure

Subject to the competency of courts and superior military authorities, disciplinary penalties may be inflicted only by an officer having disciplinary powers and acting in his capacity as camp commandant, or by a responsible officer acting as his substitute, or to whom he has delegated his disciplinary powers.

*The decision shall be made in the presence of the defendant prisoner of war and of the representative (spokesman). The defendant may make use of his means of defence.*

*1929 Convention, Art. 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.

G. E. pp. 220 and 215 for Sec. 2.

#### *Remarks*

In conformity with the recommendation made by the Government Experts, the Committee has introduced here a new Section defining certain guarantees of procedure in disciplinary matters.

#### ARTICLE 87

### Execution of penalties I. Time limits

*Not more than one month shall elapse between the passing of a disciplinary sentence and its execution.*

If a prisoner of war is sentenced to a further disciplinary penalty, a period of three days at least shall elapse *between the execution of each of the sentences*, should the *duration* of one of these be ten days or more.

*1929 Convention, Art. 54, Sec. 4 :*

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.

G. E., p. 218, letter (b), for Sec. 1; p. 217, for Sec. 2.

ARTICLE 88

**II. Premises  
for disciplinary  
penalties**

Prisoners of war shall in no case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.), to serve disciplinary penalties therein.

The premises in which disciplinary penalties are served shall answer the requirements of hygiene; *they shall especially be provided with adequate bedding.* Prisoners of war serving sentences shall be enabled to keep themselves in a state of cleanliness.

Prisoners of war serving disciplinary penalties may not be deprived of the prerogatives that attach to their rank. Officers and persons of equivalent status in particular shall not be lodged in the same premises as other ranks.

*1929 Convention, Art. 56, Sec. 1, 2 and 3 :*

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.

*1929 Convention, Art. 49, Sec. 2 :*

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.

G. E., p. 218.

*Remarks*

It has appeared advisable, in the Committee's view, to keep in this Article only the provisions which deal with matters of accommodation and hygiene, and to refer other essential safeguards to the following Article.

ARTICLE 89

**III. Essential  
guarantees**

Prisoners of war serving disciplinary sentences shall be allowed to take daily exercise and to stay in the open air for a least two hours a day.

They shall be authorized, on their request, to attend the daily medical consultations. They shall receive the attention *which their state of health may require*, and shall, if necessary, be sent to the camp infirmary, or to hospital.

They shall be authorized to read and write, and to send and receive letters. Parcels and remittances of money however, shall only be handed to them on the expiry of the sentence; *such consignments shall meanwhile be delivered to the spokesman, who shall take the perishable goods in the parcels and hand them over to the infirmary.*

*No prisoner of war serving a disciplinary sentence may be deprived of the benefit of Art. 68 and 116 of the present Convention.*

*1929 Convention, Art. 56, Sec. 4 :*

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

*1929 Convention, Art. 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.

*1929 Convention, Art. 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.

G. E., pp. 218-220.

*Remarks*

The Committee has thought it preferable, with a view to greater clearness, to assemble in one Article the principal guarantees by which prisoners of war serving a disciplinary sentence must continue to benefit. These guarantees comprise the new safeguards (right to complaints and visits), the adoption of which was recommended by the Government Experts in connection with Art. 54.

**III. — Judicial Proceedings**

ARTICLE 90

**General observations**  
**I. General principles**

*No prisoner of war may be punished for an act which <sup>was not forbidden</sup> is not explicitly penalized by law at the time the act was committed.*

*No moral or physical coercion may be applied to a prisoner of war, to induce him to declare himself guilty of the offence with which he is charged.*

*No prisoner of war shall be sentenced without being given the opportunity to defend himself, and without having been assisted by qualified counsel.*

*1929 Convention, Art. 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.

G. E., pp. 223-224.

*Remarks*

The Committee thought it advisable to add to the two legal principles embodied in the former Article 61, the principle *nulla poena sine lege*.

ARTICLE 91

II. Capital sentence

*The prisoners of war and the Protecting Powers shall be informed, as soon as possible, of all offences which carry the death sentence in virtue of the legislation of the Detaining Power.*

*No death sentence can be passed on a prisoner of war unless the attention of the court has been specially drawn, in conformity with Art. 77, Sec. 2, to the fact that the defendant, not being a national of the Detaining Power, owes the latter no duty of allegiance, and that he finds himself in the hands of the said Power as a result of circumstances which are beyond his control.*

G. E., pp. 230-231.

*Other offenses shall not be punishable by the death penalty without the concurrence of the Power from which the prisoners are dependent.*

*Remarks*

While conscious of the arguments and difficulties which may be raised regarding the abolition, or at any rate the limitation, of the death penalty in the case of prisoners, the Committee thinks it advisable that this question be given particular and favourable attention by Governments. The Committee intends to take up the matter at a future time, on the basis of exhaustive studies.

ARTICLE 92

Procedure  
I. Conditions of validity  
of judgments

No judgment can be *validly passed* on a prisoner of war unless it is pronounced by the same courts and according to the same procedure as are applicable to members of the armed forces of the Detaining Power, *and unless, moreover, the provisions of the present Chapter have been observed.*

*1929 Convention, Art. 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.

G. E., pp. 226-227.

ARTICLE 93

II. Preventive detention  
(regime, deduction)

Judicial enquiries regarding prisoners of war shall be carried out as quickly as circumstances permit. Preventive detention shall be shortened as far as possible; and shall not exceed three months; in any case, its duration shall be deducted from the penalty inflicted.

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

*1929 Convention, Art. 47, Sec. 2 and 3 :*

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.

G. E., p. 209.

#### ARTICLE 94

### III. Notification of proceedings

Should judicial proceedings be taken against prisoners of war, the Detaining Power shall notify the Protecting Powers as soon as possible, and in any case three weeks before the date fixed for the opening of the hearing. The period of three weeks shall run as from the time when the notification by the Detaining Power has reached the Protecting Power, at the address the latter has previously indicated.

The said notification shall contain the following particulars :

- (1) Surname and first names of the prisoner of war, rank, army number, date of birth and, if necessary, his profession.
- (2) Place of internment or detention.
- (3) Specification of the charge or charges brought against him, and reference to the legal provisions applicable to his case;
- (4) Indication of the court that will deal with the case, and the date and place fixed for the opening of the hearing.

The same communication shall be made by the Detaining Power to the prisoners' representative (spokesman).

[The court which has to deal with the case shall enquire at the opening of the hearing whether the notification described in Sections 1 and 2 has been made in the conditions indicated.]

*1929 Convention, Art. 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.

G. E., pp. 221-223.

→  
if judicial proceeding  
with a prisoner of war may  
be held at the opening of  
hearing if proof is submitted to  
court that the notification  
required in this Article was  
received by the Protecting Power  
at least three weeks prior  
to the opening of the trial.



ARTICLE 95

and to call witnesses

he said

IV. Rights and means of defence

Each prisoner of war shall have the right to assistance by one of his fellow-prisoners, defence by qualified counsel of his choice and if necessary, the services of a competent interpreter. He shall be informed by the Detaining Power of this right in due time before the hearing.

Should the prisoner of war have omitted to choose counsel, the Protecting Power shall find him an advocate, and shall have at least one week for this purpose. The Detaining Power shall furnish the said Power, on request, with a list of persons who are qualified to present the defendant's case. In default of a choice of counsel by the prisoner of war and the Protecting Power,

The advocate chosen by the Protecting Power or by the prisoner of war shall be given at least two weeks before the opening of the hearings, and all the necessary facilities to prepare the defence of the accused. He may especially visit the defendant freely, interview without witnesses both and the witnesses for the defence, even if these should also be prisoners of war. He shall enjoy these facilities until the term of appeal or petition has expired.

The De Power oppo can low come deaf

In due time before the opening of the hearing the defendant prisoner of war shall be notified, in a language which he understands, of the case against him and shall receive all the documents usually communicated to a defendant, in virtue of the laws governing the armed forces of the Detaining Power.

The representatives of the Protecting Power shall have the right to attend the hearing of the case, unless this is exceptionally held in camera, in the interest of State security. In such cases the Detaining Power shall notify the Protecting Power accordingly.

1929 Convention, Art. 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.

G. E., pp. 224-226.

ARTICLE 96

V. Notification of judgments

All judgments passed in respect of a prisoner of war shall at once be notified to the Protecting Power in the form of a brief communication. This communication shall also be sent to the prisoners' representative concerned.

Further, if a prisoner of war is sentenced, the Detaining Power shall forward as soon as possible to the Protecting Power a detailed communication showing :

- (1) The motives and wording of the judgment.

- (2) *A summary report on the enquiry and the hearing, with particular reference to the arguments for the defence.*
- (3) *The indication, if required, of the place where the sentence shall be served.*

*The communications named in the preceding Sections shall be made to the Protecting Power at the address which the latter has previously given to the Detaining Power.*

*1929 Convention, Art. 65 :*

Sentences pronounced against prisoners of war shall be communicated immediately to the protecting Power.

*1929 Convention, Art. 66, Sec. 1 :*

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.

G. E., pp. 228-230.

#### ARTICLE 97

### VI. Appeals

All prisoners of war have the right to *appeal to a superior authority, or with a view to the quashing of the sentence or the reopening of the case, against any judgment passed on them, in the same manner as the members of the armed forces of the Detaining Power.*

*1929 Convention, Art. 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.

G. E., p. 228.

#### ARTICLE 98

### Execution of sentences I. Time limit in case of capital sentence

*Should a prisoner of war be sentenced to capital punishment, the judgment shall not be executed until a period of at least six months has elapsed from the time when the detailed communication described in Art. 96 has reached the Protecting Power, at the address given.*

*1929 Convention, Art. 66, Sec. 2 :*

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.

G. E., pp. 230-231.

#### ARTICLE 99

### II. Penitentiary regime

*Sentences passed against prisoners of war which have been regularly validated, shall be served in the same establishments and in the same condi-*

tions as for members of the armed forces of the Detaining Power. These conditions shall in any case fulfil the requirements of hygiene and humanity.

Prisoners of war sentenced to a term of confinement shall, however, benefit by the provisions of Art. 68 and 116 of the present Convention they shall be authorised to receive and dispatch correspondence, to receive at least one relief parcel monthly, to take regular out-door exercise, [and] to have the medical attention their state of health may require. Penalties which may be inflicted upon them shall be in conformity with the stipulations of Article 77, Section 3. and the spiritual assistance they may demand.

1929 Convention, Art. 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.

SAIN, p. 13.

G. E., pp. 226-227.

*Remarks*

The Committee thought it difficult to assimilate in all respects the penalties inflicted on prisoners of war detained in prison, to the disciplinary punishments inflicted on prisoners of war in camps, as was proposed by the Government Experts. It has appeared preferable to make these punishments subordinate to the more general conditions embodied in Article 77.

PART IV

END OF CAPTIVITY

1929 Convention :

(No change)

SECTION I

Direct Repatriation and Accommodation in Neutral Countries

1929 Convention :

Section I. — Direct Repatriation and Accommodation in a Neutral Country.

ARTICLE 100

subject to the provisions of paragraphs of this C

General observations

Belligerents shall be obliged to send back to their countries, <sup>promptly,</sup> irrespective of rank or numbers, and after putting them in a fit condition for transport, all prisoners of war who are seriously ill or seriously wounded, in conformity with Section 1 of the following Article.

During the course of hostilities, *the belligerents shall endeavour, with the co-operation of the neutral Powers concerned, to arrange for the accommodation in neutral countries of the sick and wounded prisoners of war referred to in Section 2 of the following Article.* They may, in addition, conclude agreements for the direct repatriation or internment in neutral countries of able-bodied prisoners who have undergone a long period of captivity.

*No <sup>sick or wounded</sup> prisoner of war, who is eligible for repatriation may be repatriated against his will during the course of hostilities.*

*mentioned in paragraph 1 of Article 68*  
1929 Convention, Art. 68, Sec. 1 :

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.

1929 Convention, Art. 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.

G. E., pp. 232-234.

#### *Remarks*

The Committee held it preferable to include in this Article only the general principles relating to repatriation or accommodation, and to mention in a separate Article various categories of prisoners of war who should benefit by these measures. For this reason, it thought useful to introduce here, in Section 2, the principle embodied in the former Art. 72.

As regards the accommodation in neutral countries of sick and wounded prisoners of war, the Committee believed if necessary, in view of the fact that prisoners of war have largely benefited by such accommodation in the past, to go in this connection beyond the text adopted for Section 2 by the Government Experts. The Committee wished to stress that the belligerents, as also the neutral Powers to a certain degree, have an implicit, if not an explicit obligation to do all in their power to carry out such accommodation.

Lastly, the Committee thinks it useful to introduce here a ruling according to which no prisoner of war may be repatriated against his will during hostilities. This opinion is based chiefly on the views expressed by several delegations, as also by neutral members of the Mixed Medical Commissions who sat in Geneva in September 1945.

#### ARTICLE 101

#### Cases of repatriation or accommodation

*The following shall be repatriated direct :*

- (1) *Sick and wounded who, according to medical opinion, are not likely to recover within one year, their condition requiring treatment and their mental or physical fitness appearing to have been considerably impaired.*

- (2) *Incurably sick and wounded whose mental or physical fitness appears to have been considerably impaired.*
- (3) *Sick and wounded who have recovered, but whose mental or physical fitness appears to have been considerably and permanently impaired.*

*The following may be accommodated in neutral countries :*

- (1) *Sick and wounded whose recovery within one year of the date of wound of illness may be expected, such recovery appearing more certain and rapid if the said sick and wounded are given treatment in a neutral country.*
- (2) *Prisoners of war whose mental or physical health appears, according to medical opinion, to be seriously menaced by continued captivity, but whom accommodation in a neutral country may protect from this risk.*

*The conditions which prisoners of war accommodated in neutral countries shall have to fulfil for their repatriation shall be fixed, as also their status, by agreement between the Powers concerned.*

*In the absence of special agreements between the belligerents concerned, to determine the forms of disablement and sickness which necessitate direct repatriation or accommodation in neutral countries, such cases shall be dealt with according to the model draft agreement annexed to the present Convention.*

*1929 Convention, Art. 68, Sec. 2 :*

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.

G. E., pp. 233-234.

#### *Remarks*

While the Government Experts proposed to embody in the Convention the same guiding principles in respect of repatriation as are included in the Model Agreement annexed to the 1929 Convention, they did not take up the provisions of this agreement relating to the repatriation of prisoners of war accommodated in neutral countries. The Committee thought it advisable that this matter should be covered and the status of these prisoners of war be fixed by the very general wording adopted for Section 3.

Following on several suggestions, the Committee thought proper to stress the fact that, failing agreement between belligerents in respect of cases eligible for repatriation or accommodation, the Model Agreement would be automatically applicable in this connection.

#### ARTICLE 102

#### Mixed Medical Commissions

*On the outbreak of hostilities, Mixed Medical Commissions shall be appointed for the purpose of examining sick and wounded prisoners of war, and of making all useful decisions regarding them. The appointment,*

*duties and working of these commissions shall follow the provisions laid down in the Annexe 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 sick shall be repatriated without having been examined by a Mixed Medical Commission.*

1929 Convention, Art. 69 :

On the opening of hostilities, belligerents shall come to an understanding as 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 commission 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.

G. E., pp. 234-239.

*Remarks*

See pp. 142-144 the annexed Regulations for the Mixed Medical Commissions.

ARTICLE 103

**Prisoners  
submitted  
to examination  
by Mixed Medical  
Commissions**

Besides the prisoners designated *by the medical authorities of the Detaining Power*, sick and wounded prisoners of war *belonging to the following categories may appear before, and be examined by the Mixed Medical Commissions named in the preceding Article :*

- (1) *Sick and wounded designated by a prisoner medical officer of the same nationality, or national of a belligerent allied to the Power on which the said prisoners depend and who practises in the camp.*
- (2) *Sick and wounded presented by their spokesman.*
- (3) *Sick and wounded proposed by the Power on which they depend, or by a body recognised by the said Power and giving assistance to the prisoners.*

*Prisoners of war not belonging to one of the three preceding categories may, however, come up for examination by the Mixed Medical Commission, but shall be examined only after the member of the said categories.*

1929 Convention, Art. 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 commission 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;

*During the examination of  
ones of war by the Mixed  
Medical Commission, the same  
one of war medical officer  
named in the respective  
camp and the prisoner of war  
spokesman shall be permitted  
to present.*

(c) prisoners nominated by the Power in whose armed forces they served or by a relief society duly recognised and authorised by that Power.

G. E., pp. 239-240.

*Remarks*

The Committee thought it useful to state sub (1) that the doctor shall actually carry out his professional duties. It did not think it necessary, however, to mention sub (2) the reasons the prisoners' representative may have to take action in this matter.

ARTICLE 104

**Prisoners victims  
of accidents  
at work**

Prisoners of war who are victims of accidents at work, with the exception of those who have suffered self-inflicted injuries, shall benefit by the same provisions relative to repatriation or possible accommodation in neutral countries.

*1929 Convention, Art. 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 repatriations or accommodation in a neutral country.

G. E., pp. 240-241.

ARTICLE 105

**Prisoners serving  
a sentence**

No prisoner of war sentenced to a disciplinary penalty, who may be eligible for repatriation, may be held back on the plea that he has not served his sentence.

*Prisoners of war who are prosecuted or convicted judicially, and who may be eligible for repatriation or accommodation in neutral countries, may benefit by these measures before the close of the proceedings or the execution of the sentence, if the Detaining Power agrees.*

Belligerents shall communicate to each other *the names of the prisoners who are retained until the termination of proceedings and until the fulfillment of their sentences, if any.*

*1929 Convention, Art. 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.

G. E., pp. 214-216.

*Remarks*

The Committee has considered it preferable that the provisions of Article 105, quoted above, should be included in the present Section (Repatriation during hostilities), rather than in the Section relative to penal sanctions. In the same way, in the 1929 text, the stipulation concerning repatriation after the close of hostilities, of prisoners of war judicially prosecuted or convicted, are included in the Section "Repatriation after the close of hostilities", and not in the Section "Penal sanctions".

ARTICLE 106

**Costs**        The costs of repatriation or transport to a neutral country shall be borne, as from the frontier of the Detaining Power, by the Power *on which these prisoners depend*.

*1929 Convention, Art. 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.

G. E., pp. 241-242.

*Remarks*

Regarding the words "Power on which the these prisoners depend", see Remarks on Art. 36, Sec. 3, p. 78.

ARTICLE 107

**Activity after repatriation**        No repatriated person may be employed on active military service.

*1929 Convention, Art. 74 :*

No repatriated person shall be employed on active military service.

G. E., p. 242.

SECTION II

**Liberation and Repatriation at the Close of Hostilities**

*1929 Convention :*

Section II. — Liberation and Repatriation at the End of Hostilities.

ARTICLE 108

**Liberation and repatriation**

*Prisoners of war shall be liberated and repatriated [as quickly as possible] promptly after the close of hostilities. [account being taken of the material means the Detaining Powers may have for the execution of these operations.]*



*and execute promptly*

In the absence of stipulations to this effect in any agreement passed between the belligerents with a view to putting an end to hostilities, or failing any agreement of this kind, each of the Detaining Powers shall draw up a repatriation scheme in conformity with the principle laid down in the preceding Section.

In both cases, the measures adopted shall be brought to the knowledge of the prisoners of war.

*The cost of repatriation shall be borne by the Power on which the prisoners of war depend as from the frontier of the Detaining Power; if the two Powers are contiguous, in the other cases, the cost of repatriation shall be borne equitably*  
1929 Convention, Art. 75, Sec. 1:

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.

*conform to the terms of an agreement in the absence of special agreement between powers concerned*

G. E., pp. 243-245.

ARTICLE 109

Details of execution

Repatriations shall be carried out in conditions similar to those defined in Art. 38 to 40 inclusive of the present Convention, for the transfer of prisoners of war.

Prisoners of war who are liable to penal proceedings for a crime or an offence under common law may, however, be retained until the close of such proceedings, and if necessary until they have served their sentence. The same provision applies to prisoners of war sentenced for a crime or offence at common law.

By agreement between the belligerents, commissions <sup>shall</sup> [may] be appointed for the purpose of searching for dispersed prisoners of war and of ensuring their repatriation.

1929 Convention, Art. 75, Sec. 2 and 3:

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.

G. E., pp. 245-246.

Remarks

The Committee has thought it preferable to embody in the preceding Article 108 only the principles relating to repatriation, and to devote this further Article to practical details.

*with regard to the details of repatriation, no differences between prisoners of war shall be permitted except differences based on the grounds of sex, health, age and duration of internment. Priority shall be given to prisoners of war with minor children.*

SECTION III

Deaths of Prisoners of War

1929 Convention :

Part V : Deaths of Prisoners of War.

ARTICLE 110

Wills, death  
certificates, burial,  
cremation

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.

*In the absence 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 as regards the documents relative to the certification of death.*

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*, that their graves are respected, suitably maintained, *marked so as to be found at any time, and as far as possible assembled.*

*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, or for religious motives. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased prisoners of war.*

1929 Convention, Art. 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.

G. E., pp. 246-249.

Remarks

*Re Section 2 :* — See on p. 152 the specimen of single form proposed for the notification of deaths.

*Re Sections 3 and 4 :* — See Art. 13, Draft S. and W. Convention, p. 11.

ARTICLE 111

Prisoners killed  
or wounded in  
special circumstances

*Should a prisoner of war be killed or seriously wounded by a sentry, a fellow-prisoner, or any other person, an official enquiry shall at once be opened by the Detaining Power.*

*The Protecting Power shall be immediately informed. The evidence of any witnesses shall be taken, and a report shall be drawn up and communicated to the said Protecting Power.*

*Should the enquiry establish the guilt of one or several persons, the Detaining Power shall take all steps for the prosecution of the responsible person or persons.*

G. E., p. 247.

*Remarks*

In conformity with the recommendations made by the Government Experts, the Committee believed it useful to introduce into the Convention a new Article, referring to a situation which occurred on many occasions during the last War.

PART V

INFORMATION BUREAUX AND RELIEF SOCIETIES FOR  
PRISONERS OF WAR

*1929 Convention :*

*Part VI. — Bureaux of relief and information concerning prisoners of war.*

*Remarks*

The Committee thought it necessary to amend the incorrect wording of the title of Part VI, as adopted in 1929. The term "Bureaux of relief" cannot refer to Relief Societies.

ARTICLE 112

**National Bureaux**

*On the outbreak of a conflict and whenever a territory is occupied, each of the Parties shall establish an official information bureau relative to the prisoners of war who are in its hands. The neutral or non-belligerent Powers who may have accepted in their territories persons belonging to one of the categories named in Art. 3, Sec. 1, shall act similarly in respect of these persons.*

*Each of the Parties to the conflict shall supply its information bureau, within the shortest possible time, with information concerning all enemy personnel belonging to one of the categories named in Art. 3, Sec. 1, who may have fallen into its hands. Neutral or non-belligerent Powers shall act similarly in respect of persons they may have received under the conditions named in the preceding Section.*

*The information bureau shall forward such information at once, and by the quickest possible means, to the Powers concerned through the intermediary of the Protecting Powers, and of the Central Agency named in Art. 113.*

*This information shall permit rapid notification to the next of kin.*

*Subject to the stipulations of Art. 15, the information shall comprise for each prisoner of war his surname, first name, army number, rank, place and exact 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 instructed to deal with enquiries concerning prisoners of war shall receive from the various responsible departments all details with regard to transfers, releases, repatriations, escapes, admittances to hospitals and deaths, *and shall forward them as indicated in Section 3.*

*Information concerning the state of health of prisoners of war who are seriously ill or seriously wounded shall be sent regularly, if possible once a week.*

*All <sup>written</sup> communications made by the information bureau shall be authenticated by means of a signature or a stamp.*

The information bureau shall also be charged with the collection of all personal valuables left by prisoners of war on their repatriation, release, escape or death, and shall forward them to the Power concerned. *These articles shall be sent by the bureau in sealed packets.*

*1929 Convention, Art. 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, name 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.

Preliminary Conference (1946), pp. 76-77.

G. E., pp. 249-253.

Remarks

*Re Sections 1 and 2:* — As to the deletion of the words “capture” and “captured”, see Remarks on Art. 3, p. 000.

*Re Sections 3 to 6 inclusive:* — As regards the unification of the forms used for the transmission of information to these bureaux, the Committee has carefully considered the objections made to its proposed standard identity card and has decided not to take up, in its original form, the system it had proposed. It appears preferable to determine the data relative to identity which must be necessarily included in the communications made by the national bureaux (Section 3), and to stipulate further that these communications must be authenticated (Section 6).

In consequence, the Committee found it unnecessary to keep Section 5 of the 1929 text, which refers to a matter which concerns the Detaining Power. The Committee propose to publish, at a later date, a handbook showing the various methods of work employed by national bureaux and by the Central Agency; this pamphlet might be useful for the unification of these various methods, and for the forms employed for the transmission of data.

Lastly, the Committee has also dropped Section 7 of the 1929 text, which has been seldom applied and does not meet any particular need.

ARTICLE 113

Central Agency

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

This Agency shall be instructed to collect all information it may obtain from official or private sources regarding prisoners of war, for transmission, by the most rapid means, to the countries of origin or to the Power on which the prisoners of war depend. The Parties to the conflict shall give the said Agency all facilities for such transmissions.

These 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 mentioned in Article 115.

1929 Convention, Art. 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 organisation 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.

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

Preliminary Conference (1946), p. 76-77.

G. E., pp. 255-256.

*The costs incurred by the Central Prisoners of War Information Agency in carrying out these activities shall be borne proportionately by theelligent, whose national benefit therefrom.*

*Remarks*

The Red Cross Commission suggested that the word "Agency", which often has a commercial connotation in certain fields, should be replaced by a more accurate and modern word such as "Service" or "Office". The Committee is unwilling to express a considered opinion on this point and confines itself to observing that the name "Agency" is traditional, and that it existed before 1929 already. Further, neither the Red Cross Commission, nor the Committee has been able to find a style that would be any definite improvement on the present one.

ARTICLE 114

**Exemption  
from charges**

The national information bureaux and the Central Information Agency shall have free postal facilities and enjoy all exemptions provided by Art. 64; *also, as far as possible, exemption from telegraphic charges, or at least, considerably reduced telegraphic rates.*

*1929 Convention, Art. 30 :*

Information Bureaux shall enjoy exemption from fees on postal matter as well as all the exemptions prescribed in article 38.

Preliminary Conference (1946), pp. 78-79.  
G. E., p. 257.

*Remarks*

This article implies the obligation for the High Contracting Parties, as from the time of adhering to the Convention, to take all necessary steps with the World Postal Union and the World Telegraphic Union, to introduce into the Convention governing these two Unions a reference to the exemptions named in Art. 114, in so far as no such reference is already embodied therein.

ARTICLE 115

**Relief Societies  
and other agencies**

*[In principle, and] Subject to the measures which the Detaining Powers may consider necessary to ensure their security, or to meet any other reasonable need, Relief Societies or any other body assisting prisoners of war shall receive from these Powers, for themselves or for their duly accredited agents, all facilities for the issue to prisoners of war of relief supplies and equipment from all sources, for recreative, educational and devotional purposes. The said Societies or bodies may be constituted in the territory of the Detaining Power, or in any other country, where they may be international in character.*

*The Detaining Power may restrict the number of Societies and bodies, whose delegates may be authorized to pursue their work in its territory and under its control, on condition, however, that this limitation may not hinder the supply of effective and adequate aid to all prisoners of war.*

*and for effort to assist in organizing relief to within camp.*

*The particular situation of the International Committee of the Red Cross in this field shall at all times be recognized and respected.*

*Whenever relief supplies or commodities intended for the above purposes are handed over to prisoners of war, receipts signed by the representatives of these prisoners and relating to each particular consignment, shall be sent forthwith, or at least within a short time, to the consignor Relief Society or body. At the same time, receipts relative to these shipments shall be supplied by the administrative authorities responsible for guarding the prisoners.*

*1929 Convention, Art. 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.

SAIN, pp. 15 and 16.

Preliminary Conference (1946), p. 71.

G. E., pp. 253-255.

#### *Remarks*

With reference to the place where these stipulations have been inserted in the Convention, the Committee considers that their presence alongside the Articles on information bureaux, which date from the Hague Regulations, is hardly justifiable in logic. It appears, however, difficult to introduce them either into Section V, Relations with the exterior (where they should at first sight be put), or into the Section dealing with the execution of the Convention. The Committee have therefore preferred merely to place them at the close of Part V.

As regards the principle they embody, the Committee has taken up the wording proposed by the Government Experts, which appeared to meet the recommendations put forward in regard to the former Art. 78 by the various organizations who benefited thereby. The wording has, however, been slightly amended, in order to stress the role of the delegates of Relief Societies and the paramount importance of having receipts signed by the prisoners' representatives.

Lastly, although the style "Relief (Aid) Societies" (see Remarks on Art. 61, Sec. 4, p. 95) has been altered in the other Articles, the Committee thought it useful to keep it here, in view of its value from the point of view of tradition.

## PART VI

### EXECUTION OF THE CONVENTION

*1929 Convention :*

Part V. II. — EXECUTION OF THE CONVENTION.

SECTION I

General Provisions

1929 Convention :

Section I. — GENERAL PROVISIONS.

Section II. — ORGANISATION OF CONTROL.

Remarks

For the reasons given above (see p. 4), the Committee has thought it preferable to put at the head of the Convention part of the provisions included in Sections I and II of the 1929 text. The other provisions are assembled in a single Section.

ARTICLE 116

Control

The representatives or delegates of the Protecting Powers shall be authorized to visit all places where prisoners of war are to be found, especially places of internment, detention and work, and they shall have access to all premises occupied by prisoners of war; they shall also be authorized to go to the places of departure, passage and arrival of prisoners who are being transferred. They shall be able to converse with the prisoners, and in particular with spokesmen, without witnesses, direct or through an interpreter.

*The representatives and delegates of the Protecting Powers shall be at entire liberty to choose the places they wish to visit, and the duration and frequency of these visits shall not be limited. They may not be forbidden, except for imperative military considerations, and only in exceptional cases and as a temporary measure.*

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

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

*The Detaining Powers may authorize the representatives of other bodies to visit the prisoners of war, to whom they may wish to give spiritual aid or relief in kind.*

1929 Convention, Art. 86, Sec. 2, 3 and 4 :

The representatives of the protecting Power or their recognised delegates shall be authorised 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 recognised 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.

Preliminary Conference (1946), pp. 73-74.  
G. E., pp. 262-267.

See also Art. 7 of the present Draft, p. 56.

*Remarks*

Following on a proposal made by a Government which carried out the duties of a Protecting Power, and on the grounds of its own experience, the Committee has considered useful to mention in Section 1 the visits to prisoners of war in course of transfer. The supervision of the conditions under which such transfers are carried out seems as desirable as that of the treatment of prisoners in camps.

Furthermore, the clause in Section 3 of the 1929 text which provided that the military authorities shall be informed of these visits, has been dropped. This clause, in the Committee's opinion, refers to a particular application of the principles embodied in this Article, and it appears preferable that this special case should be, like all others, settled by practice. Reference to this contingency alongside with a principle might lead to the idea that it was an essential condition of the said visits or even, as occurred on some occasions, that it constituted a means of delaying the visits until they had lost all value.

ARTICLE 117

**Publication  
of the Convention**

*The High Contracting Parties undertake to give, in time of peace as in time of war, the widest publicity in their respective countries to the text of the present Convention, and especially to include the study of the latter among the subjects of the military and civilian syllabus, in order that its principles may be familiar to the whole of the armed forces and [if possible] to the population.*

*The military and other authorities who are responsible in time of war for the care of prisoners of war, shall be provided with copies of the Convention, and be made specially conversant with its stipulations.*

G. E., p. 261.

*Remarks*

For the posting of the Convention in the camps, see Art. 34, p. 76.

ARTICLE 118

**Translations**

*The High Contracting Parties shall communicate to each other, through the Swiss Federal Council, and during hostilities through the*

*Protecting Powers*, the official translations of the present Convention, and the laws and regulations which they may have adopted to ensure its application.

1929 Convention, Art. 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.

G. E., p. 262.

*Remarks*

Concerning the establishing of two authentic texts, see Art. 120, p. 135.

ARTICLE 119

Violation

[The legislation of the Contracting Parties shall prohibit all acts contrary to the stipulations of the present Convention.]

Each Contracting Party shall be under obligation to search for the persons alleged to be guilty of breaches of the present Convention, whatever their nationality, and in accordance with its own laws or with the conventions prohibiting acts that may be considered as war crimes to indict such persons before its own tribunals, or to hand them over for judgment to another Contracting Party.

*Original text  
of war crimes*

*fit prefers,*

G. E., p. 264.

*Remarks :*

The Committee thought fit to introduce here a new Article dealing with the repression of breaches of the Convention. This article is founded on Art. 29 of the Geneva S. and W. Convention, as on the recommendations made in this connection by the Government Experts (see Art. 36 and 37 of the Draft Geneva S. and W. Convention, pp. 25-26.)

SECTION II

Final Provisions

*Remarks*

These final provisions having raised no comment, the Committee quotes them *mutatis mutandis*. Article 120 has however been added in obedience to a recommendation made by the Government Experts (See G. E., p. 262).

ARTICLE 120

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

ARTICLE 121

**Relations with the 1929 Convention**      *The present Convention replaces the Convention of July 27, 1929, in the relations between the High Contracting Parties.*

ARTICLE 122

**Relations with the Hague Convention**      In the relations between the Powers bound by the Convention of The Hague relative to the laws and customs of war on land, both as regards the Convention of July 29, 1899 and that of October 18, 1907, and who are parties to the present Convention, the latter shall complete Chapter II of the Regulations annexed to the above mentioned Hague Convention.

ARTICLE 123

**Signatures**      The present Convention, which bears the date of this day, is open to signature until... on behalf of all Powers represented at the Conference which opened at... on...; furthermore, by Powers not represented at this Conference who are Parties to the Convention of July 27, 1929.

ARTICLE 124

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

ARTICLE 125

**Coming into force**      The present Convention shall come into force [six months] after two instruments of ratification at least have been deposited. Thereafter, it shall come into force for each High Contracting Party [six months] after the deposit of its instrument of ratification.

ARTICLE 126

**Accession** From the date of its coming into force, the present Convention shall be open to accession, notified in respect of *any Power* on whose behalf this Convention has not been signed.

ARTICLE 127

**Notification of accession** 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* on whose behalf the Convention has been signed or whose accession has been notified.

ARTICLE 128

**Immediate effect** *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 beginning of hostilities or of the occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or adhesions received from *Parties to the conflict*.

ARTICLE 129

**Denunciation** 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, such 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* are terminated.

ARTICLE 130

**Communication to the United Nations** [A certified copy of] the present Convention shall be <sup>transmitted to</sup> deposited in the archives of the *United Nations*, <sup>by the</sup> ~~by~~ Swiss Federal Council. Similarly, ratifications accessions and denunciations which are notified to the Swiss Federal Council shall be communicated by them to the *United Nations*.

## ANNEX I

### MODEL DRAFT AGREEMENT RELATIVE TO DIRECT REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES OF WOUNDED AND SICK PRISONERS OF WAR

#### *Remarks*

The revision of the Model Agreement was not attempted by the Government Experts; the Committee has therefore thought it advisable to quote this Agreement in the form given to it by the Sub-Commission appointed for the purpose of its revision. This Sub-Commission included former members of Mixed Medical Commissions and sat in Geneva in May 1946 (see the report of the ICRC on the Meeting of the Sub-Commission for the Revision of the Model Draft Agreement, Geneva, June 1946; see further the Committee's report on the Meeting of Neutral Members of the Mixed Medical Commissions, Geneva, December 1945).

However, Chapter I of the Model Agreement (Leading Principles governing Direct Repatriation and Accommodation in Neutral Countries) has been introduced, in obedience to the recommendation of the Government Experts, into the Convention itself under Art. 101 (see p. 120). Chapters II and III alone are printed here, under the headings Chapter I and II.

#### CHAPTER I

##### PRINCIPLES GOVERNING 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 one hand or one foot, as for instance :*
  - (a) *loss of one hand, or of all the fingers, or of the thumb and forefinger of one hand;*
  - loss of one foot, or of all the toes and metatarsal bones of one foot.*

- (b) *Ankylosis, loss of bony tissue, contracture due to scar, abolishing the functions of one of the large articulations or of all the finger-joints of one hand.*
  - (c) *Pseudarthrosis of the long bones.*
  - (d) *Shortening of a leg by more than 5 centimetres.*
- (2) *All wounded prisoners of war whose condition has become chronic, in so far as medical prognosis appears to preclude recovery—in spite of treatment—within a year from the date of injury, for instance cases of :*
- (a) *Projectile in the heart, even if the Mixed Medical Commission should fail, at the time of their examination, to notice any serious disorder.*
  - (b) *Metallic splinters in the brain or lungs, even if the Mixed Medical Commission should be unable, at the time of their examination, to discover any local or general reaction.*
  - (c) *Osteomyelitis, when recovery cannot be expected in the course of the year following the injury, and which will probably lead to ankylosis of a joint, or to other impairments equal to the loss of a hand or a foot.*
  - (d) *Penetrating and suppurating injury to the large joints.*
  - (e) *Injury to the skull, with loss or displacement of bone.*
  - (f) *Injury or burn of the face with loss of tissue and impairment of function.*
  - (g) *Injury to the spinal cord.*
  - (h) *Injury to the peripheral nerves, resulting in disablement equal to the loss of a hand or foot, and the cure of which will require more than a year from the date of injury, e. g. injury to the brachial or lumbo-sacral plexus; to the median or sciatic nerves, as also combined injury to the radial and cubital nerves or to the lateral popliteal nerve (*N. peronaeus communis*) and medial popliteal nerve (*N. tibialis*). The isolated injury of the radial (*musculo-spiral*), cubital, lateral or medial popliteal nerves do not, however, justify repatriation except in cases of contracture or of serious trophoneurotic disturbance.*
  - (i) *Injury to the urinary apparatus; fistula, loss of vesical tissue.*
- (3) *All sick prisoners of war whose condition has become chronic in so far as prognosis appears—in spite of treatment—to preclude recovery within one year following the onset of the disease, for instance :*
- (a) *All forms of progressive tuberculosis which, whatever the organ affected, can neither be cured nor improved by treatment in a neutral country; all cases of pulmonary tuberculosis having shown active symptoms during captivity.*
  - (b) *Pleurisy with effusion, occurring during captivity.*
  - (c) *Non-tubercular diseases of the respiratory organs, regarded as incurable, or recurring; advanced pulmonary emphysema, with or without bronchitis; chronic asthma\*; chronic bronchitis\* having lasted more than one year in captivity; bronchiectasis\*, etc.*
  - (d) *Serious chronic diseases of the circulatory systems; valvular lesions and myocarditis\*, having shown symptoms of circulatory*

failure during captivity, even if the Mixed Medical Commission should be unable to detect any of these symptoms at the time of their examination; diseases of the pericardium and blood-vessels (Buerger's disease, aneurism of the large blood-vessels).

- (e) Serious chronic diseases of the digestive organs; gastric or duodenal ulcer confirmed clinically or by X-ray examination; sequelae of gastric operations performed during captivity; chronic gastritis, enteritis, or colitis, having lasted over one year and seriously affecting the patient's general health; cirrhosis of the liver; chronic cholecystopathy\*.
- (f) Serious chronic diseases of the genito-urinary organs; cases of chronic nephritis having lasted over one year with secondary results; nephrectomy for tubercular kidney; chronic pyelitis and cystitis; hydronephrosis and pyonephrosis.
- (g) Serious chronic diseases of the central and peripheral nervous system\*; such as all obvious mental diseases duly diagnosed by a specialist\*; cerebral arteriosclerosis; all forms of idiopathic or traumatic epilepsy duly diagnosed by the camp doctor\*; severe hysteria; captivity psychosis; chronic neuritis of more than one year's duration.
- (h) Serious chronic disturbances of the vegetative nervous system, with considerable diminution of mental or physical powers, appreciable loss of weight and general asthenia.
- (i) Diseases of the eye, e. g. unilateral amaurosis, even if the vision of the other eye remains normal; diminution of visual acuity which is incapable of correction to one-half, for at least one eye\*; glaucoma; iritis; choroiditis; trachoma.
- (k) Diseases of the ear, such as: complete deafness of one ear, if the other ear cannot hear ordinary speaking voice at a distance of one metre\*.
- (l) Serious disorders of metabolism, such as diabetes mellitus requiring insulin treatment.
- (m) Serious disorders of the endocrine glands, e. g. thyrotoxicosis, hypothyroidism, Addison's disease, Simmonds' cachexia, tetany, etc.
- (n) Chronic diseases of the blood.
- (o) Serious forms of chronic intoxication, e. g. lead poisoning, mercury poisoning, morphinism, cocainism, alcoholism, etc.; poisoning by gas or by radiations.
- (p) Chronic diseases of the locomotor organs, with obvious impairment of their functions; arthritis deformans; chronic progressive polyarthritis (primary and secondary); rheumatism with marked clinical symptoms.
- (q) Chronic and serious skin diseases, not amenable to treatment.
- (r) All malignant growths.
- (s) Serious chronic infectious diseases, having lasted one year after onset, e. g. malaria with chronic blood-changes and marked

*cachexia; amoebic and bacillary dysentery with serious symptoms; tertiary syphilis; leprosy.*

(t) *Serious avitaminosis.*

## B. ACCOMMODATION IN NEUTRAL COUNTRIES

*The following shall be accommodated in neutral countries :*

- (1) *All wounded prisoners of war who have better prospects of recovery in a neutral country than in captivity.*
- (2) *Prisoners of war suffering from any form of tuberculosis of any organ, and whose treatment in a neutral country might—according to present medical knowledge—lead to recovery, or at least to considerable improvement. Excluded are all cases of primary tuberculosis cured before captivity.*
- (3) *Prisoners of war suffering from diseases requiring treatment of the respiratory, circulatory, digestive, nervous, sensory, genito-urinary, cutaneous, or locomotor organs, if such treatment is likely to give better results in a neutral country than in captivity.*
- (4) *Prisoners of war having undergone nephrectomy during captivity for a non-tubercular kidney disease; those suffering from osteomyelitis, either on the way to recovery or stationary; diabetes mellitus not requiring insulin treatment; exanthematic typhus acquired during captivity.*
- (5) *Prisoners of war suffering from war or captivity neuroses. Cases of captivity neurosis which have not recovered after three months' treatment in a neutral country, or which after that time are not clearly on the way to recovery, shall be repatriated.*
- (6) *All prisoners of war suffering from chronic intoxication (by gases, metals, alkaloids, etc.), for whom the prospects of recovery in a neutral country are particularly favourable.*

*The following shall not be accommodated in neutral countries :*

- (1) *All cases of duly established mental disorder.*
- (2) *All cases of organic or functional nervous disease considered to be incurable.*
- (3) *Cases of serious chronic alcoholism.*
- (4) *All cases of contagious disease during the period in which the disease is transmissible, with the exception of tuberculosis.*

## CHAPTER II

### General Observations

- (1) *The conditions laid down above shall, in general, be interpreted and applied in the broadest possible spirit.*  
*Neuropathic and psychopathic conditions caused by war and*



*captivity, further, cases of tuberculosis of any degree, shall benefit particularly by such liberal interpretation. Prisoners of war having sustained several injuries, none of which considered singly would justify repatriation, shall be examined in the same spirit, account being taken of the mental trauma due to the number of injuries.*

- (2) All undisputed cases giving the right to direct repatriation (amputation, total blindness or deafness, active pulmonary tuberculosis, mental disease, malignant growths) shall be examined and repatriated as a matter of course by the camp doctors or by military medical commissions appointed by the Detaining Power.*
- (3) Injuries and diseases acquired before the war and which have not become worse, and also war injuries which have not prevented subsequent military service, do not entitle to direct repatriation.*
- (4) The above stipulations shall be interpreted and applied in a similar manner in all belligerent countries. To this end, the Mixed Medical Commissions must be able to rely upon the support of the responsible authorities and departments.*
- (5) The examples given in Chapter I represent typical cases only. Those not corresponding exactly to these stipulations shall be judged in the spirit of the provisions of Art. 101 of the present Convention and of the principles embodied in this Agreement.*

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*\*In respect of these cases, the Commission's decision shall be based, to a large extent, on the records kept by camp doctors and prisoner doctors of the same nationality, or on the examinations by specialists of the Detaining Power.*

## ANNEX II

### DRAFT REGULATIONS RELATIVE TO MIXED MEDICAL COMMISSIONS

G. E., pp. 234-236.

#### ARTICLE 1

*The Mixed Medical Commissions named in Article 102 of the Convention shall consist 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, in agreement with the Protecting Power, on the request of the Detaining Power. They may be domiciled equally in their country of origin, or in any other neutral country, or in the territory of the Detaining Power.*

#### ARTICLE 3

*The neutral members shall be approved by both 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 appointed in fact.*

#### ARTICLE 4

*Deputy members shall also be appointed in sufficient numbers to replace titular members in case of need. They shall be appointed at the same time as the titular members, or at any rate as soon as possible.*

#### ARTICLE 5

*If for any reason the International Committee of the Red Cross cannot carry out the appointment of the neutral members, the latter shall be appointed by the Power protecting the interests of the prisoners of war due for examination.*

ARTICLE 6

*As 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 who shall grant them all facilities in the accomplishment of their duties.*

ARTICLE 8

*In agreement with the Detaining Power, the International Committee of the Red Cross shall settle the terms of appointment of the nominees, with due reference to Articles 2 and 4 of the present Regulations.*

ARTICLE 9

*As soon as the neutral members have been approved, the Mixed Medical Commissions shall start work as quickly as possible, in any case within three months from the date of their approval.*

ARTICLE 10

*The Mixed Medical Commissions shall examine all prisoners of war named in Art. 103 of the Convention. They shall propose their repatriation, rejection, or reference to a later meeting. The Mixed Medical Commissions shall make their decisions by a majority vote.*

ARTICLE 11

*In the month following the visit, the decision made by the Mixed Medical Commission in each particular case shall be communicated to the Detaining Power, the Protecting Power and the International Committee of the Red Cross. The Mixed Medical Commission shall also inform every prisoner of war examined of the decision made, and shall furnish certificates to the candidates which it has proposed for repatriation.*

ARTICLE 12

*The Detaining Power shall be under obligation to carry out the decisions of the Mixed Medical Commissions within three months of having duly received notification.*

ARTICLE 13

*In the absence of any neutral doctor in a country where the functioning of a Mixed Medical Commission appears necessary, and should it be impossible for any reason to appoint neutral doctors who are resident in another country, the Detaining Power, acting in agreement with the Protecting Power, shall appoint a Medical Commission which shall undertake the same duties as a Mixed Medical Commission, subject to the stipulations of Art. 1, 2, 3, 4, 5 and 8 of the present Regulations.*

ARTICLE 14

*The Mixed Medical Commissions shall sit permanently and shall visit each camp at intervals not exceeding six months.*

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ANNEX III

**DRAFT REGULATIONS CONCERNING COLLECTIVE RELIEF**

Preliminary Conference (1946), pp. 83-90.  
G. E., pp. 186-190.

*Remarks*

In order to establish the text of these Regulations, the Committee has taken up, in a general manner, the principles on which the Government Experts found themselves in agreement. The Committee has, however, thought it useful to embody in Art. 8 the stipulation that all Powers party to the Convention shall facilitate the purchases made with a view to issuing collective relief to prisoners of war.

ARTICLE 1

*Prisoners' representatives (spokesmen) shall be authorized to distribute collective relief consignments entrusted to their care, to all prisoners of war who are, administratively speaking, dependent on their camp, including those who are in hospital, in prison, or in other penitentiary establishments.*

ARTICLE 2

*The distribution of collective relief consignments shall take place in conformity with the instructions of the donors and with the scheme drawn up by the prisoners' representatives. 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, override the said instructions, in so far as the needs of their patients demand. Within the limits thus defined, the distribution shall always be carried out equitably.*

ARTICLE 3

*To enable the prisoners representatives, or their assistants to check the quality as well as the quantity of the goods received, and to make detailed reports on the subject for the use of the donors, the said representatives and*

*assistants shall be allowed to proceed to the railways' stations or other places of arrival in the neighbourhood of their camps, where the shipments of collective supplies are handed over to them.*

ARTICLE 4

*Representatives shall be given the necessary opportunities to verify whether the distribution of collective relief supplies in all subdivisions and annexes of their camps, has been carried out in accordance with their instructions.*

ARTICLE 5

*Representatives shall be at liberty to fill up, and to have 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, relating to collective relief supplies (distribution, requirements, quantities, etc.).*

ARTICLE 6

*To ensure the regular issue of collective relief supplies to prisoners of war of their camp, and ultimately to meet the needs which may arise owing to the arrival of further contingents of prisoners, the representatives shall be authorized to constitute and maintain sufficient reserve stocks of collective relief supplies. For this purpose, they shall have adequate warehouses at their disposal; each warehouse shall be provided with two locks, the representative to hold the keys of one lock and the camp commandant the keys of the other.*

ARTICLE 7

*Should collective consignments of clothing be available, each prisoner of war shall have the property of a complete set of clothes. Should a prisoner have more than one set of clothes, the representative shall be authorized to withdraw excess articles and hand them to prisoners who are less fortunate.*

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 with a view to the distribution of collective relief supplies to the prisoners of war. They shall also facilitate the transfers of funds and other financial measures of a technical or administrative nature which are taken for the purpose of making such purchases.*

ARTICLE 9

*The above stipulations do not constitute an obstacle to the right of prisoners of war to receive collective relief before their arrival in a camp, or during their transfer. Further, they 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 prisoners which may be entrusted with the forwarding of such supplies, to ensure the distribution to the addressees by any other means they may think fit.*

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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 I (3), p. 52)

<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>			
Official seal imprint	Blood type	Finger-prints (optional) (Left forefinger)	Finger-prints (optional) (Right forefinger)
Religion	Any other mark of identification		
Hair	Eyes	Weight	Height
<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>			
Date of issue	Signature of bearer		
<p>Photograph of the bearer</p>			

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, p. 93)

1. Reverse

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

2. Name ..... 3. First name (in full) ..... 4. First name of father .....

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. Obverse

PRISONER OF WAR MAIL Postage free

**CAPTURE CARD FOR PRISONER OF WAR**

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<p style="text-align: center;"><b>IMPORTANT</b></p> <p>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).</p> <p>This card is distinct from the particular card which each prisoner is allowed to send to his relatives.</p>	<p><b>Central Prisoners of War Agency</b></p> <p>INTERNATIONAL COMMITTEE OF THE RED CROSS</p> <p><b><u>GENEVA</u></b> SWITZERLAND</p>
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**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.

### III. CORRESPONDENCE CARD AND LETTER

(See Draft Art. 60, Sec. 1, p. 93)

#### I. Card

1. *Obverse*

Prisoner of War Mail		Postage free
<b>Post Card</b>		
To .....		
Sender		Place of Destination
Name and first names	.....	.....
Place and date of birth	.....	.....
Prisoner of War No.	.....	Street .....
Name of camp	.....	Country .....
Country where posted	.....	Province or Department .....

2. *Reverse*

NAME OF CAMP .....	Date : .....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
<i>Write on the dotted lines only and as legibly as possible.</i>	

**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.

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, p. 126)

<h2>NOTIFICATION OF DEATH</h2>	
(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 rela- tives? . . . . .	.....
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 (doc- tor, nurse, minister of reli- gion, 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.

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

## PART I

### GENERAL PROVISIONS

See Remarks, Draft S. and W. Convention, Chapter I,  
“General Provisions”, p. 4

#### ARTICLE 1

**Respect  
of the Convention**

*The High Contracting Parties undertake, in the name of their peoples, to respect, and to ensure respect for the present Convention in all circumstances.*

See identical provisions in Art. 1, Draft S. and W. Convention, p. 4, and Art. 1, Draft PW Convention, p. 51.

#### ARTICLE 2

**Application  
of the Convention**

*Beyond the stipulations to 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 should the state of war not be 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 should the said occupation meet with no armed resistance.*

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

*In all cases of armed conflict which are not of an international character, especially cases of civil war, colonial conflicts, or wars of religion, which may occur in the territory of one or more of the High Contracting Parties, the implementing of the principles of the present Convention shall be obligatory on each of the adversaries. The application of the Convention in*

*these circumstances shall in nowise depend on the legal status of the parties to the conflict and shall have no effect on that status.*

Preliminary Conference (1946), p. 14 and 70.  
G. E., p. 103, 270-271.

See identical provisions in Art. 2, Draft S. and W. Convention, p. 5,  
and Art. 2, Draft PW Convention, p. 52.

### ARTICLE 3

#### Definition of protected persons

*The persons protected by 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 do not participate in hostilities, are equally protected by the present Convention.*

*The provisions of Part II are, however, wider in application, as defined in Article 11.*

*Persons such as prisoners of war, the sick and wounded, the members of medical personnel, who are the subject of other international Conventions, remain protected by the said Conventions.*

G. E., p. 273 and 274.

#### Remarks

In its proposal to define protected persons, the Committee has followed the principles laid down by the Government Experts, without however entirely adopting their views.

The Committee has, in particular, avoided all definition by the negative, or by reference to another Convention.

Furthermore, the Committee has thought it better, in defining "protected persons", to abandon any discrimination between "nationals of an enemy country" and "other civilians not nationals of the belligerent State"; the more so, as Art. 2 of the present Draft provides that the stipulations of the Convention shall apply to all conflicts, especially to civil wars, where the criterion "nationals of an enemy country" is not operative.

The Committee thought that the words "persons who find themselves (or who have fallen in any manner) in the hands" were sufficiently wide in scope to cover all situations, especially those which the Government Experts had proposed, in view of the revision Art. 11 of the Tenth Hague Convention. (See Remarks on Art. 11 of the Revised Draft of the Tenth Hague Convention, p. 38)

The definition of protected persons which the Committee believes it is able to furnish in the first clause of Section 1, embodies two conditions for all cases of armed conflict or occupation, namely (1) that these persons are not nationals of the Power in whose hands they may be; (2) that they are in the hands of the said Power at any moment and in any manner.

The Committee has thus put forward a wording which seems to ensure protection, in all cases of conflict foreseen in Art. 2, to all persons who are in the hands of a Power of which they are not nationals, whether they belong to an enemy State or to any other, whether they are stateless or of uncertain nationality. The Committee has thought useful to add, for the particular case of a conflict not international in character, a wording which puts the nationals of the country where the conflict, civil war, etc. has taken place, on the same footing as other protected persons, on condition that they do not participate in hostilities. This solution appears to be the best, in order to ensure that the mass of the non-combatant population may, in case of civil war, have the right to the same safeguards and to the same relief as aliens.

As regards Section 2, see Remarks at the beginning of Part II, p. 158.

Section 3 reserves the situation of persons who are the subject of other international Conventions. Prisoners of war, the sick and wounded, the members of medical personnel and other persons protected by particular Conventions, continue to enjoy the benefit of these agreements. Should however, in any particular case, these persons be refused, for any reason, the application of these international Conventions, they shall be protected by the present Convention, in so far as they have a right thereto under the present Article. For instance, the fact of having been a member of the armed forces of a Party to the conflict, or of the forces of an occupied country, does not preclude treaty protection under the present Convention.

#### ARTICLE 4

##### Beginning and end of application

*The present Convention shall be applied from the outset of all conflicts covered by Article 2. Its application shall cease at 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 enjoy the benefits of the present Convention.*

Preliminary Conference (1946), p. 70, 99-101.  
G. E., p. 115 and 116.

See similar provisions in Art. 4, Sec. 1, Draft PW Convention, p. 54, and Remarks on Art. 127 of the present Draft, p. 211.

#### ARTICLE 5

##### Special agreements

*Besides the agreements expressly foreseen in Articles 9, 12, 33, 52, 84, 97, 98, 121 and 122, the Parties to the conflict may conclude special agreements on all matters for which they may consider it desirable to make particular provision. These agreements shall in no case adversely affect the situation of protected persons, as defined by the present Convention, nor impair the rights which it grants them.*

*Protected persons shall benefit by the agreements which concern them, as long as the Convention is applicable to them, subject to express stipula-*

*tions to the contrary in the said or subsequent agreements, or again subject to more favourable measures taken in behalf of these persons by one or other of the Parties to the conflict.*

Preliminary Conference (1946), p. 70.  
G. E., p. 258.

See similar provisions in Art. 4, Draft S. and W. Convention, p. 7,  
and Art. 5, Draft PW Convention, p. 55.

#### ARTICLE 6

##### Acquired rights

*Protected persons may in no circumstances be induced, by constraint or by any other means of coercion, to abandon partially or wholly the rights conferred on them by the present Convention and, should the case arise, by the special agreements foreseen in the preceding Article.*

Preliminary Conference (1946), p. 70.

See similar provisions in Art. 5, Draft S. and W. Convention, p. 7,  
and Art. 6, Draft PW Convention, p. 55.

#### ARTICLE 7

##### Protecting Powers

*The present Convention shall be applied with the co-operation and under the control of the Protecting Powers, whose duty it is to safeguard the interests of the Parties to the conflict. To this end, the Protecting Powers may appoint, besides their diplomatic staff, delegates among their own nationals or among nationals of other neutral Powers. These delegates shall be subject to the approval of the Power in whose territory 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.*

Preliminary Conference (1946), p. 68.  
G. E., p. 262.

See similar provisions in Art. 6, Draft S. and W. Convention, p. 8, and  
Art. 7, Draft PW Convention, p. 56.

#### ARTICLE 8

##### Activities of the International Committee of the Red Cross

*The provisions of the present Convention do not constitute an obstacle to the humanitarian activities which the International Committee of the Red Cross may undertake for the protection of civilian persons, and for the supply*



*of relief to them, subject to the consent of the Parties to the conflict who may be concerned.*

G. E., p. 267 and 268.

See similar provisions in Art. 7, Draft S. and W. Convention, p. 8, and Art. 8, Draft PW Convention, p. 56.

#### ARTICLE 9

##### Substitutes for Protecting Powers

*The Contracting Parties may, at all times, 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.*

*Moreover, if persons protected by the present Convention 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.*

G. E., p. 267, 270 and 271.

See similar provisions in Art. 8, Draft S. and W. Convention, p. 8, and Art. 9, Draft PW Convention, p. 57.

#### ARTICLE 10

##### Procedure of conciliation

*Whenever they consider it useful, especially in case of disagreement between the Parties to the conflict regarding the application of the provisions of the present Convention, or if it be in the interest of the protected persons, the Protecting Powers shall lend their good offices with the object of facilitating such application.*

*To this end, each of the Protecting Powers may, either 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, eventually on suitably chosen neutral territory. The Parties to the conflict shall be required to give effect to the proposals made to them in this sense. 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 participate in this meeting.*

Preliminary Conference (1946), p. 70.

G. E., p. 260 and 267.

See similar provisions in Art. 9, Draft S. and W. Convention, p. 9, and Art. 10, Draft PW Convention, p. 57.

PART II

GENERAL PROTECTION OF POPULATIONS AGAINST CERTAIN  
CONSEQUENCES OF WAR

*Remarks*

The Government Experts insisted that "the protection of civilian populations in general" should be included in this Draft, and the Committee has followed this recommendation. It proposes the following provisions.

ARTICLE 11

Field  
of application  
of Part II

*The provisions of Part II cover the whole of the populations of countries in conflict, without any discrimination founded on race, nationality, religious belief, political opinions or any similar criteria, and shall contribute towards the relief, as far as possible, of the sufferings engendered by war.*

*Remarks*

To avoid all ambiguity, the text stresses that the protection foreseen in Part II is granted to the whole of the persons who are in the territory of a country engaged in the conflict.

ARTICLE 12

Hospital  
and Safety Zones  
and Localities

*In time of peace already, the Contracting Parties and, in case of conflict, the Parties thereto, shall endeavour to set up in their territory, and, if the case arises, in occupied territories, hospital and safety zones and localities, so organized as to shield 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 management of such zones and localities, and with the care of the persons therein assembled.*

*As from the outbreak of the conflict and throughout its duration, the Parties concerned shall agree upon the mutual recognition of the zones and localities they have set up, and may, to this end, implement the provisions foreseen in the Draft Agreement annexed to the present Convention, introducing ultimately such amendments as they may consider necessary.*

*The Protecting Powers and the International Committee of the Red Cross shall lend their good offices to facilitate the setting up and recognition of hospital and security zones and localities.*

*Remarks*

The similar provisions of the Draft S. and W. Convention (Art. 18, p. 14) have been considerably amended, thus taking into account the fact that certain classes of the civilian population require particular protection (See Draft Agreement in annex, p. 214).

ARTICLE 13

**Wounded and sick  
I. General protection**

*The Parties to the conflict shall ensure to civilians, as far as possible, adequate medical care and hospital treatment; 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, 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.*

G. E., pp. 68 and 277.

*Remarks*

The problem of extending to civilian sick and wounded the protection of the Geneva Convention for the relief of Sick and Wounded in Armies in the Field has been the object of study since 1937. (See account given in G. E., p. 9.)

After studying the various solutions proposed by the Committee, the Government Experts thought that the Geneva Convention should preserve its customary field of application, and that it was preferable that new Articles relative to civilian sick and wounded should be introduced in the separate Convention for the protection of civilians.

Section 1 of this Article embodies the principle of relief to civilian sick and wounded. The proposal made by the Government Experts to define the conditions of application of this principle in annexed Regulations, in order not to encumber the text of the Convention, was not followed by the Committee. The latter believes that the subject is too important for treatment in an annex.

This Section combines two Articles adopted by the Government Experts, namely Art. 1 of their Draft for the protection of Civilian Sick and Wounded in war-time, and Art. 8 of the General Provisions of their Draft.

Section 2 of this Article corresponds to Art. 3 of the Convention of Geneva of 1929, but widens its field of application to cover shipwrecked persons (See Art. 7, Tenth Hague Convention of August 18, 1907). The Committee has thought proper to add the words "and other persons exposed to grave danger", so as to cover, for instance, the search for persons who are blocked in shelters. (See Art 12, Draft S. and W. Convention, p. 11, and Art. 11, Draft Revision of the Tenth Hague Convention 1907, p. 37).

ARTICLE 14

**II. Evacuation**

*The Parties to the conflict shall endeavour to conclude local agreements for the removal of wounded and sick, children and maternity cases, from besieged or encircled areas, and for the passage of medical personnel and equipment intended for such areas.*

G. E., p. 14, 15 and 69.

*Remarks*

Details regarding this Article, the wording of which follows the suggestions made by the June Experts, will be found in G. E., p. 15.

ARTICLE 15

**III. Protection  
of hospitals**

*Civilian hospitals, recognized as such by the State and organized to give permanent care to the wounded and sick, the infirm and maternity cases, may in no circumstances be attacked, but shall be at all times respected and protected by the Parties to the conflict.*

*The responsible authorities shall ensure that civilian hospitals are so located that possible attacks against military objectives cannot endanger them.*

G. E., pp. 69-71, which include an analysis of Art. 27 of the Regulations annexed to the Fourth Hague Convention of 1907, and of Art. 15, of the Ninth Hague Convention.

See above Art. 15, Draft S. and W. Convention, p. 13.

*Remarks*

Section 2 of this Article is worded in conformity with the suggestions made by the June Experts, and remains subject to closer study by military experts.

ARTICLE 16

**IV. Suspension  
of protection  
of hospitals**

*The protection due to civilian hospitals cannot lapse, unless they are used to commit acts harmful to the enemy, and after due warning remaining without effect. In any case, an adequate time limit 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 small arms and ammunition taken from such combatants and not yet transferred to the proper service, shall not be considered as acts harmful to the enemy.*

G. E., p. 71.

See above Art. 16 and 17, Draft S. and W. Convention, p. 14.

*Remarks*

The wording of Section 1, Clause 2, takes into account the suggestions made by the June Experts.

ARTICLE 17

**V. Protection  
of hospitals in enemy  
or occupied territory**

*Civilian hospitals in enemy or occupied territory may pursue their activities and shall be protected against pillage.*

*In cases of extreme emergency, however, the military authorities governing the territory in which these hospitals are situated may make use of them for the nursing of civilian or military wounded and sick, subject to the said authorities previously ensuring the care of the sick and wounded patients.*

*The equipment and stores of civilian hospitals cannot be diverted from their original use, by means of requisition, so long as they are required for the wounded and sick.*

G. E., p. 71 and 72.

See above Art. 26, Draft S. and W. Convention, p. 20.

*Remarks*

The wording suggested by the Committee also follows the suggestions made by the June Experts.

The right to requisition civilian hospitals has been strictly defined. It can only be claimed in case of urgent need, for the care of civilian or military sick and wounded, and on condition that the care of the patients who are nursed in the hospitals is ensured. The equipment and stores may be requisitioned only if they are not required for the care of the sick and wounded.

This ruling differs considerably from that which concerns Army medical establishments and units, as civilian hospitals meet the standing needs of the population.

ARTICLE 18

**VI. Hospital personnel.  
Recording of wounded  
and sick**

*Members of the personnel of civilian hospitals shall be respected and protected by the Parties to the conflict. This personnel shall bear identity cards certifying their status, provided with the photograph and fingerprints of the holder, and embossed with the stamp of the responsible authority.*

*The management of each hospital shall keep at all times an accurate list of members of the personnel and of patients under treatment, with the dates of their admittance, and shall hold it at the disposal of the competent national or occupying authorities.*

G. E., p. 72 and 73.

See above Art. 19 and 33, Draft S. and W. Convention, pp. 14 and 25.

*Remarks*

The question of finger-prints is dealt with in the commentaries on Art. 33 of the same Draft Convention.

The obligation laid on the management of hospitals to keep an up-to-date list (Section 2), and to be ready to supply it to the national or occupying authorities, has been embodied by the Committee after careful study. The Committee has taken into account the fact that the protection granted to hospitals cannot, in practice, be adequate, unless all guarantees are offered to the authorities that these establishments are not used to conceal persons.

ARTICLE 19

**VII. Marking**

*Civilian hospitals shall be marked by means of the emblem of the red cross on a white ground (red crescent, red lion and sun), subject to the consent of the responsible authorities.*

*The Parties to the conflict shall take the necessary steps, so far as military considerations permit, to make clearly visible to the enemy land, air or sea forces the distinctive emblems indicating civilian hospitals, in order to avoid the possibility of any offensive action.*

G. E., p. 73 and 74.

See Art. 32 and 34, Sec. 4, Draft S. and W. Convention, pp. 23-25.

ARTICLE 20

**Dispatch  
of medicaments,  
foodstuffs  
and tonics**

*The Contracting Parties shall authorize the free passage of all consignments of medicaments and hospital stores intended for another Contracting Party, even if the latter is their adversary.*

*They shall further authorize all consignments of foodstuffs, clothing and tonics for children under fifteen and expectant mothers. The State which authorizes the passage of foodstuffs, clothing and tonics may make this permission conditional to the fact that the issue to beneficiaries is made under the supervision of the Protecting Powers, and that persons benefited do no work of a military or a civilian nature.*

*These consignments shall be forwarded as rapidly as possible.*

Preliminary Conference (1946), p. 101 and 102.

G. E., p. 300-301.

*Remarks*

The Government Experts had approved, in a general way, the idea expressed by the Committee regarding the particular treaty safeguards which must be granted to women and children.

The reservation suggested by the Committee in Sec. 2, clause 2, allows the States, whose consent is indispensable to enable the forwarding of

foodstuffs, clothing and tonics to children and expectant mothers, to exercise either direct or indirect supervision of the issue of these supplies, and thus to avoid abuses.

This Article, like the others which refer to children, have been studied jointly with the representatives of the International Union for Child Welfare, whose suggestions have been considered.

#### ARTICLE 21

##### Special measures in behalf of children

*The Parties to the conflict shall take steps 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 ensured in all circumstances.*

*The Parties shall facilitate the accommodation of such children in a neutral country, for the duration of the conflict.*

*They shall furthermore ensure that children under fifteen can be identified at all times, in particular by the wearing of identity discs.*

G. E., p. 300-301.

#### ARTICLE 22

##### Right to family news

*All persons who may be in the territory of a Party to the conflict, or in a territory occupied by it, shall be able to give to members of their families, wherever they may be, news of a strictly personal nature, and to receive similar news. This mail shall be forwarded as quickly as possible.*

*If, as a result of circumstances, it becomes difficult or impossible to exchange family mail by the ordinary post, the States concerned shall apply to a neutral intermediary (such as the Central Agency foreseen in Art. 124), and shall decide in consultation with it how to ensure the fulfilment of their obligations in the best possible conditions.*

*Should the Parties to the conflict consider necessary to limit family correspondence, they shall, at most, make compulsory the use of standard forms containing twenty-five freely chosen words, and limit their dispatch to one single form monthly.*

Preliminary Conference (1946), p. 100.

G. E., pp. 292-293 and 299.

#### ARTICLE 23

##### Dispersed families

*The Parties to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, and who attempt to renew contact with one another and to come together, if possible. They shall facilitate, in particular, the work of agencies engaged in this task.*

Preliminary Conference (1946), p. 101.

G. E., pp. 229-300.

PART III

STATUS AND TREATMENT OF PROTECTED PERSONS

SECTION I

Provisions common to the territories of the Parties to the conflict,  
and to occupied territories

ARTICLE 24

Particular risks

*No protected person may at any time be sent into or retained in an area particularly exposed, nor may his presence be used to protect certain points or certain areas against military operations.*

G. E., p. 309, with reference to the similar provision in Art. 21, Sec. 1, Draft PW Convention, p. 67.

*Remarks*

The principles laid down in this Article were suggested by the Government Experts, in behalf of internees, who form a distinct class of protected persons. (See Art. 9, Sec. 7, of the Regulations relating to Civilian War Internees, annex D of the Draft, G. E., p. 308.)

The Committee believes that this ruling should apply to all protected persons without distinction, and has therefore placed this Article in the "Common Provisions".

ARTICLE 25

Treatment.  
I. General remarks

*Protected persons are entitled, in all circumstances, to respect for their persons and honour. They shall at all times be humanely treated and protected, in particular, against any acts of violence or intimidation, against insults and public curiosity.*

*Account being taken of the provisions regarding state of health, age and sex, all protected persons shall be treated alike by the Party to the conflict in whose hands they may be, without any discrimination founded on race, religious belief, political opinions, or any similar criteria.*

G. E., p. 275, 276, 282, 285, 286 and 306.

*Remarks*

The Committee considered it preferable to assemble in a single Article the rulings concerning the respect of the individual and his honour, which are embodied in Art. 4, 7, 18, 23 and 24, Sec. 5, of the Draft of the Government Experts, and in Art. 2 and 3 of Annexe D: Regulations relating to Civilian War Internees.



Furthermore, the Committee believes it necessary to foresee, in Section 2, equality of treatment for all protected persons, with the exception of the privileges granted to certain persons by reason of their state of health, age, or sex.

ARTICLE 26

**II. Responsibilities**

*The Party to the conflict in whose hands protected persons may be is responsible for the treatment granted to them, without prejudice to the individual responsibility which may rest in this connexion on officials, law officers, members of the armed or police forces, or on any other persons.*

G. E., p. 306.

*Remarks*

The Government Experts had placed this provision in the Regulations relating to Civilian War Internees, but the Committee prefer to put it in the "Common Provisions", as it corresponds to Art. 11 of the Draft PW Convention (see p. 59). The repression of acts contrary to the Convention are dealt with in Art. 130 of the present Draft; see p. 211.

ARTICLE 27

**III. Women and children**

*Women shall be especially protected against all attacks on their honour or dignity.*

*Children under fifteen shall enjoy, in all circumstances, preferential treatment, particularly as regards food, medical care and protection against the effects of war.*

*Expectant mothers and mothers of children under seven shall also enjoy such preferential treatment.*

Preliminary Conference (1946), p. 101 and 102.

G. E., pp. 275, 300, 306 and 310.

*Remarks*

The present Article embodies several of the rulings relating to the particular protection due to women and children, as repeatedly foreseen by the Government Experts. (See Art. 4, Sec. 2; Art. 3, and 11, Sec. 7, annexe D, and the recommendations made by them in Part II, Chapter 4 of their Draft.)

ARTICLE 28

**Application to Protecting Powers**

*Protected persons shall have every facility for applying to the Protecting Powers, the International Committee of the Red Cross, the National Red*

**and relief  
organizations**

*Cross Society of the country where they may be, as also to any body which may assist them.*

*These various bodies shall be granted by the authorities, to this end, all facilities within the limits set by military considerations.*

G. E., page 280.



*Remarks*

This Article corresponds to Art. 15 of the Draft of the Government Experts. The Committee has thought its place should be in the "Common Provisions". The right of application is the privilege of all protected persons, in belligerent or in occupied territories.

The Committee has moreover replaced the words "relief societies" by "any body which may assist them". These words have a wider scope, and give to protected persons the right to apply to any society, delegation, etc., who may be in a position to give them material relief or moral support.

ARTICLE 29

**Interdiction of  
torture, constraint and  
corporal punishment**

*No physical or moral coercion shall be exercised on protected persons, in particular to obtain information from them or from third parties.*

*Torture and corporal punishment are forbidden.*

Preliminary Conference (1946), p. 96.

G. E., pp. 276, 288, 306, 307 and 321.

*Remarks*

The Committee has followed the advice of the June Experts, and considered it necessary to lay down the categorical prohibition of any physical or moral torture, as also of any other form of coercion, whatever its reason or purpose. Furthermore, it provided for the case where States signatory to the present Convention may not have signed the Regulations annexed to the Hague Convention of 1907, and has therefore included the principle expressed in Art. 44 of the said Regulations.

ARTICLE 30

**Individual  
responsibility,  
collective penalties,  
reprisals**

*No protected person may be punished for an offence he has not himself committed. Collective penalties are forbidden.*

*Measures of reprisal against protected persons or their property are forbidden. The destruction of movable property or real estate, which military operations do not make absolutely necessary, is forbidden, as are all measures of intimidation, or of terrorism.*

Preliminary Conference (1946), p. 96.

G. E., pp. 208, 276, 285 and 321.

*Remarks*

The Government Experts repeatedly examined the question of individual responsibility. A formal ruling, which forbids collective punishment for individual acts, has been laid down as regards prisoners of war; in the case of civilians, the corresponding rule has been expressed only in somewhat vaguer terms, and applies only to civilians in occupied territories (See Art. 23 of the Experts' Draft), and to civilian internees (See Art. 47, Sec. 3, annexe D of the Draft). The Committee has thought it proper to insert this principle in the "Common Provisions", since it is one of the most important in law. The prohibition of all collective penalties has also been introduced here.

In Section 2, the Committee has taken up the suggestion of the Government Experts to forbid, without exception, all measures of reprisal.

The Experts had admitted, in the case of occupied territories only, that "no person whose individual responsibility has not been proved in court, may be convicted", and that "collective penalties, destruction of towns and villages, and all other means of intimidation are prohibited."

The Committee considered that these provisions, like others, were of general import, and that they should be inserted in the present Section 1 and not merely in the Articles dealing with "occupied territories".

ARTICLE 31

**Hostages**      *The taking of hostages is prohibited.*

Preliminary Conference (1946), p. 96.  
G. E., p. 275.

*Remarks*

The Government Experts accepted the proposals of the Committee for the absolute prohibition of the taking of hostages. The recommendation had also been unanimously expressed by the Preliminary Conference (1946).

SECTION II

**Aliens in the Territory of a Party to the Conflict**

ARTICLE 32

**Repatriation  
and retention**      *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 Section. They may provide themselves with the necessary funds for their*

*journey and take with them their belongings and articles of personal use. No person shall be repatriated against his will.*

*Persons to whose departure the Detaining Power may reasonably object on urgent grounds of security, may alone be retained.*

*Retention may be decided on only after regular proceedings before a special court for aliens, before which the person concerned may freely plead his, or her case.*

*If the court decides that the protected person shall be retained, it shall also decide whether he or she shall be left at liberty, placed in assigned residence or interned, in conformity with Art. 38, 39 and 40. When the person concerned has been placed in assigned residence or interned, the court shall proceed periodically, and at least twice yearly, to a fresh examination of the case, with a view to favourable amendment of the initial decision taken with regard to the said person, should circumstances permit.*

*The representatives of the Protecting Power shall be entitled to attend the hearing of the case. Exceptions to this rule shall be allowed only if the proceedings must be held in camera for reasons of state security. The Detaining Power shall in such cases notify the Protecting Power.*

*In all cases, the decision of the court shall be communicated with all speed to the Protecting Power, together with the grounds adduced.*

Preliminary Conference (1946), p. 94, 95, 103 and 104.  
G. E., p. 277, 278, 302-303.

#### *Remarks*

The Government Experts dealt with the question of repatriation on the outbreak of a conflict and drafted two principal Articles and highly detailed Regulations, which will be found in annex to their Draft. They drew a distinction between "compulsory" and "discretionary" repatriation. Close study of this text shows that the right they have given the Detaining Power to object, for imperative reasons of security, to the repatriation of persons anxious to leave their territory, does not allow application of the system they recommend. Following, however, as closely as possible the ideas expressed by them, the Committee has drafted the above Article, which states, as a matter of principle, that all persons who are not nationals of the countries in conflict, have the right to leave the territory at the beginning, or during the conflict. The Detaining Power has, however, the right to raise reasonable objections to the departure of such protected persons, for imperative reasons of security. These persons may put their case before a special court for aliens, similar to those which were instituted in certain countries during the recent war, and before which they may freely plead their case.

#### ARTICLE 33

**Methods of  
repatriation**

*Repatriation shall be carried out in satisfactory conditions as regards security, hygiene, salubrity and nutrition.*

*The practical details of such repatriations may, if necessary, be settled by particular agreements between the Parties to the conflict.*

G. E., p. 277.

ARTICLE 34

**Detained persons**

*Protected persons who, at the outset of the conflict, are in preventive detention, or serving a sentence depriving them of liberty, shall not be subjected to stricter conditions owing to the outbreak of hostilities.*

*As soon as they are released they may ask to leave the territory, in conformity with the preceding Articles.*

Preliminary Conference (1946), p. 99.

G. E., p. 279.

ARTICLE 35

**Persons not repatriated**

**I. General remarks**

*The situation of protected persons shall be governed, in principle, by the provisions relating to the treatment of aliens in peace-time, subject to such measures of control or security as may be ordered concerning them owing to the war. They shall be able to receive the individual or collective relief supplies which may be sent them.*

G. E., p. 279, 280.

*Remarks*

The Committee considered that it was not possible to prohibit compulsory labour in the case of protected persons who remain at liberty in the territory of a Party to the conflict. For this reason, the subject is not mentioned in this Article. The position of persons who find themselves in occupied territory is different. (See Art. 47, page 174.)

ARTICLE 36

**II. Means of existence**

*Protected persons who have lost their gainful employment owing to the war shall be granted the possibility to maintain themselves, either by the creation of opportunities for paid employment under the provisions of Art. 37, or by allowances made by the Power in whose hands they may be. Protected persons may in all cases receive allowances from their country of origin, the Protecting Powers, or the relief societies mentioned in Art. 28.*

Preliminary Conference (1946), p. 96-98.

G. E., p. 281.

*Remarks*

In drafting this Article, the Committee took into account Art. 16 of the Draft of the Government Experts, as well as the suggestions made by the June Experts. However, the words "sufficient for their support" used by the Government Experts, and which the June Experts had found inadequate, have not been maintained, nor replaced. After study of the matter, the Committee does not believe it necessary to define the amount of the allowances; these must, however, be sufficient to ensure the maintenance and health of the protected persons.

Furthermore, the Committee considers it useless to stipulate that the Detaining Power may, at the close of hostilities, "demand from the Power of origin, should this exist, the reimbursement of the amounts paid". This matter, it seems, can be settled in the financial arrangements which the States concerned habitually make at the close of a war.

ARTICLE 37

**III. Employment**

*Employment found for protected persons by the Power in whose hands they may be, shall belong exclusively to the following categories of economic activity :*

- a) *Industries connected with production, extraction of raw material or manufacture, with the exception of iron and steel, machinery and chemical industries, and of public works and building which have a military character or purpose.*
- b) *Transport and handling of stores having neither military character nor purpose.*
- c) *Commercial business, and arts and crafts.*
- d) *Domestic service.*
- e) *Public utility services having no military character or purpose.*

*Protected persons shall have the benefit of the same working conditions as workers of the country, especially as regards wages, hours of labour, outfit, previous training and protection against working accidents.*

G. E., p. 281.

See similar provision in Art. 42, Draft PW Convention, p. 82.

ARTICLE 38

**IV. Assigned residence,  
internment**

*Should the Power in whose hands protected persons may be, consider the measures of control mentioned in Art. 35 to be inadequate, it may not have recourse to other measures than assigned residence and, exceptionally, to internment, in conformity with the provisions of Art. 39 and 40.*

G. E., p. 284.

*Remarks*

The principle of leaving at liberty protected persons who may be in the territory of a Party to the conflict was admitted both by the Government Experts and by the delegates of National Red Cross Societies. It follows that internment may be ordered only as an exceptional measure.

ARTICLE 39

V. Reasons  
for internment  
Voluntary internment

*The internment of protected persons in fenced camps may be ordered only if the security of the Detaining Power makes it absolutely necessary.*

*Any person, acting through the representatives of the Protecting Power, who voluntarily demands internment, because his situation renders this step necessary, shall be interned by the Power in whose hands he may be.*

G. E., p. 283.

*Remarks*

See Remarks on the preceding Article.

In Section 1, the Committee attempted to find a wording which restricts, as far as possible, cases of internment. On the other hand, to prevent the Detaining Power from ordering internments *en masse* on the plea that this measure has been asked for by the persons concerned as the result of their situation, the Committee thought it essential to stress in Section 2 that every application for internment shall be made through the intermediary of the Protecting Power.

ARTICLE 40

VI. Procedure  
of internment

*Decisions regarding the internment of protected persons, and any subsequent decisions leading to a change of their status, shall be taken according to regular procedure, which shall include the right of the protected persons to appeal, in conformity with Art. 32, to the special court for aliens.*

*In any case, the decisions made by the Detaining Power shall be brought with all speed to the knowledge of the Protecting Power.*

G. E., p. 284.

*Remarks*

As the system of special courts for aliens, described in the Remarks on Art. 36, has been approved, all decisions to intern protected persons, and all subsequent decisions to modify their status, should lie, in the Committee's view, solely within the competency of the said special courts. It has been foreseen that the Detaining Power shall have the obligation to inform the Protecting Power of any change of status of a protected person.

ARTICLE 41

**VII. Transfer  
to another State**

*Protected persons shall not be transferred to a Power which is not signatory 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.*

*If they are transferred to a Power which is party to the Convention, the responsibility for the application of the Convention shall be borne conjointly by the Power which transfers and the Power which receives them.*

G. E., p. 116, 284.

See similar provision in Art. 11, Sec. 2, Draft PW Convention, p. 59.

ARTICLE 42

**End of restrictive  
measures**

*In so far as they have not been rescinded previously, restrictive measures taken regarding protected persons shall be cancelled as soon as possible after the close of hostilities.*

*Remarks*

In order to avoid restrictive measures being maintained, although the reasons for them have ceased to exist, the Committee has inserted the above Article, which states clearly that such measures shall in any case be cancelled as soon as possible after the close of hostilities.

SECTION III

**Occupied Territories**

ARTICLE 43

**Intangibility of rights**

*No change which is introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, no agreement concluded between the authorities of the occupied territory and the occupying Power, nor any annexation by the latter of the whole, or part, of the occupied territory can, in any case or in any manner whatsoever, deprive protected persons who may be in the occupied territory of the benefits of the present Convention.*

G. E., p. 272-275.

*Remarks*

This Article takes into account Art. 2. Sec. 1 and 2 of the Draft of the Government Experts.



ARTICLE 44

**Special cases of repatriation**      *Persons not nationals of the Power whose territory is occupied, may avail themselves of the provisions of Art. 32, with the object of obtaining permission to leave the territory.*

See Remarks on Art. 32.

ARTICLE 45

**Deportations, transfers, evacuations**      *Deportations or transfers of protected persons out of occupied territory, whether individual or collective, and whatever their motive, are prohibited.*

*The occupying Power shall carry out no evacuation, total or partial, of a given area, unless the security of the population or imperative military considerations require. Such evacuations may only take place within the occupied territory, except in cases of material impossibility.*

*The occupying Power shall undertake such transfers and evacuations only after ensuring to the protected persons proper accommodation to receive them. Such removals shall be effected in satisfactory conditions of hygiene, salubrity, 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 they are carried out.*

G. E., p. 288 and 289.

*Remarks*

This Article corresponds to Art. 27 of the Draft of the Government Experts. It draws a very clear distinction between deportation of protected persons outside the borders of occupied territory (which is strictly forbidden), and the evacuation of particular areas, which is permitted in two cases, named by way of limitation : (1) if the security of the populations requires; (2) if imperative military considerations demand. It should be noted that the Protecting Power may exercise the right of supervision which is granted to it, without exception, even when, for example, populations are removed outside the boundaries of the occupied territory and transferred to the national territory of the Power in occupation. The Protecting Power may exercise its right of supervision in respect both of the transfers themselves and of the conditions in which they are carried out.

ARTICLE 46

**Children**      *The occupying Power shall, with the co-operation of the national and local authorities, ensure the proper working of all institutions devoted to the care of children.*

*It 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.*

Preliminary Conference (1946), p. 101-102.  
G. E., p. 300-301.

#### ARTICLE 47

#### **Enlistment. Labour**

*The occupying Power may not compel protected persons to serve in its combatant or auxiliary forces. All propaganda which aims at securing voluntary enlistment is prohibited.*

*The occupying Power shall not compel protected persons to work unless they are over eighteen years of age, and may only do so to ensure the proper working of public utility services. It may not, however, compel requisitioned protected persons to use force, in order to ensure the security of the installations where they are doing the work imposed.*

*The work shall be carried out only in the borders of the occupied territory where the requisitioned persons may be. All requisitioned persons shall, as far as possible, be kept in their usual places of employment. Workers shall be given fair wages and the work shall be proportionate to their physical and intellectual capacity. The work shall be neither unhealthy, nor dangerous.*

*In any case, requisition of labour shall be of a temporary nature only, and shall in no case lead to the mobilisation of workers for the duration of hostilities.*

G. E., p. 289 and 290.

#### *Remarks*

This Article corresponds, in a general way, to the ideas expressed by the Government Experts in Art. 28 of their Draft. To avoid references to the Hague 1907 Regulations, the Committee has however thought it necessary to state, in Sections 1 and 2, that the protected persons may not be compelled, nor induced by any propaganda to serve in the armed forces of the occupying Power, and that they may not be obliged to undertake work, except to ensure the proper functioning of public utility services. This latter restriction was adopted, on the proposal of the Committee, by the Red Cross Commission, which also emphasized the importance of this question and the inadequacy of existing provisions, especially of Art. 52 of the Hague 1907 Regulations.

ARTICLE 48

**Protection of workers**

*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 latter's intervention.*

*Artificially created unemployment, and all planned schemes for restricting the possibilities offered to workers in an occupied territory, in order to induce them to work for the occupying Power, are prohibited.*

G. E., p. 289 and 290.

*Remarks*

This Article takes up the last two Sections, slightly amended, of Art. 28 of the Draft of the Government Experts. The words "appeal to the Protecting Power" are replaced by a more general expression, "the right to apply to the representatives of the Protecting Power in order to request the latter's intervention".

ARTICLE 49

**Food supplies,  
relief consignments**

*The occupying Power is under the obligation to ensure the food supply of the civilian population.*

*It shall, in particular, import the necessary foodstuffs and commodities, when the resources of the occupied territory are inadequate to ensure such subsistence; it may not take away or use for its own purposes, in particular for the occupation forces or administration, foodstuffs or products available in the occupied territory, unless the subsistence of the civilian population is adequately provided for.*

*The Protecting Powers may, at all times, be at liberty to verify the state of the food supply in occupied territories.*

*Should the whole or part of the population of an occupied territory be inadequately supplied, the occupying Power shall consent to relief schemes in behalf of the said population, and shall facilitate them by all the means at its disposal.*

*These schemes, which may be undertaken either by States or by an impartial humanitarian body, such as the International Committee of the Red Cross, shall consist, in particular, of consignments of foodstuffs, tonics and clothing.*

*All Contracting Parties shall permit free passage of these consignments and shall guarantee their protection.*

Preliminary Conference (1946), pp. 99 and 100.

G. E., p. 291.

*Remarks*

This article corresponds to Art. 29 of the Draft of the Governments Experts, and differs materially from previous texts and from the suggestions submitted to the Committee.

For reasons of clarity and in conformity with the urgent recommendations of the Red Cross Commission, matters concerning hygiene and public health have been dealt with in a separate Article, which follows. Moreover, the obligation for the occupying Power to maintain an adequate standard of living has been emphasized.

The Committee has, in particular, followed the ideas expressed in the "Draft Convention for the Food Supply in War Time to the Populations of Occupied Territories", which was submitted by M. Paul Mohn, former chairman of the Administrative Relief Commission in Greece, and in the counterdraft submitted by M. Michel Pasmazoglou, former Greek Minister and legal adviser to the Greek Red Cross Society.

The drafts submitted by MM. Mohn and Pasmazoglou have been given attentive study by the Committee, which has considered them with all the necessary care in view of the competence of their authors, and the importance of the question. The Committee has nevertheless found it impossible to adopt the opinions expressed by the writers in every particular; in so doing, the Committee took up the views expressed by the representatives of the Swedish and Danish Red Cross Societies, on the occasion of important debates on this Chapter at the meeting of the Red Cross Commission. The Committee has, in particular, avoided introducing into the text of the Convention any reference to a so-called "Relief Commission", which would guarantee proper and equitable distribution of supplies. The Committee believes that it is impossible to determine for the future, in a general manner, the form of supervision and the administration of relief supplies.

As suggested by the June Experts, the Committee has here as elsewhere avoided any reference to the Hague 1907 Regulations.

#### ARTICLE 50

#### Hygiene and public health

*It is the duty of the occupying Power to ensure and maintain, with the co-operation of national and local authorities, public health and hygiene in the occupied territories. The said Power shall, in particular, continue to apply or introduce health or prophylactic measures proper to combat the spread of contagious diseases or epidemics, ensure the due 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.*

Preliminary Conference (1946), p. 99.  
G. E., p. 291.

#### Remarks

The Government Experts had included in the same Article all matters concerning food supply, hygiene and public health. The importance of the subject, and the numerous suggestions made by National Societies

and by the Red Cross Commission, have led the Committee to devote two distinct Articles to these various points.

Rulings on questions concerning hygiene and public health are essentially different from those contained in the preceding Article, which deals with food supply. In this field, one has the right to demand the co-operation of national or local authorities, in the interest of their own country and of the population of the occupied territory.

In connection with this Article, it would be advisable to study the proposal made by the Committee ultimately to include a recommendation in the Final Act of the future Diplomatic Conference. (See above, p. 33, last paragraph.)

#### ARTICLE 51

##### Relief consignments I. Obligations of the occupying Power

*Relief consignments shall in no way relieve the occupying Power of its responsibility to ensure the subsistence and hygiene of the occupied territories.*

*The occupying Power shall neither requisition relief consignments, nor divert them in any way from their destination.*

##### *Remarks*

To avoid any possible ambiguity, the ICRC has thought it necessary to state in a separate Article that the consignments of relief supplies in no way relieve the occupying Power of its obligations.

#### ARTICLE 52

##### II. Collective relief

*The allocation of the relief consignments named in the preceding Articles shall be undertaken with the co-operation and under the supervision of the Protecting Powers, or of other neutral Powers. This duty may also be entrusted to an existing humanitarian body, such as the International Committee of the Red Cross, or to an agency set up for this purpose.*

*These consignments shall be exempt from all charges, such as customs, registration, transit or import dues, etc. The occupying Power shall transport them rapidly and free of charge in the territories under its control.*

G. E., p. 291.

##### *Remarks*

In conformity with the Remarks on Art. 49, the Committee believes it unadvisable to determine the practical details of supervising the distribution of collective relief consignments. It has, on the other hand, found it necessary to secure the support and supervision either of the Protecting Power or of other neutral Powers. Following on the Drafts submitted by MM. Mohn and Pasmazoglou, the Committee has also contemplated entrusting this duty to an existing humanitarian agency,

or to a body set up to this purpose; this would, in fact, correspond to the "Relief Commission" suggested by the authors named above. The Committee has not thought it possible to indicate already by whom these agencies would be set up, should they prove necessary. They might be created by agreement between the parties concerned; the Committee believes, however, that entire liberty should be left to find a solution to meet each particular case.

ARTICLE 53

**III. Individual relief**

*Furthermore, subject to imperative reasons of security which the occupying Power may advance, protected persons in occupied territories shall be able to receive the individual relief supplies that may be sent them.*

*Remarks*

The occupying Power may object to the consignment of individual relief whenever it can put forward imperative reasons of security. This reservation has been introduced for practical reasons, and on the suggestion of the Red Cross Commission. It is conceivable, for instance, that individual parcels might arrive from abroad in such large quantities that effective supervision would be rendered impossible, thus allowing the importation of goods harmful to the forces in occupation.

ARTICLE 54

**National Red Cross  
and other relief  
societies**

*National Red Cross Societies and other Relief Societies which, previous to occupation, have likewise been recognized by the State whose territory is occupied, shall be allowed to pursue their activities unhindered during occupation, without any modifications being made by the occupying Power in their structure or managing staff.*

G. E., p. 294.

ARTICLE 55

**Penal legislation  
I. General remarks**

*The penal legislation of the occupied Power shall remain in force, and its courts shall continue to function in view of all offences covered by the said legislation.*

*The occupying Power may, however, subject the population of the occupied territory to penal provisions intended to ensure the security of members and property of the occupying forces or administration, as also of the establishments used by them.*

G. E., pp. 284-288, 304-305, and 321-325.

*Remarks*

The Government Experts dealt with the matter of penal legislation in three parts :

- (1) In Art. 23 to 26 inclusive of Chapter III of their Draft entitled "Civilian Population in a territory occupied by a belligerent". (G. E. p. 285.)
- (2) In annex C of their Draft: "Regulations on Judicial Measures." (G. E., p. 304.)
- (3) In Chapter IX, "Penal Regulations", of Annex D of their Draft : "Regulations relative to Civilian War Internees." (G.E., p. 321.)

To avoid repetition, and even sometimes certain contradictions which are the inevitable outcome of this system, the Committee has assembled these various stipulations. In Art. 56 to 68 inclusive, the Committee has taken up the ideas expressed which are applicable to all protected persons in occupied countries, whether they are interned or not. In the Chapter on "Penal and Disciplinary Sanctions" applicable to internees, the Committee has included all the rules which, in its view, are indispensable in this field for the safeguard of protected persons who are interned, whether they are in occupied territories, or in the territory of a Party to the conflict.

The Committee considered that the idea expressed by the Experts in Art. 46 of their "Draft Regulations" was a basic principle, which should be embodied in Section 1 of the above Article, relative to all protected persons in occupied territory without exception. Section 2 takes up the idea which underlies Art. 43 of the Hague 1907 Regulations. The Committee hopes that this suggestion may meet with the approval of Governments.

ARTICLE 56

**II. Publication**

*The penal provisions enacted by the occupying Power come into force only after they have been brought to the knowledge of the population, in the language of the said population.*

G. E., p. 306 and 314.

*Remarks*

This Article takes up the idea which was doubtless understood in Art. 7, Sec. 2, of Annex C of the Experts' Draft. The Committee believes that this idea should be better defined and made general in application.

ARTICLE 57

**III. Competent courts**

*The occupying Power may, in the event of any breach of the penal provisions published by it in virtue of Art. 55, Sec. 2, hand over the accused to its regular military or civil courts, on condition that these sit in occupied*

*territory. Courts of appeal are not subject to the obligation of sitting in occupied territory.*

G. E., p. 305.

*Remarks*

The Committee has taken up in this Article the principles laid down by the Government Experts in Art. 4, Annex C of their Draft. (G. E., p. 305.)

The Committee did not think possible to maintain the express exclusion of "political, police or irregular tribunals". The idea of "political tribunals" seems to lack precision; on the other hand, the denial of competence to "police tribunals" appears unjustifiable, since it is normal that they should deal with minor breaches, such as road accidents, and thus relieve the regular courts of these cases. "Political and irregular tribunals" seem to be excluded by the term "regular courts", which has been used in the wording of this Article.

ARTICLE 58

**IV. Applicable provisions**

*The courts shall apply only the provisions enacted previous to the offence, and in conformity with the general principles of law, in particular as regards the principle of the proportionate character of penalties. They shall take into account the fact that the accused owes no duty of allegiance to the occupying Power.*

G. E., pp. 286 and 306.

*Remarks*

The principles laid down in this Article have been quoted from Art. 24, Sec. 1 of the Experts' Draft. This Article is important, since it determines more closely the right of the occupying Power (Art. 55, Sec. 2) to enact laws in occupied territory. The courts shall have the right and the duty to verify whether the penal stipulations they are called upon to apply are in conformity with the general principles of law, and if the principle of the proportionate character of penalties has been observed.

Clause 2 takes up the view expressed by the Government Experts in Art. 7, Sec. 3, Annex C of their Draft. The Committee considers that this rule should be made applicable to all persons brought before the courts in occupied territory. (See further Art. 108, p. 201.)

ARTICLE 59

**V. Penalties**

*When a protected person commits an offence with intent to harm the occupant, but which does not constitute either an attempt on the life or limb of members of the occupying forces or administration, or a grave*



*collective danger, or serious harm to the property of the occupant or of the installations used by him, the only penalty depriving him of liberty to which he is liable shall be internment as foreseen in Part III, Section IV.*

*The courts of the occupying Power may not pass the death sentence on a protected person unless he is guilty of homicide or of some other wilful offence which is the direct cause of the death of one or several persons.*

*The two preceding Sections do not apply to the case of a protected person who is guilty of espionage to the detriment of the occupying Power.*

G. E., pp. 286, 287 and 325.

*Remarks*

Here the Committee has taken into consideration Art. 24, 25 (Sec. 2), 26 (Sec. I), 33 (Sec. 3) and 61 of Annex D. The main idea has been preserved by stipulating that any breach committed by a protected person and which has not created serious collective danger, or any other especially grave situation, shall be punished only by internment.

Cases which may carry the death penalty have been limited, in view of the many proposals submitted to the Committee, several of which even demanded the total abolition of this penalty. Without prejudice to any decision which may be taken, the Committee wishes to draw attention to the suggestion made by the representatives of the International Union for Child Welfare. This organization is anxious that the Convention should unconditionally prohibit the death penalty in the case of all persons under 18 years of age. The prohibition would apply to all cases in which the laws of the occupied Power are applied, as well as the penal provisions enacted by the Power in occupation, in the sense of Art. 55, Sec. 2.

Section 3 reserves the application of Art. 29 to 31 inclusive of Chapter II of the Hague 1907 Regulations.

ARTICLE 60

**VI. Breaches  
committed before  
occupation**

*Protected persons may 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 occupied territory, shall not be arrested, prosecuted, convicted or deported outside the occupied territory except for common law offences which, according to the legislation of the State whose territory is occupied, would have led to extradition in time of peace.*

Preliminary Conference (1946), pp. 96, 98, 103 and 104.

G. E., p. 285.

*Remarks*

Section 1 of this Article corresponds to Art. 23, Sec. 2, clause 3 of the Experts' Draft.

Section 2 takes into account the recommendation expressed by the

delegates of the National Red Cross Societies, who were anxious that the right of sanctuary granted before the outbreak of the war to nationals of the Power in occupation by the occupied Power, should be upheld. The Committee, however, thought it necessary to reserve the right of prosecution to persons who may have been guilty of serious breaches of common law.

ARTICLE 61

**Penal procedure**  
**I. General remarks**

*No sentence shall be passed except after a regular trial.*

*Defendants who are prosecuted by the occupying Power shall be informed immediately, in a language they understand, of the charges brought 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 able, at all times, to obtain information on the state of such proceedings.*

Preliminary Conference (1946), p. 96.  
G. E., p. 304.

*Remarks*

This Article embodies the principles laid down in Art. 23 (Sec. 2) and 24 (Sec. 1) of the Experts' Draft, and in Art. 1 of Annex C of the same Draft. The details have, however, not all been maintained.

ARTICLE 62

**II. Right of defence**

*Defendants shall have the right to be assisted by qualified counsel of their own choice, who shall be able to visit them freely and be granted every facility for preparing the defence.*

*Failing a choice by the accused, the Protecting Power may provide him with counsel.*

*Defendants shall, on their request, be assisted by an interpreter, both during preliminary investigation and during the hearing in court.*

Preliminary Conference (1946), p. 96.  
G. E., pp. 286 and 304.

*Remarks*

This Article corresponds to Art. 24 (Sec. 3) of the Experts' Draft, and to Art. 2 and 3 of Annex C of the same Draft.

ARTICLE 63

**III. Means of defence**

*Defendants shall have the right to advance all proofs necessary to their defence and may, in particular, have witnesses called.*

*Convicted persons shall have the right of appeal, as provided by the legislation applied by the court.*

G. E., p. 305.

ARTICLE 64

IV. Assistance  
by the Protecting  
Power

*The representatives of the Protecting Power shall have the right to attend the sessions of any court judging a protected person, unless in exceptional cases the hearing has to be secret in the interests of the security of the occupying Power, who shall then notify the Protecting Power accordingly.*

*Any judgments passed shall be communicated, with the relevant grounds, as rapidly as possible to the Protecting Power, and shall contain, if need be, the name of the place where the sentence is to be served. Judgments shall not become valid until the expiration of the time limit allowed for appeal; the said time limit shall run as from the notification of judgment to the Protecting Power.*

Preliminary Conference (1946), p. 96.

G. E., pp. 304 and 305.

*Remarks*

This Article takes up the ideas expressed by the Government Experts concerning Art. 1 and 6 of Annex C of their Draft. The Committee has not, however, maintained the idea of "receipt" of the judgment; it thought that "communication" of the judgment was sufficient, since in occupied territory the representatives of the Protecting Power are on the spot.

ARTICLE 65

V. Death sentence

*In the event of the death sentence, the latter shall not be carried out before the expiration of a period of at least six months 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 reprieve.*

Preliminary Conference (1946), p. 96.

G. E., pp. 305 and 306.

*Remarks*

The Government Experts gave their opinion on this question under Art. 7, Sec. 1 and 2, of Annex C of their Draft. The time limit has been extended to six months, as recommended by the Experts in the case of prisoners of war.

ARTICLE 66

**Treatment of detainees**

*Protected persons who are indicted or convicted by the courts of the occupying Power shall be kept apart from other detainees and shall enjoy conditions of food and hygiene sufficient to keep them in good health, and similar at least to those obtaining in penitentiaries in the occupied territory. Proper regard shall be paid to the special treatment due to minors.*

*Such 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 Art. 126.*

*Detained protected persons shall have the right to receive at least one relief parcel monthly.*

G. E., pp. 286, 287 and 324.

*Remarks*

Section 1 of this Article corresponds to Art. 24, Sec. 2 and Art. 25 of the Experts' Draft.

In Section 2, the Committee has taken into account the recommendation made by the Experts, and stresses the fact that indicted or convicted persons are still protected persons and that they keep, in particular, the right of being visited by delegates.

ARTICLE 67

**Handing over  
of detainees at end  
of occupation**

*Protected persons indicted or convicted by the courts in occupied territory, shall in no case be taken outside the borders of the occupied territory, but shall be handed over, at the close of hostilities, with the relevant records, to the authorities of the liberated territory.*

*Remarks*

This Article, which the Committee thought it necessary to introduce here, refers to all indicted or convicted persons, whether their case has been submitted to the courts of the occupied Power, or to those of the Power in occupation. Even should the occupant retire at any time, indicted or convicted persons shall not be removed or deported under any plea whatever.

Art. 122, Sec. 2 of this Convention refers only to internees in the territory of the Party to a conflict; it does not apply to internees or other protected persons in occupied territory, even by analogy.

ARTICLE 68

**Security measures**

*Should the occupying Power consider it necessary, for imperative reasons of security, to take safety measures concerning persons against whom no specific charge can be preferred, it may at the most sentence them to assigned residence or, in exceptional cases, to internment.*

G. E., pp. 287 and 294.

*Remarks*

The Committee has embodied in this Article the ideas expressed by the Government Experts in Art. 25 and 33, Sec. 2, of their Draft.

SECTION IV

Regulations for the Treatment of Internees

CHAPTER I

General Provisions

ARTICLE 69

Cases of internment  
and applicable  
regulations

*The Parties to the conflict may intern protected persons only in the cases foreseen in Art. 32, 38, 39, 59 and 68.*

G. E., pp. 294 and 306.

*Remarks*

The system recommended by the Government Experts in Art. 33 of their Draft has been abandoned. This system involved numerous references and a series of distinctions drawn between various classes of civilian war internees. In view of the experience gained during recent years, the Committee has posed the principle of equal treatment of all persons who are in an identical situation, and in particular of all those who are in a place of internment. The Committee has thus endeavoured to frame regulations applicable to all internees without distinction.

The enumeration of cases in which protected persons who are in the territory of a Party to the conflict, or in occupied territory, and who are thus liable to internment, is limitative and admits of no application by analogy. These cases are :

Art. 32 : Persons who wish to leave the territory at the beginning of, or during a conflict, and who are retained by decision of a special court for aliens, for imperative reasons of security.

Art. 38 and 39, Sec. 1 : Internment as an exceptional measure, in obedience to the decision of a special court for aliens, if the security of the Detaining Power makes such internment essential.

Art. 39, Sec. 2 : Voluntary internment, through the intermediary of the Protecting Power.

Art. 59 : Conviction for a breach committed in occupied territory.

Art. 68 : Internment as an exceptional measure taken for the security of the Power in occupation.

It should be noted that in occupied territory, voluntary internment of protected persons, whether nationals or not of the State whose territory is occupied, has been foreseen neither by the Experts, nor by the Committee.

\* \* \*

As regards the subjoined Articles which deal with the treatment of internees, the Committee has followed the ideas expressed by the Government Experts, and especially those embodied in Chapter IV, Annex D of their Draft. The Committee has, however, omitted a certain number of details which would have made the text too cumbersome, and the Convention more difficult of application.

#### ARTICLE 70

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

G. E., Art. 3, clause 3, Annex D, p. 306.

#### ARTICLE 71

**Maintenance**      *The Parties to the conflict who intern protected persons shall be under obligation to provide for their free maintenance, and to grant them also the medical attention required by their state of health.*

*No deduction shall be made from the allowances, salaries or credits due to the internees, for the repayment of these costs.*

G. E., Art. 4, clause 1, Annex D, p. 307, and Art. 20, Sec. 2, Annex D, p. 312.

#### ARTICLE 72

**Assembling of internees**      *The Detaining Power shall assemble the internees as far as possible in camps or camp compounds according to their nationality, language and customs.*

*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 demand that their children who are left at liberty shall be interned with them. As far as possible, specially arranged family camps shall be reserved for them. They may be separated only temporarily for reasons of employment.*

G. E., Art. 9, Sec. 5, 6 and 11, Annex D, p. 308.

*Remarks*

The right reserved to interned parents to ask that their children who are left at liberty shall be interned with them, applies also to the cases where the children are not of the same nationality as their parents.

CHAPTER II

Places of Internment

ARTICLE 73

Location of camps

*Each Detaining Power, acting through the intermediary of the Protecting Power, shall notify the enemy Powers of the geographical situation of places of internment and, if need be, of the manner in which they are marked.*

*Remarks*

This Article corresponds to the stipulations of Art. 21, Sec. 3 and 4, of the Draft PW Convention (p. 67). The wording has, however, been slightly amended.

ARTICLE 74

Separate places  
of internment

*Places of internment for protected persons shall be distinct from places of internment for prisoners of war, and from places where persons confined for other reasons are imprisoned.*

G. E., Art. 34, Sec. 1, p. 295.

ARTICLE 75

Accommodation,  
hygiene

*It is the duty of the Detaining Power to take all necessary and possible measures to ensure that protected persons shall be, from the outset of their internment, accommodated in buildings or quarters which afford all possible safeguards as regards hygiene and salubrity, 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 whose climate is harmful to the internees.*

*The premises shall be entirely damp-proof, adequately heated and lighted, in particular between dusk and lights out. Sleeping quarters shall be sufficiently roomy and well ventilated, and the internees shall have suitable bedding and sufficient blankets, due account being paid to the climate and to the age, sex, and state of health of the internees.*

*Internees shall have for their use, day and night, sanitary conveniences which fulfil the requirements of hygiene, and are maintained in a constant state of cleanliness. They shall be provided daily with a sufficient amount*

*of water for their bodily cleanliness and for washing their underwear. Showers or baths shall also be available. Internees shall be provided at regular intervals with sufficient quantities of soap. Adequate time shall be allowed for washing and cleaning.*

*Remarks*

The text of this Article corresponds to Art. 20 (Section 1), 23 (Section 1), and 27 of the Draft PW Convention (pp. 66, 69 and 72).

ARTICLE 76

**Canteens**

*In all places of internment, canteens shall be installed where internees shall be able to buy foodstuffs, articles of everyday use and soap at the local market prices.*

*The profits accruing to the camp administration from the canteens shall be used for the benefit of the internees; a special fund shall be instituted for this 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 used for the benefit of internees of the same nationality as those who have contributed to the constitution of the fund. In case of general repatriation, these profits shall be kept by the Detaining Power, subject to contrary agreements between the Powers concerned.*

See similar provision in Art. 26, Draft PW Convention, p. 71.

ARTICLE 77

**Shelters, measures  
of protection**

*Shelters against air bombardments and other perils of war shall be available to internees, in the same way as to the local civilian population. In the case of warnings, the internees shall be permitted to enter the shelters as rapidly as possible, except those among them who co-operate in the protection of their quarters against these risks. Any other protective measure taken in favour of the population shall be also applied to them.*

*Every precaution shall be taken in places of internment against the risks of fire.*

See similar provisions in Art. 21, Sec. 2 and Art. 23, Sec. 3, last clause, Draft PW Convention, pp. 67 and 69.

CHAPTER III

**Food and Clothing**

ARTICLE 78

**Food**

*The food rations for internees shall be sufficient as regards quantity, quality, and variety, so as to ensure a normal state of health. Account shall be taken of the diet to which the internees are accustomed.*



*The internees shall furthermore have the means of preparing themselves the additional foodstuffs which may be at their disposal.*

*They shall be furnished with sufficient drinking water. The use of tobacco shall be authorized.*

*Working internees shall receive supplementary rations, in proportion to the kind of work which they carry out.*

*Expectant and nursing mothers and their children shall be given supplementary food, in proportion to their bodily needs.*

G. E., p. 309.

#### *Remarks*

This Article is based on Art. 11 of Annex D of the Experts' Draft. Some of the details have been omitted; the Committee has considered it preferable not to mention the number of calories needed for the feeding of workers. Moreover, the Committee thought that Art. 97 of this Convention was sufficiently explicit, and has dropped the following clause, recommended by the Government Experts: "In calculating the rations of internees no account shall be taken of the foodstuffs supplied by the International Committee of the Red Cross, or by other agencies."

#### ARTICLE 79

#### **Clothing**

*Internees shall be given all facilities to provide themselves, at the time of their arrest, with the necessary clothing, footwear and change of underwear, and to procure further supplies later, if required. Should the internees not have sufficient clothing and be unable to obtain it, this shall be provided free of charge by the Detaining Power.*

*The clothing furnished by the Detaining Power to internees and the outwards markings placed on their own clothes, shall be neither ignominious nor ludicrous.*

*Workers shall receive working kit, whenever the nature of the work requires.*

G. E., pp. 310 and 311.

#### CHAPTER IV

#### **Hygiene and Medical Attention**

#### ARTICLE 80

#### **Medical attention**

*Every place of internment shall have an adequate infirmary, placed under the direction of a qualified doctor, where internees may receive the attention they require, as well as an appropriate diet. Isolation wards shall, if necessary, be set aside for patients suffering from contagious diseases.*

*Internees suffering from serious diseases or whose condition demands special treatment, a surgical operation or hospital care, shall be admitted into any institution qualified to treat them.*

*Internees shall have, by preference, the attention 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, if required to do so, issue to every internee having undergone treatment an official certificate showing the nature of his disease or wounds, and the duration and kind of treatment he has received. A duplicate of this certificate shall be sent to the Central Agency mentioned in Article 124.*

*The costs of treatment, including those of apparatus required to keep internees in good health, particularly dentures, prostheses and spectacles, shall be borne by the Detaining Power.*

See similar provision in Art. 28, Draft PW Convention, p. 72.

#### ARTICLE 81

#### Medical inspections

*Medical inspections of internees shall be held at least once a month. Their object shall be to supervise the general state of health and cleanliness of internees, and the detection of contagious diseases, especially tuberculosis, venereal disease and malaria. Such inspections shall include, if possible, periodical radioscopic examination and the weighing of each internee.*

See similar provision in Art. 29, Draft PW Convention, p. 73.

#### CHAPTER V

#### Religious, Intellectual and Physical Activities

#### ARTICLE 82

#### Religious duties

*Internees shall enjoy complete latitude in the performance of their religious duties, including attendance at the services of their community, on the sole condition that they comply with the disciplinary routine prescribed by the Detaining Power.*

*Interned ministers of religion, whatever their denomination, shall be allowed to minister to the members of their community. To this end, the Detaining Power shall ensure their due allocation between the various places of internment. In case of need, they shall enjoy all facilities for travelling from one camp to another. Ministers of religion who are prisoners of war, or ministers residing in the territory of the place of internment, may be called upon in the same conditions.*

*Further, representatives of religious organizations, chosen by agreement between the Detaining and the Protecting Powers (preferably amongst*

*nationals of neutral countries) shall be authorized, subject to the approval of the Detaining Power, to visit the internees and to minister to their religious needs.*

SAIN, pp. 8-10.  
G. E., pp. 149-150 and 311.

See similar provision in Art. 30, Draft Convention PW (p. 74), which has been slightly amended in order to take into account Art. 16, Annex D, of the Experts' Draft.

#### ARTICLE 83

#### Recreation, studies, sports and games

*While respecting the individual liberty of each internee, the Detaining Power shall encourage intellectual, educational, and recreational pursuits, and sports and games amongst the internees, and shall take the necessary measures to ensure their practice, in particular by providing suitable premises. The internees shall have opportunities for physical and outdoor exercise. For this purpose, open spaces shall be set aside in all places of internment.*

*All possible facilities shall be granted to internees to continue their studies, or to take up new subjects.*

*Children and young people shall have special playgrounds. Their education shall be ensured; they shall be allowed to attend schools, either within the place of internment or outside.*

Preliminary Conference (1946), pp. 101-102.  
SAIN, p. 11.  
G. E., p. 311.

#### Remarks

For Section 1, see the similar provision in Art. 31, Draft PW Convention, p. 75.

Sections 2 and 3 take into account the suggestions made by the Religious Associations.

#### ARTICLE 84

#### Work

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

*After a working period of three months, internees shall be free to give up work at any moment, subject to eight days notice.*

*These stipulations constitute no obstacle to the right of the Detaining Power to employ doctors (or persons of equivalent status) and nurses in their professional capacity 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, kitchens, upkeep and medical services shall be paid a fair wage 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.*

G. E., Art. 24, Annex D, p. 314.

#### ARTICLE 85

#### **Labour detachments**

*All labour detachments shall be subordinate to a camp. The camp 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 a correct 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 authorized to visit the camp.*

G. E., pp. 314-316.

#### CHAPTER VI

### **Personal Property and Financial Resources**

#### ARTICLE 86

#### **Valuables and personal effects**

*Internees shall remain in possession of all effects and articles of personal use. Monies, cheques, bonds, etc., and valuables in their possession may only be taken from them on the order of an officer, or of a civilian official of equivalent rank. Detailed receipts shall be given therefor. The sums shall be paid into the account of each internee, as indicated in Article 87. These sums may not be converted into any other currency without the internees' consent.*

*Articles of a personal or sentimental value may not be withheld from internees.*

*At the time of release or repatriation, internees shall receive in currency the amount of their credit balances. The Detaining Power shall also hand back to them all the articles, bonds, valuables, etc., which may have been taken from them.*

*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, which will serve them as identity papers until the end of their internment.*

*Internees may keep on their persons a certain amount of money, ultimately in the shape of purchase coupons, to enable them to buy foodstuffs, tobacco and toilet requisites.*

G. E., pp. 307, 312-313.

*Remarks*

When drafting Sections 1, 2 and 4, the Committee took into account the principles which underlie Art. 6, Annex D of the Experts' Draft, p. 307.

Section 3 corresponds to Section 2 of Art. 21 of Annex D, and Section 5 to Section 1 of the same Article.

ARTICLE 87

**Financial resources  
and individual  
accounts**

*All internees shall receive regular allowances, sufficient to permit them to make purchases of goods and articles, such as foodstuffs, tobacco, toilet requisites, etc. These allowances shall take the form of credits or purchase coupons, and shall be paid to all internees, whether they perform labour or not.*

*Internees may also receive grants from their Power of origin, the Protecting Powers, any agency which may assist them, or their relatives.*

*The Detaining Power shall open a regular account for each internee, to which shall be credited the sums taken from him, the allowances named in this Article, the wages earned by him and the remittances he has received. Internees shall be granted all facilities to make remittances to their families and to other persons economically dependent. They may draw from their accounts the necessary amounts for their personal expenses, within the limits fixed by the Detaining Power. The accounts shall be furnished, by request, to the Protecting Power, and shall accompany the internee in case of transfer.*

Preliminary Conference (1946), pp. 94-96.  
G. E., Art. 20, Annex D, p. 312.

CHAPTER VII

**Administration and Discipline**

ARTICLE 88

**Camp administration**

*All places of internment shall be under the authority of a responsible officer or functionary, chosen from the regular military forces or the regular civil administration of the Detaining Power. The officer or functionary in charge of the place of internment shall have in his possession the text 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.*

*The text of the present Convention shall be posted inside the place of internment, in the language of the internees, or be in 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 the inmates understand.*

*All orders and commands addressed individually to internees shall also be given in a language which they understand.*

G. E., Art. 18 and 19, Annex D, p. 312.

See similar provision in Art. 32, Draft PW Convention, p. 76.

#### *Remarks*

The Committee has thought wiser to drop the words "excluding any irregular organization, political militia or police force", which the Experts had inserted in Art. 18 of Annex D of their Draft. The Committee believes that the words used: "regular military forces or regular civil administration", are sufficiently explicit.

#### ARTICLE 89

#### **General discipline**

*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. Tattooing, or imprinting signs and markings on the body for identification purposes, is prohibited.*

*In particular, prolonged standing and roll-calls, the use of punishment drill, or of military drill and manœuvres are prohibited.*

G. E., Art. 2, Annex D, p. 306, and Art. 41, Annex D, p. 319.

#### ARTICLE 90

#### **Complaints and petitions**

*Internees shall have the right to submit to the authorities in whose hands they may be, their petitions concerning the conditions of captivity to which they are subjected.*

*They shall also have the right to communicate without restriction through the intermediary of the internee committee, or if they deem necessary, direct with the representatives of the Protecting Powers, in order to draw their attention to the points on which they wish to complain with regard to the conditions of captivity.*

*Such petitions and complaints shall be transmitted immediately. Even though shown to be groundless, they shall not involve any punishment.*

*Internee committees shall be able to communicate to the representatives of the Protecting Power short periodical reports on the situation in places of internment and on the needs of the inmates.*

See similar provision, Art. 68, Draft PW Convention, p. 101.

#### ARTICLE 91

### Internee Committees

#### I. Composition

*In all places of internment, the internees shall freely elect every six months the members of a committee empowered to represent them in dealings with 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 re-eligible.*

*These elections shall be subject to the approval of the detaining Authorities. The reasons underlying possible rejection of nominees shall be communicated to the Protecting Powers concerned.*

G. E., Art. 43, Annex D, p. 320.

See similar provision in Art. 69, Draft PW Convention, p. 102.

#### *Remarks*

The Committee has not thought it opportune to give too many details concerning the election of members of internee committees. It has, for instance, dropped the wording of the Experts: "uninominal, direct and secret ballot", as it seems difficult to foresee in what conditions these elections will be carried out.

#### ARTICLE 92

### II. Duties

*The committees shall contribute to the physical, moral and intellectual welfare of the internees.*

*Should the internees, in particular, decide to organize amongst themselves a scheme for mutual assistance, this organization shall be within the competence of the committees, independently of the particular duties laid upon them by other provisions of the present Convention, especially by Articles 76, 88, 90, 91, 98, 108, 115 and 118.*

G. E., pp. 198-199.

See similar provision in Art. 70, Draft PW Convention, p. 103.

#### ARTICLE 93

### III. Prerogatives

*Members of committees shall not be compelled to do any other work, if the execution of their duties is hindered thereby.*

*Members of committees may appoint from amongst the internees the*

assistants they may require. They shall be granted all material facilities, especially a certain liberty of movement necessary for the carrying out of their duties (visits to labour detachments, receipt of supplies, etc.).

All facilities shall also be granted to committee members for their postal and telegraphic correspondence with the detaining Authorities, the Protecting Powers, the International Committee of the Red Cross and their delegates, and further, with the bodies which may assist internees. Committee members in labour detachments shall have the same facilities for their correspondence with the committee in the main camp. This kind of correspondence shall not be limited, nor considered as forming part of the quota named in Art. 96.

No committee member may be transferred without being given reasonable time to inform his or her successor of current affairs.

Should they be dismissed, the reasons for this step shall be communicated to the Protecting Power.

Preliminary Conference (1946), p. 80.

G. E., pp. 199-200.

See similar provision in Art. 71, Draft PW, p. 103.

## CHAPTER VIII

### Relations with the Exterior

#### ARTICLE 94

#### Notification of measures taken

*Immediately upon interning protected persons, the Detaining Power shall inform the internees and their Home Power, either direct or through the intermediary of the Protecting Power, of the measures foreseen for implementing the provisions of the present Chapter. The Detaining Power shall also inform them of any changes introduced into such measures.*

G. E., p. 181.

See similar provision in Art. 58, Draft PW Convention, p. 92.

#### ARTICLE 95

#### Internment cards

*Internees shall be enabled, immediately on arrest or not later than one week after their arrival in a place of internment, and similarly in cases of sickness, admittance to hospital or transfer to another place of internment, to send to their families direct and to the Central Agency named in Article 124, postcards, similar if possible to the model annexed to the present Convention, informing them of their arrest, address and state of health. The said postcards shall be forwarded with all possible speed, and may not be delayed in any manner.*

Preliminary Conference (1946), p. 78.

G. E., p. 184.

See similar provision in Art. 59, Draft PW Convention, p. 93.



ARTICLE 96

**Mail** *Internees shall be allowed to send and receive letters and cards. If the Detaining Power considers necessary to limit the number of letters and cards sent by each internee, the number may not be less than two letters and four cards monthly, if possible on the lines of the model annexed to the present Convention. Should the mail addressed to internees have to be restricted, this measure may only be ordered by the Power of origin, at the possible demand of the Detaining Power. These letters and cards shall be forwarded by the most rapid means, and may not be delayed nor withheld 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, further, those who are separated from home by considerable distances, shall be allowed to send telegrams, the charges being paid by them in the currency at their disposal.*

*As a rule, internees' mail shall be written in their own language. The Parties to the conflict may authorize correspondence in other languages.*

Preliminary Conference (1946), p. 79.  
G. E., pp. 182, 183 and 192.

See similar provision in Art. 60, Draft PW Convention, p. 93.

ARTICLE 97

**Relief consignments**  
**I. General principles**

*Internees shall be allowed to receive, by post or by any other means, individual or collective consignments containing especially foodstuffs, clothing, medical supplies and articles to meet their needs in matters of religion, study or recreation. Such consignments shall in no way relieve the Detaining Power of the obligations laid upon it by the present Convention.*

*The only limits which may be placed on these individual or collective consignments shall be those which may be proposed, in the interest of the internees themselves, by the Protecting Power, the International Committee of the Red Cross, or any other agency giving assistance to the internees which may be charged with the forwarding of such consignments.*

*The practical details relative to the forwarding of individual parcels and collective consignments shall, if necessary, be the subject of special agreements between the Powers concerned.*

Preliminary Conference (1946), p. 83.  
G. E., pp. 183-186.

See similar provision in Art. 61, Draft PW Convention, p. 94.

ARTICLE 98

**II. Collective relief**

*In the absence of special agreements between the Powers concerned as to the practical details of receiving and allocating collective relief consign-*

*ments, the regulations concerning collective relief, annexed to the present Convention, shall be applied.*

*The special agreements mentioned above shall in no case restrict the right of internee committees to take over collective consignments for internees, to issue and to dispose of them to the addressees' best advantage.*

*Further, these agreements shall not restrict the right for representatives of the Protecting Power, the International Committee of the Red Cross, or any other agency giving assistance to internees and charged with the forwarding of these collective consignments, to check their issue to the addressees.*

Preliminary Conference (1946), pp. 85-88.

G. E., pp. 185-186.

See similar provision in Art. 62, Draft PW Convention, p. 96.

#### ARTICLE 99

### III. Books, church vestments etc.

*Internees shall be authorized to receive individual consignments of books.*

*The Protecting Powers and the agencies giving assistance to internees may forward single works and collections of books to internee camps, as well as church vestments and articles of devotion, scientific equipment, musical instruments, sports outfits and material allowing the internees to pursue their studies or their artistic occupations.*

G. E., p. 192.

SAIN, p. 15.

See similar provision in Art. 63, Draft PW Convention, p. 97.

#### ARTICLE 100

### Exemption from postal and transport charges

*Mail, consignments of money and parcels addressed to internees or sent by them, either direct or through the Information Bureaux named in Art. 123, or the Central Agency mentioned in Art. 124, shall be exempt from all postal charges.*

*Individual parcels and collective relief consignments intended for internees shall be exempt from all customs or other dues, as well as from carriage charges by rail in the territory of the High Contracting Parties. They shall also be exempt from road transport charges in the territory of the Detaining Power.*

*The costs incurred by these transports, which are not covered by the above exemptions, shall be borne by the senders.*

*The High Contracting Parties shall endeavour to reduce, as far as possible, the charges for cables sent by the internees, or addressed to them.*

SAIN, p. 13.

Preliminary Conference (1946), pp. 89 and 90.

G. E., pp. 190-192.

See similar provision in Art. 64, Draft PW Convention, p. 98.

ARTICLE 101

**Special transport**

*In order to facilitate the conveyance of mail and other authorized articles addressed to internees, as foreseen in Art. 95, 96, 97, 99 and 103 of the present Chapter, the International Committee of the Red Cross, or any other agency duly approved by the Parties to the conflict concerned, shall be requested by them to find the necessary means of transport (railway cars and wagons, lorries or motor trucks, shipping, aircraft, etc.). The High Contracting Parties undertake to grant the safe-conducts required for such transports.*

*These means of transport may also be used to carry to the countries of destination the mail and reports sent by the Central Agency named in Art. 124, and to convey to the said Agency the information and reports supplied by the official information bureau of each Party to the conflict, concerning the internees it holds. They can also be used to forward to all Parties concerned, the reports and mail sent by the Protecting Power, by the International Committee of the Red Cross, or by any other body giving assistance to internees.*

*The costs incurred by the use of these means of transport shall be borne proportionately by the Powers whose nationals benefit by such facilities.*

Preliminary Conference (1946), pp. 90 and 91.

G. E., pp. 189 and 190.

See similar provision in Art. 65, Draft PW Convention, p. 99.

ARTICLE 102

**Censorship  
and control**

*The censoring of mail addressed to internees or dispatched by them shall be carried out as quickly as possible. Mail shall be censored only by the sender and receiver. States, and, if possible, once only by each.*

*The examination of consignments addressed to internees shall not be carried out in conditions likely to endanger the preservation of the goods contained therein. It shall be done, if possible, in the presence of the addressee, or of a fellow-internee delegated by him. The forwarding of light reading matter or educational works to internees may not be delayed on the plea of difficulties of censorship.*

*Any prohibition of correspondence ordered by any of the Parties to the conflict for military or political reasons, shall be of a temporary nature only and of the shortest duration possible.*

Preliminary Conference (1946), p. 79.

G. E., p. 193.

See similar provision in Art. 66, Draft PW Convention, p. 100.

ARTICLE 103

**Establishment  
and transmission  
of legal documents**

*The Detaining Powers shall grant all facilities for the transmission, through the intermediary of the Protecting Power of the Central Agency named in Art. 124, of deeds, papers, or documents intended for internees or forwarded by them, in particular powers of attorney and wills.*

*In all cases, they shall facilitate the drafting of such documents by internees, especially by allowing them to consult a lawyer and by arranging, if necessary, for the authentication of internees' signatures by a competent official, or by a member of the internee committee.*

G. E., p. 194.

See similar provisions in Art. 67, Draft PW Convention, p. 101.

*Remarks*

The situation of internees does not correspond to that of prisoners of war, who are not able to consult a lawyer outside their camp. This right has been reserved for internees.

ARTICLE 104

**Management  
of property**

*The Detaining Power shall afford internees all facilities compatible with internment conditions, to enable them to manage their property.*

*To this effect, internees may appoint a representative to look after their interests, with whom they may be in regular relations.*

*Remarks*

The Committee has thought it necessary to introduce this provision.

ARTICLE 105

**Moratorium**

*No measures of distraint against internees or next of kin dependent upon them for their livelihood may take place during internment and the month following their return to their domicile.*

*Law-suits in which internees are engaged may, at their request or that of their representatives, be suspended for the duration of internment and for one month following their return to their domicile.*

*Remarks*

Considering the number of cases in which internees have found themselves in economic difficulties as the result of detention, the Committee has thought it necessary to provide for at least a moratorium and the suspension of law-suits, at the request of the internee or of his representative.

ARTICLE 106

**Visits**

*All internees shall be authorized to receive visits, in particular from their near relatives, at regular intervals, and as frequently as possible.*

*In urgent cases, and whenever possible, they shall be given leave to visit their homes, particularly in cases of death or serious illness of relatives.*

G. E., Art. 9, Sec. 9 and 10, Annex D, p. 308.

CHAPTER IX

Penal and Disciplinary Sanctions

ARTICLE 107

General provisions  
Applicable  
legislation

*Internees who commit offences during internment are subject to the legislation of the territory where they are detained, subject to the provisions of the present Chapter.*

*Should laws, regulations or general orders render penal any acts committed by internees, whereas the same acts committed by persons who are not internees are not penal, the punishment involved can only be of a disciplinary nature.*

*Internees may not be punished more than once for the same act, or on the same charge.*

G. E., Art. 46, p. 321 and opposition draft, p. 331.

*Remarks*

In Section 1 of this Article, the Committee has thought proper to take up the principle that internees remain protected persons, and that consequently they are still subject to the laws of the territory in which they may be. Especially in occupied territories, the rules laid down in Art. 55 and following must therefore be applied to them.

As regards Section 2, see the similar provisions in Art. 73, Draft PW Convention, p. 105.

For Section 3, see Art. 76, Draft PW Convention, p. 106.

ARTICLE 108

Penalties

*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 form 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.*

G. E., pp. 206-208 and Art. 7, Sec. 3, p. 305, Annex C; Art. 47, Sec. 2, p. 322; Art. 49, Sec. 1, p. 322; Art. 48, Sec. 3, p. 322.

*Remarks*

For Sections 1 and 2, see similar provisions in Art. 77, Sec. 2 and 3, Draft PW Convention, p. 106.

For Section 3, see Art. 78, Sec. 2 of the same Draft, p. 107; for Section 4, see Art. 85, Sec. 2 of the same Draft, p. 111; for Section 5, see Art. 94, Sec. 3 and Art. 96, Sec. 1 of the same Draft, pp. 116-117.

ARTICLE 109

**Disciplinary sanctions**  
**Nature of penalties**

*The disciplinary penalties applicable to internees shall be :*

- (1) *Fines, up to and including fifty per cent of the monthly allowance and wages of the internee,*
- (2) *Loss of privileges granted in addition to the treatment prescribed by the present Convention.*
- (3) *Fatigue.*
- (4) *Additional labour, for working internees, of the same kind as their usual employment, and not exceeding two hours daily.*
- (5) *Confinement.*

*Disciplinary penalties shall in no case be inhuman, brutal or detrimental to the health of the internee. They shall take into account age, sex and state of health.*

*The duration of any single sentence shall never exceed thirty consecutive days. This limit 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.*

G. E., pp. 215-216 and Art. 54, Annex D, pp. 323-324.

For Sections 1 and 2 see Art. 79, Draft PW Convention, p. 108; for the last Section, see similar provision in Art. 80, Draft PW Convention, p. 108.

ARTICLE 110

**Escapes**

*Internees having escaped or attempted to escape, and who are recaptured shall be liable, for this offence, even if it should be a repeated attempt, to disciplinary penalties only.*

*Notwithstanding Article 108, Section 3, internees punished in consequence of escape or attempted escape may be subjected to special supervision, on condition however that this regime is not harmful to their health, that it is applied in a place of internment, and that it does not involve the abolition of any of the safeguards afforded by the present Convention.*

*After an escape or attempted escape, fellow-internees who aided and abetted the escape shall be liable on this count to disciplinary punishment only.*

G. E., Art. 49, Sec. 2, Art. 50 and 51 Annex D, p. 323.

For the two first Sections, see similar provisions in Art. 82, Draft PW Convention, p. 109; for Section 3, see similar provision in Art. 83, Sec. 4, Draft PW Convention, p. 110.

ARTICLE 111

**Connected offences**

*Escape or attempted escape, even if it is a repeated offence, shall not be looked upon as an aggravating circumstance, should the internee be brought before the courts for breaches committed during his escape.*

*The Parties to the conflict shall ensure that the responsible authorities show the greatest indulgence in appreciating the question whether a breach committed by an internee should involve a disciplinary or a judicial penalty. This applies specially to incidents connected with the escape, or attempted escape.*

*Offences not accompanied by violence against persons, breaches committed in respect of public property, theft without intention of personal profit, the establishing and use of forged documents, shall in particular involve disciplinary penalties only, in so far as the internees committed these breaches with the sole intention of facilitating their escape.*

G. E., Art. 51 and 52, Annex D, pp. 322-323.

See similar provision in Art. 83, Sec. 1-3, Draft PW Convention, p. 110.

ARTICLE 112

**Preventive detention  
(régime, deduction)**

*Acts constituting a breach of discipline shall be enquired into immediately. The same applies particularly to escapes or attempts to escape. Recaptured internees shall be handed over as soon as possible to the competent authorities.*

*In case of a breach of discipline, preventive detention of internees shall be reduced to a strict minimum, and shall not exceed fourteen days. The duration of preventive detention shall in all cases be deducted from any sentence of confinement.*

*The provisions of Art. 114 and 115 shall apply to internees who are under preventive detention for breaches of discipline.*

G. E., Art. 48, Sec. 1, clause 1, Annex D, p. 322.

See similar provision in Art. 85, Draft PW Convention, p. 111.

ARTICLE 113

**Competent authorities  
and procedure**

*Subject to the competency of courts and superior authorities, disciplinary penalties may be inflicted only by the commandant of the place of internment, or by an officer or responsible official acting as his substitute, or to whom he has delegated his disciplinary powers.*

*Decisions shall be made in the presence of the internee and of a member of the internee committee. The defendant may exercise his means of defence.*

*Not more than one month shall elapse between the passing of a disciplinary sentence and its execution.*

*If an internee is sentenced to a further disciplinary penalty, a period*

*of three days at least shall elapse between the execution of each of the sentences, should the duration of one of these be ten days or more.*

G. E. Art. 54, Sec. 4; Art. 58, pp. 323-325.

For the two first Sections, see similar provision in Art. 86, Draft PW Convention, p. 112; for the two last Sections, see similar provision in Art. 87, Draft PW Convention, p. 112.

#### ARTICLE 114

**Premises  
for disciplinary  
penalties**

*Internees shall in no case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) to serve disciplinary penalties therein.*

*The premises in which disciplinary penalties are served shall answer the requirements of hygiene; they shall especially be provided with adequate bedding. Internees serving sentences shall be enabled to keep themselves in a state of cleanliness.*

G. E., Art. 55, Sec. 1 and 2, Annex D, p. 324.

See similar provision in Art. 88, Sec. 1 and 2, Draft PW Convention, p. 113.

#### ARTICLE 115

**Essential  
guarantees**

*Internees serving disciplinary sentences shall be allowed to take daily exercise and to stay in the open air for at least two hours a day.*

*They shall be authorized, on their request, to attend the daily medical consultations. They shall receive the attention which their state of health may require, and shall, if necessary, be sent to the camp infirmary, or to hospital.*

*They shall be authorized to read and write, and to send and receive letters. Parcels and remittances of money, however, shall only be handed to them on the expiry of the sentence; such consignments shall meanwhile be delivered to the internee committee, which shall take perishable goods in the parcels and hand them over to the infirmary.*

*No internee serving a disciplinary sentence may be deprived of the benefit of Art. 96 and 126 of the present Convention.*

G. E. Art 55, Sec. 3; Art 56, and Art 57, Annex D, p. 324.

See similar provision in Art. 89, Draft PW Convention, p. 113.

#### ARTICLE 116

**Judicial proceedings**

*Articles 60 to 67 inclusive shall be applied, by analogy, to proceedings against internees who are in the national territory of the Detaining Power.*



*Remarks*

Anxious to grant internees the greatest degree of protection possible, the Committee considers that the rules of procedure laid down in Art. 60 to 67 inclusive should be applied to them by analogy, even if they find themselves in the national territory of the Detaining Power. In occupied territory these rules apply to all protected persons, whether interned or not.

CHAPTER X

Transfers of Internees

ARTICLE 117

Conditions

*Transfers shall always be effected with humanity. As a general rule, they shall be carried out by rail or other means of transport, and in conditions at least equal to those provided for the forces of the Detaining Power, when removed. Should such removals have to be exceptionally effected on foot, they may take place only if the internees are in a fit state of health, and if they do not involve excessive fatigue.*

*The Detaining Power shall supply internees during their transfer with sufficient food and water, as well as the necessary medical attention. The Detaining Power shall take all adequate precautions to ensure their security during transfer, and shall establish before their departure a complete list of all internees transferred.*

*Internees who are wounded or sick shall not be removed as long as their recovery may be endangered by the journey, unless their security imperatively demands.*

*Should the combat zone extend to the neighbourhood of a camp, the internees in that camp shall not be transferred, unless their removal can be carried out in adequate conditions of security, or if they run greater risks by remaining on the spot than by being transferred.*

G. E., Art. 7 and 22, Annex D, pp. 307 and 313.

See similar provisions in Art. 38 and 39, Draft PW Convention, p. 79-80.

ARTICLE 118

Practical details

*In case of transfer, internees shall be officially advised of their departure and of their new postal address. Such advice shall be given sufficiently early to allow them to pack their belongings and notify their next of kin.*

*They shall be allowed to take with them their personal effects, including the correspondence and parcels which have arrived for them. The weight of such baggage may be limited, should conditions of removal demand, but shall in no case be reduced to less than twenty-five kilograms per head.*

*Mail and parcels addressed to the former place of internment shall be reforwarded immediately.*

*The camp commandant shall, if necessary, take in agreement with the internee committee all measures to ensure the transport of the internees' community kit and of the luggage they are unable to carry with them, owing to restrictions ordered by virtue of Sec. 2.*

G. E., Art. 23, Annex D, p. 313.

See similar provision in Art. 40, Draft PW Convention, p. 81.

## CHAPTER XI

### Deaths

#### ARTICLE 119

#### Wills, death certificates, burial, cremation

*The wills of internees shall be received and drawn up under the same conditions as for the civilian population of the country of internment.*

*Deaths of internees shall be certified in every case by a doctor, and a death certificate, showing the causes of death and the conditions under which it occurred, shall be established.*

*In the absence of 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 the internees who have died in captivity are honourably buried, whenever possible according to the rites of the religion to which they belonged, that their graves are respected, suitably maintained, marked so as to be found at any time, and as far as possible assembled.*

*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 or for religious motives. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased internee.*

G. E., pp. 246-249.

See similar provision in Art. 110, Draft PW Convention, p. 126.

#### ARTICLE 120

#### Internees killed or wounded in special circumstances

*Should an internee be killed or seriously wounded by a sentry, a fellow-internee, or any other person, an official enquiry shall at once be opened by the Detaining Power.*

*A communication on the subject shall be immediately made to the Protecting Power. The evidence of any witnesses shall be taken; a report shall be drawn up and communicated to the said Protecting Power.*

*Should the enquiry establish the guilt of one or several persons, the Detaining Power shall take all steps for the prosecution of the responsible person or persons.*

G. E., p. 247.

See similar provision in Art. 111, Draft PW Convention, p. 126.

CHAPTER XII

Release, Repatriation and Accommodation in Neutral Countries

ARTICLE 121

**During hostilities  
or during occupation**

*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 in view of the release, repatriation, return to places of residence or accommodation in neutral countries of certain classes of internees, in particular children, wounded and sick and internees who have been detained for a long time.*

*No internee may, however, be repatriated, returned to his place of residence or accommodated in a neutral country against his will.*

SAIN, p. 18.

G. E., Art. 63, Annex D, p. 325.

*Remarks*

Section 1 of this Article has been drafted by the Committee so as to make the wording clearly indicate the exceptional and, in principle, temporary nature of internment.

ARTICLE 122

**After the close  
of hostilities**

*Internment shall cease as soon as possible after the close of hostilities and in occupied territories, at the latest at the end of the occupation.*

*Internees in the territory of a Party to the conflict against whom penal proceedings are pending for offences which are not exclusively subject to disciplinary penalties, may be retained until the close of such proceedings and, should circumstances require, until they have served their sentence. The same shall apply to those who are sentenced to a period of confinement.*

*By agreement between the Detaining Power and the Powers concerned, commissions may be set up, after the close of hostilities or the end of the occupation of territories, to search for dispersed internees.*

G. E., Art. 61, Annex D, p. 325.

*Remarks*

The Committee has introduced the last Section in order to take into account the experiences of the last few years.

SECTION X

**Information Bureaux and Central Agency**

ARTICLE 123

**National Bureaux**

*On the outbreak of a conflict and whenever a territory is occupied, each of the Parties shall establish an official information bureau relative to the protected persons who are in its hands.*

*Each of the Parties to the conflict shall supply its information bureau, within the shortest possible time, with information concerning all persons it may have arrested, subjected to assigned residence or interned.*

*The information bureau shall forward such information at once, and by the quickest possible means, to the Powers of whom the above-mentioned persons are nationals, or to the Power in whose territory they were resident, through the Protecting Powers, and also through the Central Agency named in Art. 124.*

*This information shall permit rapid notification to the next of kin. The information for each person shall include his surname, first name, place and exact date of birth, nationality, last domicile, the first names of the father and the maiden name of the mother, the name and address of the person to be notified, and the address to which correspondence for the person under arrest, in assigned residence or interned, may be sent.*

*The information bureaux instructed to deal with enquiries concerning protected persons shall receive from the various responsible departments all details with regard to removals, assigned residences, releases, repatriations, escapes, admittances to hospitals and deaths, and shall forward them as indicated in Section 3 above.*

*Information concerning the state of health of internees who are seriously ill or seriously wounded shall be sent regularly, if possible once a week.*

*All communications made by the information bureau shall be authenticated by means of a signature or a stamp.*

*The information bureau shall also be charged with the collection of all personal valuables left by the protected persons mentioned in this Article, on their repatriation, release, escape or death, and shall forward them to those concerned. These articles shall be sent by the bureau in sealed packets.*

Preliminary Conference (1946) pp. 76-77.

G. E., pp. 249-253.

See similar provision in Art. 112, Draft PW Convention, p. 127.

*Remarks*

The Experts had foreseen that the neutral or non-belligerent Powers having received protected persons in their territory should establish an official Information Bureau entrusted with the same duties as the offices named in the above article. In view of the particular nature of the welcome extended to these persons and the objection they might raise,

in certain cases, to the communication of information about them to certain authorities, it has seemed preferable to omit this part of the provisions contemplated by the Experts. Since in a large number of cases the internees will be free to make use of postal facilities, it would be needless to add that they have themselves every latitude to apply to the offices able to put them in contact, should they wish, with their relatives.

#### ARTICLE 124

##### Central Agency

*A central information agency for protected persons, in particular internees, shall be set up in a neutral country. The International Committee of the Red Cross, if it considers necessary, shall propose to the Powers concerned the organization of this agency, which may be the same as that named in Art. 113 of the Prisoners of War Convention.*

*This Agency shall be instructed to collect all information it may obtain from official or private sources regarding protected persons, for transmission, by the most rapid means, to the countries of origin or of domicile of the persons concerned. The Parties to the conflict shall give the said Agency all facilities for such transmission.*

*These provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross.*

Preliminary Conference (1946), pp. 76-77.  
G. E., pp. 255-257.

See similar provision in Art. 113, Draft PW Convention, p. 129.

#### ARTICLE 125

##### Exemption from charges

*The national information bureaux and the central information agency shall have free postal facilities and all exemptions provided by Art. 100; also, as far as possible, exemption from telegraphic charges, or at least, considerably reduced telegraphic rates.*

Preliminary Conference (1946), p. 79-80.  
G. E., p. 258.

See similar provision in Art. 114, Draft PW Convention, p. 130.

### PART IV

## EXECUTION OF THE CONVENTION

#### ARTICLE 126

##### Control

*The representatives or delegates of the Protecting Powers shall be authorized to visit all places where protected persons are to be found, especially places of internment and detention.*

*They shall have access to all premises occupied by protected persons and shall be able to converse with them without witnesses, direct or through an interpreter.*

*Such visits may not be forbidden except for imperative military considerations, and only in exceptional cases and as a temporary measure. Their number and duration shall not be restricted.*

*The representatives and delegates shall have entire liberty to choose 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 admitted to participate in the visits.*

*The delegates of the International Committee of the Red Cross shall enjoy the same prerogatives. Their appointment shall be subject to the approval of the Power controlling the territories where they will carry out their duties.*

*The detaining or occupying Powers may authorize the representatives of other bodies to visit the protected persons, to whom they may wish to give spiritual aid or relief in kind.*

Preliminary Conference (1946), pp. 73-74.  
G. E., p. 262-267, and Art. 38, Sec. 3, p. 296.

See similar provision in Art. 116, Draft PW Convention, p. 132.

#### *Remarks*

In this Article, the Committee has introduced an extremely important amendment. It has not followed the principle expressed by the Government Experts in Art. 38 of their Draft, namely that visits to camps should be notified to the civil and military authorities, as well as to the authorities in charge of places of internment. On the strength of reports received from thousands of persons interned during recent years, in Europe as well as in other parts of the world, the Committee was able to note that the situation in camps as regards hygiene, food and installations were almost always changed as soon as visits were announced. This happened to such an extent that the delegates could only witness a state of things that was sometimes temporary, and in any case different from that usually obtaining in the camps.

The last Section but one takes into account the recommendations made by the Government Experts in the course of their examination of Art. 86, of the Prisoners of War Convention of 1929.

The last Section embodies a recommendation made by the Religious Associations.

#### ARTICLE 127

#### **Return to domicile, emigration**

*The High Contracting Parties shall make every effort, as from the close of hostilities or of the occupation, to facilitate the return to their domicile, or the settlement in a new residence of all persons who, through the events of war or occupation, are unable to lead a normal existence at the place where they find themselves.*

*The High Contracting Parties shall, particularly, ensure that these persons may travel, if they so desire, to other countries and are provided for this purpose with passports or similar documents.*

G. E., Art. 71, Sec. 1, 2 and 4, Annex D, p. 327.

*Remarks*

In drafting this Article, the Committee found it necessary, following on the same principles which underly Art. 4 of the present Draft, to stress the fact that the High Contracting Parties desire that the present Convention shall apply as long as the protected persons are really in need of it.

In the same connection, and taking into account its peculiar experience in this field, the Committee has thought useful to discuss in Section 2 the question of Identity Papers and Travel Documents.

ARTICLE 128

**Publication  
of the Convention**

*The High Contracting Parties undertake to give, in time of peace as in time of war, the widest publicity in their respective countries to the text of the present Convention, and especially to include the study of the latter among the subjects of the civil or military syllabus, in order that its principles may be familiar to the whole of the population.*

*Civilian, military, police and other authorities who are responsible in time of war for the care of protected persons shall be provided with the text of the Convention, and be made specially conversant with its stipulations.*

See similar provision under Art. 38, Draft S. and W. Convention, p. 27 and Art. 117, Draft PW Convention, p. 133.

ARTICLE 129

**Translations**

*The High Contracting Parties shall communicate to each other through the Swiss Federal Council and during hostilities through the Protecting Powers, the official translations of the present Convention and the laws and regulations which they may have adopted to ensure its application.*

See similar provision in Art. 118, Draft PW Convention, p. 133.

ARTICLE 130

**Violation**

*The legislation of the Contracting Parties shall repress all acts contrary to the stipulations of the present Convention.*

*Each Contracting Party shall be under obligation to search for the persons alleged to be guilty of breaches of the present Convention, whatever their nationality, and in accordance 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 to hand them over for judgment to another Contracting Party.*

Preliminary Conference (1946), p. 93.

G. E., Art. 2, Annex D, p. 306.

See identical provisions in Art. 39, Sec. 1, and Art. 40, Draft S. and W. Convention, p. 28, and in Art. 119, Draft PW Convention, p. 134.

## FINAL PROVISIONS

### ARTICLE 131

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

### ARTICLE 132

**Signatures**      *The present Convention, which bears the date of this day, is open to signature until... on behalf of the Powers represented at the Conference which opened at... on...*

### ARTICLE 133

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

### ARTICLE 134

**Coming into force**      *The present Convention shall come into force six months after two instruments of ratification at least have been deposited. Thereafter, it shall come into force for each High Contracting Party six months after the deposit of its instrument of ratification.*

### ARTICLE 135

**Relations with previous Conventions**      *The present Convention shall replace, in respect of the matters which it treats, the Hague Conventions relative to the laws and customs of warfare, both that of July 29, 1899 and that of October 18, 1907, in so far as the relations between the High Contracting Parties are concerned.*



ARTICLE 136

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

ARTICLE 137

**Notification  
of accessions**        *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 Powers on whose behalf the Convention has been signed, or whose accession has been notified.*

ARTICLE 138

**Immediate effect**        *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 or the beginning of the occupation. The Swiss Federal Council shall communicate by the quickest method the ratifications or adhesions received from Parties to the conflict.*

ARTICLE 139

**Denunciations**        *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, such 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, repatriation or establishment of the persons protected by the present Convention are terminated.*

ARTICLE 140

**Communication  
to the United Nations**        *A certified copy of the present Convention shall be deposited in the archives of the United Nations by the Swiss Federal Council. Similarly, ratifications, accessions and denunciations which are notified to the Swiss Federal Council shall be communicated by them to the United Nations.*

## ANNEX A

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

Preliminary Conference (1946), p. 65.  
G. E., pp. 26, 28 and 300.

See *Remarks* on Art. 18, Draft S. and W. Convention, p. 15 and Art. 12  
Draft Civilian Convention, p. 158.

#### *Remarks*

Following on a recommendation made by National Red Cross Societies and by certain Government Experts, the Committee has thought proper to draft, in the shape of an annexe to the Convention on the Sick and Wounded and to the Convention on Civilians, an agreement which will enable the Powers to take useful steps for the creation of hospital and security zones and localities. The principles of these are embodied in Art. 18 of the Draft Sick and Wounded Convention and Art. 12 of the Draft Civilian Convention.

This draft agreement is founded partly on the "Draft Convention for the establishment of Hospital Zones and Localities" set out in 1938 by a Commission of Experts representing Governments and National Red Cross Societies. This draft had been submitted to the Powers among the preliminary data for the Diplomatic Conference which was to meet in 1940, and which was put off by the war. This draft will be indicated below by the abbreviation "1938 Draft".

#### ARTICLE 1

##### **Persons benefited**

*Hospital and safety zones shall be strictly reserved for the persons named in Art. 18 of the Geneva Convention relating to the sick and wounded, and in Art. 12 of the Convention relating to the protection of civilians.*

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

#### *Remarks*

*Re Section 1.* — See G. E. p. 300.

*Re Section 2.* — This stipulation should be compared with Art. 4, letter (b), below. Its present wording in no way excludes the right of

military personnel which is demobilised or on furlough, to stay within the perimeter of these zones if they have their permanent domicile therein.

ARTICLE 2

**Prohibited work**      *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.*

*Remarks*

This provision follows on the observations submitted by the Government Experts.

ARTICLE 3

**Prohibition of access**      *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 Art. 1 and 2 of the present agreement.*

See *Remarks* under Article 2.

ARTICLE 4

**Conditions**      *Hospital and safety zones shall fulfil the following 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.*

See Art. 2, Sec. 2, 1938 Draft.

ARTICLE 5

**Obligations**      *They shall be subject to the following obligations :*

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

See Art. 2, Sec. 3, 1938 Draft.

ARTICLE 6

**Markings**

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

*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.*

*Remarks*

The ICRC has not thought it proper to take up in this connection Art. 3 of the 1938 Draft, which provided for the marking of hospital zones and localities by the emblem of the Geneva Convention. The Committee suggest the employment of an emblem showing red stripes on a white background, but expressly reserves the choice of any other emblem or colours. The delegates of the International Union for Child Welfare suggested the employment of the colours orange and black, which certain tests have shown to be more plainly visible.

ARTICLE 7

**Notification  
and opposition**

*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.*

*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.*

See Art. 4 and 5, 1938 Draft.

*Remarks*

The ICRC has found necessary to simplify the procedure of notification and rejection. The regular establishment of a zone answering the conditions laid down in Art. 4 is completed as soon as the adverse party has received notification.

Section 3 leaves to the adverse party the liberty of refusing to recognize the zone, on condition that such refusal is justified.

ARTICLE 8

**Control**

*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.*

*Remarks*

This Article takes into account the principle stated in connection with the preceding Article. Art. 8 follows, moreover, on the ideas embodied in Art. 9 of the 1938 Draft, but it does not foresee any supervising Commission composed of three neutral representatives appointed by the ICRC, which had been recommended in 1938. This supervising role is entrusted, in obedience to the principle stated in Art. 6 of the Draft S. and W. Convention and Art. 7 of the Draft Civilian Convention, to the Protecting Power in charge of the interests of the Power recognizing the said zone.

ARTICLE 9

**Sanctions**

*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.*

See Art. 10 and 11, 1938 Draft.

*Remarks*

The ICRC has not found it possible to follow wholly the system recommended in 1938. The opening of an enquiry in obedience to Art. 30 of the Geneva Convention of 1929 (see Art. 41 Draft S. and W. Convention), might involve much delay and lead to ambiguous situations, wholly contrary to practical needs. As the lives of the persons taking shelter in the zone are at stake, it seems essential that a satisfactory solution should be found quickly.

For this reason the ICRC believes that the responsibility of a decision should be entrusted to the Protecting Power.

ARTICLE 10

**Respect of zones**

*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.*

See Art. 1, Sec. 2 and 3, 1938 Draft. Section 2 has been drafted by the Committee, which has taken into account the reservations made by the Government Experts.

ARTICLE 11

**In case of occupation**

*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.*

See Art. 8, 1938 Draft.

ARTICLE 12

**Localities**

*The present agreement shall also apply to localities which the Powers may utilize for the same purposes as hospital and safety zones.*

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## ANNEX B

### DRAFT REGULATIONS CONCERNING COLLECTIVE RELIEF

Preliminary Conference (1946), pp. 83-90.  
G. E., pp. 186-190.

See Draft Civilian Convention Art. 98, p. 197; Art. 62, Draft PW Convention, p. 96.

#### ARTICLE 1

*The internee committees shall be authorized to distribute collective relief consignments entrusted to their care, to all internees who are, administratively speaking, dependent on their place of internment, including those who are in hospital, in prison, or in other penitentiary establishments.*

#### ARTICLE 2

*The distribution of collective relief consignments shall take place in conformity with the instructions of the donors and with the scheme drawn up by the internee committees. The issue of medical stores shall, however, be made by preference 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, the distribution shall always be carried out equitably.*

#### ARTICLE 3

*To enable the members of internee committees to check the quality as well as the quantity of the goods received, and to make detailed reports on the subject, for the use of the donors, the said members shall be allowed to proceed to the railway stations or other places of arrival in the neighbourhood of their place of internment, where the shipments of collective supplies are handed over to them.*

#### ARTICLE 4

*The internee committees shall be given the necessary opportunities to verify whether the distribution of collective relief supplies 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 at liberty to fill up, and to have filled up by the internee committees of labour detachments or by the senior medical officers in infirmaries and hospitals, the forms or questionnaires intended for the donors, relating to collective relief supplies (distributions, requirements, quantities, etc.).*

ARTICLE 6

*To ensure the regular issue of collective relief supplies to the internees of their place of internment, and ultimately to meet the needs which may arise owing to the arrival of further contingents of internees, the internee committees shall be authorized to constitute and maintain sufficient reserve stocks of collective relief supplies. For this purpose, they shall have adequate warehouses at their disposal; 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, as far as in any way possible, and subject to the regulations governing the supply of the population, authorize all purchases of goods made in their territories with a view to the distribution of collective relief supplies to the internees. They shall also facilitate the transfers of funds and other financial measures of a technical and administrative nature which are taken for the purpose of making such purchases.*

ARTICLE 8

*The above stipulations do not constitute an obstacle to the right of internees to receive collective relief before their arrival in a place of internment, or during their transfer. Further, they 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 agency giving assistance to internees which may be entrusted with the forwarding of such supplies, to ensure the distribution to the addressees by any other means they may think fit.*

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## MERGING OF THE PROVISIONS OF THE VARIOUS CONVENTIONS

The Preliminary Conference (1946) recommended that there should be written into the Geneva Convention relative to Sick and Wounded, all other treaty provisions which have a similar purpose and, in particular, the revised draft of the Convention on maritime warfare. The Government Experts (1947) went even further, and requested the International Committee to study the feasibility of bringing together in a single diplomatic instrument the various humanitarian Conventions, both those that are already in existence, and those still to be drafted and executed.

The second of the two propositions has, after study, thrown up considerable problems of many kinds. The Committee therefore has not found it possible, at present, to put forward a plan on those lines. At the same time, it is still giving the matter its consideration, and reserves the right to return to the question at a future stage in its work.

In order, however, to make some practical response to these recommendations, the Committee has elaborated as a model, a Draft that achieves in a single Convention the merging of the clauses in the Geneva Convention relative to the Sick and Wounded and those of the Tenth Hague Convention. The text of the Draft, which takes into account the amendments and additions proposed by the International Committee for the revision of these two Conventions, is given below.

In line with the recommendation of the Government Experts, the provisions relative to maritime warfare have been kept in a separate chapter (Articles 37 to 54).

The International Committee would welcome the views of Governments and of National Red Cross Societies on this problem of a completion or partial merging of the provisions of the Conventions.

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**CONVENTION (date) FOR THE RELIEF  
OF WOUNDED, SICK AND SHIPWRECKED MEMBERS  
OF THE ARMED FORCES IN TIME OF WAR**

**CHAPTER I**

**General Provisions**

**ARTICLE 1**

Respect of the Convention      The High Contracting Parties undertake, in the name of their peoples, to respect, and to ensure respect for the present Convention in all circumstances.

**ARTICLE 2**

Application of the Convention      Beyond the stipulations to 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 should the state of war not be 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 should the said occupation meet with no armed resistance.

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

In all cases of armed conflict which are not of an international character, especially cases of civil war, colonial conflicts, or wars of religion, which may occur in the territory of one or more of the High Contracting Parties, the implementing of the principles of the present Convention shall be obligatory on each of the adversaries. The application of the Convention in these circumstances shall in no wise depend on the legal status of the parties to the conflict and shall have no effect on that status.

**ARTICLE 3**

Application by neutral Powers      Neutral Powers shall apply the stipulations of the present Convention by analogy to the wounded and sick, as also to members of the medical personnel and to chaplains, who are members of belligerent armies and who may be interned in their territories.

ARTICLE 4

Special agreements · Besides the agreements expressly foreseen by Articles 12, 18 and 24, the Parties to the conflict may conclude special agreements on all matters for which they may consider it desirable to make particular provision. These 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 impair the rights which it grants them.

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

ARTICLE 5

Acquired rights Wounded and sick, as also members of the medical personnel and chaplains may in no circumstances be induced by constraint or by any other means of coercion, to abandon partially or wholly the rights conferred on them by the present Convention, and, should the case arise, by the special agreements foreseen in the preceding Article.

ARTICLE 6

Protecting Powers The present Convention shall be applied with the co-operation and under the control of the Protecting Powers, whose duty it is to safeguard the interests of the Parties to the conflict. To this end, the Protecting Powers may appoint, besides their diplomatic staff, delegates among their own nationals, or among nationals of other neutral Powers. These delegates shall be subject to the approval of the Power in whose territory 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.

ARTICLE 7

Activities of the International Committee of the Red Cross The provisions of the present Convention do not constitute an obstacle to the humanitarian activities which the International Committee of the Red Cross may undertake for the protection of wounded and sick, of members of the medical personnel and of chaplains, and for their relief, subject to the consent of the Parties to the conflict who may be concerned.

ARTICLE 8

Substitutes  
for Protecting Powers

The Contracting Parties may, at all times, 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.

Moreover, 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 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 it under the terms of the present Article.

ARTICLE 9

Procedure  
of conciliation

Whenever they consider it useful in the interest of wounded and sick, and of members of medical personnel and chaplains, especially if the Parties to the conflict do not agree regarding the application of the provisions of the present Convention, the Protecting Powers shall lend their good offices with the object of facilitating such application.

To this end, each of the Protecting Powers may, either at the invitation of one Party or by 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, and for the medical personnel and chaplains, ultimately on suitably chosen neutral territory. The Parties to the conflict shall be required to give effect to the proposals made to them in this sense. The Protection 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 participate in this meeting.

CHAPTER II

Wounded, Sick and Shipwrecked

ARTICLE 10

Protection and care

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

They shall be treated with humanity and cared for by the belligerent

in whose power they may be, without any discrimination of race, nationality, religion or political opinions, or any other distinction founded on similar criteria. Discriminatory treatment is permissible only for medical reasons.

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

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

#### ARTICLE 11

Status            Subject to the provisions of the preceding Article, the wounded, the sick and the 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 be applicable to them.

#### ARTICLE 12

Search for            At all times, and particularly after an engagement, belligerents shall the wounded and dead    without delay take all possible steps to search 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.

Whenever circumstances permit, a local armistice or a 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

Communication            Belligerents shall communicate to each other, as soon as possible, of information            according to the procedure described in Art. 77 of the 1929 Convention Prescriptions            relative to the treatment of Prisoners of War, the names of the wounded, regarding the dead        sick and dead discovered and collected, together with any indications which may assist in their identification.

They shall establish and transmit to each other, by the same channel, certificates of death or, in lieu thereof, duly authenticated lists of the dead.

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, especially one-half of their identity discs, which should be of a standard pattern, the other half to remain attached to the body.

Bodies shall not be cremated except for imperious reasons of hygiene, or for religious motives. 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 inhumation, burial at sea 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, 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 end, at the commencement of hostilities, they shall organize an official graves registration service, in order to allow ultimate exhumations and to ensure the identification of bodies, whatever the subsequent site of the graves, and the possible transportation to the home country. These stipulations also apply, as 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, they shall exchange a list of graves and of dead interred in their cemeteries and elsewhere.

#### ARTICLE 14

#### Role of the population

The military authorities may appeal to the charity of the inhabitants in order to collect and care for, under their direction, the wounded or sick of armed forces, and may grant persons who have responded to this appeal special protection and certain facilities. In case of occupation, the adverse belligerent shall grant these persons the same protection and the same facilities.

In no circumstances may inhabitants and relief societies, even in occupied regions, be prohibited from collecting and caring, of their own accord, for 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. It is the duty of the civilian population to protect these wounded and sick, and to abstain from offering them violence.

### CHAPTER III

#### Hospital Units and Establishments

#### ARTICLE 15

#### Protection

Fixed establishments and mobile hospital units of the Medical Service may in no circumstances be attacked, but shall at all times be respected and protected by the belligerents. Should they fall into the hands of the adverse party, they 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 who may be in such establishments and units.

The responsible authorities shall ensure that the medical establishments and units mentioned above are located in such a manner that attacks against military objectives cannot endanger them.

ARTICLE 16

- End of protection      The protection to which medical units and establishments are entitled shall cease only if they are used to commit acts harmful to the enemy, and after due warning, naming a reasonable time limit, but remaining without effect.

ARTICLE 17

- Facts not cancelling protection      The following conditions shall not be considered as depriving a medical unit or establishment of the protection guaranteed by Art. 15 :
- (1) The fact that the personnel of the unit 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 medical 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 transferred to the proper service, are discovered 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 of it;
  - (5) That the humanitarian activities of medical units and establishments or of their personnel extend to the care of civilian wounded or sick.

ARTICLE 18

Hospital zones and localities      Already in peace-time, the Contracting Powers and, in case of hostilities, the Parties to the conflict shall make every endeavour to set up, in their own territory and, if the case should arise, in occupied territories, hospital zones and localities so organized as to shield from the effects of war both the wounded and sick, and the personnel entrusted with the organization and administration of these zones and localities, and with the care of the persons therein assembled.

From the outset of a conflict and throughout its duration, the parties concerned shall agree on the 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 eventual amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross shall lend their good offices to facilitate the setting up and recognition of these hospital zones and localities.

## CHAPTER IV

### Personnel

#### ARTICLE 19

**Protection**        The medical personnel exclusively engaged in the search, collection, transport and treatment of the wounded and sick, and in the prevention of disease, further, the personnel exclusively engaged in the administration of medical units and establishments, and the chaplains attached to armed forces, shall be respected and protected in all circumstances.

#### ARTICLE 20

**Red Cross Societies**        The personnel 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 said personnel, provided that the personnel 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, in any case before any actual employment, the names of the societies which it has authorized, under its responsibility, to lend assistance to the regular medical service of its armed forces.

#### ARTICLE 21

**Neutral Societies**        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 authorization of the belligerent concerned. The neutral Government shall notify this consent to the adversary of the State which accepts such assistance.

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

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

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

#### ARTICLE 22

**Retained personnel**        The members of personnel named in Art. 19 and 20, and taken prisoner by 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 parti-



cularly of its medical service, they 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 above stipulation does not relieve the Detaining Power of its obligations to provide medical and spiritual care to prisoners of war.

Members of personnel mentioned in Section 1 of the present Article shall enjoy all the rights of prisoners of war. 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, especially as regards accommodation, food, correspondence relating to their particular duties, the election of a spokesman amongst themselves, and such travel facilities, with or without escort, as may be necessary for their work.

At the outbreak of hostilities, belligerents shall come to an agreement as to corresponding ranks of medical personnel, including those of the societies mentioned in Article 20.

#### ARTICLE 23

Return  
to the belligerent

Members of personnel named in Articles 19 and 20, and whose retention 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 enjoy at least all the rights of prisoners of war.

On their departure, they shall take with them the effects, personal property, valuables and instruments belonging to them.

Members of this personnel shall not be repatriated against their will.

#### ARTICLE 24

Selection  
of repatriates

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 in captivity, in proportion to the number of prisoners.

#### ARTICLE 25

Return of neutrals

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

Unless otherwise agreed, they shall be authorized 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 return, 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 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.

## CHAPTER V

### Buildings and Material

#### ARTICLE 26

Buildings, material  
and stores

The buildings, material and stores of fixed medical establishments and of mobile medical units 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.

#### ARTICLE 27

Material  
of Relief Societies

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 granted to belligerents by the laws and customs of war shall be exercised only in case of urgent necessity, and only after the welfare of the wounded and sick has been ensured.

## CHAPTER VI

### Medical Transport

#### ARTICLE 28

Protection

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

Should such transports or vehicles fall into the hands of the adverse party, they shall be subject, with the exception of the cases named in Art. 43 to 45, 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

**Medical aircraft**      Aircraft defined 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, on condition that 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.

Unless otherwise agreed, flights over land or maritime war zones, military objectives or units, whether on land or sea, and over territories belonging to the enemy or occupied by him, shall be prohibited.

Medical aircraft shall obey every summons to land.

In the event of landing thus imposed, or of an involuntary landing in enemy territory, or in territory occupied by the enemy, 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 22 and following.

#### ARTICLE 30

**Flight over neutral countries**      Medical aircraft shall have free passage over the territories or territorial waters of neutral countries, on condition that such passage be previously notified to the latter.

The aircraft shall obey every summons to land.

In the event of a thus imposed or involuntary landing, the wounded and sick shall be detained by the neutral State, so that they may not be able to take part again in military operations. The medical personnel and material, as well as the aircraft and crew, shall be subject to the general rules of international law.

The costs of accommodation and treatment shall be borne by the State to which the wounded and sick belong.

### CHAPTER VII

#### The Distinctive Emblem

#### ARTICLE 31

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

Nevertheless, in the case of countries which already use as a distinctive emblem the red crescent or the red lion and sun in place of the red cross on a white ground, these emblems are also recognized under the terms of the present Convention.

#### ARTICLE 32

**Use of the Emblem**        The emblem shall be displayed on the flags, armlets and on all equipment belonging to the medical service, with the consent of the responsible military authority.

#### ARTICLE 33

**Identification of medical personnel**        The personnel named 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, which can be put in the pocket. It shall be water-resistant, bear the photograph and finger-prints of the holder, 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 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.

All identity cards shall be established at least in duplicate, one copy being issued to the owner and the other kept by the Power of origin.

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

#### ARTICLE 34

**Medical units**        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 fly no other flag than that of the Convention.

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

#### ARTICLE 35

**Neutral units**        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, should the latter make use of the faculty conferred on him by Article 34.

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

#### ARTICLE 36

##### Restrictions of use and exceptions

With the exception of the cases mentioned in the last three Sections 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 condition shall apply to the emblems mentioned in Article 31, Section 2, in respect of the countries which use them.

The Societies named in Article 20 shall have the right 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 all times, in accordance with their national legislation, make use of the emblem for their other activities. In the latter case, the conditions for the use of the emblem, and in particular its size, shall be such that it cannot be considered as conferring the protection of the Convention.

Under the conditions fixed by the preceding paragraph, the International Red Cross organizations and their duly authorized personnel shall be similarly allowed 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 authority of one of the National Red Cross (Red Crescent, Red Lion and Sun) Societies, use may be made of the emblem of the Convention in time of peace to identify ambulances and to mark the position of aid stations exclusively reserved for the purpose of giving free treatment to the wounded or sick.

### CHAPTER VIII

#### Provisions proper to Maritime Warfare

#### ARTICLE 37

##### Care of wounded

The belligerent into whose hands wounded, sick and shipwrecked persons have fallen, may decide, according to circumstances, whether they shall be held, sent to a port of its home country, to a neutral port, or even to an enemy port. In the last case, prisoners returned to their home country may not serve again for the duration of the hostilities.

ARTICLE 38

Surrender of wounded

All warships of a belligerent Party shall have the right to demand the surrender of the wounded, sick or shipwrecked on board military hospital-ships, hospital ships of relief societies or private individuals, merchant vessels, yachts and other craft, whatever their nationality, provided that the state of health of the wounded and sick permits.

ARTICLE 39

Wounded taken  
on board neutral  
warships

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

ARTICLE 40

Landing of wounded  
at neutral ports

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

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

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

All warships 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 41

Search  
for shipwrecked  
and dead

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

ARTICLE 42

Appeals to merchant  
and private vessels

The belligerents may appeal to the humanity of commanders of neutral merchant vessels, yachts or other craft, in order 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 benefit by special protection and facilities to carry out such assistance.

They may in no case be captured on account of such transport; in the absence of promises to the contrary they shall, however, remain liable to capture for any violations of neutrality they may have committed.

ARTICLE 43

Military hospital ships

Military hospital ships, that is to say, ships built or equipped by the Powers specially and solely with a view to assisting the wounded, sick and shipwrecked, and whose names and description have been communicated to the belligerent Powers at the commencement or during hostilities, in any case before they are employed, may in no circumstances be attacked, but shall at all times be respected and protected by the belligerents and cannot be captured.

ARTICLE 44

Hospital ships  
belonging to the Red  
Cross or to private  
persons

Hospital ships utilised by National Red Cross Societies, officially recognised relief societies or private persons shall likewise be respected and exempt from capture, if the belligerent Power to whom they belong has given them an official commission and notified their names to the adverse Power, at the commencement or during the course of hostilities, and in any case before they are employed.

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 final departure.

ARTICLE 45

Hospital ships  
belonging to neutral  
countries

Hospital ships utilised by National Red Cross Societies, officially recognised 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 himself, and that the latter has notified their names to the adversary, at the commencement or during the course of hostilities, and in any case before they are employed.

ARTICLE 46

Use of hospital ships

The ships mentioned in Article 43, 44 and 45 shall afford relief and assistance to the wounded, sick and shipwrecked of the belligerents, without distinction of nationality.

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

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

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

ARTICLE 47

Rights of belligerents

The belligerents shall have the right to control and search the vessels mentioned in Articles 43, 44 and 45. They can refuse them help, order them off, make them take a certain course, and temporarily put a commissioner on board; they can even detain them for a maximum period of seven days, if the gravity of the circumstances requires.

As far as possible, the belligerents shall enter in the log of the hospital ship, in a language intelligible to the captain of the vessel, the orders they give him.

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

ARTICLE 48

Stay in neutral ports

Vessels mentioned in Articles 43, 44 and 45 are not assimilated to warships as regards their stay in a neutral port.

ARTICLE 49

Transformation of merchant vessels

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

ARTICLE 50

Cessation of protection

The protection to which hospital ships and sick-bays are entitled shall cease only if they are used to commit acts harmful to the enemy, and after due warning, naming a reasonable time-limit and remaining without effect.

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.

ARTICLE 51

Protection and status  
of medical staff

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 no there are wounded and sick on board.

ARTICLE 52

Medical aircraft

Articles 29 and 30 are applicable in case of hostilities at sea, in particular as regards seaplanes used as medical aircraft.

Belligerents may conclude agreements to ensure the benefit of the said Convention to medical aircraft entrusted with the search and transport of wounded, sick and shipwrecked at sea.

ARTICLE 53

Transport of medical  
equipment

Hospital ships, and all ships chartered to this end shall be authorized to transport medical equipment, provided their routes and tasks have been notified to the adverse Power. The latter, duly advised, shall keep the right to board, but not to capture them.

In agreement with the belligerents, neutral observers may be placed on board these ships to verify the medical equipment carried.

On their return journey, hospital ships, having neither sick nor wounded on board, may transport only medical personnel or supplies.

ARTICLE 54

Marking of hospital  
ships

The ships referred to in Articles 43, 44 and 45 shall be distinguished by being painted white outside, with a horizontal red band about a metre and a half in breadth.

The boats of the said ships, as also small craft which may be used for hospital work, shall bear similar markings.

The decks, funnels, and superstructures of the ships mentioned in Section I shall be painted white and bear large red crosses, so as to render the distinctive emblem plainly visible to the enemy land, air, and naval forces.

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

Hospital ships provisionally detained by the enemy in accordance

with Article 23, shall haul down the national flag of the belligerent to whom they belong.

The said ships and craft which may wish to ensure by night the privileges to which they are entitled must, subject to the assent of the belligerent they are accompanying, take the necessary measures to render their painting and distinctive emblems sufficiently apparent.

## CHAPTER IX

### Execution of the Convention

#### ARTICLE 55

Details of execution  
Interdiction  
of reprisals

The belligerents, acting through their commanders-in-chief, shall ensure the detailed execution of the preceding Articles, and provide for unforeseen cases, in accordance with the instructions of their respective Governments and in conformity with the general principles of the present Convention.

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

#### ARTICLE 56

Publication  
of the Convention

The High Contracting Parties undertake to give the widest publicity in their respective countries, both in time of peace and in time of war, to the text of the present Convention, and especially to include the study of the latter among the subjects of the military and civilian syllabus, in order that its principles may be familiar to the entire population, and in particular to the armed fighting forces, the medical personnel and the chaplains.

## CHAPTER X

### Repression of Abuses and Breaches

#### ARTICLE 57

Legislation

The legislation of the Contracting Parties shall repress all acts contrary to the stipulations of the present Convention, and shall punish, as an usurpation of military markings, the abusive employment of the distinctive emblems named in Article 54, by vessels not protected by the present Convention.

The Contracting Parties shall communicate to one another, through the Swiss Federal Council, the provisions relating to such repression, not later than one year from the ratification of the present Convention.

ARTICLE 58

Penal sanctions      The Contracting Parties shall be under the obligation to search for persons charged with breaches of the present Convention, whatever their nationality. They shall further, in accordance with their national legislation or with the Conventions for the repression of acts considered as war crimes, refer them for trial to their own courts, or hand them over for judgment to another Contracting Party.

ARTICLE 59

Enquiry procedure      Independently of the procedure foreseen in Article 9, any High Contracting Party alleging a violation of the present Convention may demand the opening of an official enquiry.

This enquiry shall be carried out as soon as possible by a Commission instituted for each particular case, and comprising three neutral members selected 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 should they disagree, by the President of the Court of International Justice or, should the latter be a national of a belligerent State, by the President of the International Committee of the Red Cross.

As soon as the enquiry 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. Its members shall enjoy diplomatic privileges and immunities.

ARTICLE 60

Abuse of the Emblem      The High Contracting Parties whose legislation is at present not adequate for the purpose, shall take the necessary measures to prevent at all times :

- (a) The use of the emblem or of the designation "Red Cross" or "Geneva Cross" by private individuals, societies, 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, 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, societies, firms or companies of the arms of the Swiss Confederation or marks constituting an imitation, whether as trade-marks or com-

mercial 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 in Armies in the Field, which may subsequently ratify the present Convention or adhere thereto, shall take the measures necessary to prevent at all times the acts mentioned under (a) and (b), in such a manner that the prohibition may become operative five years at latest after the said ratification or adhesion.

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

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

## Final Provisions

### ARTICLE 61

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

### ARTICLE 62

**Signatures**      The present Convention, which bears the date of this day, the . . . . is open to signature for a period of six months, until . . . . , on behalf of all the countries represented at the Conference which opened at Geneva on . . . . ; furthermore, by countries not represented at this Conference but which were parties to the Geneva Conventions of 1864, 1906 or 1929 for the Relief of the Wounded and Sick in Armies in the Field, or to the Hague Convention of 1907 for the adaptation to Maritime Warfare of the principles of the Geneva Convention of 1906.

### ARTICLE 63

**Ratifications**      The present Convention shall be ratified as soon as possible. The ratifications shall be deposited at Berne.  
A procès-verbal of the deposit of each instrument of ratification shall be drawn up, 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 64

Coming into force     The present Convention shall come into force six months after two instruments of ratification at least have been deposited.

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

ARTICLE 65

Effects on earlier Conventions     The present Convention shall replace the Convention of August 22, 1864, July 6, 1909, October 18, 1907 and July 27, 1929, in relations between the High Contracting Parties.

ARTICLE 66

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

ARTICLE 67

Notification of accessions     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 68

Immediate effect       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.

ARTICLE 69

Denunciations         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.

Such 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, repatriation or establishment of the persons protected by the present Convention are terminated.

ARTICLE 70

Communication  
to the United Nations

A certified copy of the present Convention shall be deposited in the archives of the United Nations by the Swiss Federal Council. Similarly, ratifications, accessions and denunciations which are notified to the Swiss Federal Council shall be communicated by them to the United Nations.

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