DEPARTMENT OF THE ARMY PAMPHLET 27-1

TREATIES GOVERNING LAND WARFARE

DEPARTMENT OF THE ARMY DECEMBER 1956

FOREWORD

This pamphlet is intended to serve as a supplement to FM 27–10, *The Law of Land Warfare*, 18 July 1956. The principal international conventions referred to therein are here given in the full English text. It should be noted, however, that the only official text of the Hague Conventions of 18 October 1907 is the French text which must be consulted and accepted as controlling in the event of a dispute as to the meaning of any provision of these particular conventions.*

The Geneva Conventions for the Protection of War Victims of 12 August 1949 have been ratified by the United States and came into force for this country on 2 February 1956. The effect of these four conventions upon previous treaties to which the United States is a party is discussed in detail in paragraph 5, FM 27–10. Each of the earlier Geneva Conventions of 1864, 1906, and 1929 and each of the Hague Conventions of 1899 and 1907 will, of course, continue in force as between the United States and such of the other parties to the respective conventions as have not ratified or adhered to the respective superseding convention(s) governing the same subject matter. Moreover, the United States has adopted the policy of observing and enforcing the terms of the 1929 Geneva Convention relative to the Treatment of Prisoners of War and the 1907 Hague Conventions, both of which have been held declaratory of the customary law of war to which all States are subject, in so far as such Conventions are not superseded by the 1949 Geneva Conventions which necessarily govern the relations between the parties to the latter. (See pars. 6 and 7, FM 27–10.)

As the essential provisions of the earlier Geneva Conventions and Hague Conventions mentioned above have been substantially incorporated into the more recent and more comprehensive conventions on the same subject matter, observance of the later conventions will usually include observance of the former. For this reason, only the more recent 1949 Geneva Conventions and those Hague Conventions relating to land warfare which have not been entirely superseded have been reproduced in this pamphlet.

Pertinent information concerning the current status of ratifications, adherences, reservations, and denunciations (withdrawals) will be transmitted by higher authority to commanders in the field as occasions arise, thus rendering unnecessary the inclusion of such data in this pamphlet and avoiding the frequent changes that such inclusion would entail.

*See United States Treaties Series Nos. 538–543.

Chapter 1

Hague Convention No. III
Relative to the Opening of Hostilities

18 October 1907

(36 Stat. 2259; Treaty Series No. 538; Malloy, Treaties, Vol. II, p. 2259)

[Here follows the list of Sovereigns and Heads of State who sent Plenipotentiaries to the Conference.]

Considering that it is important, in order to ensure the maintenance of pacific relations, that hostilities should not commence without previous warning;

That it is equally important that the existence of a state of war should be notified without delay to neutral Powers;

Being desirous of concluding a Convention to this effect, have appointed the following as their Plenipotentiaries:

[Here follow the names of the Plenipotentiaries.]

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:

Article 1.

The Contracting Powers recognize that hostilities between themselves must not commence without previous and explicit warning, in the form either of a reasoned declaration of war or of an ultimatum with conditional declaration of war.

Article 2.

The existence of a state of war must be notified to the neutral Powers without delay, and shall not take effect in regard to them until after the receipt of a notification, which may, however, be given by telegraph. Neutral Powers, nevertheless, cannot rely on the absence of notification if it is clearly established that they were in fact aware of the existence of a state of war.

Article 3.

Article 1 of the present Convention shall take effect in case of war between two or more of the Contracting Powers.

Article 2 is binding as between a belligerent Power which is a party to the Convention and neutral Powers which are also parties to the Convention.

PAMPHLET No. 27-1

DEPARTMENT OF THE ARMY
WASHINGTON 25, D. C., 7 *December 1956*

TREATIES GOVERNING LAND WARFARE

		Page
CHAPTER 1.	Hague Convention No. III Relative to the Opening of Hostilities, 18 October 1907	2
2.	Hague Convention No. IV Respecting the Laws and Customs of War on Land and Annex Thereto Embodying Regulations Respecting the Laws and Customs of War on Land, 18 October 1907	5
3.	Hague Convention No. V Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land, 18 October 1907	18
4.	Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 12 August 1949	24
5.	Geneva Convention for Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 12 August 1949	48
6.	Geneva Convention Relative to the Treatment of Prisoners of War, 12 August 1949	67
7.	Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949	135
APPENDIX A.	Forms of Passport, Safe Conduct, and Safeguard	195
B.	Agreement between the Commander-in-Chief, United Nations Command, on the One Hand, and the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, on the Other Hand, Concerning a Military Armistice in Korea, 27 July 1953	197
C.	Armistice Agreement between the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America on the One Hand and Hungary on the Other, 20 January 1945	224
D.	Unconditional Surrender of German Forces at Rheims, 8 May 1945	232
E.	Instrument of Local Surrender of German and Other Forces Under the Command or Control of the German Commander-in-Chief Southwest, 29 April 1945	233
INDEX		247

***This pamphlet supersedes TM 27-251, 7 January 1944, including C 1, 17 April 1944, and C 2, 15 January 1945; and DA Pamphlet 20-150, 11 October 1950.**

Article 4.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

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

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

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

Article 5.

Non-Signatory Powers may adhere to the present Convention.

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

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

Article 6.

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

Article 7.

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

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

Article 8.

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 4, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 5, paragraph 2) or of denunciation (Article 7, paragraph 1) have been received.

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

In faith of which the Plenipotentiaries have appended their signatures to the present Convention.

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

[Here follow signatures.]

Chapter 2

Hague Convention No. IV
Respecting the Laws and Customs of War on Land

18 October 1907

(36 Stat. 2277; Treaty Series No. 539; Malloy Treaties, Vol. II, p. 2269)

[Here follows the list of Sovereigns and Heads of State who sent Plenipotentiaries to the Conference.]

Considering that, while seeking means to preserve peace and prevent armed conflicts between nations, it is likewise necessary to bear in mind the case where an appeal to arms may be brought about by events which their solicitude could not avert;

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

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

Have deemed it necessary to complete and render more precise in certain particulars the work of the First Peace Conference, which, following on the Brussels Conference of 1874, and inspired by the ideas dictated by a wise and generous forethought, adopted provisions intended to define and govern the usages of war on land.

According to the views of the High Contracting Parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war, so far as military requirements permit, are intended to serve as a general rule of conduct for the belligerents in their mutual relations and in their relations with the inhabitants.

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

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

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

among civilized peoples, from the laws of humanity, and from the dictates of the public conscience.

They declare that it is in this sense especially that Articles 1 and 2 of the Regulations adopted must be understood.

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

[Here follow the names of the Plenipotentiaries.]

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

ARTICLE 1.

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

ARTICLE 2.

The provisions contained in the Regulations referred to in Article 1, as well as in the present Convention, do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE 3.

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

ARTICLE 4.

The present Convention, duly ratified, shall replace as between the Contracting Powers, the Convention of the 29th July, 1899, respecting the Laws and Customs of War on Land.

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

ARTICLE 5.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

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

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

A duly certified copy of the *procès-verbal* relative to the first deposit

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

ARTICLE 6.

Non-Signatory Powers may adhere to the present Convention.

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

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

ARTICLE 7.

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

ARTICLE 8.

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

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

ARTICLE 9.

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

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

In faith of which the Plenipotentiaries have appended their signatures to the present Convention.

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

[Here follow signatures.]

ANNEX TO THE CONVENTION.

REGULATIONS RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND

SECTION I. ON BELLIGERENTS.

CHAPTER I. The Qualifications of Belligerents.*

ARTICLE 1.

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

1. To be commanded by a person responsible for his subordinates;
2. To have a fixed distinctive emblem recognizable at a distance;
3. To carry arms openly; and
4. To conduct their operations in accordance with the laws and customs of war.

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army."

ARTICLE 2.

The inhabitants of a territory which has not been occupied, who, on the approach of the enemy, spontaneously take up arms to resist the invading troops without having had time to organize themselves in accordance with Article 1, shall be regarded as belligerents if they carry arms openly and if they respect the laws and customs of war.

ARTICLE 3.

The armed forces of the belligerent parties may consist of combatants and noncombatants. In the case of capture by the enemy, both have a right to be treated as prisoners of war.

CHAPTER II. Prisoners of War.*

ARTICLE 4.

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

They must be humanely treated.

*For the most recent provisions relating to prisoners of war, see Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949 (ch. 6, *infra*.)

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

Article 5.

Prisoners of war may be interned in a town, fortress, camp, or other place, under obligation not to go beyond certain fixed limits; but they can only be placed in confinement as an indispensable measure of safety and only while the circumstances which necessitate the measure continue to exist.

Article 6.

The State may utilize the labour of prisoners of war according to their rank and aptitude, officers excepted. The tasks shall not be excessive and shall have no connection with the operations of the war.

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

Work done for the State is paid at the rates in force for work of a similar kind done by soldiers of the national army, or, if there are none in force, at a rate according to the work executed.

When the work is for other branches of the public service or for private persons the conditions are settled in agreement with the military authorities.

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

Article 7.

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

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

Article 8.

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the State in whose power they are. Any act of insubordination justifies the adoption towards them of such measures of severity as may be considered necessary.

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

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

Article 9.

Every prisoner of war is bound to give, if he is questioned on the subject, his true name and rank, and if he infringes this rule, he is liable to have a curtailment of the advantages accorded to prisoners of his class.

Article 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 engagements 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.

Article 11.

A prisoner of war can not 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.

Article 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.

Article 13.

Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers and contractors, who fall into the enemy's hands and whom the latter thinks fit to detain, are entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the army which they were accompanying.

Article 14

An information bureau for prisoners of war is instituted on the commencement of hostilities in each of the belligerent States, and, when necessary, in neutral countries which have received belligerents in their territory. The function of this bureau is to reply to all inquiries about the prisoners, to receive from the various services concerned all the information respecting internments and transfers, releases on parole, exchanges, escapes, admissions into hospital, deaths, as well as other information necessary to enable it to make out and keep up to date an individual return for each prisoner of war. The bureau must state in this return the regimental number, name

and surname, age, place of origin, rank, unit, wounds, date and place of capture, internment, wounding, and death, as well as any observations of a special character. The individual return shall be sent to the Government of the other belligerent after the conclusion of peace.

It is likewise the function of the information bureau to receive and collect all objects of personal use, valuables, letters, etc., found on the field of battle or left by prisoners who have been released on parole, or exchanged, or who have escaped, or died in hospitals or ambulances, and to forward them to those concerned.

Article 15.

Relief societies for prisoners of war, which are properly constituted in accordance with the laws of their country and with the object of serving as the channel for charitable effort shall receive from the belligerents, for themselves and their duly accredited agents every facility for the efficient performance of their humane task within the bounds imposed by military necessities and administrative regulations. Agents of these societies may be admitted to the places of internment for the purpose of distributing relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military authorities, and on giving an undertaking in writing to comply with all measures of order and police which the latter may issue.

Article 16.

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

Presents and relief in kind for prisoners of war shall be admitted free of all import or other duties, as well as of payments for carriage by the State railways.

Article 17.

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

Article 18.

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

Article 19.

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

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

Article 20.

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

Chapter III. The Sick and Wounded.

Article 21.

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

Section II. Hostilities.

Chapter I. Means of Injuring the Enemy, Sieges, and Bombardments.

Article 22.

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

Article 23.

In addition to the prohibitions provided by special Conventions, it is especially forbidden—

a. To employ poison or poisoned weapons;

b. To kill or wound treacherously individuals belonging to the hostile nation or army.

c. To kill or wound an enemy who, having laid down his arms, or having no longer means of defence, has surrendered at discretion;

d. To declare that no quarter will be given;

e. To employ arms, projectiles, or material calculated to cause unnecessary suffering;

f. To make improper use of a flag of truce, of the national flag, or of the military insignia and uniform of the enemy, as well as the distinctive badges of the Geneva Convention;

g. To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war;

h. To declare abolished, suspended, or inadmissible in a Court of law the rights and actions of the nationals of the hostile party.

*For the most recent provisions relating to the treatment of sick and wounded, see the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field and the Geneva Convention for Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 12 August 1949 (ch. 4 and 5, *infra*).

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

Article 24.

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

Article 25.

The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited.

Article 26.

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

Article 27.

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

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

Article 28.

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

Chapter II. Spies.

Article 29.

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

Thus, soldiers not wearing a disguise who have penetrated into the zone of operations of the hostile army, for the purpose of obtaining information, are not considered spies. Similarly, the following are not considered spies: Soldiers and civilians, carrying out their mission openly, intrusted with the delivery of despatches intended either for their own army or for the enemy's army. To this class belong like-

wise persons sent in balloons for the purpose of carrying despatches and, generally, of maintaining communications between the different parts of an army or a territory.

ARTICLE 30.

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

ARTICLE 31.

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

CHAPTER III. Parlementaires.

ARTICLE 32.

A person is regarded as a parlementaire who has been authorized by one of the belligerents to enter into communication with the other, and who advances bearing a white flag. He has a right to inviolability, as well as the trumpeter, bugler or drummer, the flag-bearer and interpreter who may accompany him.

ARTICLE 33.

The commander to whom a parlementaire is sent is not in all cases obliged to receive him.

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

In case of abuse, he has the right to detain the parlementaire temporarily.

ARTICLE 34.

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

CHAPTER IV. Capitulations.

ARTICLE 35.

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

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

CHAPTER V. Armistices.

ARTICLE 36.

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not defined, the

belligerent parties may resume operations at any time, provided always that the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

ARTICLE 37.

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

ARTICLE 38.

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

ARTICLE 39.

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

ARTICLE 40.

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

ARTICLE 41.

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

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

ARTICLE 42.

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

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

ARTICLE 43.

The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in

his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

ARTICLE 44.

A belligerent is forbidden to force the inhabitants of occupied territory to furnish information about the army of the other belligerent, or about its means of defence.

ARTICLE 45.

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

ARTICLE 46.

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

Private property cannot be confiscated.

ARTICLE 47.

Pillage is formally forbidden.

ARTICLE 48.

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

ARTICLE 49.

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

ARTICLE 50.

No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible.

ARTICLE 51.

No contribution shall be collected except under a written order, and on the responsibility of a Commander-in-chief.

The collection of the said contribution shall only be effected as far as possible in accordance with the rules of assessment and incidence of the taxes in force.

For every contribution a receipt shall be given to the contributors.

ARTICLE 52.

Requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation. They shall be in proportion to the resources of the country, and of such a nature as not to involve the population in the obligation of taking part in operations of the war against their country.

Such requisitions and services shall only be demanded on the authority of the commander in the locality occupied.

Contributions in kind shall as far as possible be paid for in cash; if not, a receipt shall be given and the payment of the amount due shall be made as soon as possible.

ARTICLE 53.

An army of occupation can only take possession of cash, funds, and realizable securities which are strictly the property of the State, depôts of arms, means of transport, stores and supplies, and, generally, all movable property belonging to the State which may be used for operations of the war.

All appliances, whether on land, at sea, or in the air, adapted for the transmission of news, or for the transport of persons or things, exclusive of cases governed by naval law, depôts of arms, and, generally, all kinds of ammunition of war, may be seized, even if they belong to private individuals, but must be restored and compensation fixed when peace is made.

ARTICLE 54.

Submarine cables connecting an occupied territory with a neutral territory shall not be seized or destroyed except in the case of absolute necessity. They must likewise be restored and compensation fixed when peace is made.

ARTICLE 55.

The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct.

ARTICLE 56.

The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property.

All seizure or destruction of, or wilful damage to, institutions of this character, historic monuments, works of art and science, is forbidden, and should be made the subject of legal proceedings.

Chapter 3

Hague Convention No. V
Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land

18 October 1907

(36 Stat. 2310; Treaty Series No. 540; Malloy, Treaties,Vol. II, p. 2290)

[Here follows the list of Sovereigns and Heads of State who sent Plenipotentiaries to the Conference.]

With a view to laying down more clearly the rights and duties of neutral Powers in case of war on land and regulating the position of the belligerents who have taken refuge in neutral territory;

Being likewise desirous of defining the meaning of the term "neutral", pending the possibility of settling, in its entirety, the position of neutral individuals in their relations with the belligerents;

Have resolved to conclude a Convention to this effect, and have, in consequence, appointed the following as their Plenipotentiaries:

[Here follow the names of Plenipotentiaries.]

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

Chapter I. The Rights and Duties of Neutral Powers.

Article 1.

The territory of neutral Powers is inviolable.

Article 2.

Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral Power.

Article 3.

Belligerents are likewise forbidden:

a. To erect on the territory of a neutral Power a wireless telegraphy station or any apparatus for the purpose of communicating with belligerent forces on land or sea;

b. To use any installation of this kind established by them before the war on the territory of a neutral Power for purely military purposes, and which has not been opened for the service of public messages.

Article 4.

Corps of combatants cannot be formed nor recruiting agencies opened on the territory of a neutral Power to assist the belligerents.

Article 5.

A neutral Power must not allow any of the acts referred to in Articles 2 to 4 to occur on its territory.

It is not called upon to punish acts in violation of its neutrality unless the said acts have been committed on its own territory.

Article 6.

The responsibility of a neutral Power is not engaged by the fact of persons crossing the frontier separately to offer their services to one of the belligerents.

Article 7.

A neutral Power is not called upon to prevent the export or transport, on behalf of one or other of the belligerents, of arms, munitions of war, or, in general, of anything which can be of use to an army or a fleet.

Article 8.

A neutral Power is not called upon to forbid or restrict the use on behalf of the belligerents of telegraph or telephone cables or of wireless telegraphy apparatus belonging to it or to Companies or private individuals.

Article 9.

Every measure of restriction or prohibition taken by a neutral Power in regard to the matters referred to in Articles 7 and 8 must be impartially applied by it to both belligerents.

A neutral Power must see to the same obligation being observed by Companies or private individuals owning telegraph or telephone cables or wireless telegraphy apparatus.

Article 10.

The fact of a neutral Power resisting, even by force, attempts to violate its neutrality cannot be regarded as a hostile act.

Chapter II. Belligerents Interned and Wounded Tended in Neutral Territory.

Article 11.

A neutral Power which receives on its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theatre of war.

It may keep them in camps and even confine them in fortresses or in places set apart for this purpose.

It shall decide whether officers can be left at liberty on giving their parole not to leave the neutral territory without permission.

Article 12.

In the absence of a special Convention, the neutral Power shall supply the interned with the food, clothing, and relief required by humanity.

At the conclusion of peace the expenses caused by the internment shall be made good.

Article 13.

A neutral Power which receives escaped prisoners of war shall leave them at liberty. If it allows them to remain in its territory it may assign them a place of residence.

The same rule applies to prisoners of war brought by troops taking refuge in the territory of a neutral Power.

Article 14.

A neutral Power may authorize the passage over its territory of wounded or sick belonging to the belligerent armies, on condition that the trains bringing them shall carry neither personnel nor material of war. In such a case, the neutral Power is bound to take whatever measures of safety and control are necessary for the purpose.

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

Article 15.

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

Chapter III. Neutral Persons.

Article 16.

The nationals of a State which is not taking part in the war are considered as neutrals.

Article 17.

A neutral cannot avail himself of his neutrality:

a. If he commits hostile acts against a belligerent.

b. If he commits acts in favour of a belligerent, particularly if he voluntarily enlists in the ranks of the armed force of one of the parties.

In such a case, the neutral shall not be more severely treated by the belligerent as against whom he has abandoned his neutrality than a national of the other belligerent State could be for the same act.

ARTICLE 18.

The following acts shall not be considered as committed in favour of one belligerent in the sense of Article 17, letter *b:*

a. Supplies furnished or loans made to one of the belligerents, provided that the person who furnishes the supplies or who makes the loans lives neither in the territory of the other party nor in the territory occupied by him, and that the supplies do not come from these territories;

b. Services rendered in matters of police or civil administration.

CHAPTER IV. Railway Material.

ARTICLE 19.

Railway material coming from the territory of neutral Powers, whether it be the property of the said Powers or of Companies or private persons, and recognizable as such, shall not be requisitioned or utilized by a belligerent except where and to the extent that it is absolutely necessary. It shall be sent back as soon as possible to the country of origin.

A neutral Power may likewise, in case of necessity, retain and utilize to an equal extent material coming from the territory of the belligerent Power.

Compensation shall be paid by one party or the other in proportion to the material used, and to the period of usage.

CHAPTER V. Final Provisions.

ARTICLE 20.

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

ARTICLE 21.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

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

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

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

ARTICLE 22.

Non-Signatory Powers may adhere to the present Convention.

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

This Government shall immediately forward to all the other Powers a duly certified copy of the notification as well as of the act of adhesion mentioning the date on which it received the notification.

ARTICLE 23.

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

ARTICLE 24.

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

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

ARTICLE 25.

A register kept by the Netherland Ministry of Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 21, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 22, paragraph 2) or of denunciation (Article 24, paragraph 1) have been received.

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

In faith of which the Plenipotentiaries have appended their signatures to the present Convention.

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

[Here follow signatures.]

Chapter 4

Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field

12 August 1949

(Treaties and Other International Acts Series 3362)

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of revising the Geneva Convention for the Relief of the Wounded and Sick in Armies in the Field of July 27, 1929, have agreed as follows:

Chapter I. General Provisions.

Article 1.

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

Article 2.

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

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

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

Article 3.

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties,

each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(*a*) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(*b*) taking of hostages;

(*c*) outrages upon personal dignity, in particular humiliating and degrading treatment;

(*d*) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

Article 4.

Neutral Powers shall apply by analogy the provisions of the present Convention to the wounded and sick, and to members of the medical personnel and to chaplains of the armed forces of the Parties to the conflict, received or interned in their territory, as well as to dead persons found.

Article 5.

For the protected persons who have fallen into the hands of the enemy, the present Convention shall apply until their final repatriation.

Article 6.

In addition to the agreements expressly provided for in Articles 10, 15, 23, 28, 31, 36, 37 and 52, the High Contracting Parties may conclude other special agreements for all matters concerning which

they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of the wounded and sick, of members of the medical personnel or of chaplains, as defined by the present Convention, nor restrict the rights which it confers upon them.

Wounded and sick, as well as medical personnel and chaplains, shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

Article 7.

Wounded and sick, as well members of the medical personnel and chaplains, may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

Article 8.

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

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

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties. Their activities shall only be restricted as an exceptional and temporary measure when this is rendered necessary by imperative military necessities.

Article 9.

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

Article 10.*

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

When wounded and sick, or medical personnel and chaplains do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power, or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever, in the present Convention, mention is made of a Protecting Power, such mention also applies to substitute organizations in the sense of the present Article.

Article 11.

In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, in particular of the authorities responsible for the wounded and sick, members of medical personnel and chaplains, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals

*In ratifying the present Convention, the Union of Soviet Socialist Republics and certain other governments made specific reservations with respect to this Article.

made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict, a person belonging to a neutral Power or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

Chapter II. Wounded and Sick.

Article 12.

Members of the armed forces and other persons mentioned in the following Article, who are wounded or sick, shall be respected and protected in all circumstances.

They shall be treated humanely and cared for by the Party to the conflict in whose power they may be, without any adverse distinction founded on sex, race, nationality, religion, political opinions, or any other similar criteria. Any attempts upon their lives, or violence to their persons, shall be strictly prohibited; in particular, they shall not be murdered or exterminated, subjected to torture or to biological experiments; they shall not wilfully be left without medical assistance and care, nor shall conditions exposing them to contagion or infection be created.

Only urgent medical reasons will authorize priority in the order of treatment to be administered.

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

The Party to the conflict which is compelled to abandon wounded or sick to the enemy shall, as far as military considerations permit, leave with them a part of its medical personnel and material to assist in their care.

Article 13.

The present Convention shall apply to the wounded and sick belonging to the following categories:

(1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.

(2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:

(*a*) that of being commanded by a person responsible for his subordinates;

(*b*) that of having a fixed distinctive sign recognizable at a distance;

(*c*) that of carrying arms openly;

(*d*) that of conducting their operations in accordance with the laws and customs of war.

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

(4) Persons who accompany the armed forces without actually being members thereof, such as civil members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany.

(5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions in international law.

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

Article 14.

Subject to the provisions of Article 12, the wounded and sick of a belligerent who fall into enemy hands shall be prisoners of war, and the provisions of international law concerning prisoners of war shall apply to them.

Article 15.

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

Whenever circumstances permit, an armistice or a suspension of fire shall be arranged, or local arrangements made, to permit the removal, exchange and transport of the wounded left on the battlefield.

Likewise, local arrangements may be concluded between Parties to the conflict for the removal or exchange of wounded and sick from a besieged or encircled area, and for the passage of medical and religious personnel and equipment on their way to that area.

Article 16.

Parties to the conflict shall record as soon as possible, in respect of each wounded, sick or dead person of the adverse Party falling into their hands, any particulars which may assist in his identification.

These records should if possible include:

(*a*) designation of the Power on which he depends;

(*b*) army, regimental, personal or serial number;

(*c*) surname;

(*d*) first name or names;

(*e*) date of birth;

(*f*) any other particulars shown on his identity card or disc;

(*g*) date and place of capture or death;

(*h*) particulars concerning wounds or illness, or cause of death.

As soon as possible the above mentioned information shall be forwarded to the Information Bureau described in Article 122 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, which shall transmit this information to the Power on which these persons depend through the intermediary of the Protecting Power and of the Central Prisoners of War Agency.

Parties to the conflict shall prepare and forward to each other through the same bureau, certificates of death or duly authenticated lists of the dead. They shall likewise collect and forward through the same bureau one half a double identity disc, last wills or other documents of importance to the next of kin, money and in general all articles of an intrinsic or sentimental value, which are found on the dead. These articles, together with unidentified articles, shall be sent in sealed packets, accompanied by statements giving all particulars necessary for the identification of the deceased owners, as well as by a complete list of the contents of the parcel.

Article 17.

Parties to the conflict shall ensure that burial or cremation of the dead, carried out individually as far as circumstances permit, is preceded by a careful examination, if possible by a medical examination, of the bodies, with a view to confirming death, establishing identity and enabling a report to be made. One half of the double identity disc, or the identity disc itself if it is a single disc, should remain on the body.

Bodies shall not be cremated except for imperative reasons of hygiene or for motives based on the religion of the deceased. In case of cremation, the circumstances and reasons for cremation shall be stated in detail in the death certificate or on the authenticated list of the dead.

They shall further ensure that the dead are honourably interred, if possible according to the rites of the religion to which they belonged, that their graves are respected, grouped if possible according to the nationality of the deceased, properly maintained and marked so that they may always be found. For this purpose, they shall organize at the commencement of hostilities an Official Graves Registration Service, to allow subsequent exhumations and to ensure the identi-

fication of bodies, whatever the site of the graves, and the possible transportation to the home country. These provisions shall likewise apply to the ashes, which shall be kept by the Graves Registration Service until proper disposal thereof in accordance with the wishes of the home country.

As soon as circumstances permit, and at latest at the end of hostilities, these Services shall exchange, through the Information Bureau mentioned in the second paragraph of Article 16, lists showing the exact location and markings of the graves, together with particulars of the dead interred therein.

ARTICLE 18.

The military authorities may appeal to the charity of the inhabitants voluntarily to collect and care for, under their direction, the wounded and sick, granting persons who have responded to this appeal the necessary protection and facilities. Should the adverse Party take or retake control of the area, he shall likewise grant these persons the same protection and the same facilities.

The military authorities shall permit the inhabitants and relief societies, even in invaded or occupied areas, spontaneously to collect and care for wounded or sick of whatever nationality. The civilian population shall respect these wounded and sick, and in particular abstain from offering them violence.

No one may ever be molested or convicted for having nursed the wounded or sick.

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

CHAPTER III. Medical Units and Establishments.

ARTICLE 19.

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

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

ARTICLE 20.

Hospital ships entitled to the protection of the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Ship-

162-168 O - 94 - 2

wrecked Members of Armed Forces at Sea of August 12, 1949, shall not be attacked from the land.

ARTICLE 21.

The protection to which fixed establishments and mobile medical units of the Medical Service are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after a due warning has been given, naming, in all appropriate cases, a reasonable time limit, and after such warning has remained unheeded.

ARTICLE 22.

The following conditions shall not be considered as depriving a medical unit or establishment of the protection guaranteed by Article 19:

(1) That the personnel of the unit or establishment are armed, and that they use the arms in their own defence, or in that of the wounded and sick in their charge.
(2) That in the absence of armed orderlies, the unit or establishment is protected by a picket or by sentries or by an escort.
(3) That small arms and ammunition taken from the wounded and sick and not yet handed to the proper service, are found in the unit or establishment.
(4) That personnel and material of the veterinary service are found in the unit or establishment, without forming an integral part thereof.
(5) That the humanitarian activities of medical units and establishments or of their personnel extend to the care of civilian wounded or sick.

ARTICLE 23.

In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own territory and, if the need arises, in occupied areas, hospital zones and localities so organized as to protect the wounded and sick from the effects of war, as well as the personnel entrusted with the organization and administration of these zones and localities and with the care of the persons therein assembled.

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

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

Chapter IV. Personnel.

Article 24.

Medical personnel exclusively engaged in the search for, or the collection, transport or treatment of the wounded or sick, or in the prevention of disease, staff exclusively engaged in the administration of medical units and establishments, as well as chaplains attached to the armed forces, shall be respected and protected in all circumstances.

Article 25.

Members of the armed forces specially trained for employment, should the need arise, as hospital orderlies, nurses or auxiliary stretcher-bearers, in the search for or the collection, transport or treatment of the wounded and sick shall likewise be respected and protected if they are carrying out these duties at the time when they come into contact with the enemy or fall into his hands.

Article 26.

The staff of National Red Cross Societies and that of other Voluntary Aid Societies, duly recognized and authorized by their Governments, who may be employed on the same duties as the personnel named in Article 24, are placed on the same footing as the personnel named in the said Article, provided that the staff of such societies are subject to military laws and regulations.

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

Article 27.

A recognized Society of a neutral country can only lend the assistance of its medical personnel and units to a Party to the conflict with the previous consent of its own Government and the authorization of the Party to the conflict concerned. That personnel and those units shall be placed under the control of that Party to the conflict.

The neutral Government shall notify this consent to the adversary of the State which accepts such assistance. The Party to the conflict who accepts such assistance is bound to notify the adverse Party thereof before making any use of it.

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

The members of the personnel named in the first paragraph shall be duly furnished with the identity cards provided for in Article 40 before leaving the neutral country to which they belong.

Article 28.

Personnel designated in Articles 24 and 26 who fall into the hands of the adverse Party, shall be retained only in so far as the state of health, the spiritual needs and the number of prisoners of war require.

Personnel thus retained shall not be deemed prisoners of war. Nevertheless they shall at least benefit by all the provisions of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949. Within the framework of the military laws and regulations of the Detaining Power, and under the authority of its competent service, they shall continue to carry out, in accordance with their professional ethics, their medical and spiritual duties on behalf of prisoners of war, preferably those of the armed forces to which they themselves belong. They shall further enjoy the following facilities for carrying out their medical or spiritual duties:

(*a*) They shall be authorized to visit periodically the prisoners of war in labour units or hospitals outside the camp. The Detaining Power shall put at their disposal the means of transport required.

(*b*) In each camp the senior medical officer of the highest rank shall be responsible to the military authorities of the camp for the professional activity of the retained medical personnel. For this purpose, from the outbreak of hostilities, the Parties to the conflict shall agree regarding the corresponding seniority of the ranks of their medical personnel, including those of the societies designated in Article 26. In all questions arising out of their duties, this medical officer, and the chaplains, shall have direct access to the military and medical authorities of the camp who shall grant them the facilities they may require for correspondence relating to these questions.

(*c*) Although retained personnel in a camp shall be subject to its internal discipline, they shall not, however, be required to perform any work outside their medical or religious duties.

During hostilities the Parties to the conflict shall make arrangements for relieving where possible retained personnel, and shall settle the procedure of such relief.

None of the preceding provisions shall relieve the Detaining Power of the obligations imposed upon it with regard to the medical and spiritual welfare of the prisoners of war.

Article 29.

Members of the personnel designated in Article 25 who have fallen into the hands of the enemy, shall be prisoners of war, but shall be employed on their medical duties in so far as the need arises.

Article 30.

Personnel whose retention is not indispensable by virtue of the provisions of Article 28 shall be returned to the Party to the conflict to whom they belong, as soon as a road is open for their return and military requirements permit.

Pending their return, they shall not be deemed prisoners of war. Nevertheless they shall at least benefit by all the provisions of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949. They shall continue to fulfil their duties under the orders of the adverse Party and shall preferably be engaged in the care of the wounded and sick of the Party to the conflict to which they themselves belong.

On their departure, they shall take with them the effects, personal belongings, valuables and instruments belonging to them.

Article 31.

The selection of personnel for return under Article 30 shall be made irrespective of any consideration of race, religion or political opinion, but preferably according to the chronological order of their capture and their state of health.

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

Article 32.

Persons designated in Article 27 who have fallen into the hands of the adverse Party may not be detained.

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

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

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

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

Chapter V. Buildings and Material.

Article 33.

The material of mobile medical units of the armed forces which fall into the hands of the enemy, shall be reserved for the care of wounded and sick.

The buildings, material and stores of fixed medical establishments of the armed forces shall remain subject to the laws of war, but may not be diverted from their purpose as long as they are required for the care of wounded and sick. Nevertheless, the commanders of forces in the field may make use of them, in case of urgent military necessity, provided that they make previous arrangements for the welfare of the wounded and sick who are nursed in them.

The material and stores defined in the present Article shall not be intentionally destroyed.

Article 34.

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

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

Chapter VI. Medical Transports.

Article 35.

Transports of wounded and sick or of medical equipment shall be respected and protected in the same way as mobile medical units.

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

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

Article 36.

Medical aircraft, that is to say, aircraft exclusively employed for the removal of wounded and sick and for the transport of medical personnel and equipment, shall not be attacked, but shall be respected by the belligerents, while flying at heights, times and on routes specifically agreed upon between the belligerents concerned.

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

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

Medical aircraft shall obey every summons to land. In the event of a landing thus imposed, the aircraft with its occupants may continue its flight after examination, if any.

In the event of an involuntary landing in enemy or enemy-occupied territory, the wounded and sick, as well as the crew of the aircraft shall be prisoners of war. The medical personnel shall be treated according to Article 24 and the Articles following.

Article 37.

Subject to the provisions of the second paragraph, medical aircraft of Parties to the conflict may fly over the territory of neutral Powers, land on it in case of necessity, or use it as a port of call. They shall give the neutral Powers previous notice of their passage over the said territory and obey all summons to alight, on land or water. They will be immune from attack only when flying on routes, at heights and at times specifically agreed upon between the Parties to the conflict and the neutral Power concerned.

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

Unless agreed otherwise between the neutral Power and the Parties to the conflict, the wounded and sick who are disembarked, with the consent of the local authorities, on neutral territory by medical aircraft, shall be detained by the neutral Power, where so required by international law, in such a manner that they cannot again take part in operations of war. The cost of their accommodation and internment shall be borne by the Power on which they depend.

Chapter VII. The Distinctive Emblem.

Article 38.

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

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

Article 39.

Under the direction of the competent military authority, the emblem shall be displayed on the flags, armlets and on all equipment employed in the Medical Service.

Article 40.

The personnel designated in Article 24 and in Articles 26 and 27 shall wear, affixed to the left arm, a water-resistant armlet bearing the distinctive emblem, issued and stamped by the military authority.

Such personnel, in addition to wearing the identity disc mentioned in Article 16, shall also carry a special identity card bearing the distinctive emblem. This card shall be water-resistant and of such size that it can be carried in the pocket. It shall be worded in the national language, shall mention at least the surname and first names, the date of birth, the rank and the service number of the bearer, and shall state in what capacity he is entitled to the protection of the present Convention. The card shall bear the photograph of the owner and also either his signature or his finger-prints or both. It shall be embossed with the stamp of the military authority.

The identity card shall be uniform throughout the same armed forces and, as far as possible, of a similar type in the armed forces of the High Contracting Parties. The Parties to the conflict may be guided by the model which is annexed, by way of example, to the present Convention. They shall inform each other, at the outbreak of hostilities, of the model they are using. Identity cards should be made out, if possible, at least in duplicate, one copy being kept by the home country.

In no circumstances may the said personnel be deprived of their insignia or identity cards nor of the right to wear the armlet. In case of loss, they shall be entitled to receive duplicates of the cards and to have the insignia replaced.

Article 41.

The personnel designated in Article 25 shall wear, but only while carrying out medical duties, a white armlet bearing in its centre the distinctive sign in miniature; the armlet shall be issued and stamped by the military authority.

Military identity documents to be carried by this type of personnel shall specify what special training they have received, the temporary character of the duties they are engaged upon, and their authority for wearing the armlet.

Article 42.

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

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

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

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

ARTICLE 43.

The medical units belonging to neutral countries, which may have been authorized to lend their services to a belligerent under the conditions laid down in Article 27, shall fly, along with the flag of the Convention, the national flag of that belligerent, wherever the latter makes use of the faculty conferred on him by Article 42.

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

ARTICLE 44.

With the exception of the cases mentioned in the following paragraphs of the present Article, the emblem of the Red Cross on a white ground and the words "Red Cross", or "Geneva Cross" may not be employed, either in time of peace or in time of war, except to indicate or to protect the medical units and establishments, the personnel and material protected by the present Convention and other Conventions dealing with similar matters. The same shall apply to the emblems mentioned in Article 38, second paragraph, in respect of the countries which use them. The National Red Cross Societies and other Societies designated in Article 26 shall have the right to use the distinctive emblem conferring the protection of the Convention only within the framework of the present paragraph.

Furthermore, National Red Cross (Red Crescent, Red Lion and Sun) Societies may, in time of peace, in accordance with their national legislation, make use of the name and emblem of the Red Cross for their other activities which are in conformity with the principles laid down by the International Red Cross Conferences. When those activities are carried out in time of war, the conditions for the use of the emblem shall be such that it cannot be considered as conferring the protection of the Convention; the emblem shall be comparatively small in size and may not be placed on armlets or on the roofs of buildings.

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

As an exceptional measure, in conformity with national legislation and with the express permission of one of the National Red Cross

(Red Crescent, Red Lion and Sun) Societies, the emblem of the Convention may be employed in time of peace to identify vehicles used as ambulances and to mark the position of aid stations exclusively assigned to the purpose of giving free treatment to the wounded or sick.

Chapter VIII. Execution of the Convention.

Article 45.

Each Party to the conflict, acting through its commanders-in-chief, shall ensure the detailed execution of the preceding Articles and provide for unforeseen cases, in conformity with the general principles of the present Convention.

Article 46.

Reprisals against the wounded, sick, personnel, buildings or equipment protected by the Convention are prohibited.

Article 47.

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

Article 48.

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

Chapter IX. Repression of Abuses and Infractions.

Article 49.

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation,

hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

ARTICLE 50.

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

ARTICLE 51.

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

ARTICLE 52.

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

ARTICLE 53.

The use by individuals, societies, firms or companies either public or private, other than those entitled thereto under the present Convention, of the emblem or the designation "Red Cross" or "Geneva Cross," or any sign or designation constituting an imitation thereof, whatever the object of such use, and irrespective of the date of its adoption, shall be prohibited at all times.

By reason of the tribute paid to Switzerland by the adoption of the

reserved Federal colours, and of the confusion which may arise between the arms of Switzerland and the distinctive emblem of the Convention, the use by private individuals, societies or firms, of the arms of the Swiss Confederation, or of marks constituting an imitation thereof, whether as trade-marks or commercial marks, or as parts of such marks, or for a purpose contrary to commercial honesty, or in circumstances capable of wounding Swiss national sentiment, shall be prohibited at all times.

Nevertheless, such High Contracting Parties as were not party to the Geneva Convention of July 27, 1929, may grant to prior users of the emblems, designations, signs or marks designated in the first paragraph, a time limit not to exceed three years from the coming into force of the present Convention to discontinue such use, provided that the said use shall not be such as would appear, in time of war, to confer the protection of the Convention.

The prohibition laid down in the first paragraph of the present Article shall also apply, without effect on any rights acquired through prior use, to the emblems and marks mentioned in the second paragraph of Article 38.

Article 54.

The High Contracting Parties shall, if their legislation is not already adequate, take measures necessary for the prevention and repression, at all times, of the abuses referred to under Article 53.

FINAL PROVISIONS

Article 55.

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

Article 56.

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949; furthermore, by Powers not represented at that Conference, but which are parties to the Geneva Conventions of 1864, 1906 or 1929 for the Relief of the Wounded and Sick in Armies in the Field.

Article 57.

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

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

Article 58.

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

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

Article 59.

The present Convention replaces the Conventions of August 22, 1864, July 6, 1906, and July 27, 1929, in relations between the High Contracting Parties.

Article 60.

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

Article 61.

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

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

ARTICLE 62.

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

ARTICLE 63.

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release and repatriation of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

ARTICLE 64.

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August, 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

[Here follow signatures.]

ANNEX I

DRAFT AGREEMENT RELATING TO HOSPITAL ZONES AND LOCALITIES

ARTICLE 1.

Hospital zones shall be strictly reserved for the persons named in Article 23 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, and for the personnel entrusted with the organization and administration of these zones and localities and with the care of the persons therein assembled.

Nevertheless, persons whose permanent residence is within such zones shall have the right to stay there.

ARTICLE 2.

No persons residing, in whatever capacity, in a hospital zone shall perform any work, either within or without the zone, directly connected with military operations or the production of war material.

ARTICLE 3.

The Power establishing a hospital zone shall take all necessary measures to prohibit access to all persons who have no right of residence or entry therein.

ARTICLE 4.

Hospital zones shall fulfil the following conditions:

(*a*) They shall comprise only a small part of the territory governed by the Power which has established them.

(*b*) They shall be thinly populated in relation to the possibilities of accommodation.

(*c*) They shall be far removed and free from all military objectives, or large industrial or administrative establishments.

(*d*) They shall not be situated in areas which, according to every probability, may become important for the conduct of the war.

ARTICLE 5.

Hospital zones shall be subject to the following obligations:

(*a*) The lines of communication and means of transport which they possess shall not be used for the transport of military personnel or material, even in transit.

(*b*) They shall in no case be defended by military means.

Article 6.

Hospital zones shall be marked by means of red crosses (red crescents, red lions and suns) on a white background placed on the outer precincts and on the buildings. They may be similarly marked at night by means of appropriate illumination.

Article 7.

The Powers shall communicate to all the High Contracting Parties in peacetime or on the outbreak of hostilities, a list of the hospital zones in the territories governed by them. They shall also give notice of any new zones set up during hostilities.

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

If, however, the adverse Party considers that the conditions of the present agreement have not been fulfilled, it may refuse to recognize the zone by giving immediate notice thereof to the Party responsible for the said zone, or may make its recognition of such zone dependent upon the institution of the control provided for in Article 8.

Article 8.

Any Power having recognized one or several hospital zones instituted by the adverse Party shall be entitled to demand control by one or more Special Commissions, for the purpose of ascertaining if the zones fulfil the conditions and obligations stipulated in the present agreement.

For this purpose, the members of the Special Commissions shall at all times have free access to the various zones and may even reside there permanently. They shall be given all facilities for their duties of inspection.

Article 9.

Should the Special Commissions note any facts which they consider contrary to the stipulations of the present agreement, they shall at once draw the attention of the Power governing the said zone to these facts, and shall fix a time limit of five days within which the matter should be rectified. They shall duly notify the Power who has recognized the zone.

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

Article 10.

Any Power setting up one or more hospital zones and localities, and the adverse Parties to whom their existence has been notified, shall nominate or have nominated by neutral Powers, the persons who shall be members of the Special Commissions mentioned in Articles 8 and 9.

ARTICLE 11.

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

ARTICLE 12.

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

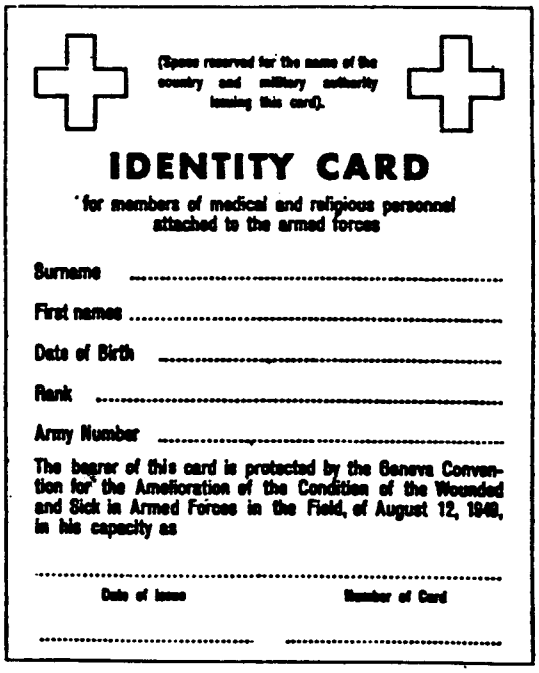
Their purpose may, however, be modified by the Occupying Power, on condition that all measures are taken to ensure the safety of the persons accommodated.

ARTICLE 13.

The present agreement shall also apply to localities which the Powers may utilize for the same purposes as hospital zones.

ANNEX II

Front



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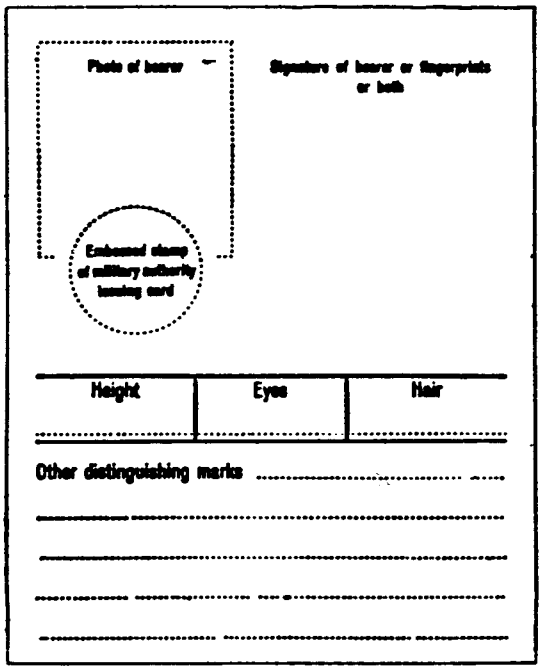

Chapter 5

Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea

12 August 1949

(Treaties and Other International Acts Series 3363)

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of revising the Xth Hague Convention of October 18, 1907, for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of 1906, have agreed as follows:

Chapter I. General Provisions.

Article 1.

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

Article 2.

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

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

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

Article 3.

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each

Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(*a*) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(*b*) taking of hostages;

(*c*) outrages upon personal dignity, in particular, humiliating and degrading treatment;

(*d*) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded, sick and shipwrecked shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

Article 4.

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

Forces put ashore shall immediately become subject to the provisions of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Article 5.

Neutral Powers shall apply by analogy the provisions of the present Convention to the wounded, sick and shipwrecked, and to members of the medical personnel and to chaplains of the armed forces of the

Parties to the conflict received or interned in their territory, as well as to dead persons found.

ARTICLE 6.

In addition to the agreements expressly provided for in Articles 10, 18, 31, 38, 39, 40, 43 and 53, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of wounded, sick and shipwrecked persons, of members of the medical personnel or of chaplains, as defined by the present Convention, nor restrict the rights which it confers upon them.

Wounded, sick and shipwrecked persons, as well as medical personnel and chaplains, shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

ARTICLE 7.

Wounded, sick and shipwrecked persons, as well as members of the medical personnel and chaplains, may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

ARTICLE 8.

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

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

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties. Their activities shall only be restricted as an exceptional and temporary measure when this is rendered necessary by imperative military necessities.

ARTICLE 9.

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

ARTICLE 10.*

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

When wounded, sick and shipwrecked, or medical personnel and chaplains do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power, or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever, in the present Convention, mention is made of a Protecting Power, such mention also applies to substitute organizations in the sense of the present Article.

ARTICLE 11.

In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to

*In ratifying the present Convention, the Union of Soviet Socialist Republics and certain other governments made specific reservations with respect to this Article.

the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

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

Chapter II. Wounded, Sick and Shipwrecked.

Article 12.

Members of the armed forces and other persons mentioned in the following Article, who are at sea and who are wounded, sick or shipwrecked, shall be respected and protected in all circumstances, it being understood that the term "shipwreck" means shipwreck from any cause and includes forced landings at sea by or from aircraft.

Such persons shall be treated humanely and cared for by the Parties to the conflict in whose power they may be, without any adverse distinction founded on sex, race, nationality, religion, political opinions, or any other similar criteria. Any attempts upon their lives, or violence to their persons, shall be strictly prohibited; in particular, they shall not be murdered or exterminated, subjected to torture or to biological experiments; they shall not wilfully be left without medical assistance and care, nor shall conditions exposing them to contagion or infection be created.

Only urgent medical reasons will authorize priority in the order of treatment to be administered.

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

Article 13.

The present Convention shall apply to the wounded, sick and shipwrecked at sea belonging to the following categories:

(1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.

(2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such

organized resistance movements, fulfil the following conditions:

(*a*) that of being commanded by a person responsible for his subordinates;

(*b*) that of having a fixed distinctive sign recognizable at a distance;

(*c*) that of carrying arms openly;

(*d*) that of conducting their operations in accordance with the laws and customs of war.

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

(4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany.

(5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions of international law.

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

ARTICLE 14.

All warships of a belligerent Party shall have the right to demand that the wounded, sick or shipwrecked on board military hospital ships, and hospital ships belonging to relief societies or to private individuals, as well as merchant vessels, yachts and other craft shall be surrendered, whatever their nationality, provided that the wounded and sick are in a fit state to be moved and that the warship can provide adequate facilities for necessary medical treatment.

ARTICLE 15.

If wounded, sick or shipwrecked persons are taken on board a neutral warship or a neutral military aircraft, it shall be ensured, where so required by international law, that they can take no further part in operations of war.

ARTICLE 16.

Subject to the provisions of Article 12, the wounded, sick and shipwrecked of a belligerent who fall into enemy hands shall be

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

ARTICLE 17.

Wounded, sick or shipwrecked persons who are landed in neutral ports with the consent of the local authorities, shall, failing arrangements to the contrary between the neutral and the belligerent Powers, be so guarded by the neutral Power, where so required by international law, that the said persons cannot again take part in operations of war.

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

ARTICLE 18.

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

Whenever circumstances permit, the Parties to the conflict shall conclude local arrangements for the removal of the wounded and sick by sea from a besieged or encircled area and for the passage of medical and religious personnel and equipment on their way to that area.

ARTICLE 19.

The Parties to the conflict shall record as soon as possible, in respect of each shipwrecked, wounded, sick or dead person of the adverse Party falling into their hands, any particulars which may assist in his identification. These records should if possible include:

(*a*) designation of the Power on which he depends;
(*b*) army, regimental, personal or serial number;
(*c*) surname;
(*d*) first name or names;
(*e*) date of birth;
(*f*) any other particulars shown on his identity card or disc;
(*g*) date and place of capture or death;
(*h*) particulars concerning wounds or illness, or cause of death.

As soon as possible the above-mentioned information shall be forwarded to the information bureau described in Article 122 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, which shall transmit this information to the Power

on which these persons depend through the intermediary of the Protecting Power and of the Central Prisoners of War Agency.

Parties to the conflict shall prepare and forward to each other through the same bureau, certificates of death or duly authenticated lists of the dead. They shall likewise collect and forward through the same bureau one half of the double identity disc, or the identity disc itself if it is a single disc, last wills or other documents of importance to the next of kin, money and in general all articles of an intrinsic or sentimental value, which are found on the dead. These articles, together with unidentified articles, shall be sent in sealed packets, accompanied by statements giving all particulars necessary for the identification of the deceased owners, as well as by a complete list of the contents of the parcel.

Article 20.

Parties to the conflict shall ensure that burial at sea of the dead, carried out individually as far as circumstances permit, is preceded by a careful examination, if possible by a medical examination, of the bodies, with a view to confirming death, establishing identity and enabling a report to be made. Where a double identity disc is used, one half of the disc should remain on the body.

If dead persons are landed, the provisions of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, shall be applicable.

Article 21.

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

Vessels of any kind responding to this appeal, and those having of their own accord collected wounded, sick or shipwrecked persons, shall enjoy special protection and facilities to carry out such assistance.

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

Chapter III. Hospital Ships.

Article 22.

Military hospital ships, that is to say, ships built or equipped by the Powers specially and solely with a view to assisting the wounded, sick and shipwrecked, to treating them and to transporting them, may in no circumstances be attacked or captured, but shall at all times be respected and protected, on condition that their names and descriptions have been notified to the Parties to the conflict ten days before those ships are employed.

The characteristics which must appear in the notification shall include registered gross tonnage, the length from stem to stern and the number of masts and funnels.

ARTICLE 23.

Establishments ashore entitled to the protection of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, shall be protected from bombardment or attack from the sea.

ARTICLE 24.

Hospital ships utilized by National Red Cross Societies, by officially recognized relief societies or by private persons shall have the same protection as military hospital ships and shall be exempt from capture, if the Party to the conflict on which they depend has given them an official commission and in so far as the provisions of Article 22 concerning notification have been complied with.

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

ARTICLE 25.

Hospital ships utilized by National Red Cross Societies, officially recognized relief societies, or private persons of neutral countries shall have the same protection as military hospital ships and shall be exempt from capture, on condition that they have placed themselves under the control of one of the Parties to the conflict, with the previous consent of their own governments and with the authorization of the Party to the conflict concerned, in so far as the provisions of Article 22 concerning notification have been complied with.

ARTICLE 26.

The protection mentioned in Articles 22, 24 and 25 shall apply to hospital ships of any tonnage and to their lifeboats, wherever they are operating. Nevertheless, to ensure the maximum comfort and security, the Parties to the conflict shall endeavour to utilize, for the transport of wounded, sick and shipwrecked over long distances and on the high seas, only hospital ships of over 2,000 tons gross.

ARTICLE 27.

Under the same conditions as those provided for in Articles 22 and 24, small craft employed by the State or by the officially recognized lifeboat institutions for coastal rescue operations, shall also be respected and protected, so far as operational requirements permit.

The same shall apply so far as possible to fixed coastal installations used exclusively by these craft for their humanitarian missions.

ARTICLE 28.

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

ARTICLE 29.

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

ARTICLE 30.

The vessels described in Articles 22, 24, 25 and 27 shall afford relief and assistance to the wounded, sick and shipwrecked without distinction of nationality.

The High Contracting Parties undertake not to use these vessels for any military purpose.

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

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

ARTICLE 31.

The Parties to the conflict shall have the right to control and search the vessels mentioned in Articles 22, 24, 25 and 27. They can refuse assistance from these vessels, order them off, make them take a certain course, control the use of their wireless and other means of communication, and even detain them for a period not exceeding seven days from the time of interception, if the gravity of the circumstances so requires.

They may put a commissioner temporarily on board whose sole task shall be to see that orders given in virtue of the provisions of the preceding paragraph are carried out.

As far as possible, the Parties to the conflict shall enter in the log of the hospital ship, in a language he can understand, the orders they have given the captain of the vessel.

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

ARTICLE 32.

Vessels described in Articles 22, 24, 25 and 27 are not classed as warships as regards their stay in a neutral port.

Article 33.

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

Article 34.

The protection to which hospital ships and sick-bays are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after due warning has been given, naming in all appropriate cases a reasonable time limit, and after such warning has remained unheeded.

In particular, hospital ships may not possess or use a secret code for their wireless or other means of communication.

Article 35.

The following conditions shall not be considered as depriving hospital ships or sick-bays of vessels of the protection due to them:

(1) The fact that the crews of ships or sick-bays are armed for the maintenance of order, for their own defence or that of the sick and wounded.

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

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

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

(5) The transport of equipment and of personnel intended exclusively for medical duties, over and above the normal requirements.

Chapter IV. Personnel.

Article 36.

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

Article 37.

The religious, medical and hospital personnel assigned to the medical or spiritual care of the persons designated in Articles 12 and 13 shall, if they fall into the hands of the enemy, be respected and

protected; they may continue to carry out their duties as long as this is necessary for the care of the wounded and sick. They shall afterwards be sent back as soon as the Commander-in-Chief, under whose authority they are, considers it practicable. They may take with them, on leaving the ship, their personal property.

If, however, it prove necessary to retain some of this personnel owing to the medical or spiritual needs of prisoners of war, everything possible shall be done for their earliest possible landing.

Retained personnel shall be subject, on landing, to the provisions of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Chapter V. Medical Transports.

Article 38.

Ships chartered for that purpose shall be authorized to transport equipment exclusively intended for the treatment of wounded and sick members of armed forces or for the prevention of disease, provided that the particulars regarding their voyage have been notified to the adverse Power and approved by the latter. The adverse Power shall preserve the right to board the carrier ships, but not to capture them or seize the equipment carried.

By agreement amongst the Parties to the conflict, neutral observers may be placed on board such ships to verify the equipment carried. For this purpose, free access to the equipment shall be given.

Article 39.

Medical aircraft, that is to say, aircraft exclusively employed for the removal of the wounded, sick, and shipwrecked, and for the transport of medical personnel and equipment, may not be the object of attack, but shall be respected by the Parties to the conflict, while flying at heights, at times and on routes specifically agreed upon between the Parties to the conflict concerned.

They shall be clearly marked with the distinctive emblem prescribed in Article 41, together with their national colours, on their lower, upper and lateral surfaces. They shall be provided with any other markings or means of identification which may be agreed upon between the Parties to the conflict upon the outbreak or during the course of hostilities.

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

Medical aircraft shall obey every summons to alight on land or water. In the event of having thus to alight, the aircraft with its occupants may continue its flight after examination, if any.

In the event of alighting involuntarily on land or water in enemy or enemy-occupied territory, the wounded, sick and shipwrecked, as

well as the crew of the aircraft, shall be prisoners of war. The medical personnel shall be treated according to Articles 36 and 37.

Article 40.

Subject to the provisions of the second paragraph, medical aircraft of Parties to the conflict may fly over the territory of neutral Powers, land thereon in case of necessity, or use it as a port of call. They shall give neutral Powers prior notice of their passage over the said territory, and obey every summons to alight, on land or water. They will be immune from attack only when flying on routes, at heights and at times specifically agreed upon between the Parties to the conflict and the neutral Power concerned.

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

Unless otherwise agreed between the neutral Powers and the Parties to the conflict, the wounded, sick or shipwrecked who are disembarked with the consent of the local authorities on neutral territory by medical aircraft shall be detained by the neutral Power, where so required by international law, in such a manner that they cannot again take part in operations of war. The cost of their accommodation and internment shall be borne by the Power on which they depend.

Chapter VI. The Distinctive Emblem.

Article 41.

Under the direction of the competent military authority, the emblem of the red cross on a white ground shall be displayed on the flags, armlets and on all equipment employed in the Medical Service.

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

Article 42.

The personnel designated in Articles 36 and 37 shall wear, affixed to the left arm, a water-resistant armlet bearing the distinctive emblem, issued and stamped by the military authority.

Such personnel, in addition to wearing the identity disc mentioned in Article 19, shall also carry a special identity card bearing the distinctive emblem. This card shall be water-resistant and of such size that it can be carried in the pocket. It shall be worded in the national language, shall mention at least the surname and first names, the date of birth, the rank and the service number of the bearer, and shall state in what capacity he is entitled to the protection of the present Convention. The card shall bear the photograph of the owner and

also either his signature or his fingerprints or both. It shall be embossed with the stamp of the military authority.

The identity card shall be uniform throughout the same armed forces and, as far as possible, of a similar type in the armed forces of the High Contracting Parties. The Parties to the conflict may be guided by the model which is annexed, by way of example, to the present Convention. They shall inform each other, at the outbreak of hostilities, of the model they are using. Identity cards should be made out, if possible, at least in duplicate, one copy being kept by the home country.

In no circumstances may the said personnel be deprived of their insignia or identity cards nor of the right to wear the armlet. In case of loss they shall be entitled to receive duplicates of the cards and to have the insignia replaced.

Article 43.

The ships designated in Articles 22, 24, 25 and 27 shall be distinctively marked as follows:

(*a*) All exterior surfaces shall be white.

(*b*) One or more dark red crosses, as large as possible, shall be painted and displayed on each side of the hull and on the horizontal surfaces, so placed as to afford the greatest possible visibility from the sea and from the air.

All hospital ships shall make themselves known by hoisting their national flag and further, if they belong to a neutral state, the flag of the Party to the conflict whose direction they have accepted. A white flag with a red cross shall be flown at the mainmast as high as possible.

Lifeboats of hospital ships, coastal lifeboats and all small craft used by the Medical Service shall be painted white with dark red crosses prominently displayed and shall, in general, comply with the identification system prescribed above for hospital ships.

The above-mentioned ships and craft, which may wish to ensure by night and in times of reduced visibility the protection to which they are entitled, must, subject to the assent of the Party to the conflict under whose power they are, take the necessary measures to render their painting and distinctive emblems sufficiently apparent.

Hospital ships which, in accordance with Article 31, are provisionally detained by the enemy, must haul down the flag of the Party to the conflict in whose service they are or whose direction they have accepted.

Coastal lifeboats, if they continue to operate with the consent of the Occupying Power from a base which is occupied, may be allowed, when away from their base, to continue to fly their own national colours along with a flag carrying a red cross on a white ground, subject to prior notification to all the Parties to the conflict concerned.

All the provisions in this Article relating to the red cross shall apply equally to the other emblems mentioned in Article 41.

Parties to the conflict shall at all times endeavour to conclude mutual agreements in order to use the most modern methods available to facilitate the identification of hospital ships.

ARTICLE 44.

The distinguishing signs referred to in Article 43 can only be used, whether in time of peace or war, for indicating or protecting the ships therein mentioned, except as may be provided in any other international Convention or by agreement between all the Parties to the conflict concerned.

ARTICLE 45.

The High Contracting Parties shall, if their legislation is not already adequate, take the measures necessary for the prevention and repression, at all times, of any abuse of the distinctive signs provided for under Article 43.

CHAPTER VII. Execution of the Convention.

ARTICLE 46.

Each Party to the conflict, acting through its Commanders-in-Chief, shall ensure the detailed execution of the preceding Articles and provide for unforeseen cases, in conformity with the general principles of the present Convention.

ARTICLE 47.

Reprisals against the wounded, sick and shipwrecked persons, the personnel, the vessels or the equipment protected by the Convention are prohibited.

ARTICLE 48.

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

ARTICLE 49.

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

Chapter VIII. Repression of Abuses and Infractions.

Article 50.

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

Article 51.

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

Article 52.

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

Article 53.

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire, who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

FINAL PROVISIONS

Article 54.

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

Article 55.

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949; furthermore, by Powers not represented at that Conference, but which are parties to the Xth Hague Convention of October 18, 1907, for the adaptation to Maritime Warfare of the principles of the Geneva Convention of 1906, or to the Geneva Conventions of 1864, 1906 or 1929 for the Relief of the Wounded and Sick in Armies in the Field.

Article 56.

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

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

Article 57.

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

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

Article 58.

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

Article 59.

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

Article 60.

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

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

ARTICLE 61.

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

ARTICLE 62.

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release and repatriation of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

ARTICLE 63.

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

[Here follow signatures.]

ANNEX

Front

(Space reserved for the name of the country and military authority issuing this card)

IDENTITY CARD

for members of medical and religious personnel attached to the armed forces at sea

Surname .....

First names .....

Date of Birth .....

Rank .....

Army Number .....

The bearer of this card is protected by the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, in his capacity as

.....

Date of Issue ..... Number of Card .....

Reverse Side

Photo of bearer

Embossed stamp of military authority issuing card

Signature of bearer or fingerprints or both

Height	Eyes	Hair

Other distinguishing marks

.....

.....

.....

.....

.....

Chapter 6

Geneva Convention Relative to the Treatment of Prisoners of War

12 August 1949

(Treaties and Other International Acts Series 3364)

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of revising the Convention concluded at Geneva on July 27, 1929, relative to the Treatment of Prisoners of War, have agreed as follows:

PART I. GENERAL PROVISIONS

Article 1.

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

Article 2.

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

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

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

Article 3.

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(*a*) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(*b*) taking of hostages;

(*c*) outrages upon personal dignity; in particular, humiliating and degrading treatment;

(*d*) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

Article 4.

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

(1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.

(2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:

(*a*) that of being commanded by a person responsible for his subordinates;

(*b*) that of having a fixed distinctive sign recognizable at a distance;

(*c*) that of carrying arms openly;

(*d*) that of conducting their operations in accordance with the laws and customs of war.

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

(4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annexed model.

(5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions of international law.

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

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

(1) Persons belonging, or having belonged, to the armed forces of the occupied country, if the occupying Power considers it necessary by reason of such allegiance to intern them, even though it has originally liberated them while hostilities were going on outside the territory it occupies, in particular where such persons have made an unsuccessful attempt to rejoin the armed forces to which they belong and which are engaged in combat, or where they fail to comply with a summons made to them with a view to internment.

(2) The persons belonging to one of the categories enumerated in the present Article, who have been received by neutral or non-belligerent Powers on their territory and whom these Powers are required to intern under international law, without prejudice to any more favourable treatment which these Powers may choose to give and with the exception of Articles 8, 10, 15, 30, fifth paragraph 58–67, 92, 126 and, where diplomatic relations exist between the Parties to the conflict and the neutral or non-belligerent Power concerned,

those Articles concerning the Protecting Power. Where such diplomatic relations exist, the Parties to a conflict on whom these persons depend shall be allowed to perform towards them the functions of a Protecting Power as provided in the present Convention, without prejudice to the functions which these Parties normally exercise in conformity with diplomatic and consular usage and treaties.

C. This Article shall in no way affect the status of medical personnel and chaplains as provided for in Article 33 of the present Convention.

ARTICLE 5.

The present Convention shall apply to the persons referred to in Article 4 from the time they fall into the power of the enemy and until their final release and repatriation.

Should any doubt arise as to whether persons, having committed a belligerent act and having fallen into the hands of the enemy, belong to any of the categories enumerated in Article 4, such persons shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal.

ARTICLE 6.

In addition to the agreements expressly provided for in Articles 10, 23, 28, 33, 60, 65, 66, 67, 72, 73, 75, 109, 110, 118, 119, 122 and 132, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of prisoners of war, as defined by the present Convention, nor restrict the rights which it confers upon them.

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

ARTICLE 7.

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

ARTICLE 8.

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the

nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

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

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties.

ARTICLE 9.

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of prisoners of war and for their relief.

ARTICLE 10.*

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

When prisoners of war do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

*In ratifying the present Convention, the Union of Soviet Socialist Republics and certain other governments made specific reservations with respect to this Article.

Whenever in the present Convention mention is made of a Protecting Power, such mention applies to substitute organizations in the sense of the present Article.

ARTICLE 11.

In cases where they deem it advisable in the interest of protected persons particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for prisoners of war, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict a person belonging to a neutral Power, or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

PART II. GENERAL PROTECTION OF PRISONERS OF WAR

ARTICLE 12.*

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

Prisoners of war may only be transferred by the Detaining Power to a Power which is a party to the Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the Convention. When prisoners of war are transferred under such circumstances, responsibility for the application of the Convention rests on the Power accepting them while they are in its custody.

Nevertheless, if that Power fails to carry out the provisions of the Convention in any important respect, the Power by whom the prisoners of war were transferred shall, upon being notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the prisoners of war. Such requests must be complied with.

ARTICLE 13.

Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is

*In ratifying the present Convention, the Union of Soviet Socialist Republics and certain other governments made specific reservations with respect to this Article.

prohibited, and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest.

Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity.

Measures of reprisal against prisoners of war are prohibited.

Article 14.

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

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

Prisoners of war shall retain the full civil capacity which they enjoyed at the time of their capture. The Detaining Power may not restrict the exercise, either within or without its own territory, of the rights such capacity confers except in so far as the captivity requires.

Article 15.

The Power detaining prisoners of war shall be bound to provide free of charge for their maintenance and for the medical attention required by their state of health.

Article 16.

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

PART III. CAPTIVITY

Section I. Beginning of Captivity.

Article 17.

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

If he wilfully infringes this rule, he may render himself liable to a restriction of the privileges accorded to his rank or status.

Each Party to a conflict is required to furnish the persons under its jurisdiction who are liable to become prisoners of war, with an iden-

tity card showing the owner's surname, first names, rank, army, regimental, personal or serial number or equivalent information, and date of birth. The identity card may, furthermore, bear the signature or the fingerprints, or both, of the owner, and may bear, as well, any other information the Party to the conflict may wish to add concerning persons belonging to its armed forces. As far as possible the card shall measure 6.5 x 10 cm. and shall be issued in duplicate. The identity card shall be shown by the prisoner of war upon demand, but may in no case be taken away from him.

No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind.

Prisoners of war who, owing to their physical or mental condition, are unable to state their identity, shall be handed over to the medical service. The identity of such prisoners shall be established by all possible means, subject to the provisions of the preceding paragraph.

The questioning of prisoners of war shall be carried out in a language which they understand.

ARTICLE 18.

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

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

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

Sums of money carried by prisoners of war may not be taken away from them except by order of an officer, and after the amount and particulars of the owner have been recorded in a special register and an itemized receipt has been given, legibly inscribed with the name, rank and unit of the person issuing the said receipt. Sums in the currency of the Detaining Power, or which are changed into such currency at the prisoner's request, shall be placed to the credit of the prisoner's account as provided in Article 64.

The Detaining Power may withdraw articles of value from prisoners of war only for reasons of security; when such articles are withdrawn, the procedure laid down for sums of money impounded shall apply.

Such objects, likewise sums taken away in any currency other than that of the Detaining Power and the conversion of which has not been asked for by the owners, shall be kept in the custody of the Detaining Power and shall be returned in their initial shape to prisoners of war at the end of their captivity.

Article 19.

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

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

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

Article 20.

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

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

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

Section II. Internment of Prisoners of War.

Chapter I. General Observations.

Article 21.

The Detaining Power may subject prisoners of war to internment. It may impose on them the obligation of not leaving, beyond certain limits, the camp where they are interned, or if the said camp is fenced in, of not going outside its perimeter. Subject to the provisions of the present Convention relative to penal and disciplinary sanctions, prisoners of war may not be held in close confinement except where necessary to safeguard their health and then only during the continuation of the circumstances which make such confinement necessary.

Prisoners of war may be partially or wholly released on parole or promise, insofar as is allowed by the laws of the Power on which they depend. Such measures shall be taken particularly in cases where this may contribute to the improvement of their state of health.

No prisoner of war shall be compelled to accept liberty on parole or promise.

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

ARTICLE 22.

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

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

The Detaining Power shall assemble prisoners of war in camps or camp compounds according to their nationality, language and customs, provided that such prisoners shall not be separated from prisoners of war belonging to the armed forces with which they were serving at the time of their capture, except with their consent.

ARTICLE 23.

No prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations.

Prisoners of war shall have shelters against air bombardment and other hazards of war, to the same extent as the local civilian population. With the exception of those engaged in the protection of their quarters against the aforesaid hazards, they may enter such shelters as soon as possible after the giving of the alarm. Any other protective measure taken in favour of the population shall also apply to them.

Detaining Powers shall give the Powers concerned, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of prisoner of war camps.

Whenever military considerations permit, prisoner of war camps shall be indicated in the day-time by the letters PW or PG, placed so as to be clearly visible from the air. The Powers concerned may, however, agree upon any other system of marking. Only prisoner of war camps shall be marked as such.

Article 24.

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

Chapter II. Quarters, Food and Clothing of Prisoners of War.

Article 25.

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

The foregoing provisions shall apply in particular to the dormitories of prisoners of war as regards both total surface and minimum cubic space, and the general installations, bedding and blankets.

The premises provided for the use of prisoners of war individually or collectively, shall be entirely protected from dampness and adequately heated and lighted, in particular between dusk and lights out. All precautions must be taken against the danger of fire.

In any camps in which women prisoners of war, as well as men, are accommodated, separate dormitories shall be provided for them.

Article 26.

The basic daily food rations shall be sufficient in quantity, quality and variety to keep prisoners of war in good health and to prevent loss of weight or the development of nutritional deficiencies. Account shall also be taken of the habitual diet of the prisoners.

The Detaining Power shall supply prisoners of war who work with such additional rations as are necessary for the labour on which they are employed.

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

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

Adequate premises shall be provided for messing.

Collective disciplinary measures affecting food are prohibited.

Article 27.

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

Power should, if suitable for the climate, be made available to clothe prisoners of war.

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

ARTICLE 28.

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

The profits made by camp canteens shall be used for the benefit of the prisoners; a special fund shall be created for this purpose. The prisoners' representative shall have the right to collaborate in the management of the canteen and of this fund.

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

CHAPTER III. Hygiene and Medical Attention.

ARTICLE 29.

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

Prisoners of war shall have for their use, day and night, conveniences which conform to the rules of hygiene and are maintained in a constant state of cleanliness. In any camps in which women prisoners of war are accommodated, separate conveniences shall be provided for them.

Also, apart from the baths and showers with which the camps shall be furnished, prisoners of war shall be provided with sufficient water and soap for their personal toilet and for washing their personal laundry; the necessary installations, facilities and time shall be granted them for that purpose.

ARTICLE 30.

Every camp shall have an adequate infirmary where prisoners of war may have the attention they require, as well as appropriate diet. Isolation wards shall, if necessary, be set aside for cases of contagious or mental disease.

Prisoners of war suffering from serious disease, or whose condition necessitates special treatment, a surgical operation or hospital care, must be admitted to any military or civilian medical unit where such

treatment can be given, even if their repatriation is contemplated in the near future. Special facilities shall be afforded for the care to be given to the disabled, in particular to the blind, and for their rehabilitation, pending repatriation.

Prisoners of war shall have the attention, preferably, of medical personnel of the Power on which they depend and, if possible, of their nationality.

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

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

Article 31.

Medical inspections of prisoners of war shall be held at least once a month. They shall include the checking and the recording of the weight of each prisoner of war. Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of prisoners and to detect contagious diseases, especially tuberculosis, malaria and venereal disease. For this purpose the most efficient methods available shall be employed, e. g., periodic mass miniature radiography for the early detection of tuberculosis.

Article 32.

Prisoners of war who, though not attached to the medical service of their armed forces, are physicians, surgeons, dentists, nurses or medical orderlies, may be required by the Detaining Power to exercise their medical functions in the interests of prisoners of war dependent on the same Power. In that case they shall continue to be prisoners of war, but shall receive the same treatment as corresponding medical personnel retained by the Detaining Power. They shall be exempted from any other work under Article 49.

Chapter IV. Medical Personnel and Chaplains Retained to Assist Prisoners of War.

Article 33.

Members of the medical personnel and chaplains while retained by the Detaining Power with a view to assisting prisoners of war, shall not be considered as prisoners of war. They shall, however, receive

as a minimum the benefits and protection of the present Convention, and shall also be granted all facilities necessary to provide for the medical care of, and religious ministration to prisoners of war.

They shall continue to exercise their medical and spiritual functions for the benefit of prisoners of war, preferably those belonging to the armed forces upon which they depend, within the scope of the military laws and regulations of the Detaining Power and under the control of its competent services, in accordance with their professional etiquette. They shall also benefit by the following facilities in the exercise of their medical or spiritual functions:

(*a*) They shall be authorized to visit periodically prisoners of war situated in working detachments or in hospitals outside the camp. For this purpose, the Detaining Power shall place at their disposal the necessary means of transport.

(*b*) The senior medical officer in each camp shall be responsible to the camp military authorities for everything connected with the activities of retained medical personnel. For this purpose, Parties to the conflict shall agree at the outbreak of hostilities on the subject of the corresponding ranks of the medical personnel, including that of societies mentioned in Article 26 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949. This senior medical officer, as well as chaplains, shall have the right to deal with the competent authorities of the camp on all questions relating to their duties. Such authorities shall afford them all necessary facilities for correspondence relating to these questions.

(*c*) Although they shall be subject to the internal discipline of the camp in which they are retained, such personnel may not be compelled to carry out any work other than that concerned with their medical or religious duties.

During hostilities, the Parties to the conflict shall agree concerning the possible relief of retained personnel and shall settle the procedure to be followed.

None of the preceding provisions shall relieve the Detaining Power of its obligations with regard to prisoners of war from the medical or spiritual point of view.

Chapter V. Religious, Intellectual and Physical Activities.

Article 34.

Prisoners of war shall enjoy complete latitude in the exercise of their religious duties, including attendance at the service of their faith, on condition that they comply with the disciplinary routine prescribed by the military authorities.

Adequate premises shall be provided where religious services may be held.

ARTICLE 35.

Chaplains who fall into the hands of the enemy Power and who remain or are retained with a view to assisting prisoners of war, shall be allowed to minister to them and to exercise freely their ministry amongst prisoners of war of the same religion, in accordance with their religious conscience. They shall be allocated among the various camps and labour detachments containing prisoners of war belonging to the same forces, speaking the same language or practising the same religion. They shall enjoy the necessary facilities, including the means of transport provided for in Article 33, for visiting the prisoners of war outside their camp. They shall be free to correspond, subject to censorship, on matters concerning their religious duties with the ecclesiastical authorities in the country of detention and with international religious organizations. Letters and cards which they may send for this purpose shall be in addition to the quota provided for in Article 71.

ARTICLE 36.

Prisoners of war who are ministers of religion, without having officiated as chaplains to their own forces, shall be at liberty, whatever their denomination, to minister freely to the members of their community. For this purpose, they shall receive the same treatment as the chaplains retained by the Detaining Power. They shall not be obliged to do any other work.

ARTICLE 37.

When prisoners of war have not the assistance of a retained chaplain or of a prisoner of war minister of their faith, a minister belonging to the prisoners' or a similar denomination, or in his absence a qualified layman, if such a course is feasible from a confessional point of view, shall be appointed, at the request of the prisoners concerned, to fill this office. This appointment, subject to the approval of the Detaining Power, shall take place with the agreement of the community of prisoners concerned and, wherever necessary, with the approval of the local religious authorities of the same faith. The person thus appointed shall comply with all regulations established by the Detaining Power in the interests of discipline and military security.

ARTICLE 38.

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

Prisoners shall have opportunities for taking physical exercise, including sports and games, and for being out of doors. Sufficient open spaces shall be provided for this purpose in all camps.

Chapter VI. Discipline.

Article 39.

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

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

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

Article 40.

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

Article 41.

In every camp the text of the present Convention and its Annexes and the contents of any special agreement provided for in Article 6, shall be posted, in the prisoners' own language, in places where all may read them. Copies shall be supplied, on request, to the prisoners who cannot have access to the copy which has been posted.

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

Article 42.

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

Chapter VII. Rank of Prisoners of War.

Article 43.

Upon the outbreak of hostilities, the Parties to the conflict shall communicate to one another the titles and ranks of all the persons mentioned in Article 4 of the present Convention, in order to ensure equality of treatment between prisoners of equivalent rank. Titles and ranks which are subsequently created shall form the subject of similar communications.

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

Article 44.

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

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

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

Article 45.

Prisoners of war other than officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

Supervision of the mess by the prisoners themselves shall be facilitated in every way.

Chapter VIII. Transfer of Prisoners of War After Their Arrival in Camp.

Article 46.

The Detaining Power, when deciding upon the transfer of prisoners of war, shall take into account the interests of the prisoners themselves, more especially so as not to increase the difficulty of their repatriation.

The transfer of prisoners of war shall always be effected humanely and in conditions not less favourable than those under which the forces of the Detaining Power are transferred. Account shall always be taken of the climatic conditions to which the prisoners of war are accustomed and the conditions of transfer shall in no case be prejudicial to their health.

The Detaining Power shall supply prisoners of war during transfer with sufficient food and drinking water to keep them in good health, likewise with the necessary clothing, shelter and medical attention.

The Detaining Power shall take adequate precautions expecially in case of transport by sea or by air, to ensure their safety during transfer, and shall draw up a complete list of all transferred prisoners before their departure.

Article 47.

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

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

Article 48.

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

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

Mail and parcels addressed to their former camp shall be forwarded to them without delay. The camp commander shall take, in agreement with the prisoners' representative, any measures needed to ensure the transport of the prisoners' community property and of the luggage they are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph of this Article.

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

Section III. Labour of Prisoners of War.

Article 49.

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

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

If officers or persons of equivalent status ask for suitable work, it shall be found for them, so far as possible, but they may in no circumstances be compelled to work.

Article 50.

Besides work connected with camp administration, installation or maintenance, prisoners of war may be compelled to do only such work as is included in the following classes:

(*a*) agriculture;

(*b*) industries connected with the production or the extraction of raw materials, and manufacturing industries, with the exception of metallurgical, machinery and chemical industries; public works and building operations which have no military character or purpose;

(*c*) transport and handling of stores which are not military in character or purpose;

(*d*) commercial business, and arts and crafts;

(*e*) domestic service;

(*f*) public utility services having no military character or purpose.

Should the above provisions be infringed, prisoners of war shall be allowed to exercise their right of complaint, in conformity with Article 78.

Article 51.

Prisoners of war must be granted suitable working conditions, especially as regards accommodation, food, clothing, and equipment; such conditions shall not be inferior to those enjoyed by nationals of the Detaining Power employed in similar work; account shall also be taken of climatic conditions.

The Detaining Power, in utilizing the labour of prisoners of war, shall ensure that in areas in which such prisoners are employed, the national legislation concerning the protection of labour, and, more particularly, the regulations for the safety of workers, are duly applied.

Prisoners of war shall receive training and be provided with the means of protection suitable to the work they will have to do and similar to those accorded to the nationals of the Detaining Power. Subject to the provisions of Article 52, prisoners may be submitted to the normal risks run by these civilian workers.

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

Article 52.

Unless he be a volunteer, no prisoner of war may be employed on labour which is of an unhealthy or dangerous nature.

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

The removal of mines or similar devices shall be considered as dangerous labour.

Article 53.

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

Prisoners of war must be allowed, in the middle of the day's work, a rest of not less than one hour. This rest will be the same as that to which workers of the Detaining Power are entitled, if the latter is of longer duration. They shall be allowed in addition a rest of twenty-four consecutive hours every week, preferably on Sunday or the day of rest in their country of origin. Furthermore, every prisoner who has worked for one year shall be granted a rest of eight consecutive days, during which his working pay shall be paid him.

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

Article 54.

The working pay due to prisoners of war shall be fixed in accordance with the provisions of Article 62 of the present Convention.

Prisoners of war who sustain accidents in connection with work, or who contract a disease in the course, or in consequence of their work, shall receive all the care their condition may require. The Detaining Power shall furthermore deliver to such prisoners of war a medical certificate enabling them to submit their claims to the Power on which they depend, and shall send a duplicate to the Central Prisoners of War Agency provided for in Article 123.

Article 55.

The fitness of prisoners of war for work shall be periodically verfied by medical examinations at least once a month. The examinations shall have particular regard to the nature of the work which prisoners of war are required to do.

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

Article 56.

The organization and administration of labour detachments shall be similar to those of prisoner of war camps.

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

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

Article 57.

The treatment of prisoners of war who work for private persons, even if the latter are responsible for guarding and protecting them, shall not be inferior to that which is provided for by the present Convention. The Detaining Power, the military authorities and the commander of the camp to which such prisoners belong shall be entirely responsible for the maintenance, care, treatment, and payment of the working pay of such prisoners of war.

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

Section IV. Financial Resources of Prisoners of War

Article 58.

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

If prisoners of war are permitted to purchase services or commodities outside the camp against payment in cash, such payments shall be made by the prisoner himself or by the camp administration who will charge them to the accounts of the prisoners concerned. The Detaining Power will establish the necessary rules in this respect.

Article 59.

Cash which was taken from prisoners of war, in accordance with Article 18, at the time of their capture, and which is in the currency of the Detaining Power, shall be placed to their separate accounts, in accordance with the provisions of Article 64 of the present Section.

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

Article 60.

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

Category I: Prisoners ranking below sergeants: eight Swiss francs.

Category II: Sergeants and other non-commissioned officers, or prisoners of equivalent rank: twelve Swiss francs.

Category III: Warrant officers and commissioned officers below the rank of major or prisoners of equivalent rank: fifty Swiss francs.

Category IV: Majors, lieutenant-colonels, colonels or prisoners of equivalent rank: sixty Swiss francs.

Category V: General officers or prisoners of war of equivalent rank: seventy-five Swiss francs.

However, the Parties to the conflict concerned may by special agreement modify the amount of advances of pay due to prisoners of the preceding categories.

Furthermore, if the amounts indicated in the first paragraph above would be unduly high compared with the pay of the Detaining Power's armed forces or would, for any reason, seriously embarrass the Detaining Power, then, pending the conclusion of a special agreement with the Power on which the prisoners depend to vary the amounts indicated above, the Detaining Power:

(*a*) shall continue to credit the accounts of the prisoners with the amounts indicated in the first paragraph above;

(*b*) may temporarily limit the amount made available from these advances of pay to prisoners of war for their own use, to sums which are reasonable, but which, for Category I, shall never be inferior to the amount that the Detaining Power gives to the members of its own armed forces.

The reasons for any limitations will be given without delay to the Protecting Power.

Article 61.

The Detaining Power shall accept for distribution as supplementary pay to prisoners of war sums which the Power on which the prisoners depend may forward to them, on condition that the sums to be paid shall be the same for each prisoner of the same category, shall be payable to all prisoners of that category depending on that Power, and shall be placed in their separate accounts, at the earliest opportunity, in accordance with the provisions of Article 64. Such supplementary pay shall not relieve the Detaining Power of any obligation under this Convention.

Article 62.

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

Working pay shall likewise be paid by the detaining authorities to prisoners of war permanently detailed to duties or to a skilled or semi-skilled occupation in connection with the administration, installation or maintenance of camps, and to the prisoners who are required to carry out spiritual or medical duties on behalf of their comrades.

The working pay of the prisoners' representative, of his advisers, if any, and of his assistants, shall be paid out of the fund maintained by canteen profits. The scale of this working pay shall be fixed by the prisoners' representative and approved by the camp commander. If there is no such fund, the detaining authorities shall pay these prisoners a fair working rate of pay.

Article 63.

Prisoners of war shall be permitted to receive remittances of money addressed to them individually or collectively.

Every prisoner of war shall have at his disposal the credit balance of his account as provided for in the following Article, within the limits fixed by the Detaining Power, which shall make such payments as are requested. Subject to financial or monetary restrictions which the Detaining Power regards as essential, prisoners of war may also have payments made abroad. In this case payments addressed by prisoners of war to dependents shall be given priority.

In any event, and subject to the consent of the Power on which they depend, prisoners may have payments made in their own country, as follows: the Detaining Power shall send to the aforesaid Power through the Protecting Power, a notification giving all the necessary particulars concerning the prisoners of war, the beneficiaries of the payments, and the amount of the sums to be paid, expressed in the Detaining Power's currency. The said notification shall be signed by the prisoners and countersigned by the camp commander. The Detaining Power shall debit the prisoners' account by a corresponding amount; the sums thus debited shall be placed by it to the credit of the Power on which the prisoners depend.

To apply the foregoing provisions, the Detaining Power may usefully consult the Model Regulations in Annex V of the present Convention.

Article 64.

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

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

(2) The payments made to the prisoner in cash, or in any other similar form; the payments made on his behalf and at his request; the sums transferred under Article 63, third paragraph.

Article 65.

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

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

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

The Parties to the conflict concerned may agree to notify to each other at specific intervals through the Protecting Power, the amount of the accounts of the prisoners of war.

Article 66.

On the termination of captivity, through the release of a prisoner of war or his repatriation, the Detaining Power shall give him a statement, signed by an authorized officer of that Power, showing the credit balance then due to him. The Detaining Power shall also send through the Protecting Power to the government upon which the prisoner of war depends, lists giving all appropriate particulars of all prisoners of war whose captivity has been terminated by repatriation, release, escape, death or any other means, and showing the amount of their credit balances. Such lists shall be certified on each sheet by an authorized representative of the Detaining Power.

Any of the above provisions of this Article may be varied by mutual agreement between any two Parties to the conflict.

The Power on which the prisoner of war depends shall be responsible

for settling with him any credit balance due to him from the Detaining Power on the termination of his captivity.

Article 67.

Advances of pay, issued to prisoners of war in conformity with Article 60, shall be considered as made on behalf of the Power on which they depend. Such advances of pay, as well as all payments made by the said Power under Article 63, third paragraph, and Article 68, shall form the subject of arrangements between the Powers concerned, at the close of hostilities.

Article 68.

Any claim by a prisoner of war for compensation in respect of any injury or other disability arising out of work shall be referred to the Power on which he depends, through the Protecting Power. In accordance with Article 54, the Detaining Power will, in all cases, provide the prisoner of war concerned with a statement showing the nature of the injury or disability, the circumstances in which it arose and particulars of medical or hospital treatment given for it. This statement will be signed by a responsible officer of the Detaining Power and the medical particulars certified by a medical officer.

Any claim by a prisoner of war for compensation in respect of personal effects monies or valuables impounded by the Detaining Power under Article 18 and not forthcoming on his repatraition, or in respect of loss alleged to be due to the fault of the Detaining Power or any of its servants, shall likewise be referred to the Power on which he depends. Nevertheless, any such personal effects required for use by the prisoners of war whilst in captivity shall be replaced at the expense of the Detaining Power. The Detaining Power will, in all cases, provide the prisoner of war with a statement, signed by a responsible officer, showing all available information regarding the reasons why such effects, monies or valuables have not been restored to him. A copy of this statement will be forwarded to the Power on which he depends through the Central Prisoners of War Agency provided for in Article 123.

Section V. Relations of Prisoners of War with the Exterior.

Article 69.

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

Article 70.

Immediately upon capture, or not more than one week after arrival at a camp, even if it is a transit camp, likewise in case of sickness or transfer to hospital or to another camp, every prisoner of war shall be enabled to write direct to his family, on the one hand, and to the Central Prisoners of War Agency provided for in Article 123, on the other hand, a card similar, if possible, to the model annexed to the present Convention, informing his relatives of his capture, address and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any manner.

Article 71.

Prisoners of war shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each prisoner of war, the said number shall not be less than two letters and four cards monthly, exclusive of the capture cards provided for in Article 70, and conforming as closely as possible to the models annexed to the present Convention. Further limitations may be imposed only if the Protecting Power is satisfied that it would be in the interests of the prisoners of war concerned to do so owing to difficulties of translation caused by the Detaining Power's inability to find sufficient qualified linguists to carry out the necessary censorship. If limitations must be placed on the correspondence addressed to prisoners of war, they may be ordered only by the Power on which the prisoners depend, possibly at the request of the Detaining Power. Such letters and cards must be conveyed by the most rapid method at the disposal of the Detaining Power; they may not be delayed or retained for disciplinary reasons.

Prisoners of war who have been without news for a long period, or who are unable to receive news from their next of kin or to give them news by the ordinary postal route, as well as those who are at a great distance from their homes, shall be permitted to send telegrams, the fees being charged against the prisoners' of war accounts with the Detaining Power or paid in the currency at their disposal. They shall likewise benefit by this measure in cases of urgency.

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

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

Article 72.

Prisoners of war shall be allowed to receive by post or by any other means individual parcels or collective shipments containing, in

particular, foodstuffs, clothing, medical supplies and articles of a religious, educational or recreational character which may meet their needs, including books, devotional articles, scientific equipment, examination papers, musical instruments, sports outfits and materials allowing prisoners of war to pursue their studies or their cultural activities.

Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present Convention.

The only limits which may be placed on these shipments shall be those proposed by the Protecting Power in the interest of the prisoners themselves, or by the International Committee of the Red Cross or any other organization giving assistance to the prisoners, in respect of their own shipments only, on account of exceptional strain on transport or communications.

The conditions for the sending of individual parcels and collective relief shall, if necessary, be the subject of special agreements between the Powers concerned, which may in no case delay the receipt by the prisoners of relief supplies. Books may not be included in parcels of clothing and foodstuffs. Medical supplies shall, as a rule, be sent in collective parcels.

Article 73.

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

The special agreements referred to above shall in no case restrict the right of prisoners' representatives to take possession of collective relief shipments intended for prisoners of war, to proceed to their distribution or to dispose of them in the interest of the prisoners.

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

Article 74.

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

Correspondence, relief shipments and authorized remittances of money addressed to prisoners of war or despatched by them through the post office, either direct or through the Information Bureaux provided for in Article 122 and the Central Prisoners of War Agency provided for in Article 123, shall be exempt from any postal dues, both in the countries of origin and destination, and in intermediate countries.

If relief shipments intended for prisoners of war cannot be sent through the post office by reason of weight or for any other cause, the cost of transportation shall be borne by the Detaining Power in all the territories under its control. The other Powers party to the Convention shall bear the cost of transport in their respective territories.

In the absence of special agreements between the Parties concerned, the costs connected with transport of such shipments, other than costs covered by the above exemption, shall be charged to the senders.

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

Article 75.

Should military operations prevent the Powers concerned from fulfilling their obligation to assure the transport of the shipments referred to in Articles 70, 71, 72 and 77, the Protecting Powers concerned, the International Committee of the Red Cross or any other organization duly approved by the Parties to the conflict may undertake to ensure the conveyance of such shipments by suitable means (railway wagons, motor vehicles, vessels or aircraft, etc.). For this purpose, the High Contracting Parties shall endeavour to supply them with such transport and to allow its circulation, especially by granting the necessary safe-conducts.

Such transport may also be used to convey:

(*a*) correspondence, lists and reports exchanged between the Central Information Agency referred to in Article 123 and the National Bureaux referred to in Article 122;

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

These provisions in no way detract from the right of any Party to the conflict to arrange other means of transport, if it should so prefer, nor preclude the granting of safe-conducts, under mutually agreed conditions, to such means of transport.

In the absence of special agreements, the costs occasioned by the use of such means of transport shall be borne proportionally by the Parties to the conflict whose nationals are benefited thereby.

Article 76.

The censoring of correspondence addressed to prisoners of war or despatched by them shall be done as quickly as possible. Mail

shall be censored only by the despatching State and the receiving State, and once only by each.

The examination of consignments intended for prisoners of war shall not be carried out under conditions that will expose the goods contained in them to deterioration; except in the case of written or printed matter, it shall be done in the presence of the addressee, or of a fellow-prisoner duly delegated by him. The delivery to prisoners of individual or collective consignments shall not be delayed under the pretext of difficulties of censorship.

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

Article 77.

The Detaining Powers shall provide all facilities for the transmission, through the Protecting Power or the Central Prisoners of War Agency provided for in Article 123, of instruments, papers or documents intended for prisoners of war or despatched by them, especially powers of attorney and wills.

In all cases they shall facilitate the preparation and execution of such documents on behalf of prisoners of war; in particular, they shall allow them to consult a lawyer and shall take what measures are necessary for the authentication of their signatures.

Section VI. Relations Between Prisoners of War and the Authorities.

Chapter I. Complaints of Prisoners of War Respecting the Conditions of Captivity.

Article 78.

Prisoners of war shall have the right to make known to the military authorities in whose power they are, their requests regarding the conditions of captivity to which they are subjected.

They shall also have the unrestricted right to apply to the representatives of the Protecting Powers either through their prisoners' representative or, if they consider it necessary, direct, in order to draw their attention to any points on which they may have complaints to make regarding their conditions of captivity.

These requests and complaints shall not be limited nor considered to be a part of the correspondence quota referred to in Article 71. They must be transmitted immediately. Even if they are recognized to be unfounded, they may not give rise to any punishment.

Prisoners' representatives may send periodic reports on the situation in the camps and the needs of the prisoners of war to the representatives of the Protecting Powers.

Chapter II. Prisoner of War Representatives.

Article 79.

In all places where there are prisoners of war, except in those where there are officers, the prisoners shall freely elect by secret ballot, every six months, and also in case of vacancies, prisoners' representatives entrusted with representing them before the military authorities, the Protecting Powers, the International Committee of the Red Cross and any other organization which may assist them. These prisoners' representatives shall be eligible for re-election.

In camps for officers and persons of equivalent status or in mixed camps, the senior officer among the prisoners of war shall be recognized as the camp prisoners' representative. In camps for officers, he shall be assisted by one or more advisers chosen by the officers; in mixed camps, his assistants shall be chosen from among the prisoners of war who are not officers and shall be elected by them.

Officer prisoners of war of the same nationality shall be stationed in labour camps for prisoners of war, for the purpose of carrying out the camp administration duties for which the prisoners of war are responsible. These officers may be elected as prisoners' representatives under the first paragraph of this Article. In such a case the assistants to the prisoners' representatives shall be chosen from among those prisoners of war who are not officers.

Every representative elected must be approved by the Detaining Power before he has the right to commence his duties. Where the Detaining Power refuses to approve a prisoner of war elected by his fellow prisoners of war, it must inform the Protecting Power of the reason for such refusal.

In all cases the prisoners' representative must have the same nationality, language and customs as the prisoners of war whom he represents. Thus, prisoners of war distributed in different sections of a camp, according to their nationality, language or customs, shall have for each section their own prisoners' representative, in accordance with the foregoing paragraphs.

Article 80.

Prisoners' representatives shall further the physical, spiritual and intellectual well-being of prisoners of war.

In particular, where the prisoners decide to organize amongst themselves a system of mutual assistance, this organization will be within the province of the prisoners' representative, in addition to the special duties entrusted to him by other provisions of the present Convention.

Prisoners' representatives shall not be held responsible, simply by reason of their duties, for any offences committed by prisoners of war.

Article 81.

Prisoners' representatives shall not be required to perform any other work, if the accomplishment of their duties is thereby made more difficult.

Prisoners' representatives may appoint from amongst the prisoners such assistants as they may require. All material facilities shall be be granted them, particularly a certain freedom of movement necessary for the accomplishment of their duties (inspection of labour detachments, receipt of supplies, etc.).

Prisoners' representatives shall be permitted to visit premises where prisoners of war are detained, and every prisoner of war shall have the right to consult freely his prisoners' representative.

All facilities shall likewise be accorded to the prisoners' representatives for communication by post and telegraph with the detaining authorities, the Protecting Powers, the International Committee of the Red Cross and their delegates, the Mixed Medical Commissions and the bodies which give assistance to prisoners of war. Prisoners' representatives of labour detachments shall enjoy the same facilities for communication with the prisoners' representatives of the principal camp. Such communications shall not be restricted, nor considered as forming a part of the quota mentioned in Article 71.

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

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

Chapter III. Penal and Disciplinary Sanctions.

I. General Provisions

Article 82.

A prisoner of war shall be subject to the laws, regulations and orders in force in the armed forces of the Detaining Power; the Detaining Power shall be justified in taking judicial or disciplinary measures in respect of any offence committed by a prisoner of war against such laws, regulations or orders. However, no proceedings or punishments contrary to the provisions of this Chapter shall be allowed.

If any law, regulation or order of the Detaining Power shall declare acts committed by a prisoner of war to be punishable, whereas the same acts would not be punishable if committed by a member of the forces of the Detaining Power, such acts shall entail disciplinary punishments only.

Article 83.

In deciding whether proceedings in respect of an offence alleged to have been committed by a prisoner of war shall be judicial or

disciplinary, the Detaining Power shall ensure that the competent authorities exercise the greatest leniency and adopt, wherever possible, disciplinary rather than judicial measures.

ARTICLE 84.

A prisoner of war shall be tried only by a military court, unless the existing laws of the Detaining Power expressly permit the civil courts to try a member of the armed forces of the Detaining Power in respect of the particular offence alleged to have been committed by the prisoner of war.

In no circumstances whatever shall a prisoner of war be tried by a court of any kind which does not offer the essential guarantees of independence and impartiality as generally recognized, and, in particular, the procedure of which does not afford the accused the rights and means of defence provided for in Article 105.

ARTICLE 85.*

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

ARTICLE 86.

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

ARTICLE 87.

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

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

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

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

*In ratifying the present Convention, the Union of Soviet Socialist Republics and certain other governments made specific reservations with respect to this Article.

Article 88.

Officers, non-commissioned officers and men who are prisoners of war undergoing a disciplinary or judicial punishment, shall not be subjected to more severe treatment than that applied in respect of the same punishment to members of the armed forces of the Detaining Power of equivalent rank.

A woman prisoner of war shall not be awarded or sentenced to a punishment more severe, or treated whilst undergoing punishment more severely, than a woman member of the armed forces of the Detaining Power dealt with for a similar offence.

In no case may a woman prisoner of war be awarded or sentenced to a punishment more severe, or treated whilst undergoing punishment more severely, than a male member of the armed forces of the Detaining Power dealt with for a similar offence.

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

II. Disciplinary Sanctions

Article 89.

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

(1) A fine which shall not exceed 50 per cent of the advances of pay and working pay which the prisoner of war would otherwise receive under the provisions of Articles 60 and 62 during a period of not more than thirty days.

(2) Discontinuance of privileges granted over and above the treatment provided for by the present Convention.

(3) Fatigue duties not exceeding two hours daily.

(4) Confinement.

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

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

Article 90.

The duration of any single punishment shall in no case exceed thirty days. Any period of confinement awaiting the hearing of a disciplinary offence or the award of disciplinary punishment shall be deducted from an award pronounced against a prisoner of war.

The maximum of thirty days provided above may not be exceeded, even if the prisoner of war is answerable for several acts at the same time when he is awarded punishment, whether such acts are related or not.

The period between the pronouncing of an award of disciplinary punishment and its execution shall not exceed one month.

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

ARTICLE 91.

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

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

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

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

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

ARTICLE 92.

A prisoner of war who attempts to escape and is recaptured before having made good his escape in the sense of Article 91 shall be liable only to a disciplinary punishment in respect of this act, even if it is a repeated offence.

A prisoner of war who is recaptured shall be handed over without delay to the competent military authority.

Article 88, fourth paragraph, notwithstanding, prisoners of war punished as a result of an unsuccessful escape may be subjected to special surveillance. Such surveillance must not affect the state of their health, must be undergone in a prisoner of war camp, and must not entail the suppression of any of the safeguards granted them by the present Convention.

ARTICLE 93.

Escape or attempt to escape, even if it is a repeated offence, shall not be deemed an aggravating circumstance if the prisoner of war is subjected to trial by judicial proceedings in respect of an offence committed during his escape or attempt to escape.

In conformity with the principle stated in Article 83, offences committed by prisoners of war with the sole intention of facilitating their escape and which do not entail any violence against life or limb, such as offences against public property, theft without intention of self-enrichment, the drawing up or use of false papers, or the wearing of civilian clothing, shall occasion disciplinary punishment only.

Prisoners of war who aid or abet an escape or an attempt to escape shall be liable on this count to disciplinary punishment only.

Article 94.

If an escaped prisoner of war is recaptured, the Power on which he depends shall be notified thereof in the manner defined in Article 122, provided notification of his escape has been made.

Article 95.

A prisoner of war accused of an offence against discipline shall not be kept in confinement pending the hearing unless a member of the armed forces of the Detaining Power would be so kept if he were accused of a similar offence, or if it is essential in the interests of camp order and discipline.

Any period spent by a prisoner of war in confinement awaiting the disposal of an offence against discipline shall be reduced to an absolute minimum and shall not exceed fourteen days.

The provisions of Articles 97 and 98 of this Chapter shall apply to prisoners of war who are in confinement awaiting the disposal of offences against discipline.

Article 96.

Acts which constitute offences against discipline shall be investigated immediately.

Without prejudice to the competence of courts and superior military authorities, disciplinary punishment may be ordered only by an officer having disciplinary powers in his capacity as camp commander, or by a responsible officer who replaces him or to whom he has delegated his disciplinary powers.

In no case may such powers be delegated to a prisoner of war or be exercised by a prisoner of war.

Before any disciplinary award is pronounced, the accused shall be given precise information regarding the offences of which he is accused, and given an opportunity of explaining his conduct and of defending himself. He shall be permitted, in particular, to call witnesses and to have recourse, if necessary, to the services of a qualified interpreter. The decision shall be announced to the accused prisoner of war and to the prisoners' representative.

A record of disciplinary punishments shall be maintained by the camp commander and shall be open to inspection by representatives of the Protecting Power.

Article 97.

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

All premises in which disciplinary punishments are undergone shall conform to the sanitary requirements set forth in Article 25. A

prisoner of war undergoing punishment shall be enabled to keep himself in a state of cleanliness, in conformity with Article 29.

Officers and persons of equivalent status shall not be lodged in the same quarters as non-commissioned officers or men.

Women prisoners of war undergoing disciplinary punishment shall be confined in separate quarters from male prisoners of war and shall be under the immediate supervison of women.

Article 98.

A prisoner of war undergoing confinement as a disciplinary punishment, shall continue to enjoy the benefits of the provisions of this Convention except in so far as these are necessarily rendered inapplicable by the mere fact that he is confined. In no case may he be deprived of the benefits of the provisions of Articles 78 and 126.

A prisoner of war awarded disciplinary punishment may not be deprived of the prerogatives attached to his rank.

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

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

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money however, may be withheld from them until the completion of the punishment; they shall meanwhile be entrusted to the prisoners' representative, who will hand over to the infirmary the perishable goods contained in such parcels.

III. Judicial Proceedings

Article 99.

No prisoner of war may be tried or sentenced for an act which is not forbidden by the law of the Detaining Power or by international law, in force at the time the said act was committed.

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

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

Article 100.

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

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

The death sentence cannot be pronounced on a prisoner of war unless the attention of the court has, in accordance with Article 87, second paragraph, been particularly called to the fact that since the accused is not a national of the Detaining Power, he is not bound to it by any duty of allegiance, and that he is in its power as the result of circumstances independent of his own will.

ARTICLE 101.

If the death penalty is pronounced on a prisoner of war, the sentence shall not be executed before the expiration of a period of at least six months from the date when the Protecting Power receives, at an indicated address, the detailed communication provided for in Article 107.

ARTICLE 102.

A prisoner of war can be validly sentenced only if the sentence has been pronounced by the same courts according to the same procedure as in the case of members of the armed forces of the Detaining Power, and if, furthermore, the provisions of the present Chapter have been observed.

ARTICLE 103.

Judicial investigations relating to a prisoner of war shall be conducted as rapidly as circumstances permit and so that his trial shall take place as soon as possible. A prisoner of war shall not be confined while awaiting trial unless a member of the armed forces of the Detaining Power would be so confined if he were accused of a similar offence, or if it is essential to do so in the interests of national security. In no circumstances shall this confinement exceed three months.

Any period spent by a prisoner of war in confinement awaiting trial shall be deducted from any sentence of imprisonment passed upon him and taken into accout in fixing any penalty.

The provisions of Articles 97 and 98 of this Chapter shall apply to a prisoner of war whilst in confinement awaiting trial.

ARTICLE 104.

In any case in which the Detaining Power has decided to institute judicial proceedings against a prisoner of war, it shall notify the Protecting Power as soon as possible and at least three weeks before the opening of the trial. This period of three weeks shall run as from the day on which such notification reaches the Protecting Power at the address previously indicated by the latter to the Detaining Power.

The said notification shall contain the following information:

(1) Surname and first names of the prisoner of war, his rank, his army, regimental, personal or serial number, his date of birth, and his profession or trade, if any;
(2) Place of internment or confinement;
(3) Specification of the charge or charges on which the prisoner of war is to be arraigned, giving the legal provisions applicable;
(4) Designation of the court which will try the case, likewise the date and place fixed for the opening of the trial.

The same communication shall be made by the Detaining Powe to the prisoners' representative.

If no evidence is submitted, at the opening of a trial, that the notification referred to above was received by the Protecting Power, by the prisoner of war and by the prisoners' representative concerned, at least three weeks before the opening of the trial, then the latter cannot take place and must be adjourned.

ARTICLE 105.

The prisoner of war shall be entitled to assistance by one of his prisoner comrades, to defence by a qualified advocate or counsel of his own choice, to the calling of witnesses and, if he deems necessary, to the services of a competent interpreter. He shall be advised of these rights by the Detaining Power in due time before the trial.

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

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

Particulars of the charge or charges on which the prisoner of war is to be arraigned, as well as the documents which are generally communicated to the accused by virtue of the laws in force in the armed forces of the Detaining Power, shall be communicated to the accused prisoner of war in a language which he understands, and in good time before the opening of the trial. The same communication in the same circumstances shall be made to the advocate or counsel conducting the defence on behalf of the prisoner of war.

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

ARTICLE 106.

Every prisoner of war shall have, in the same manner as the members of the armed forces of the Detaining Power, the right of appeal or petition from any sentence pronounced upon him, with a view to the quashing or revising of the sentence or the reopening of the trial. He shall be fully informed of his right to appeal or petition and of the time limit within which he may do so.

ARTICLE 107.

Any judgment and sentence pronounced upon a prisoner of war shall be immediately reported to the Protecting Power in the form of a summary communication, which shall also indicate whether he has the right of appeal with a view to the quashing of the sentence or the reopening of the trial. This communication shall likewise be sent to the prisoners' representative concerned. It shall also be sent to the accused prisoner of war in a language he understands, if the sentence was not pronounced in his presence. The Detaining Power shall also immediately communicate to the Protecting Power the decision of the prisoner of war to use or to waive his right of appeal.

Furthermore, if a prisoner of war is finally convicted or if a sentence pronounced on a prisoner of war in the first instance is a death sentence, the Detaining Power shall as soon as possible address to the Protecting Power a detailed communication containing:

(1) the precise wording of the finding and sentence;
(2) a summarized report of any preliminary investigation and of the trial, emphasizing in particular the elements of the prosecution and the defence;
(3) notification, where applicable, of the establishment where the sentence will be served.

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

ARTICLE 108.

Sentences pronounced on prisoners of war after a conviction has become duly enforceable, shall be served in the same establishments and under the same conditions as in the case of members of the armed forces of the Detaining Power. These conditions shall in all cases conform to the requirements of health and humanity.

A woman prisoner of war on whom such a sentence has been pronounced shall be confined in separate quarters and shall be under the supervision of women.

In any case, prisoners of war sentenced to a penalty depriving them of their liberty shall retain the benefit of the provisions of Articles 78 and 126 of the present Convention. Furthermore, they shall be entitled to receive and despatch correspondence, to receive at least one relief parcel monthly, to take regular exercise in the open air, to have the medical care required by their state of health, and the spiritual assistance they may desire. Penalties to which they may be subjected shall be in accordance with the provisions of Article 87, third paragraph.

PART IV. TERMINATION OF CAPTIVITY

SECTION 1. DIRECT REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES.

ARTICLE 109.

Subject to the provisions of the third paragraph of this Article, Parties to the conflict are bound to send back to their own country, regardless of number or rank, seriously wounded and seriously sick prisoners of war, after having cared for them until they are fit to travel, in accordance with the first paragraph of the following Article.

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

No sick or injured prisoner of war who is eligible for repatriation under the first paragraph of this Article may be repatriated against his will during hostilities.

ARTICLE 110.

The following shall be repatriated direct:

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

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

(3) Wounded and sick who have recovered, but whose mental

or physical fitness seems to have been gravely and permanently diminished.

The following may be accommodated in a neutral country:

(1) Wounded and sick whose recovery may be expected within one year of the date of the wound or the beginning of the illness, if treatment in a neutral country might increase the prospects of a more certain and speedy recovery.

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

The conditions which prisoners of war accommodated in a neutral country must fulfil in order to permit their repatriation shall be fixed, as shall likewise their status, by agreement between the Powers concerned. In general, prisoners of war who have been accommodated in a neutral country, and who belong to the following categories, should be repatriated:

(1) Those whose state of health has deteriorated so as to fulfil the conditions laid down for direct repatriation;

(2) Those whose mental or physical powers remain, even after treatment, considerably impaired.

If no special agreements are concluded between the Parties to the conflict concerned, to determine the cases of disablement or sickness entailing direct repatriation or accommodation in a neutral country, such cases shall be settled in accordance with the principles laid down in the Model Agreement concerning direct repatriation and accommodation in neutral countries of wounded and sick prisoners of war and in the Regulations concerning Mixed Medical Commissions annexed to the present Convention.

Article 111.

The Detaining Power, the Power on which the prisoners of war depend, and a neutral Power agreed upon by these two Powers, shall endeavour to conclude agreements which will enable prisoners of war to be interned in the territory of the said neutral Power until the close of hostilities.

Article 112.

Upon the outbreak of hostilities, Mixed Medical Commissions shall be appointed to examine sick and wounded prisoners of war, and to make all appropriate decisions regarding them. The appointment, duties and functioning of these Commissions shall be in conformity with the provisions of the Regulations annexed to the present Convention.

However, prisoners of war who, in the opinion of the medical authorities of the Detaining Power, are manifestly seriously injured

or seriously sick, may be repatriated without having to be examined by a Mixed Medical Commission.

Article 113.

Besides those who are designated by the medical authorities of the Detaining Power, wounded or sick prisoners of war belonging to the categories listed below shall be entitled to present themselves for examination by the Mixed Medical Commissions provided for in the foregoing Article:

(1) Wounded and sick proposed by a physican or surgeon who is of the same nationality, or a national of a Party to the conflict allied with the Power on which the said prisoners depend, and who exercises his functions in the camp.

(2) Wounded and sick proposed by their prisoners' representative.

(3) Wounded and sick proposed by the Power on which they depend, or by an organization duly recognized by the said Power and giving assistance to the prisoners.

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

The physician or surgeon of the same nationality as the prisoners who present themselves for examination by the Mixed Medical Commission, likewise the prisoners' representative of the said prisoners, shall have permission to be present at the examination.

Article 114.

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

Article 115.

No prisoner of war on whom a disciplinary punishment has been imposed and who is eligible for repatriation or for accommodation in a neutral country, may be kept back on the plea that he has not undergone his punishment.

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

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

Article 116.

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

Article 117.

No repatriated person may be employed on active military service.

Section II. Release and Repatriation of Prisoners of War at the Close of Hostilities.

Article 118.

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

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

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

The costs of repatriation of prisoners of war shall in all cases be equitably apportioned between the Detaining Power and the Power on which the prisoners depend. This apportionment shall be carried out on the following basis:

(*a*) If the two Powers are contiguous, the Power on which the prisoners of war depend shall bear the costs of repatriation from the frontiers of the Detaining Power.

(*b*) If the two Powers are not contiguous, the Detaining Power shall bear the costs of transport of prisoners of war over its own territory as far as its frontier or its port of embarkation nearest to the territory of the Power on which the prisoners of war depend. The Parties concerned shall agree between themselves as to the equitable apportionment of the remaining costs of the repatriation. The conclusion of this agreement shall in no circumstances justify any delay in the repatriation of the prisoners of war.

Article 119.

Repatriation shall be effected in conditions similar to those laid down in Articles 46 to 48 inclusive of the present Convention for the transfer of prisoners of war, having regard to the provisions of Article 118 and to those of the following paragraphs.

On repatriation, any articles of value impounded from prisoners of war under Article 18, and any foreign currency which has not been

converted into the currency of the Detaining Power, shall be restored to them. Articles of value and foreign currency which, for any reason whatever, are not restored to prisoners of war on repatriation, shall be despatched to the Information Bureau set up under Article 122.

Prisoners of war shall be allowed to take with them their personal effects, and any correspondence and parcels which have arrived for them. The weight of such baggage may be limited, if the conditions of repatriation so require, to what each prisoner can reasonably carry. Each prisoner shall in all cases be authorized to carry at least twenty-five kilograms.

The other personal effects of the repatriated prisoner shall be left in the charge of the Detaining Power which shall have them forwarded to him as soon as it has concluded an agreement to this effect, regulating the conditions of transport and the payment of the costs involved, with the Power on which the prisoner depends.

Prisoners of war against whom criminal proceedings for an indictable offence are pending may be detained until the end of such proceedings, and, if necessary, until the completion of the punishment. The same shall apply to prisoners of war already convicted for an indictable offence.

Parties to the conflict shall communicate to each other the names of any prisoners of war who are detained until the end of the proceedings or until punishment has been completed.

By agreement between the Parties to the conflict, commissions shall be established for the purpose of searching for dispersed prisoners of war and of assuring their repatriation with the least possible delay.

Section III. Death of Prisoners of War.

Article 120.

Wills of prisoners of war shall be drawn up so as to satisfy the conditions of validity required by the legislation of their country of origin, which will take steps to inform the Detaining Power of its requirements in this respect. At the request of the prisoner of war and, in all cases, after death, the will shall be transmitted without delay to the Protecting Power; a certified copy shall be sent to the Central Agency.

Death certificates, in the form annexed to the present Convention, or lists certified by a responsible officer, of all persons who die as prisoners of war shall be forwarded as rapidly as possible to the Prisoner of War Information Bureau established in accordance with Article 122. The death certificates or certified lists shall show particulars of identity as set out in the third paragraph of Article 17, and also the date and place of death, the cause of death, the date and place of burial and all particulars necessary to identify the graves.

The burial or cremation of a prisoner of war shall be preceded by a medical examination of the body with a view to confirming death

The fact that sick or wounded members of the armed forces are nursed in these hospitals, or the presence of small arms and ammunition taken from such combatants and not yet handed to the proper service, shall not be considered to be acts harmful to the enemy.

ARTICLE 20.

Persons regularly and solely engaged in the operation and administration of civilian hospitals, including the personnel engaged in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases, shall be respected and protected.

In occupied territory and in zones of military operations, the above personnel shall be recognizable by means of an identity card certifying their status, bearing the photograph of the holder and embossed with the stamp of the responsible authority, and also by means of a stamped, water-resistant armlet which they shall wear on the left arm while carrying out their duties. This armlet shall be issued by the State and shall bear the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Other personnel who are engaged in the operation and administration of civilian hospitals shall be entitled to respect and protection and to wear the armlet, as provided in and under the conditions prescribed in this Article, while they are employed on such duties. The identity card shall state the duties on which they are employed.

The management of each hospital shall at all times hold at the disposal of the competent national or occupying authorities an up-to-date list of such personnel.

ARTICLE 21.

Convoys of vehicles or hospital trains on land or specially provided vessels on sea, conveying wounded and sick civilians, the infirm and maternity cases, shall be respected and protected in the same manner as the hospitals provided for in Article 18, and shall be marked, with the consent of the State, by the display of the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

ARTICLE 22.

Aircraft exclusively employed for the removal of wounded and sick civilians, the infirm and maternity cases, or for the transport of medical personnel and equipment, shall not be attacked, but shall be respected while flying at heights, times and on routes specifically agreed upon between all the Parties to the conflict concerned.

Article 16.

The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect.

As far as military considerations allow, each Party to the conflict shall facilitate the steps taken to search for the killed and wounded, to assist the shipwrecked and other persons exposed to grave danger, and to protect them against pillage and ill-treatment.

Article 17.

The Parties to the conflict shall endeavour to conclude local agreements for the removal from besieged or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases, and for the passage of ministers of all religions, medical personnel and medical equipment on their way to such areas.

Article 18.

Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack, but shall at all times be respected and protected by the Parties to the conflict.

States which are Parties to a conflict shall provide all civilian hospitals with certificates showing that they are civilian hospitals and that the buildings which they occupy are not used for any purpose which would deprive these hospitals of protection in accordance with Article 19.

Civilian hospitals shall be marked by means of the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, but only if so authorized by the State.

The Parties to the conflict shall, in so far as military considerations permit, take the necessary steps to make the distinctive emblems indicating civilian hospitals clearly visible to the enemy land, air and naval forces in order to obviate the possibility of any hostile action.

In view of the dangers to which hospitals may be exposed by being close to military objectives, it is recommended that such hospitals be situated as far as possible from such objectives.

Article 19.

The protection to which civilian hospitals are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after due warning has been given, naming, in all appropriate cases, a reasonable time limit, and after such warning has remained unheeded.

approval by the Parties to the conflict, a person belonging to a neutral Power or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

PART II. GENERAL PROTECTION OF POPULATIONS AGAINST CERTAIN CONSEQUENCES OF WAR

ARTICLE 13.

The provisions of Part II cover the whole of the populations of the countries in conflict, without any adverse distinction based, in particular, on race, nationality, religion or political opinion, and are intended to alleviate the sufferings caused by war.

ARTICLE 14.

In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own territory and, if the need arises, in occupied areas, hospital and safety zones and localities so organized as to protect from the effects of war, wounded, sick and aged persons, children under fifteen, expectant-mothers and mothers of children under seven.

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

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

ARTICLE 15.

Any Party to the conflict may, either direct or through a neutral State or some humanitarian organization, propose to the adverse Party to establish, in the regions where fighting is taking place, neutralized zones intended to shelter from the effects of war the following persons, without distinction:

(*a*) wounded and sick combatants or non-combatants;

(*b*) civilian persons who take no part in hostilities, and who, while they reside in the zones, perform no work of a military character.

When the Parties concerned have agreed upon the geographical position, administration, food supply and supervision of the proposed neutralized zone, a written agreement shall be concluded and signed by the representatives of the Parties to the conflict. The agreement shall fix the beginning and the duration of the neutralization of the zone.

When persons protected by the present Convention do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power, or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever in the present Convention mention is made of a Protecting Power, such mention applies to substitute organizations in the sense of the present Article.

The provisions of this Article shall extend and be adapted to cases of nationals of a neutral State who are in occupied territory or who find themselves in the territory of a belligerent State in which the State of which they are nationals has not normal diplomatic representation.

ARTICLE 12.

In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for protected persons, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for

cerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of protected persons, as defined by the present Convention, nor restrict the rights which it confers upon them.

Protected persons shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

ARTICLE 8.

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

ARTICLE 9.

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

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

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties.

ARTICLE 10.

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of civilian persons and for their relief.

ARTICLE 11.*

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

*In ratifying the present Convention, the Union of Soviet Socialist Republics and certain other governments made specific reservations with respect to this Article.

of Armed Forces at Sea of August 12, 1949, or by the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, shall not be considered as protected persons within the meaning of the present Convention.

Article 5.

Where, in the territory of a Party to the conflict, the latter is satisfied that an individual protected person is definitely suspected of or engaged in activities hostile to the security of the State, such individual person shall not be entitled to claim such rights and privileges under the present Convention as would, if exercised in the favour of such individual person, be prejudicial to the security of such State.

Where in occupied territory an individual protected person is detained as a spy or saboteur, or as a person under definite suspicion of activity hostile to the security of the Occupying Power, such person shall, in those cases where absolute military security so requires, be regarded as having forfeited rights of communication under the present Convention.

In each case, such persons shall nevertheless be treated with humanity, and in case of trial, shall not be deprived of the rights of fair and regular trial prescribed by the present Convention. They shall also be granted the full rights and privileges of a protected person under the present Convention at the earliest date consistent with the security of the State or Occupying Power, as the case may be.

Article 6.

The present Convention shall apply from the outset of any conflict or occupation mentioned in Article 2.

In the territory of Parties to the conflict, the application of the present Convention shall cease on the general close of military operations.

In the case of occupied territory, the application of the present Convention shall cease one year after the general close of military operations; however, the Occupying Power shall be bound, for the duration of the occupation, to the extent that such Power exercises the functions of government in such territory, by the provisions of the following Articles of the present Convention: 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77, 143.

Protected persons whose release, repatriation or re-establishment may take place after such dates shall meanwhile continue to benefit by the present Convention.

Article 7.

In addition to the agreements expressly provided for in Articles 11, 14, 15, 17, 36, 108, 109, 132, 133 and 149, the High Contracting Parties may conclude other special agreements for all matters con-

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(*a*) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(*b*) taking of hostages;

(*c*) outrages upon personal dignity, in particular humiliating and degrading treatment;

(*d*) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

Article 4.

Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.

Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are.

The provisions of Part II are, however, wider in application, as defined in Article 13.

Persons protected by the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, or by the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members

Chapter 7

Geneva Convention Relative to the Protection of Civilian Persons in Time of War

12 August 1949

(Treaties and Other International Acts Series 3365)

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of establishing a Convention for the Protection of Civilian Persons in Time of War, have agreed as follows:

PART I. GENERAL PROVISIONS

Article 1.

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

Article 2.

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

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

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

Article 3.

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

ANNEX V

MODEL REGULATIONS CONCERNING PAYMENTS SENT BY PRISONERS TO THEIR OWN COUNTRY

(see Article 63)

(1) The notification referred to in the third paragraph of Article 63 will show:

(*a*) number as specified in Article 17, rank, surname and first names of the prisoner of war who is the payer;

(*b*) the name and address of the payee in the country of origin;

(*c*) the amount to be so paid in the currency of the country in which he is detained.

(2) The notification will be signed by the prisoner of war, or his witnessed mark made upon it if he cannot write, and shall be countersigned by the prisoners' representative.

(3) The camp commander will add to this notification a certificate that the prisoner of war concerned has a credit balance of not less than the amount registered as payable.

(4) The notification may be made up in lists, each sheet of such lists being witnessed by the prisoners' representative and certified by the camp commander.

E. Repatriation Ceritficate

(see Annex II, Article 11)

REPATRIATION CERTIFICATE

Date:

Camp:

Hospital:

Surname:

First names:

Date of birth:

Rank:

Army Number:

P. W. Number:

Injury Disease:

Decision of the Commission:

Chairman of the
Mixed Medical Commission

A=direct repatriation
B=accommodation in a neutral country
NC=re-examination by next Commission

D. Notification of Death

(see Article 120)

(Title of responsible authority)

NOTIFICATION OF DEATH

Power on which the prisoner depended .....

Name and first names .....

First name of father	.....
Place and date of birth	.....
Place and date of death	.....
Rank and service number (as given on identity disc)	.....
Address of next of kin	.....
Where and when taken prisoner	.....
Cause and circumstances of death	.....
Place of burial	.....
Is the grave marked and can it be found later by the relatives?	.....
Are the personal effects of the deceased in the keeping of the Detaining Power or are they being forwarded together with this notification?	.....
If forwarded, through what agency?	.....
Can the person who cared for the deceased during sickness or during his last moments (doctor, nurse, minister of religion, fellow prisoner) give here or on an attached sheet a short account of the circumstances of the death and burial?	.....

(Date, seal and signature of responsible authority.)	Signature and address of two witnesses
.....	.....

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

C. Correspondence Card and Letter

(see Article 71)

2. Letter.

PRISONER OF WAR MAIL

Postage free

To _____

_____

Place _____

Street _____

Country _____

Department or Province _____

Sender:

Name and first names _____

Date and place of birth _____

Prisoner of War No. _____

Name of camp _____

Country where posted _____

Remarks. This form should be made out in two or three languages, particularly in the prisoner's own language and in that of the Detaining Power. It should be folded along the dotted line, the tab being inserted in the slit (marked by a line of asterisks); it then has the appearance of an envelope. Overleaf, it is lined like the postcard above (*Annex IV C 1*); this space can contain about 250 words which the prisoner is free to write. Actual size of the folded form: 29 by 15 centimetres.

C. Correspondence Card and Letter

(see Article 71)

1. Card.

1. Front

PRISONER OF WAR MAIL

Postage free

POST CARD

To .....

Sender:	
Name and first names	.....
Place and date of birth	Place of Destination .....
Prisoner of War No.	Street .....
Name of camp	Country .....
Country where posted	Province or Department .....

2. Reverse side

NAME OF CAMP ..... Date .....

.....

.....

.....

.....

.....

.....

.....

.....

Write on the dotted lines only and as legibly as possible.

Remarks. This form should be made out in two or three languages, particularly in the prisoner's own language and in that of the Detaining Power. Actual size of form: 15 by 10 centimetres.

B. Capture Card

(see Article 70)

1. Front

PRISONER OF WAR MAIL

Postage free

CAPTURE CARD FOR PRISONER OF WAR

IMPORTANT

This card must be completed by each prisoner immediately after being taken prisoner and each time his address is changed (by reason of transfer to a hospital or to another camp).

This card is distinct from the special card which each prisoner is allowed to send to his relatives.

CENTRAL PRISONERS OF WAR AGENCY

INTERNATIONAL COMMITTEE OF THE RED CROSS

GENEVA

SWITZERLAND

2. Reverse side

Write legibly and in block letters

1. Power on which the prisoner depends .....

2. Name 3. First names (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 is: Prisoner No. .....
Name of camp .....

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

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

Remarks. This form should be made out in two or three languages particularly in the prisoner's own language and in that of the Detaining Power. Actual size: 15 by 10.5 centimetres.

ANNEX IV

A. Identity Card

(see Article 4)

Photograph of the bearer

(Name of the country and military authority issuing this card)

IDENTITY CARD

FOR A PERSON WHO ACCOMPANIES THE ARMED FORCES

Name .....

First names .....

Date and place of birth .....

Accompanies the Armed Forces as .....

Date of issue .....

Signature of bearer .....

Height	Weight	Eyes	Hair
.....	.....	.....	.....

Any other mark of identification .....

.....

.....

Fingerprints (optional)

(Left forefinger) (Right forefinger)

Blood type .....

Religion .....

Official seal imprint

NOTICE

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.

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

Article 6.

In order to secure the regular issue of collective relief to the prisoners of war in their camp, and to meet any needs that may arise from the arrival of new contingents of prisoners, prisoners' representatives shall be allowed to build up and maintain adequate reserve stocks of collective relief. For this purpose, they shall have suitable warehouses at their disposal; each warehouse shall be provided with two locks, the prisoners' representative holding the keys of one lock and the camp commander the keys of the other.

Article 7.

When collective consignments of clothing are available, each prisoner of war shall retain in his possession at least one complete set of clothes. If a prisoner has more than one set of clothes, the prisoners' representatives shall be permitted to withdraw excess clothing from those with the largest number of sets, or particular articles in excess of one, if this is necessary in order to supply prisoners who are less well provided. He shall not, however, withdraw second sets of underclothing, socks or footwear, unless this is the only means of providing for prisoners of war with none.

Article 8.

The High Contracting Parties, and the Detaining Powers in particular, shall authorize, as far as possible and subject to the regulations governing the supply of the population, all purchases of goods made in their territories for the distribution of collective relief to prisoners of war. They shall similarly facilitate the transfer of funds and other financial measures of a technical or administrative nature taken for the purpose of making such purchases.

Article 9.

The foregoing provisions shall not constitute an obstacle to the right of prisoners of war to receive collective relief before their arrival in a camp or in the course of transfer, nor to the possibility of representatives of the Protecting Power, the International Committee of the Red Cross, or any other body giving assistance to prisoners which may be responsible for the forwarding of such supplies, ensuring the distribution thereof to the addressees by any other means that they may deem useful.

ANNEX III

REGULATIONS CONCERNING COLLECTIVE RELIEF

(see Article 73)

Article 1.

Prisoners' representatives shall be allowed to distribute collective relief shipments for which they are responsible, to all prisoners of war administered by their camp, including those who are in hospitals, or in prisons or other penal establishments.

Article 2.

The distribution of collective relief shipments shall be effected in accordance with the instructions of the donors and with a plan drawn up by the prisoners' representatives. The issue of medical stores shall, however, be made for preference in agreement with the senior medical officers, and the latter may, in hospitals and infirmaries, waive the said instructions, if the needs of their patients so demand. Within the limits thus defined, the distribution shall always be carried out equitably.

Article 3.

The said prisoners' representatives or their assistants shall be allowed to go to the points of arrival of relief supplies near their camps, so as to enable the prisoners' representatives or their assistants to verify the quality as well as the quantity of the goods received, and to make out detailed reports thereon for the donors.

Article 4.

Prisoners' representatives shall be given the facilities necessary for verifying whether the distribution of collective relief in all subdivisions and annexes of their camps has been carried out in accordance with their instructions.

Article 5.

Prisoners' representatives shall be allowed to fill up, and cause to be filled up by the prisoners' representatives of labour detachments or by the senior medical officers of infirmaries and hospitals, forms or questionnaires intended for the donors, relating to collective relief supplies (distribution, requirements, quantities, etc.). Such forms and questionnaires, duly completed, shall be forwarded to the donors without delay.

ARTICLE 8.

By agreement with the Detaining Power, the International Committee of the Red Cross, when making the appointments provided for in Articles 2 and 4 of the present Regulations, shall settle the terms of service of the nominees.

ARTICLE 9.

The Mixed Medical Commissions shall begin their work as soon as possible after the neutral members have been approved, and in any case within a period of three months from the date of such approval.

ARTICLE 10.

The Mixed Medical Commissions shall examine all the prisoners designated in Article 113 of the Convention. They shall propose repatriation, rejection, or reference to a later examination. Their decisions shall be made by a majority vote.

ARTICLE 11.

The decisions made by the Mixed Medical Commissions in each specific case shall be communicated, during the month following their visit, to the Detaining Power, the Protecting Power and the International Committee of the Red Cross. The Mixed Medical Commissions shall also inform each prisoner of war examined of the decision made, and shall issue to those whose repatriation has been proposed, certificates similar to the model appended to the present Convention.

ARTICLE 12.

The Detaining Power shall be required to carry out the decisions of the Mixed Medical Commissions within three months of the time when it receives due notification of such decisions.

ARTICLE 13.

If there is no neutral physician in a country where the services of a Mixed Medical Commission seem to be required, and if it is for any reason impossible to appoint neutral doctors who are resident in another country, the Detaining Power, acting in agreement with the Protecting Power, shall set up a Medical Commission which shall undertake the same duties as a Mixed Medical Commission, subject to the provisions of Articles 1, 2, 3, 4, 5 and 8 of the present Regulations.

ARTICLE 14.

Mixed Medical Commissions shall function permanently and shall visit each camp at intervals of not more than six months.

ANNEX II

REGULATIONS CONCERNING MIXED MEDICAL COMMISSIONS

(see Article 112).

Article 1.

The Mixed Medical Commissions provided for in Article 112 of the Convention shall be composed of three members, two of whom shall belong to a neutral country, the third being appointed by the Detaining Power. One of the neutral members shall take the chair.

Article 2.

The two neutral members shall be appointed by the International Committee of the Red Cross, acting in agreement with the Protecting Power, at the request of the Detaining Power. They may be domiciled either in their country of origin, in any other neutral country, or in the territory of the Detaining Power.

Article 3.

The neutral members shall be approved by the Parties to the conflict concerned, who shall notify their approval to the International Committee of the Red Cross and to the Protecting Power. Upon such notification, the neutral members shall be considered as effectively appointed.

Article 4.

Deputy members shall also be appointed in sufficient number to replace the regular members in case of need. They shall be appointed at the same time as the regular members or, at least, as soon as possible.

Article 5.

If for any reason the International Committee of the Red Cross cannot arrange for the appointment of the neutral members, this shall be done by the Power protecting the interests of the prisoners of war to be examined.

Article 6.

So far as possible, one of the two neutral members shall be a surgeon and the other a physician.

Article 7.

The neutral members shall be entirely independent of the Parties to the conflict, which shall grant them all facilities in the accomplishment of their duties.

captivity, as well as cases of tuberculosis in all stages, shall above all benefit by such liberal interpretation. Prisoners of war who have sustained several wounds, none of which, considered by itself, justifies repatriation, shall be examined in the same spirit, with due regard for the psychic traumatism due to the number of their wounds.

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

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

(4) The provisions of this Annex shall be interpreted and applied in a similar manner in all countries party to the conflict. The Powers and authorities concerned shall grant to Mixed Medical Commissions all the facilities necessary for the accomplishment of their task.

(5) The examples quoted under (1) above represent only typical cases. Cases which do not correspond exactly to these provisions shall be judged in the spirit of the provisions of Article 110 of the present Convention, and of the principles embodied in the present Agreement.

disorders; tertiary visceral syphilis resistant to treatment; leprosy; etc.

(*t*) Serious avitaminosis or serious inanition.

B. Accommodation in Neutral Countries

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

(1) All wounded prisoners of war who are not likely to recover in captivity, but who might be cured or whose condition might be considerably improved by accommodation in a neutral country.

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

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

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

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

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

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

(7) All women prisoners of war who are pregnant or mothers with infants and small children.

The following cases shall not be eligible for accommodation in a neutral country:

(1) All duly verified chronic psychoses.

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

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

II. General Observations

(1) The conditions given shall, in a general way, be interpreted and applied in as broad a spirit as possible.

Neuropathic and psychopathic conditions caused by war or

(*f*) Serious chronic affections of the genito-urinary organs, for example: chronic diseases of the kidney with consequent disorders; nephrectomy because of a tubercular kidney; chronic pyelitis or chronic cystitis; hydronephrosis or pyonephrosis; chronic grave gynaecological conditions; normal pregnancy and obstetrical disorder, where it is impossible to accommodate in a neutral country; etc.

(*g*) Serious chronic diseases of the central and peripheral nervous system, for example: all obvious psychoses and psychoneuroses, such as serious hysteria, serious captivity psychoneurosis, etc., duly verified by a specialist*; any epilepsy duly verified by the camp physician*; cerebral arteriosclerosis; chronic neuritis lasting more than one year; etc.

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

(*i*) Blindness of both eyes, or of one eye when the vision of the other is less than 1 in spite of the use of corrective glasses; diminution of visual acuity in cases where it is impossible to restore it by correction to an acuity of ½ in at least one eye*; other grave ocular affections, for example: glaucoma, iritis, choroiditis; trachoma; etc.

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

(*l*) Serious affections of metabolism, for example: diabetes mellitus requiring insulin treatment; etc.

(*m*) Serious disorders of the endocrine glands, for example: thyrotoxicosis; hypothyrosis; Addison's disease; Simmonds' cachexia; tetany; etc.

(*n*) Grave and chronic disorders of the blood-forming organs.

(*o*) Serious cases of chronic intoxication, for example: lead poisoning, mercury poisoning, morphinism, cocainism, alcoholism; gas or radiation poisoning; etc.

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

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

(*r*) Any malignant growth.

(*s*) Serious chronic infectious diseases, persisting for one year after their inception, for example: malaria with decided organic impairment, amœbic or bacillary dysentery with grave

*The decision of the Mixed Medical Commission shall be based to a great extent on the records kept by camp physicians and surgeons of the same nationality as the prisoners of war, or on an examination by medical specialists of the Detaining Power.

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

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

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

(*g*) Injury to the spinal cord.

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

(*i*) Injury to the urinary system, with incapacitating results.

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

(*a*) Progressive tuberculosis of any organ which, according to medical prognosis, cannot be cured or at least considerably improved by treatment in a neutral country.

(*b*) Exudate pleurisy.

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

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

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

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*The decision of the Mixed Medical Commission shall be based to a great extent on the records kept by camp physicians and surgeons of the same nationality as the prisoners of war, or on an examination by medical specialists of the Detaining Power.

ANNEX I

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

(see Article 110)

I. Principles for Direct Repatriation and Accommodation in Neutral Countries

A. Direct Repatriation

The following shall be repatriated direct:

(1) All prisoners of war suffering from the following disabilities as the result of trauma: loss of a limb, paralysis, articular or other disabilities, when this disability is at least the loss of a hand or a foot, or the equivalent of the loss of a hand or a foot.

Without prejudice to a more generous interpretation, the following shall be considered as equivalent to the loss of a hand or a foot:

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

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

(*c*) Pseudarthrosis of the long bones.

(*d*) Deformities due to fracture or other injury which seriously interfere with function and weight-bearing power.

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

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

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

(*c*) Osteomyelitis, when recovery cannot be foreseen in the course of the year following the injury, and which seems likely to result in ankylosis of a joint, or other impairments equivalent to the loss of a hand or a foot.

ARTICLE 143.

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

[Here follow signatures.]

ARTICLE 138.

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

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

ARTICLE 139.

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

ARTICLE 140.

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

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

ARTICLE 141.

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

ARTICLE 142.

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with release and repatriation of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

Article 132.

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

Section II. Final Provisions.

Article 133.

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

Article 134.

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

Article 135.

In the relations between the Powers which are bound by the Hague Convention respecting the Laws and Customs of War on Land, whether that of July 29, 1899, or that of October 18, 1907, and which are parties to the present Convention, this last Convention shall be complementary to Chapter II of the Regulations annexed to the above-mentioned Conventions of The Hague.

Article 136.

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949; furthermore, by Powers not represented at that Conference, but which are parties to the Convention of July 27, 1929.

Article 137.

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

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

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

ARTICLE 128.

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

ARTICLE 129.

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the present Convention.

ARTICLE 130.

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, compelling a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war of the rights of fair and regular trial prescribed in this Convention.

ARTICLE 131.

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

izations whose delegates are allowed to carry out their activities in its territory and under its supervision, on condition, however, that such limitation shall not hinder the effective operation of adequate relief to all prisoners of war.

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

As soon as relief supplies or material intended for the abovementioned purposes are handed over to prisoners of war, or very shortly afterwards, receipts for each consignment, signed by the prisoners' representative, shall be forwarded to the relief society or organization making the shipment. At the same time, receipts for these consignments shall be supplied by the administrative authorities responsible for guarding the prisoners.

PART VI. EXECUTION OF THE CONVENTION

SECTION I. GENERAL PROVISIONS.

ARTICLE 126.

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

Representatives and delegates of the Protecting Powers shall have full liberty to select the places they wish to visit. The duration and frequency of these visits shall not be restricted. Visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure.

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

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

ARTICLE 127.

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

who have escaped or died, and shall forward the said valuables to the Powers concerned. Such articles shall be sent by the Bureau in sealed packets which shall be accompanied by statements giving clear and full particulars of the identity of the person to whom the articles belonged, and by a complete list of the contents of the parcel. Other personal effects of such prisoners of war shall be transmitted under arrangements agreed upon between the Parties to the conflict concerned.

Article 123.

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

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

The High Contracting Parties, and in particular those whose nationals benefit by the services of the Central Agency, are requested to give the said Agency the financial aid it may require.

The foregoing provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross, or of the relief societies provided for in Article 125.

Article 124.

The national Information Bureaux and the Central Information Agency shall enjoy free postage for mail, likewise all the exemptions provided for in Article 74, and further, so far as possible, exemption from telegraphic charges or, at least, greatly reduced rates.

Article 125.

Subject to the measures which the Detaining Powers may consider essential to ensure their security or to meet any other reasonable need, the representatives of religious organizations, relief societies, or any other organization assisting prisoners of war, shall receive from the said Powers, for themselves and their duly accredited agents, all necessary facilities for visiting the prisoners, for distributing relief supplies and material, from any source, intended for religious, educational or recreative purposes, and for assisting them in organizing their leisure time within the camps. Such societies or organizations may be constituted in the territory of the Detaining Power or in any other country, or they may have an international character.

The Detaining Power may limit the number of societies and organ-

belligerent Powers who may have received within their territory persons belonging to one of the categories referred to in Article 4, shall take the same action with respect to such persons. The Power concerned shall ensure that the Prisoners of War Information Bureau is provided with the necessary accommodation, equipment and staff to ensure its efficient working. It shall be at liberty to employ prisoners of war in such a Bureau under the conditions laid down in the Section of the present Convention dealing with work by prisoners of war.

Within the shortest possible period, each of the Parties to the conflict shall give its Bureau the information referred to in the fourth, fifth and sixth paragraphs of this Article regarding any enemy person belonging to one of the categories referred to in Article 4, who has fallen into its power. Neutral or non-belligerent Powers shall take the same action with regard to persons belonging to such categories whom they have received within their territory.

The Bureau shall immediately forward such information by the most rapid means to the Powers concerned, through the intermediary of the Protecting Powers and likewise of the Central Agency provided for in Article 123.

This information shall make it possible quickly to advise the next of kin concerned. Subject to the provisions of Article 17, the information shall include, in so far as available to the Information Bureau, in respect of each prisoner of war, his surname, first names, rank, army, regimental, personal or serial number, place and full date of birth, indication of the Power on which he depends, first name of the father and maiden name of the mother, name and address of the person to be informed and the address to which correspondence for the prisoner may be sent.

The Information Bureau shall receive from the various departments concerned information regarding transfers, releases, repatriations, escapes, admissions to hospital, and deaths, and shall transmit such information in the manner described in the third paragraph above.

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

The Information Bureau shall also be responsible for replying to all enquiries sent to it concerning prisoners of war, including those who have died in captivity; it will make any enquiries necessary to obtain the information which is asked for if this is not in its possession.

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

The Information Bureau shall furthermore be charged with collecting all personal valuables, including sums in currencies other than that of the Detaining Power and documents of importance to the next of kin, left by prisoners of war who have been repatriated or released, or

and enabling a report to be made and, where necessary, establishing identity.

The detaining authorities shall ensure that prisoners of war who have died in captivity are honourably buried, if possible according to the rites of the religion to which they belonged, and that their graves are respected, suitably maintained and marked so as to be found at any time. Wherever possible, deceased prisoners of war who depended on the same Power shall be interred in the same place.

Deceased prisoners of war shall be buried in individual graves unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, on account of the religion of the deceased or in accordance with his express wish to this effect. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased.

In order that graves may always be found, all particulars of burials and graves shall be recorded with a Graves Registration Service established by the Detaining Power. Lists of graves and particulars of the prisoners of war interred in cemeteries and elsewhere shall be transmitted to the Power on which such prisoners of war depended. Responsibility for the care of these graves and for records of any subsequent moves of the bodies shall rest on the Power controlling the territory, if a Party to the present Convention. These provisions shall also apply to the ashes, which shall be kept by the Graves Registration Service until proper disposal thereof in accordance with the wishes of the home country.

Article 121.

Every death or serious injury of a prisoner of war caused or suspected to have been caused by a sentry, another prisoner of war, or any other person, as well as any death the cause of which is unknown, shall be immediately followed by an official enquiry by the Detaining Power.

A communication on this subject shall be sent immediately to the Protecting Power. Statements shall be taken from witnesses, especially from those who are prisoners of war, and a report including such statements shall be forwarded to the Protecting Power.

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

PART V. INFORMATION BUREAUX AND RELIEF SOCIETIES FOR PRISONERS OF WAR

Article 122.

Upon the outbreak of a conflict and in all cases of occupation, each of the Parties to the conflict shall institute an official Information Bureau for prisoners of war who are in its power. Neutral or non-

They may be marked with the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

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

Such aircraft shall obey every summons to land. In the event of a landing thus imposed, the aircraft with its occupants may continue its flight after examination, if any.

Article 23.

Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases.

The obligation of a High Contracting Party to allow the free passage of the consignments indicated in the preceding paragraph is subject to the condition that this Party is satisfied that there are no serious reasons for fearing:

(*a*) that the consignments may be diverted from their destination,

(*b*) that the control may not be effective, or

(*c*) that a definite advantage may accrue to the military efforts or economy of the enemy through the substitution of the above-mentioned consignments for goods which would otherwise be provided or produced by the enemy or through the release of such material, services or facilities as would otherwise be required for the production of such goods.

The Power which allows the passage of the consignments indicated in the first paragraph of this Article may make such permission conditional on the distribution to the persons benefited thereby being made under the local supervision of the Protecting Powers.

Such consignments shall be forwarded as rapidly as possible, and the Power which permits their free passage shall have the right to prescribe the technical arrangements under which such passage is allowed.

Article 24.

The Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition.

The Parties to the conflict shall facilitate the reception of such children in a neutral country for the duration of the conflict with the consent of the Protecting Power, if any, and under due safeguards for the observance of the principles stated in the first paragraph.

They shall, furthermore, endeavour to arrange for all children under twelve to be identified by the wearing of identity discs, or by some other means.

Article 25.

All persons in the territory of a Party to the conflict, or in a territory occupied by it, shall be enabled to give news of a strictly personal nature to members of their families, wherever they may be, and to receive news from them. This correspondence shall be forwarded speedily and without undue delay.

If, as a result of circumstances, it becomes difficult or impossible to exchange family correspondence by the ordinary post, the Parties to the conflict concerned shall apply to a neutral intermediary, such as the Central Agency provided for in Article 140, and shall decide in consultation with it how to ensure the fulfilment of their obligations under the best possible conditions, in particular with the cooperation of the National Red Cross (Red Crescent, Red Lion and Sun) Societies.

If the Parties to the conflict deem it necessary to restrict family correspondence, such restrictions shall be confined to the compulsory use of standard forms containing twenty-five freely chosen words, and to the limitation of the number of these forms despatched to one each month.

Article 26.

Each Party to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting, if possible. It shall encourage, in particular, the work of organizations engaged on this task provided they are acceptable to it and conform to its security regulations.

PART III. STATUS AND TREATMENT OF PROTECTED PERSONS

Section I. Provisions Common to the Territories of the Parties to the Conflict and to Occupied Territories.

Article 27.

Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion.

However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war.

ARTICLE 28.

The presence of a protected person may not be used to render certain points or areas immune from military operations.

ARTICLE 29.

The Party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.

ARTICLE 30.

Protected persons shall have every facility for making application to the Protecting Powers, the International Committee of the Red Cross, the National Red Cross (Red Crescent, Red Lion and Sun) Society of the country where they may be, as well as to any organization that might assist them.

These several organizations shall be granted all facilities for that purpose by the authorities, within the bounds set by military or security considerations.

Apart from the visits of the delegates of the Protecting Powers and of the International Committee of the Red Cross, provided for by Article 143, the Detaining or Occupying Powers shall facilitate as much as possible visits to protected persons by the representatives of other organizations whose object is to give spiritual aid or material relief to such persons.

ARTICLE 31.

No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

ARTICLE 32.

The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal

punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents.

Article 33.

No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.

Pillage is prohibited.

Reprisals against protected persons and their property are prohibited.

Article 34.

The taking of hostages is prohibited.

Section II. Aliens in the Territory of a Party to the Conflict.

Article 35.

All protected persons who may desire to leave the territory at the outset of, or during a conflict, shall be entitled to do so, unless their departure is contrary to the national interests of the State. The applications of such persons to leave shall be decided in accordance with regularly established procedures and the decision shall be taken as rapidly as possible. Those persons permitted to leave may provide themselves with the necessary funds for their journey and take with them a reasonable amount of their effects and articles of personal use.

If any such person is refused permission to leave the territory, he shall be entitled to have such refusal reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose.

Upon request, representatives of the Protecting Power shall, unless reasons of security prevent it, or the persons concerned object, be furnished with the reasons for refusal of any request for permission to leave the territory and be given, as expeditiously as possible, the names of all persons who have been denied permission to leave.

Article 36.

Departures permitted under the foregoing Article shall be carried out in satisfactory conditions as regards safety, hygiene, sanitation and food. All costs in connection therewith, from the point of exit in the territory of the Detaining Power, shall be borne by the country of destination, or, in the case of accommodation in a neutral country, by the Power whose nationals are benefited. The practical details of such movements may, if necessary, be settled by special agreements between the Powers concerned.

The foregoing shall not prejudice such special agreements as may be concluded between Parties to the conflict concerning the exchange and repatriation of their nationals in enemy hands.

Article 37.

Protected persons who are confined pending proceedings or serving a sentence involving loss of liberty, shall during their confinement be humanely treated.

As soon as they are released, they may ask to leave the territory in conformity with the foregoing Articles.

Article 38.

With the exception of special measures authorized by the present Convention, in particular by Articles 27 and 41 thereof, the situation of protected persons shall continue to be regulated, in principle, by the provisions concerning aliens in time of peace. In any case, the following rights shall be granted to them:

(1) They shall be enabled to receive the individual or collective relief that may be sent to them.

(2) They shall, if their state of health so requires, receive medical attention and hospital treatment to the same extent as the nationals of the State concerned.

(3) They shall be allowed to practise their religion and to receive spiritual assistance from ministers of their faith.

(4) If they reside in an area particularly exposed to the dangers of war, they shall be authorised to move from that area to the same extent as the nationals of the State concerned.

(5) Children under fifteen years, pregnant women and mothers of children under seven years shall benefit by any preferential treatment to the same extent as the nationals of the State concerned.

Article 39.

Protected persons who, as a result of the war, have lost their gainful employment, shall be granted the opportunity to find paid employment. That opportunity shall, subject to security considerations and to the provisions of Article 40, be equal to that enjoyed by the nationals of the Power in whose territory they are.

Where a Party to the conflict applies to a protected person methods of control which result in his being unable to support himself, and especially if such a person is prevented for reasons of security from finding paid employment on reasonable conditions, the said Party shall ensure his support and that of his dependents.

Protected persons may in any case receive allowances from their home country, the Protecting Power, or the relief societies referred to in Article 30.

Article 40.

Protected persons may be compelled to work only to the same extent as nationals of the Party to the conflict in whose territory they are.

If protected persons are of enemy nationality, they may only be compelled to do work which is normally necessary to ensure the feeding, sheltering, clothing, transport and health of human beings and which is not directly related to the conduct of military operations.

In the cases mentioned in the two preceding paragraphs, protected persons compelled to work shall have the benefit of the same working conditions and of the same safeguards as national workers, in particular as regards wages, hours of labour, clothing and equipment, previous training and compensation for occupational accidents and diseases.

If the above provisions are infringed, protected persons shall be allowed to exercise their right of complaint in accordance with Article 30.

Article 41.

Should the Power in whose hands protected persons may be consider the measures of control mentioned in the present Convention to be inadequate, it may not have recourse to any other measure of control more severe than that of assigned residence or internment, in accordance with the provisions of Articles 42 and 43.

In applying the provisions of Article 39, second paragraph, to the cases of persons required to leave their usual places of residence by virtue of a decision placing them in assigned residence elsewhere, the Detaining Power shall be guided as closely as possible by the standards of welfare set forth in Part III, Section IV of this Convention.

Article 42.

The internment or placing in assigned residence of protected persons may be ordered only if the security of the Detaining Power makes it absolutely necessary.

If any person, acting through the representatives of the Protecting Power, voluntarily demands internment, and if his situation renders this step necessary, he shall be interned by the Power in whose hands he may be.

Article 43.

Any protected person who has been interned or placed in assigned residence shall be entitled to have such action reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose. If the internment or placing in assigned residence is maintained, the court or administrative board shall periodically, and at least twice yearly, give consideration to his or her case with a view to the favourable amendment of the initial decision, if circumstances permit.

Unless the protected persons concerned object, the Detaining Power shall, as rapidly as possible, give the Protecting Power the names of any protected persons who have been interned or subjected to assigned residence, or who have been released from internment or assigned residence. The decisions of the courts or boards mentioned in the first paragraph of the present Article shall also, subject to the same conditions, be notified as rapidly as possible to the Protecting Power.

ARTICLE 44.

In applying the measures of control mentioned in the present Convention, the Detaining Power shall not treat as enemy aliens exclusively on the basis of their nationality *de jure* of an enemy State, refugees who do not, in fact, enjoy the protection of any government.

ARTICLE 45.*

Protected persons shall not be transferred to a Power which is not a party to the Convention.

This provision shall in no way constitute an obstacle to the repatriation of protected persons, or to their return to their country of residence after the cessation of hostilities.

Protected persons may be transferred by the Detaining Power only to a Power which is a party to the present Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the present Convention. If protected persons are transferred under such circumstances, responsibility for the application of the present Convention rests on the Power accepting them, while they are in its custody. Nevertheless, if that Power fails to carry out the provisions of the present Convention in any important respect, the Power by which the protected persons were transferred shall, upon being so notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the protected persons. Such request must be complied with.

In no circumstances shall a protected person be transferred to a country where he or she may have reason to fear persecution for his or her political opinions or religious beliefs.

The provisions of this Article do not constitute an obstacle to the extradition, in pursuance of extradition treaties concluded before the outbreak of hostilities, of protected persons accused of offences against ordinary criminal law.

ARTICLE 46.

In so far as they have not been previously withdrawn, restrictive measures taken regarding protected persons shall be cancelled as soon as possible after the close of hostilities.

Restrictive measures affecting their property shall be cancelled, in accordance with the law of the Detaining Power, as soon as possible after the close of hostilities.

*In ratifying the present Convention, the Union of Soviet Socialist Republics and certain other governments made specific reservations with respect to this Article.

Section III. Occupied Territories.

Article 47.

Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.

Article 48.

Protected persons who are not nationals of the Power whose territory is occupied may avail themselves of the right to leave the territory subject to the provisions of Article 35, and decisions thereon shall be taken according to the procedure which the Occupying Power shall establish in accordance with the said Article.

Article 49.

Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.

The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.

The protecting Power shall be informed of any transfers and evacuations as soon as they have taken place.

The Occupying Power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand.

The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

Article 50.

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

The Occupying Power shall take all necessary steps to facilitate the identification of children and the registration of their parentage. It may not, in any case, change their personal status, nor enlist them in formations or organizations subordinate to it.

Should the local institutions be inadequate for the purpose, the Occupying Power shall make arrangements for the maintenance and education, if possible by persons of their own nationality, language and religion, of children, who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend.

A special section of the Bureau set up in accordance with Article 136 shall be responsible for taking all necessary steps to identify children whose identity is in doubt. Particulars of their parents or other near relatives should always be recorded if available.

The Occupying Power shall not hinder the application of any preferential measures in regard to food, medical care and protection against the effects of war, which may have been adopted prior to the occupation in favour of children under fifteen years, expectant mothers, and mothers of children under seven years.

Article 51.

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

The Occupying Power may not compel protected persons to work unless they are over eighteen years of age, and then only on work which is necessary either for the needs of the army of occupation, or for the public utility services, or for the feeding, sheltering, clothing, transportation or health of the population of the occupied country. Protected persons may not be compelled to undertake any work which would involve them in the obligation of taking part in military operations. The Occupying Power may not compel protected persons to employ forcible means to ensure the security of the installations where they are performing compulsory labour.

The work shall be carried out only in the occupied territory where the persons whose services have been requisitioned are. Every such person shall, so far as possible, be kept in his usual place of employment. Workers shall be paid a fair wage and the work shall be proportionate to their physical and intellectual capacities. The legislation in force in the occupied country concerning working conditions, and safeguards as regards, in particular, such matters as wages, hours

of work, equipment, preliminary training and compensation for occupational accidents and diseases, shall be applicable to the protected persons assigned to the work referred to in this Article.

In no case shall requisition of labour lead to a mobilization of workers in an organization of a military or semi-military character.

ARTICLE 52.

No contract, agreement or regulation shall impair the right of any worker, whether voluntary or not and wherever he may be, to apply to the representatives of the Protecting Power in order to request the said Power's intervention.

All measures aiming at creating unemployment or at restricting the opportunities offered to workers in an occupied territory, in order to induce them to work for the Occupying Power, are prohibited.

ARTICLE 53.

Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.

ARTICLE 54.

The Occupying Power may not alter the status of public officials or judges in the occupied territories, or in any way apply sanctions to or take any measures of coercion or discrimination against them, should they abstain from fulfilling their functions for reasons of conscience.

This prohibition does not prejudice the application of the second paragraph of Article 51. It does not affect the right of the Occupying Power to remove public officials from their posts.

ARTICLE 55.

To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate.

The Occupying Power may not requisition foodstuffs, articles or medical supplies available in the occupied territory, except for use by the occupation forces and administration personnel, and then only if the requirements of the civilian population have been taken into account. Subject to the provisions of other international Conventions, the Occupying Power shall make arrangements to ensure that fair value is paid for any requisitioned goods.

The Protecting Power shall, at any time, be at liberty to verify the state of the food and medical supplies in occupied territories, except where temporary restrictions are made necessary by imperative military requirements.

ARTICLE 56.

To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the cooperation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics. Medical personnel of all categories shall be allowed to carry out their duties.

If new hospitals are set up in occupied territory and if the competent organs of the occupied State are not operating there, the occupying authorities shall, if necessary, grant them the recognition provided for in Article 18. In similar circumstances, the occupying authorities shall also grant recognition to hospital personnel and transport vehicles under the provisions of Articles 20 and 21.

In adopting measures of health and hygiene and in their implementation, the Occupying Power shall take into consideration the moral and ethical susceptibilities of the population of the occupied territory.

ARTICLE 57.

The Occupying Power may requisition civilian hospitals only temporarily and only in cases of urgent necessity for the care of military wounded and sick, and then on condition that suitable arrangements are made in due time for the care and treatment of the patients and for the needs of the civilian population for hospital accommodation.

The material and stores of civilian hospitals cannot be requisitioned as long as they are necessary for the needs of the civilian population.

ARTICLE 58.

The Occupying Power shall permit ministers of religion to give spiritual assistance to the members of their religious communities.

The Occupying Power shall also accept consignments of books and articles required for religious needs and shall facilitate their distribution in occupied territory.

ARTICLE 59.

If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief

schemes on behalf of the said population, and shall facilitate them by all the means at its disposal.

Such schemes, which may be undertaken either by States or by impartial humanitarian organizations such as the International Committee of the Red Cross, shall consist, in particular, of the provision of consignments of foodstuffs, medical supplies and clothing.

All Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection.

A Power granting free passage to consignments on their way to territory occupied by an adverse Party to the conflict shall, however, have the right to search the consignments, to regulate their passage according to prescribed times and routes, and to be reasonably satisfied through the Protecting Power that these consignments are to be used for the relief of the needy population and are not to be used for the benefit of the Occupying Power.

ARTICLE 60.

Relief consignments shall in no way relieve the Occupying Power of any of its responsibilities under Articles 55, 56 and 59. The Occupying Power shall in no way whatsoever divert relief consignments from the purpose for which they are intended, except in cases of urgent necessity, in the interests of the population of the occupied territory and with the consent of the Protecting Power.

ARTICLE 61.

The distribution of the relief consignments referred to in the foregoing Articles shall be carried out with the cooperation and under the supervision of the Protecting Power. This duty may also be delegated, by agreement between the Occupying Power and the Protecting Power, to a neutral Power, to the International Committee of the Red Cross or to any other impartial humanitarian body.

Such consignments shall be exempt in occupied territory from all charges, taxes or customs duties unless these are necessary in the interests of the economy of the territory. The Occupying Power shall facilitate the rapid distribution of these consignments.

All Contracting Parties shall endeavour to permit the transit and transport, free of charge, of such relief consignments on their way to occupied territories.

ARTICLE 62.

Subject to imperative reasons of security, protected persons in occupied territories shall be permitted to receive the individual relief consignments sent to them.

ARTICLE 63.

Subject to temporary and exceptional measures imposed for urgent reasons of security by the Occupying Power:

(*a*) recognized National Red Cross (Red Crescent, Red Lion and Sun) Societies shall be able to pursue their activities in accordance with Red Cross principles, as defined by the International Red Cross Conferences. Other relief societies shall be permitted to continue their humanitarian activities under similar conditions;

(*b*) the Occupying Power may not require any changes in the personnel or structure of these societies, which would prejudice the aforesaid activities.

The same principles shall apply to the activities and personnel of special organizations of a non-military character, which already exist or which may be established, for the purpose of ensuring the living conditions of the civilian population by the maintenance of the essential public utility services, by the distribution of relief and by the organization of rescues.

ARTICLE 64.

The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention. Subject to the latter consideration and to the necessity for ensuring the effective administration of justice, the tribunals of the occupied territory shall continue to function in respect of all offences covered by the said laws.

The Occupying Power may, however, subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfil its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the Occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them.

ARTICLE 65.

The penal provisions enacted by the Occupying Power shall not come into force before they have been published and brought to the knowledge of the inhabitants in their own language. The effect of these penal provisions shall not be retroactive.

ARTICLE 66.

In case of a breach of the penal provisions promulgated by it by virtue of the second paragraph of Article 64, the Occupying Power may hand over the accused to its properly constituted, non-political military courts, on condition that the said courts sit in the occupied country. Courts of appeal shall preferably sit in the occupied country.

Article 67.

The courts shall apply only those provisions of law which were applicable prior to the offence, and which are in accordance with general principles of law, in particular the principle that the penalty shall be proportionate to the offence. They shall take into consideration the fact that the accused is not a national of the Occupying Power.

Article 68.*

Protected persons who commit an offence which is solely intended to harm the Occupying Power, but which does not constitute an attempt on the life or limb of members of the occupying forces or administration, nor a grave collective danger, nor seriously damage the property of the occupying forces or administration or the installations used by them, shall be liable to internment or simple imprisonment, provided the duration of such internment or imprisonment is proportionate to the offence committed. Furthermore, internment or imprisonment shall, for such offences, be the only measure adopted for depriving protected persons of liberty. The courts provided for under Article 66 of the present Convention may at their discretion convert a sentence of imprisonment to one of internment for the same period.

The penal provisions promulgated by the Occupying Power in accordance with Articles 64 and 65 may impose the death penalty on a protected person only in cases where the person is guilty of espionage, of serious acts of sabotage against the military installations of the Occupying Power or of intentional offences which have caused the death of one or more persons, provided that such offences were punishable by death under the law of the occupied territory in force before the occupation began.

The death penalty may not be pronounced against a protected person unless the attention of the court has been particularly called to the fact that since the accused is not a national of the Occupying Power, he is not bound to it by any duty of allegiance.

In any case, the death penalty may not be pronounced against a protected person who was under eighteen years of age at the time of the offence.

Article 69.

In all cases, the duration of the period during which a protected person accused of an offence is under arrest awaiting trial or punishment shall be deducted from any period of imprisonment awarded.

*In ratifying the present Convention, the United States made the following reservation:

"The United States reserves the right to impose the death penalty in accordance with the provisions of Article 68, paragraph 2, without regard to whether the offenses referred to therein are punishable by death under the law of the occupied territory at the time the occupation begins."

Certain other countries also made reservations to Article 68.

Article 70.

Protected persons shall not be arrested, prosecuted or convicted by the Occupying Power for acts committed or for opinions expressed before the occupation, or during a temporary interruption thereof, with the exception of breaches of the laws and customs of war.

Nationals of the Occupying Power who, before the outbreak of hostilities, have sought refuge in the territory of the occupied State, shall not be arrested, prosecuted, convicted or deported from the occupied territory, except for offences committed after the outbreak of hostilites, or for offences under common law committed before the outbreak of hostilities which, according to the law of the occupied State, would have justified extradition in time of peace.

Article 71.

No sentence shall be pronounced by the competent courts of the Occupying Power except after a regular trial.

Accused persons who are prosecuted by the Occupying Power shall be promptly informed, in writing, in a language which they understand, of the particulars of the charges preferred against them, and shall be brought to trial as rapidly as possible. The Protecting Power shall be informed of all proceedings instituted by the Occupying Power against protected persons in respect of charges involving the death penalty or imprisonment for two years or more; it shall be enabled, at any time, to obtain information regarding the state of such proceedings. Furthermore, the Protecting Power shall be entitled, on request, to be furnished with all particulars of these and of any other proceedings instituted by the Occupying Power against protected persons.

The notification to the Protecting Power, as provided for in the second paragraph above, shall be sent immediately, and shall in any case reach the Protecting Power three weeks before the date of the first hearing. Unless, at the opening of the trial, evidence is submitted that the provisions of this Article are fully complied with, the trial shall not proceed. The notification shall include the following particulars:

(*a*) description of the accused;
(*b*) place of residence or detention;
(*c*) specification of the charge or charges (with mention of the penal provisions under which it is brought);
(*d*) designation of the court which will hear the case;
(*e*) place and date of the first hearing.

Article 72.

Accused persons shall have the right to present evidence necessary to their defence and may, in particular, call witnesses. They shall

have the right to be assisted by a qualified advocate or counsel of their own choice, who shall be able to visit them freely and shall enjoy the necessary facilities for preparing the defence.

Failing a choice by the accused, the Protecting Power may provide him with an advocate or counsel. When an accused person has to meet a serious charge and the Protecting Power is not functioning, the Occupying Power, subject to the consent of the accused, shall provide an advocate or counsel.

Accused persons shall, unless they freely waive such assistance, be aided by an interpreter, both during preliminary investigation and during the hearing in court. They shall have the right at any time to object to the interpreter and to ask for his replacement.

ARTICLE 73.

A convicted person shall have the right of appeal provided for by the laws applied by the court. He shall be fully informed of his right to appeal or petition and of the time limit within which he may do so.

The penal procedure provided in the present Section shall apply, as far as it is applicable, to appeals. Where the laws applied by the Court make no provision for appeals, the convicted person shall have the right to petition against the finding and sentence to the competent authority of the Occupying Power.

ARTICLE 74.

Representatives of the Protecting Power shall have the right to attend the trial of any protected person, unless the hearing has, as an exceptional measure, to be held *in camera* in the interests of the security of the Occupying Power, which shall then notify the Protecting Power. A notification in respect of the date and place of trial shall be sent to the Protecting Power.

Any judgment involving a sentence of death, or imprisonment for two years or more, shall be communicated, with the relevant grounds, as rapidly as possible to the Protecting Power. The notification shall contain a reference to the notification made under Article 71, and, in the case of sentences of imprisonment, the name of the place where the sentence is to be served. A record of judgments other than those referred to above shall be kept by the court and shall be open to inspection by representatives of the Protecting Power. Any period allowed for appeal in the case of sentences involving the death penalty, or imprisonment of two years or more, shall not run until notification of judgment has been received by the Protecting Power.

ARTICLE 75.

In no case shall persons condemned to death be deprived of the right of petition for pardon or reprieve.

No death sentence shall be carried out before the expiration of a period of at least six months from the date of receipt by the Protecting Power of the notification of the final judgment confirming such death sentence, or of an order denying pardon or reprieve.

The six months period of suspension of the death sentence herein prescribed may be reduced in individual cases in circumstances of grave emergency involving an organized threat to the security of the Occupying Power or its forces, provided always that the Protecting Power is notified of such reduction and is given reasonable time and opportunity to make representations to the competent occupying authorities in respect of such death sentences.

ARTICLE 76.

Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. They shall, if possible, be separated from other detainees and shall enjoy conditions of food and hygiene which will be sufficient to keep them in good health, and which will be at least equal to those obtaining in prisons in the occupied country.

They shall receive the medical attention required by their state of health.

They shall also have the right to receive any spiritual assistance which they may require.

Women shall be confined in separate quarters and shall be under the direct supervision of women.

Proper regard shall be paid to the special treatment due to minors.

Protected persons who are detained shall have the right to be visited by delegates of the Protecting Power and of the International Committee of the Red Cross, in accordance with the provisions of Article 143.

Such persons shall have the right to receive at least one relief parcel monthly.

ARTICLE 77.

Protected persons who have been accused of offences or convicted by the courts in occupied territory, shall be handed over at the close of occupation, with the relevant records, to the authorities of the liberated territory.

ARTICLE 78.

If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment.

Decisions regarding such assigned residence or internment shall be made according to a regular procedure to be prescribed by the Occupy-

ing Power in accordance with the provisions of the present Convention. This procedure shall include the right of appeal for the parties concerned. Appeals shall be decided with the least possible delay. In the event of the decision being upheld, it shall be subject to periodical review, if possible every six months, by a competent body set up by the said Power.

Protected persons made subject to assigned residence and thus required to leave their homes shall enjoy the full benefit of Article 39 of the present Convention.

SECTION IV. REGULATIONS FOR THE TREATMENT OF INTERNEES.

CHAPTER I. General Provisions.

ARTICLE 79.

The Parties to the conflict shall not intern protected persons, except in accordance with the provisions of Articles 41, 42, 43, 68 and 78.

ARTICLE 80.

Internees shall retain their full civil capacity and shall exercise such attendant rights as may be compatible with their status.

ARTICLE 81.

Parties to the conflict who intern protected persons shall be bound to provide free of charge for their maintenance, and to grant them also the medical attention required by their state of health.

No deduction from the allowances, salaries or credits due to the internees shall be made for the repayment of these costs.

The Detaining Power shall provide for the support of those dependent on the internees, if such dependents are without adequate means of support or are unable to earn a living.

ARTICLE 82.

The Detaining Power shall, as far as possible, accommodate the internees according to their nationality, language and customs. Internees who are nationals of the same country shall not be separated merely because they have different languages.

Throughout the duration of their internment members of the same family, and in particular parents and children, shall be lodged together in the same place of internment, except when separation of a temporary nature is necessitated for reasons of employment or health or for the purposes of enforcement of the provisions of Chapter IX of the present Section. Internees may request that their children who are left at liberty without parental care shall be interned with them.

Wherever possible, interned members of the same family shall be housed in the same premises and given separate accommodation from other internees, together with facilities for leading a proper family life.

Chapter II. Places of Internment.

Article 83.

The Detaining Power shall not set up places of internment in areas particularly exposed to the dangers of war.

The Detaining Power shall give the enemy Powers, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of places of internment.

Whenever military considerations permit, internment camps shall be indicated by the letters IC, placed so as to be clearly visible in the daytime from the air. The Powers concerned may, however, agree upon any other system of marking. No place other than an internment camp shall be marked as such.

Article 84.

Internees shall be accommodated and administered separately from prisoners of war and from persons deprived of liberty for any other reason.

Article 85.

The Detaining Power is bound to take all necessary and possible measures to ensure that protected persons shall, from the outset of their internment, be accommodated in buildings or quarters which afford every possible safeguard as regards hygiene and health, and provide efficient protection against the rigours of the climate and the effects of the war. In no case shall permanent places of internment be situated in unhealthy areas, or in districts the climate of which is injurious to the internees. In all cases where the district, in which a protected person is temporarily interned, is in an unhealthy area or has a climate which is harmful to his health, he shall be removed to a more suitable place of internment as rapidly as circumstances permit.

The premises shall be fully protected from dampness, adequately heated and lighted, in particular between dusk and lights out. The sleeping quarters shall be sufficiently spacious and well ventilated, and the internees shall have suitable bedding and sufficient blankets, account being taken of the climate, and the age, sex, and state of health of the internees.

Internees shall have for their use, day and night, sanitary conveniences which conform to the rules of hygiene and are constantly maintained in a state of cleanliness. They shall be provided with sufficient water and soap for their daily personal toilet and for washing their personal laundry; installations and facilities necessary for this purpose shall be granted to them. Showers or baths shall also be available. The necessary time shall be set aside for washing and for cleaning.

Whenever it is necessary, as an exceptional and temporary measure,

to accommodate women internees who are not members of a family unit in the same place of internment as men, the provision of separate sleeping quarters and sanitary conveniences for the use of such women internees shall be obligatory.

Article 86.

The Detaining Power shall place at the disposal of interned persons, of whatever denomination, premises suitable for the holding of their religious services.

Article 87.

Canteens shall be installed in every place of internment, except where other suitable facilities are available. Their purpose shall be to enable internees to make purchases, at prices not higher than local market prices, of foodstuffs and articles of everyday use, including soap and tobacco, such as would increase their personal well-being and comfort.

Profits made by canteens shall be credited to a welfare fund to be set up for each place of internment, and administered for the benefit of the internees attached to such place of internment. The Internee Committee provided for in Article 102 shall have the right to check the management of the canteen and of the said fund.

When a place of internment is closed down, the balance of the welfare fund shall be transferred to the welfare fund of a place of internment for internees of the same nationality, or, if such a place does not exist, to a central welfare fund which shall be administered for the benefit of all internees remaining in the custody of the Detaining Power. In case of a general release, the said profits shall be kept by the Detaining Power, subject to any agreement to the contrary between the Powers concerned.

Article 88.

In all places of internment exposed to air raids and other hazards of war, shelters adequate in number and structure to ensure the necessary protection shall be installed. In case of alarms, the internees shall be free to enter such shelters as quickly as possible, excepting those who remain for the protection of their quarters against the aforesaid hazards. Any protective measures taken in favour of the population shall also apply to them.

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

Chapter III. Food and Clothing.

Article 89.

Daily food rations for internees shall be sufficient in quantity, quality and variety to keep internees in a good state of health and

prevent the development of nutritional deficiencies. Account shall also be taken of the customary diet of the internees.

Internees shall also be given the means by which they can prepare for themselves any additional food in their possession.

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

Internees who work shall receive additional rations in proportion to the kind of labour which they perform.

Expectant and nursing mothers, and children under fifteen years of age, shall be given additional food, in proportion to their physiological needs.

Article 90.

When taken into custody, internees shall be given all facilities to provide themselves with the necessary clothing, footwear and change of underwear, and later on, to procure further supplies if required. Should any internees not have sufficient clothing, account being taken of the climate, and be unable to procure any, it shall be provided free of charge to them by the Detaining Power.

The clothing supplied by the Detaining Power to internees and the outward markings placed on their own clothes shall not be ignominious nor expose them to ridicule.

Workers shall receive suitable working outfits, including protective clothing, whenever the nature of their work so requires.

Chapter IV. Hygiene and Medical Attention.

Article 91.

Every place of internment shall have an adequate infirmary, under the direction of a qualified doctor, where internees may have the attention they require, as well as an appropriate diet. Isolation wards shall be set aside for cases of contagious or mental diseases.

Maternity cases and internees suffering from serious diseases, or whose condition requires special treatment, a surgical operation or hospital care, must be admitted to any institution where adequate treatment can be given and shall receive care not inferior to that provided for the general population.

Internees shall, for preference, have the attention of medical personnel of their own nationality.

Internees may not be prevented from presenting themselves to the medical authorities for examination. The medical authorities of the Detaining Power shall, upon request, issue to every internee who has undergone treatment an official certificate showing the nature of his illness or injury, and the duration and nature of the treatment given. A duplicate of this certificate shall be forwarded to the Central Agency provided for in Article 140.

Treatment, including the provision of any apparatus necessary for the maintenance of internees in good health, particularly dentures and other artificial appliances and spectacles, shall be free of charge to the internee.

Article 92.

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

Chapter V. Religious, Intellectual and Physical Activities.

Article 93.

Internees shall enjoy complete latitude in the exercise of their religious duties, including attendance at the services of their faith, on condition that they comply with the disciplinary routine prescribed by the detaining authorities.

Ministers of religion who are interned shall be allowed to minister freely to the members of their community. For this purpose, the Detaining Power shall ensure their equitable allocation amongst the various places of internment in which there are internees speaking the same language and belonging to the same religion. Should such ministers be too few in number, the Detaining Power shall provide them with the necessary facilities, including means of transport, for moving from one place to another, and they shall be authorized to visit any internees who are in hospital. Ministers of religion shall be at liberty to correspond on matters concerning their ministry with the religious authorities in the country of detention and, as far as possible, with the international religious organizations of their faith. Such correspondence shall not be considered as forming a part of the quota mentioned in Article 107. It shall, however, be subject to the provisions of Article 112.

When internees do not have at their disposal the assistance of ministers of their faith, or should these latter be too few in number, the local religious authorities of the same faith may appoint, in agreement with the Detaining Power, a minister of the internees' faith or, if such a course is feasible from a denominational point of view, a minister of similar religion or a qualified layman. The latter shall enjoy the facilities granted to the ministry he has assumed. Persons so appointed shall comply with all regulations laid down by the Detaining Power in the interests of discipline and security.

Article 94.

The Detaining Power shall encourage intellectual, educational and recreational pursuits, sports and games amongst internees, whilst leaving them free to take part in them or not. It shall take all practicable measures to ensure the exercise thereof, in particular by providing suitable premises.

All possible facilities shall be granted to internees to continue their studies or to take up new subjects. The education of children and young people shall be ensured; they shall be allowed to attend schools either within the place of internment or outside.

Internees shall be given opportunities for physical exercise, sports and outdoor games. For this purpose, sufficient open spaces shall be set aside in all places of internment. Special playgrounds shall be reserved for children and young people.

Article 95.

The Detaining Power shall not employ internees as workers, unless they so desire. Employment which, if undertaken under compulsion by a protected person not in internment, would involve a breach of Articles 40 or 51 of the present Convention, and employment on work which is of a degrading or humiliating character are in any case prohibited.

After a working period of six weeks, internees shall be free to give up work at any moment, subject to eight days' notice.

These provisions constitute no obstacle to the right of the Detaining Power to employ interned doctors, dentists and other medical personnel in their professional capacity on behalf of their fellow internees, or to employ internees for administrative and maintenance work in places of internment and to detail such persons for work in the kitchens or for other domestic tasks, or to require such persons to undertake duties connected with the protection of internees against aerial bombardment or other war risks. No internee may, however, be required to perform tasks for which he is, in the opinion of a medical officer, physically unsuited.

The Detaining Power shall take entire responsibility for all working conditions, for medical attention, for the payment of wages, and for ensuring that all employed internees receive compensation for occupational accidents and diseases. The standards prescribed for the said working conditions and for compensation shall be in accordance with the national laws and regulations, and with the existing practice; they shall in no case be inferior to those obtaining for work of the same nature in the same district. Wages for work done shall be determined on an equitable basis by special agreements between the internees, the Detaining Power, and, if the case arises, employers other than the Detaining Power, due regard being paid to the obliga-

tion of the Detaining Power to provide for free maintenance of internees and for the medical attention which their state of health may require. Internees permanently detailed for categories of work mentioned in the third paragraph of this Article, shall be paid fair wages by the Detaining Power. The working conditions and the scale of compensation for occupational accidents and diseases to internees thus detailed, shall not be inferior to those applicable to work of the same nature in the same district.

Article 96.

All labour detachments shall remain part of and dependent upon a place of internment. The competent authorities of the Detaining Power and the commandant of a place of internment shall be responsible for the observance in a labour detachment of the provisions of the present Convention. The commandant shall keep an up-to-date list of the labour detachments subordinate to him and shall communicate it to the delegates of the Protecting Power, of the International Committee of the Red Cross and of other humanitarian organizations who may visit the places of internment.

Chapter VI. Personal Property and Financial Resources.

Article 97.

Internees shall be permitted to retain articles of personal use. Monies, cheques, bonds, etc., and valuables in their possession may not be taken from them except in accordance with established procedure. Detailed receipts shall be given therefor.

The amounts shall be paid into the account of every internee as provided for in Article 98. Such amounts may not be converted into any other currency unless legislation in force in the territory in which the owner is interned so requires or the internee gives his consent.

Articles which have above all a personal or sentimental value may not be taken away.

A woman internee shall not be searched except by a woman.

On release or repatriation, internees shall be given all articles, monies or other valuables taken from them during internment and shall receive in currency the balance of any credit to their accounts kept in accordance with Article 98, with the exception of any articles or amounts withheld by the Detaining Power by virtue of its legislation in force. If the property of an internee is so withheld, the owner shall receive a detailed receipt.

Family or identity documents in the possession of internees may not be taken away without a receipt being given. At no time shall internees be left without identity documents. If they have none, they shall be issued with special documents drawn up by the detaining authorities, which will serve as their identity papers until the end of their internment.

Internees may keep on their persons a certain amount of money, in cash or in the shape of purchase coupons, to enable them to make purchases.

Article 98.

All internees shall receive regular allowances, sufficient to enable them to purchase goods and articles, such as tobacco, toilet requisites, etc. Such allowances may take the form of credits or purchase coupons.

Furthermore, internees may receive allowances from the Power to which they owe allegiance, the Protecting Powers, the organizations which may assist them, or their families, as well as the income on their property in accordance with the law of the Detaining Power. The amount of allowances granted by the Power to which they owe allegiance shall be the same for each category of internees (infirm, sick, pregnant women, etc.), but may not be allocated by that Power or distributed by the Detaining Power on the basis of discriminations between internees which are prohibited by Article 27 of the present Convention.

The Detaining Power shall open a regular account for every internee, to which shall be credited the allowances named in the present Article, the wages earned and the remittances received, together with such sums taken from him as may be available under the legislation in force in the territory in which he is interned. Internees shall be granted all facilities consistent with the legislation in force in such territory to make remittances to their families and to other dependants. They may draw from their accounts the amounts necessary for their personal expenses, within the limits fixed by the Detaining Power. They shall at all times be afforded reasonable facilities for consulting and obtaining copies of their accounts. A statement of accounts shall be furnished to the Protecting Power on request, and shall accompany the internee in case of transfer.

Chapter VII. Administration and Discipline.

Article 99.

Every place of internment shall be put under the authority of a responsible officer, chosen from the regular military forces or the regular civil administration of the Detaining Power. The officer in charge of the place of internment must have in his possession a copy of the present Convention in the official language, or one of the official languages, of his country and shall be responsible for its application. The staff in control of internees shall be instructed in the provisions of the present Convention and of the administrative measures adopted to ensure its application.

The text of the present Convention and the texts of special agreements concluded under the said Convention shall be posted inside the

place of internment, in a language which the internees understand, or shall be in the possession of the Internee Committee.

Regulations, orders, notices and publications of every kind shall be communicated to the internees and posted inside the places of internment, in a language which they understand.

Every order and command addressed to internees individually, must likewise, be given in a language which they understand.

ARTICLE 100.

The disciplinary regime in places of internment shall be consistent with humanitarian principles, and shall in no circumstances include regulations imposing on internees any physical exertion dangerous to their health or involving physical or moral victimization. Identification by tattooing or imprinting signs or markings on the body, is prohibited.

In particular, prolonged standing and roll-calls, punishment drill, military drill and manoeuvres, or the reduction of food rations, are prohibited.

ARTICLE 101.

Internees shall have the right to present to the authorities in whose power they are, any petition with regard to the conditions of internment to which they are subjected.

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

Such petitions and complaints shall be transmitted forthwith and without alteration, and even if the latter are recognized to be unfounded, they may not occasion any punishment.

Periodic reports on the situation in places of internment and as to the needs of the internees, may be sent by the Internee Committees to the representatives of the Protecting Powers.

ARTICLE 102.

In every place of internment, the internees shall freely elect by secret ballot every six months, the members of a Committee empowered to represent them before the Detaining and the Protecting Powers, the International Committee of the Red Cross and any other organization which may assist them. The members of the Committee shall be eligible for re-election.

Internees so elected shall enter upon their duties after their election has been approved by the detaining authorities. The reasons for any refusals or dismissals shall be communicated to the Protecting Powers concerned.

Article 103.

The Internee Committees shall further the physical, spiritual and intellectual well-being of the internees.

In case the internees decide, in particular, to organize a system of mutual assistance amongst themselves, this organization would be within the competence of the Committees in addition to the special duties entrusted to them under other provisions of the present Convention.

Article 104.

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

Members of Internee Committees may appoint from amongst the internees such assistants, as they may require. All material facilities shall be granted to them, particularly a certain freedom of movement necessary for the accomplishment of their duties (visits to labour detachments, receipt of supplies, etc.).

All facilities shall likewise be accorded to members of Internee Committees for communication by post and telegraph with the detaining authorities, the Protecting Powers, the International Committee of the Red Cross and their delegates, and with the organizations which give assistance to internees. Committee members in labour detachments shall enjoy similar facilities for communication with their Internee Committee in the principal place of internment. Such communications shall not be limited, nor considered as forming a part of the quota mentioned in Article 107.

Members of Internee Committees who are transferred shall be allowed a reasonable time to acquaint their successors with current affairs.

Chapter VIII. Relations with the Exterior.

Article 105.

Immediately upon interning protected persons, the Detaining Powers shall inform them, the Power to which they owe allegiance and their Protecting Power of the measures taken for executing the provisions of the present Chapter. The Detaining Powers shall likewise inform the Parties concerned of any subsequent modifications of such measures.

Article 106.

As soon as he is interned, or at the latest not more than one week after his arrival in a place of internment, and likewise in cases of sickness or transfer to another place of internment or to a hospital, every internee shall be enabled to send direct to his family, on the one hand, and to the Central Agency, provided for by Article 140, on the other,

an internment card similar, if possible, to the model annexed to the present Convention, informing his relatives of his detention, address and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any way.

Article 107.

Internees shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each internee, the said number shall not be less than two letters and four cards monthly; these shall be drawn up so as to conform as closely as possible to the models annexed to the present Convention. If limitations must be placed on the correspondence addressed to internees, they may be ordered only by the Power to which such internees owe allegiance, possibly at the request of the Detaining Power. Such letters and cards must be conveyed with reasonable despatch; they may not be delayed or retained for disciplinary reasons.

Internees who have been a long time without news, or who find it impossible to receive news from their relatives, or to give them news by the ordinary postal route, as well as those who are at a considerable distance from their homes, shall be allowed to send telegrams, the charges being paid by them in the currency at their disposal. They shall likewise benefit by this provision in cases which are recognized to be urgent.

As a rule, internees' mail shall be written in their own language. The Parties to the conflict may authorize correspondence in other languages.

Article 108.

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

Should military necessity require the quantity of such shipments to be limited, due notice thereof shall be given to the Protecting Power and to the International Committee of the Red Cross, or to any other organization giving assistance to the internees and responsible for the forwarding of such shipments.

The conditions for the sending of individual parcels and collective shipments shall, if necessary, be the subject of special agreements between the Powers concerned, which may in no case delay the receipt by the internees of relief supplies. Parcels of clothing and foodstuffs may not include books. Medical relief supplies shall, as a rule, be sent in collective parcels.

Article 109.

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

The Special agreements provided for above shall in no case restrict the right of Internee Committees to take possession of collective relief shipments intended for internees, to undertake their distribution and to dispose of them in the interests of the recipients.

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

Article 110.

All relief shipments for internees shall be exempt from import, customs and other dues.

All matter sent by mail, including relief parcels sent by parcel post and remittances of money, addressed from other countries to internees or despatched by them through the post office, either direct or through the Information Bureaux provided for in Article 136 and the Central Information Agency provided for in Article 140, shall be exempt from all postal dues both in the countries of origin and destination and in intermediate countries. To this end, in particular, the exemption provided by the Universal Postal Convention of 1947 and by the agreements of the Universal Postal Union in favour of civilians of enemy nationality detained in camps or civilian prisons, shall be extended to the other interned persons protected by the present Convention. The countries not signatory to the above-mentioned agreements shall be bound to grant freedom from charges in the same circumstances.

The cost of transporting relief shipments which are intended for internees and which, by reason of their weight or any other cause, cannot be sent through the post office, shall be borne by the Detaining Power in all the territories under its control. Other Powers which are Parties to the present Convention shall bear the cost of transport in their respective territories.

Costs connected with the transport of such shipments, which are not covered by the above paragraphs, shall be charged to the senders.

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

Article 111.

Should military operations prevent the Powers concerned from fulfilling their obligation to ensure the conveyance of the mail and relief

shipments provided for in Articles 106, 107, 108 and 113, the Protecting Powers concerned, the International Committee of the Red Cross or any other organization duly approved by the Parties to the conflict may undertake the conveyance of such shipments by suitable means (rail, motor vehicles, vessels or aircraft, etc.). For this purpose, the High Contracting Parties shall endeavour to supply them with such transport, and to allow its circulation, especially by granting the necessary safe-conducts.

Such transport may also be used to convey:

(*a*) correspondence, lists and reports exchanged between the Central Information Agency referred to in Article 140 and the National Bureaux referred to in Article 136;

(*b*) correspondence and reports relating to internees which the Protecting Powers, the International Committee of the Red Cross or any other organization assisting the internees exchange either with their own delegates or with the Parties to the conflict.

These provisions in no way detract from the right of any Party to the conflict to arrange other means of transport if it should so prefer, nor preclude the granting of safe-conducts, under mutually agreed conditions, to such means of transport.

The costs occasioned by the use of such means of transport shall be borne, in proportion to the importance of the shipments, by the Parties to the conflict whose nationals are benefited thereby.

Article 112.

The censoring of correspondence addressed to internees or despatched by them shall be done as quickly as possible.

The examination of consignments intended for internees shall not be carried out under conditions that will expose the goods contained in them to deterioration. It shall be done in the presence of the addressee, or of a fellow-internee duly delegated by him. The delivery to internees of individual or collective consignments shall not be delayed under the pretext of difficulties of censorship.

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

Article 113.

The Detaining Powers shall provide all reasonable facilities for the transmission, through the Protecting Power or the Central Agency provided for in Article 140, or as otherwise required, of wills, powers of attorney, letters of authority, or any other documents intended for internees or despatched by them.

In all cases the Detaining Powers shall facilitate the execution and authentication in due legal form of such documents on behalf of internees, in particular by allowing them to consult a lawyer.

ARTICLE 114.

The Detaining Power shall afford internees all facilities to enable them to manage their property, provided this is not incompatible with the conditions of internment and the law which is applicable. For this purpose, the said Power may give them permission to leave the place of internment in urgent cases and if circumstances allow.

ARTICLE 115.

In all cases where an internee is a party to proceedings in any court, the Detaining Power shall, if he so requests, cause the court to be informed of his detention and shall, within legal limits, ensure that all necessary steps are taken to prevent him from being in any way prejudiced, by reason of his internment, as regards the preparation and conduct of his case or as regards the execution of any judgment of the court.

ARTICLE 116.

Every internee shall be allowed to receive visitors, especially near relatives, at regular intervals and as frequently as possible.

As far as is possible, internees shall be permitted to visit their homes in urgent cases, particularly in cases of death or serious illness of relatives.

CHAPTER IX. Penal and Disciplinary Sanctions.

ARTICLE 117.

Subject to the provisions of the present Chapter, the laws in force in the territory in which they are detained will continue to apply to internees who commit offenses during internment.

If general laws, regulations or orders declare acts committed by internees to be punishable, whereas the same acts are not punishable when committed by persons who are not internees, such acts shall entail disciplinary punishments only.

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

ARTICLE 118.

The courts or authorities shall in passing sentence take as far as possible into account the fact that the defendant is not a national of the Detaining Power. They shall be free to reduce the penalty prescribed for the offense with which the internee is charged and shall not be obliged, to this end, to apply the minimum sentence prescribed.

Imprisonment in premises without daylight and, in general, all forms of cruelty without exception are forbidden.

Internees who have served disciplinary or judicial sentences shall not be treated differently from other internees.

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

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

Article 119.

The disciplinary punishments applicable to internees shall be the following:

(1) A fine which shall not exceed 50 per cent of the wages which the internee would otherwise receive under the provisions of Article 95 during a period of not more than thirty days.
(2) Discontinuance of privileges granted over and above the treatment provided for by the present Convention.
(3) Fatigue duties, not exceeding two hours daily, in connection with the maintenance of the place of internment.
(4) Confinement.

In no case shall disciplinary penalties be inhuman, brutal or dangerous for the health of internees. Account shall be taken of the internee's age, sex and state of health.

The duration of any single punishment shall in no case exceed a maximum of thirty consecutive days, even if the internee is answerable for several breaches of discipline when his case is dealt with, whether such breaches are connected or not.

Article 120.

Internees who are recaptured after having escaped or when attempting to escape, shall be liable only to disciplinary punishment in respect of this act, even if it is a repeated offense.

Article 118, paragraph 3, notwithstanding, internees punished as a result of escape or attempt to escape, may be subjected to special surveillance, on condition that such surveillance does not affect the state of their health, that it is exercised in a place of internment and that it does not entail the abolition of any of the safeguards granted by the present Convention.

Internees who aid and abet an escape or attempt to escape, shall be liable on this count to disciplinary punishment only.

Article 121.

Escape, or attempt to escape, even if it is a repeated offense, shall not be deemed an aggravating circumstance in cases where an internee is prosecuted for offenses committed during his escape.

The Parties to the conflict shall ensure that the competent authorities exercise leniency in deciding whether punishment inflicted for an offence shall be of a disciplinary or judicial nature, especially in respect of acts committed in connection with an escape, whether successful or not.

ARTICLE 122.

Acts which constitute offences against discipline shall be investigated immediately. This rule shall be applied, in particular, in cases of escape or attempt to escape. Recaptured internees shall be handed over to the competent authorities as soon as possible.

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

The provisions of Articles 124 and 125 shall apply to internees who are in confinement awaiting trial for offences against discipline.

ARTICLE 123.

Without prejudice to the competence of courts and higher authorities, disciplinary punishment may be ordered only by the commandant of the place of internment, or by a responsible officer or official who replaces him, or to whom he has delegated his disciplinary powers.

Before any disciplinary punishment is awarded, the accused internee shall be given precise information regarding the offences of which he is accused, and given an opportunity of explaining his conduct and of defending himself. He shall be permitted, in particular, to call witnesses and to have recourse, if necessary, to the services of a qualified interpreter. The decision shall be announced in the presence of the accused and of a member of the Internee Committee.

The period elapsing between the time of award of a disciplinary punishment and its execution shall not exceed one month.

When an internee is awarded a further disciplinary punishment, a period of at least three days shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

A record of disciplinary punishments shall be maintained by the commandant of the place of internment and shall be open to inspection by representatives of the Protecting Power.

ARTICLE 124.

Internees shall not in any case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) to undergo disciplinary punishment therein.

The premises in which disciplinary punishments are undergone shall conform to sanitary requirements; they shall in particular be provided

with adequate bedding. Internees undergoing punishment shall be enabled to keep themselves in a state of cleanliness.

Women internees undergoing disciplinary punishment shall be confined in separate quarters from male internees and shall be under the immediate supervision of women.

Article 125.

Internees awarded disciplinary punishment shall be allowed to exercise and to stay in the open air at least two hours daily.

They shall be allowed, if they so request, to be present at the daily medical inspections. They shall receive the attention which their state of health requires and, if necessary, shall be removed to the infirmary of the place of internment or to a hospital.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money, however, may be withheld from them until the completion of their punishment; such consignments shall meanwhile be entrusted to the Internee Committee, who will hand over to the infirmary the perishable goods contained in the parcels.

No internee given a disciplinary punishment may be deprived of the benefit of the provisions of Articles 107 and 143 of the present Convention.

Article 126.

The provisions of Articles 71 to 76 inclusive shall apply, by analogy, to proceedings against internees who are in the national territory of the Detaining Power.

Chapter X. Transfers of Internees.

Article 127.

The transfer of internees shall always be effected humanely. As a general rule, it shall be carried out by rail or other means of transport, and under conditions at least equal to those obtaining for the forces of the Detaining Power in their changes of station. If, as an exceptional measure, such removals have to be effected on foot, they may not take place unless the internees are in a fit state of health, and may not in any case expose them to excessive fatigue.

The Detaining Power shall supply internees during transfer with drinking water and food sufficient in quantity, quality and variety to maintain them in good health, and also with the necessary clothing, adequate shelter and the necessary medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during transfer, and shall establish before their departure a complete list of all internees transferred.

Sick, wounded or infirm internees, and maternity cases shall not

be transferred if the journey would be seriously detrimental to them, unless their safety imperatively so demands.

If the combat zone draws close to a place of internment, the internees in the said place shall not be transferred unless their removal can be carried out in adequate conditions of safety, or unless they are exposed to greater risks by remaining on the spot than by being transferred.

When making decisions regarding the transfer of internees, the Detaining Power shall take their interests into account and, in particular, shall not do anything to increase the difficulties of repatriating them or returning them to their own homes.

Article 128.

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

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight of such baggage may be limited if the conditions of transfer so require, but in no case to less than twenty-five kilograms per internee.

Mail and parcels addressed to their former place of internment shall be forwarded to them without delay.

The commandant of the place of internment shall take, in agreement with the Internee Committee, any measures needed to ensure the transport of the internees' community property and of the luggage the internees are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph.

Chapter XI. Deaths.

Article 129.

The wills of internees shall be received for safe-keeping by the responsible authorities; and in the event of the death of an internee his will shall be transmitted without delay to a person whom he has previously designated.

Deaths of internees shall be certified in every case by a doctor, and a death certificate shall be made out, showing the causes of death and the conditions under which it occurred.

An official record of the death, duly registered, shall be drawn up in accordance with the procedure relating thereto in force in the territory where the place of internment is situated, and a duly certified copy of such record shall be transmitted without delay to the Protecting Power as well as to the Central Agency referred to in Article 140.

Article 130.

The detaining authorities shall ensure that internees who die while interned are honourably buried, if possible according to the rites of the religion to which they belonged, and that their graves are respected, properly maintained, and marked in such a way that they can always be recognized.

Deceased internees shall be buried in individual graves unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, on account of the religion of the deceased or in accordance with his expressed wish to this effect. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased. The ashes shall be retained for safe-keeping by the detaining authorities and shall be transferred as soon as possible to the next of kin on their request.

As soon as circumstances permit, and not later than the close of hostilities, the Detaining Power shall forward lists of graves of deceased internees to the Powers on whom the deceased internees depended, through the Information Bureaux provided for in Article 136. Such lists shall include all particulars necessary for the identification of the deceased internees, as well as the exact location of their graves.

Article 131.

Every death or serious injury of an internee, caused or suspected to have been caused by a sentry, another internee or any other person, as well as any death the cause of which is unknown, shall be immediately followed by an official enquiry by the Detaining Power.

A communication on this subject shall be sent immediately to the Protecting Power. The evidence of any witnesses shall be taken, and a report including such evidence shall be prepared and forwarded to the said Protecting Power.

If the enquiry indicates the guilt of one or more persons, the Detaining Power shall take all necessary steps to ensure the prosecution of the person or persons responsible.

Chapter XII. Release, Repatriation, and Accommodation in Neutral Countries.

Article 132.

Each interned person shall be released by the Detaining Power as soon as the reasons which necessitated his internment no longer exist.

The Parties to the conflict shall, moreover, endeavour during the course of hostilities, to conclude agreements for the release, the repatriation, the return to places of residence or the accommodation in

a neutral country of certain classes of internees, in particular children, pregnant women and mothers with infants and young children, wounded and sick, and internees who have been detained for a long time.

Article 133.

Internment shall cease as soon as possible after the close of hostilities.

Internees in the territory of a Party to the conflict against whom penal proceedings are pending for offences not exclusively subject to disciplinary penalties, may be detained until the close of such proceedings and, if circumstances require, until the completion of the penalty. The same shall apply to internees who have been previously sentenced to a punishment depriving them of liberty.

By agreement between the Detaining Power and the Powers concerned, committees may be set up after the close of hostilities, or of the occupation of territories, to search for dispersed internees.

Article 134.

The High Contracting Parties shall endeavour, upon the close of hostilities or occupation, to ensure the return of all internees to their last place of residence, or to facilitate their repatriation.

Article 135.

The Detaining Power shall bear the expense of returning released internees to the places where they were residing when interned, or, if it took them into custody while they were in transit or on the high seas, the cost of completing their journey or of their return to their point of departure.

Where a Detaining Power refuses permission to reside in its territory to a released internee who previously had his permanent domicile therein, such Detaining Power shall pay the cost of the said internee's repatriation. If, however, the internee elects to return to his country on his own responsibility or in obedience to the Government of the Power to which he owes allegiance, the Detaining Power need not pay the expenses of his journey beyond the point of his departure from its territory. The Detaining Power need not pay the costs of repatriation of an internee who was interned at his own request.

If internees are transferred in accordance with Article 45, the transferring and receiving Powers shall agree on the portion of the above costs to be borne by each.

The foregoing shall not prejudice such special agreements as may be concluded between Parties to the conflict concerning the exchange and repatriation of their nationals in enemy hands.

Section V. Information Bureaux and Central Agency

Article 136.

Upon the outbreak of a conflict and in all cases of occupation, each of the Parties to the conflict shall establish an official Information Bureau responsible for receiving and transmitting information in respect of the protected persons who are in its power.

Each of the Parties to the conflict shall, within the shortest possible period, give its Bureau information of any measure taken by it concerning any protected persons who are kept in custody for more than two weeks, who are subjected to assigned residence or who are interned. It shall, furthermore, require its various departments concerned with such matters to provide the aforesaid Bureau promptly with information concerning all changes pertaining to these protected persons, as, for example, transfers, releases, repatriations, escapes, admittances to hospitals, births and deaths.

Article 137.

Each national Bureau shall immediately forward information concerning protected persons by the most rapid means to the Powers of whom the aforesaid persons are nationals, or to Powers in whose territory they resided, through the intermediary of the Protecting Powers and likewise through the Central Agency provided for in Article 140. The Bureaux shall also reply to all enquiries which may be received regarding protected persons.

Information Bureaux shall transmit information concerning a protected person unless its transmission might be detrimental to the person concerned or to his or her relatives. Even in such a case, the information may not be withheld from the Central Agency which, upon being notified of the circumstances, will take the necessary precautions indicated in Article 140.

All communications in writing made by any Bureau shall be authenticated by a signature or a seal.

Article 138.

The information received by the national Bureau and transmitted by it shall be of such a character as to make it possible to identify the protected person exactly and to advise his next of kin quickly. The information in respect of each person shall include at least his surname, first names, place and date of birth, nationality, last residence and distinguishing characteristics, the first name of the father and the maiden name of the mother, the date, place and nature of the action taken with regard to the individual, the address at which correspondence may be sent to him and the name and address of the person to be informed.

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

ARTICLE 139.

Each national Information Bureau shall, furthermore, be responsible for collecting all personal valuables left by protected persons mentioned in Article 136, in particular those who have been repatriated or released, or who have escaped or died; it shall forward the said valuables to those concerned, either direct, or, if necessary, through the Central Agency. Such articles shall be sent by the Bureau in sealed packets which shall be accompanied by statements giving clear and full identity particulars of the person to whom the articles belonged, and by a complete list of the contents of the parcel. Detailed records shall be maintained of the receipt and despatch of all such valuables.

ARTICLE 140.

A Central Information Agency for protected persons, in particular for internees, shall be created in a neutral country. The International Committee of the Red Cross shall, if it deems necessary, propose to the Powers concerned the organization of such an Agency, which may be the same as that provided for in Article 123 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

The function of the Agency shall be to collect all information of the type set forth in Article 136 which it may obtain through official or private channels and to transmit it as rapidly as possible to the countries of origin or of residence of the persons concerned, except in cases where such transmissions might be detrimental to the persons whom the said information concerns, or to their relatives. It shall receive from the Parties to the conflict all reasonable facilities for effecting such transmissions.

The High Contracting Parties, and in particular those whose nationals benefit by the services of the Central Agency, are requested to give the said Agency the financial aid it may require.

The foregoing provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross and of the relief societies described in Article 142.

ARTICLE 141.

The national Information Bureaux and the Central Information Agency shall enjoy free postage for all mail, likewise the exemptions provided for in Article 110, and further, so far as possible, exemption from telegraphic charges or, at least, greatly reduced rates.

PART IV. EXECUTION OF THE CONVENTION

SECTION I. GENERAL PROVISIONS.

ARTICLE 142.

Subject to the measures which the Detaining Powers may consider essential to ensure their security or to meet any other reasonable need, the representatives of religious organizations, relief societies, or any other organizations assisting the protected persons, shall receive from these Powers, for themselves or their duly accredited agents, all facilities for visiting the protected persons, for distributing relief supplies and material from any source, intended for educational, recreational or religious purposes, or for assisting them in organizing their leisure time within the places of internment. Such societies or organizations may be constituted in the territory of the Detaining Power, or in any other country, or they may have an international character.

The Detaining Power may limit the number of societies and organizations whose delegates are allowed to carry out their activities in its territory and under its supervision, on condition, however, that such limitation shall not hinder the supply of effective and adequate relief to all protected persons.

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

ARTICLE 143.

Representatives or delegates of the Protecting Powers shall have permission to go to all places where protected persons are, particularly to places of internment, detention and work.

They shall have access to all premises occupied by protected persons and shall be able to interview the latter without witnesses, personally or through an interpreter.

Such visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure. Their duration and frequency shall not be restricted.

Such representatives and delegates shall have full liberty to select the places they wish to visit. The Detaining or Occupying Power, the Protecting Power and when occasion arises the Power of origin of the persons to be visited, may agree that compatriots of the internees shall be permitted to participate in the visits.

The delegates of the International Committee of the Red Cross shall also enjoy the above prerogatives. The appointment of such delegates shall be submitted to the approval of the Power governing the territories where they will carry out their duties.

ARTICLE 144.

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as

possible in their respective countries, and in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population.

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

ARTICLE 145.

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

ARTICLE 146.

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

ARTICLE 147.

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or willfully depriving a protected person of the rights of fair and

regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

ARTICLE 148.

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

ARTICLE 149.

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

SECTION II. FINAL PROVISIONS.

ARTICLE 150.

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

ARTICLE 151.

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949.

ARTICLE 152.

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

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 153.

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

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

ARTICLE 154.

In the relations between the Powers who are bound by The Hague Conventions respecting the Laws and Customs of War on Land, whether that of July 29, 1899, or that of October 18, 1907, and who are parties to the present Convention, this last Convention shall be supplementary to Sections II and III of the Regulations annexed to the above mentioned Conventions of The Hague.

ARTICLE 155.

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

ARTICLE 156.

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

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

ARTICLE 157.

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

ARTICLE 158.

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release, repatriation and re-establishment of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among

civilized peoples, from the laws of humanity and the dictates of the public conscience.

ARTICLE 159.

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August, 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

[Here follow signatures].

ANNEX I

DRAFT AGREEMENT RELATING TO HOSPITAL AND SAFETY ZONES AND LOCALITIES

Article 1.

Hospital and safety zones shall be strictly reserved for the persons mentioned in Article 23 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, and in Article 14 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949, and for the personnel entrusted with the organization and administration of these zones and localities and with the care of the persons therein assembled.

Nevertheless, persons whose permanent residence is within such zones shall have the right to stay there.

Article 2.

No persons residing, in whatever capacity, in a hospital and safety zone shall perform any work, either within or without the zone, directly connected with military operations or the production of war material.

Article 3.

The Power establishing a hospital and safety zone shall take all necessary measures to prohibit access to all persons who have no right of residence or entry therein.

Article 4.

Hospital and safety zones shall fulfil the following conditions:

(*a*) They shall comprise only a small part of the territory governed by the Power which has established them.

(*b*) They shall be thinly populated in relation to the possibilities of accommodation.

(*c*) They shall be far removed and free from all military objectives, or large industrial or administrative establishments.

(*d*) They shall not be situated in areas which, according to every probability, may become important for the conduct of the war.

Article 5.

Hospital and safety zones shall be subject to the following obligations:

(*a*) The lines of communication and means of transport which they possess shall not be used for the transport of military personnel or material, even in transit.

(*b*) They shall in no case be defended by military means.

Article 6.

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

Zones reserved exclusively for the wounded and sick may be marked by means of the Red Cross, (Red Crescent, Red Lion and Sun) emblem on a white ground.

They may be similarly marked at night by means of appropriate llumination.

Article 7.

The Powers shall communicate to all the High Contracting Parties in peacetime or on the outbreak of hostilities, a list of the hospital and safety zones in the territories governed by them. They shall also give notice of any new zones set up during hostilities.

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

If, however, the adverse Party considers that the conditions of the present agreement have not been fulfilled, it may refuse to recognize the zone by giving immediate notice thereof to the Party responsible for the said zone, or may make its recognition of such zone dependent upon the institution of the control provided for in Article 8.

Article 8.

Any Power having recognized one or several hospital and safety zones instituted by the adverse Party shall be entitled to demand control by one or more Special Commissions, for the purpose of ascertaining if the zones fulfil the conditions and obligations stipulated in the present agreement.

For this purpose, members of the Special Commissions shall at all times have free access to the various zones and may even reside there permanently. They shall be given all facilities for their duties of inspection.

Article 9.

Should the Special Commissions note any facts which they consider contrary to the stipulations of the present agreement, they shall at once draw the attention of the Power governing the said zone to these

facts, and shall fix a time limit of five days within which the matter should be rectified. They shall duly notify the Power who has recognized the zone.

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

Article 10.

Any Power setting up one or more hospital and safety zones, and the adverse Parties to whom their existence has been notified, shall nominate or have nominated by the Protecting Powers or by other neutral Powers, persons eligible to be members of the Special Commissions mentioned in Articles 8 and 9.

Article 11.

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

Article 12.

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

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

Article 13.

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

ANNEX II

DRAFT REGULATIONS CONCERNING COLLECTIVE RELIEF

ARTICLE 1.

The Internee Committees shall be allowed to distribute collective relief shipments for which they are responsible, to all internees who are dependent for administration on the said Committee's place of internment, including those internees who are in hospitals, or in prisons or other penitentiary establishments.

ARTICLE 2.

The distribution of collective relief shipments shall be effected in accordance with the instructions of the donors and with a plan drawn up by the Internee Committees. The issue of medical stores shall, however, be made for preference in agreement with the senior medical officers, and the latter may, in hospitals and infirmaries, waive the said instructions, if the needs of their patients so demand. Within the limits thus defined, the distribution shall always be carried out equitably.

ARTICLE 3.

Members of Internee Committees shall be allowed to go to the railway stations or other points of arrival of relief supplies near their places of internment so as to enable them to verify the quantity as well as the quality of the goods received and to make out detailed reports thereon for the donors.

ARTICLE 4.

Internee Committees shall be given the facilities necessary for verifying whether the distribution of collective relief in all subdivisions and annexes of their places of internment has been carried out in accordance with their instructions.

ARTICLE 5.

Internee Committees shall be allowed to complete, and to cause to be completed by members of the Internee Committees in labour detachments or by the senior medical officers of infirmaries and hospitals, forms or questionnaires intended for the donors, relating to collective relief supplies (distribution, requirements, quantities,

etc.). Such forms and questionnaires, duly completed, shall be forwarded to the donors without delay.

ARTICLE 6.

In order to secure the regular distribution of collective relief supplies to the internees in their place of internment, and to meet any needs that may arise through the arrival of fresh parties of internees, the Internee Committees shall be allowed to create and maintain sufficient reserve stocks of collective relief. For this purpose, they shall have suitable warehouses at their disposal; each warehouse shall be provided with two locks, the Internee Committee holding the keys of one lock, and the commandant of the place of internment the keys of the other.

ARTICLE 7.

The High Contracting Parties, and the Detaining Powers in particular, shall, so far as is in any way possible and subject to the regulations governing the food supply of the population, authorize purchases of goods to be made in their territories for the distribution of collective relief to the internees. They shall likewise facilitate the transfer of funds and other financial measures of a technical or administrative nature taken for the purpose of making such purchases.

ARTICLE 8.

The foregoing provisions shall not constitute an obstacle to the right of internees to receive collective relief before their arrival in a place of internment or in the course of their transfer, nor to the possibility of representatives of the Protecting Power, or of the International Committee of the Red Cross or any other humanitarian organization giving assistance to internees and responsible for forwarding such supplies, ensuring the distribution thereof to the recipients by any other means they may deem suitable.

ANNEX III

I. Internment Card

1. Front

CIVILIAN INTERNEE MAIL

Postage free

POST CARD

IMPORTANT

This card must be completed by each internee immediately on being interned and each time his address is altered by reason of transfer to another place of internment or to a hospital.

This card is not the same as the special card which each internee is allowed to send to his relatives.

CENTRAL INFORMATION AGENCY FOR PROTECTED PERSONS

INTERNATIONAL COMMITTEE OF THE RED CROSS

Write legibly and in block letters—1. Nationality

2. Surname 3. First names *(in full)* 4. First name of father

5. Date of birth 6. Place of birth

7. Occupation

8. Address before detention

9. Address of next of kin

*10. Interned on :
(or)
Coming from (hospital, etc.) on :

*11. State of health

12. Present address

13. Date 14. Signature

*Strike out what is not applicable—Do not add any remarks—See explanations on other side of card

2. Reverse side

(Size of internment card—10×15 cm.)

II. Letter

Civilian Internee Service

Postage free

To

Street and number

Place of destination (*in block capitals*)

Province or Department

Country (*in block capitals*)

Sender:

Surname and first names

Date and place of birth

Internment address

(Size of letter—29×15 cm.)

III. Correspondence Card

1. Front

Civilian Internee Mail | **Postage free**

POST CARD

To

Street and number

Place of destination ***(in block capitals)***

Province or Department

Country ***(in block capitals)***

Sender:

Surname and first names

Place and date of birth

Internment address

Date:

.....

.....

.....

.....

.....

.....

Write on the dotted lines only and as legibly as possible.

2. Reverse side

(Size of correspondence card—10×15 cm.)

Appendix A

Forms of Passport, Safe Conduct, and Safeguard

FORM OF PASSPORT

(Place and date of issue.)

Authority is hereby granted to Mr. (or other title) _____ living at _____ (if on a mission, state the same), to pass out of the lines for the purpose of (state object of journey) _____.

He will cross the lines by the road from A to B (or at a designated point) during the _____ (forenoon, afternoon, or day) of _____ (date).

He is authorized to take with him _____ (persons, articles, vehicles, etc.).

He will proceed to (name destination) by the route C. D. E.

Photograph or finger print or signature.

_____,
(Signature of officer.)

_____.
(Rank, etc.)

NOTE. This passport is strictly personal and will be void unless used on the date stated.

NOTE. Blank forms for these should be issued at the commencement of hostilities. A photograph should be attached where the pass is for an extended period. A finger print or signature can be substituted if desired.

SAFE CONDUCT

Photograph.

(Place and date of issue.)

---------- residing at ----------
(*or if on a mission, the mission to be stated*)
is authorized to proceed to ---------- for
the purpose of ----------.

He will follow the route A. B. C.

He is authorized to take with him (*persons, articles, vehicles*).

This safe conduct is good until ----------.

All military authorities are directed to protect the bearer of this safe conduct and in nowise to molest him.

----------,
(Signature of officer.)

----------.
(Rank, etc.)

NOTE. This safe conduct is strictly personal and shall be void unless used within the time fixed.

FORM OF SAFEGUARD

(Date and place of issue.)

All officers and enlisted men belonging to the ----------
(Name the army
---------- are directed to respect the premises
or subdivision thereof.)
of ---------- situated at ----------

No requisitions thereon, nor damage thereto, will be permitted, and protection will be afforded by all officers and enlisted men against any person who shall attempt to act in violation of this order.

----------,
(Signature of officer.)

----------.
(Rank, etc.)

Appendix B

Agreement Between the Commander-In-Chief, United Nations Command, on the One Hand, and the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, on the Other Hand, Concerning a Military Armistice in Korea

Signed 27 July 1953

(Treaties and Other International Acts Series 2782)

PREAMBLE

The undersigned, the Commander-in-Chief, United Nations Command, on the one hand, and the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, on the other hand, in the interest of stopping the Korean conflict, with its great toll of suffering and bloodshed on both sides, and with the objective of establishing an armistice which will insure a complete cessation of hostilities and of all acts of armed force in Korea until a final peaceful settlement is achieved, do individually, collectively, and mutually agree to accept and to be bound and governed by the conditions and terms of armistice set forth in the following Articles and Paragraphs, which said conditions and terms are intended to be purely military in character and to pertain solely to the belligerents in Korea.

ARTICLE I. MILITARY DEMARCATION LINE AND DEMILITARIZED ZONE

1. A Military Demarcation Line shall be fixed and both sides shall withdraw two (2) kilometers from this line so as to establish a Demilitarized Zone between the opposing forces. A Demilitarized Zone shall be established as a buffer zone to prevent the occurrence of incidents which might lead to a resumption of hostilities.

2. The Military Demarcation Line is located as indicated on the attached map.

3. The Demilitarized Zone is defined by a northern and a southern boundary as indicated on the attached map.

4. The Military Demarcation Line shall be plainly marked as directed by the Military Armistice Commission hereinafter established. The Commanders of the opposing sides shall have suitable markers

erected along the boundary between the Demilitarized Zone and their respective areas. The Military Armistice Commission shall supervise the erection of all markers placed along the Military Demarcation Line and along the boundaries of the Demilitarized Zone.

5. The waters of the Han River Estuary shall be open to civil shipping of both sides wherever one bank is controlled by one side and the other bank is controlled by the other side. The Military Armistice Commission shall prescribe rules for the shipping in that part of the Han River Estuary indicated on the attached map. Civil shipping of each side shall have unrestricted access to the land under the military control of that side.

6. Neither side shall execute any hostile act within, from, or against the Demilitarized Zone.

7. No person, military or civilian, shall be permitted to cross the Military Demarcation Line unless specifically authorized to do so by the Military Armistice Commission.

8. No person, military or civilian, in the Demilitarized Zone shall be permitted to enter the territory under the military control of either side unless specifically authorized to do so by the Commander into whose territory entry is sought.

9. No person, military or civilian, shall be permitted to enter the Demilitarized Zone except persons concerned with the conduct of civil administration and relief and persons specifically authorized to enter by the Military Armistice Commission.

10. Civil administration and relief in that part of the Demilitarized Zone which is south of the Military Demarcation Line shall be the responsibility of the Commander-in-Chief, United Nations Command; and civil administration and relief in that part of the Demilitarized Zone which is north of the Military Demarcation Line shall be the joint responsibility of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. The number of persons, military or civilian from each side who are permitted to enter the Demilitarized Zone for the conduct of civil administration and relief shall be as determined by the respective Commanders, but in no case shall the total number authorized by either side exceed one thousand (1,000) persons at any one time. The number of civil police and the arms to be carried by them shall be as prescribed by the Military Armistice Commission. Other personnel shall not carry arms unless specifically authorized to do so by the Military Armistice Commission.

11. Nothing contained in this Article shall be construed to prevent the complete freedom of movement to, from, and within the Demilitarized Zone by the Military Armistice Commission, its assistants, its Joint Observer Teams with their assistants, the Neutral Nations Supervisory Commission hereinafter established, its assistants, its Neutral Nations Inspection Teams with their assistants,

and of any other persons, materials, and equipment specifically authorized to enter the Demilitarized Zone by the Military Armistice Commission. Convenience of movement shall be permitted through the territory under the military control of either side over any route necessary to move between points within the Demilitarized Zone where such points are not connected by roads lying completely within the Demilitarized Zone.

Article II. Concrete Arrangements for Cease-Fire and Armistice

A. General

12. The Commanders of the opposing sides shall order and enforce a complete cessation of all hostilities in Korea by all armed forces under their control, including all units and personnel of the ground, naval, and air forces, effective twelve (12) hours after this Armistice Agreement is signed. (See Paragraph 63 hereof for effective date and hour of the remaining provisions of this Armistice Agreement.)

13. In order to insure the stability of the Military Armistice so as to facilitate the attainment of a peaceful settlement through the holding by both sides of a political conference of a higher level, the Commanders of the opposing sides shall:

a. Within seventy-two (72) hours after this Armistice Agreement becomes effective, withdraw all of their military forces, supplies, and equipment from the Demilitarized Zone except as otherwise provided herein. All demolitions, minefields, wire entanglements, and other hazards to the safe movement of personnel of the Military Armistice Commission or its Joint Observer Teams, known to exist within the Demilitarized Zone after the withdrawal of military forces therefrom, together with lanes known to be free of all such hazards, shall be reported to the Military Armistice Commission by the Commander of the side whose forces emplaced such hazards. Subsequently, additional safe lanes shall be cleared; and eventually, within forty-five (45) days after the termination of the seventy-two (72) hour period, all such hazards shall be removed from the Demilitarized Zone as directed by and under the supervision of the Military Armistice Commission. At the termination of the seventy-two (72) hour period, except for unarmed troops authorized a forty-five (45) day period to complete salvage operations under Military Armistice Commission supervision, such units of a police nature as may be specifically requested by the Military Armistice Commission and agreed to by the Commanders of the opposing sides, and personnel authorized under Paragraphs 10 and 11 hereof, no personnel of either side shall be permitted to enter the Demilitarized Zone.

b. Within ten (10) days after this Armistice Agreement becomes effective, withdraw all of their military forces, supplies, and equip-

ment from the rear and the coastal islands and waters of Korea of the other side. If such military forces are not withdrawn within the stated time limit, and there is no mutually agreed and valid reason for the delay, the other side shall have the right to take any action which it deems necessary for the maintenance of security and order. The term "coastal islands," as used above, refers to those islands which, though occupied by one side at the time when this Armistice Agreement becomes effective, were controlled by the other side on 24 June 1950; provided, however, that all the islands lying to the north and west of the provincial boundary line between HWANGHAE-DO and KYONGGI-DO shall be under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, except the island groups of PAENGYONG-DO (37°58′ N, 124°40′ E), TAECHONG-DO (37°50′ N, 124°42′ E), SOCHONG-DO (37°46′ N, 124°46′ E), YONPYONG-DO (37°38′ N, 125°40′ E), and U-DO (37°36′ N, 125°58′ E), which shall remain under the military control of the Commander-in-Chief, United Nations Command. All the islands on the west coast of Korea lying south of the above-mentioned boundary line shall remain under the military control of the Commander-in-Chief, United Nations Command.

c. Cease the introduction into Korea of reinforcing military personnel; provided, however, that the rotation of units and personnel, the arrival in Korea of personnel on a temporary duty basis, and the return to Korea of personnel after short periods of leave or temporary duty outside of Korea shall be permitted within the scope prescribed below. "Rotation" is defined as the replacement of units or personnel by other units or personnel who are commencing a tour of duty in Korea. Rotation personnel shall be introduced into and evacuated from Korea only through the ports of entry enumerated in Paragraph 43 hereof. Rotation shall be conducted on a man-for-man basis; provided, however, that no more than thirty-five thousand (35,000) persons in the military service shall be admitted into Korea by either side in any calendar month under the rotation policy. No military personnel of either side shall be introduced into Korea if the introduction of such personnel will cause the aggregate of the military personnel of that side admitted into Korea since the effective date of this Armistice Agreement to exceed the cumulative total of the military personnel of that side who have departed from Korea since that date. Reports concerning arrivals in and departures from Korea of military personnel shall be made daily to the Military Armistice Commission and the Neutral Nations Supervisory Commission; such reports shall include places of arrival and departure and the number of persons arriving at or departing from each such place. The Neutral Nations Supervisory Commission, through its Neutral Nations Inspection Teams, shall conduct supervision and inspection of the rota-

tion of units and personnel authorized above, at the ports of entry enumerated in Paragraph 43 hereof.

d. Cease the introduction into Korea of reinforcing combat aircraft, armored vehicles, weapons, and ammunition; provided, however, that combat aircraft, armored vehicles, weapons, and ammunition which are destroyed, damaged, worn out or used up during the period of the armistice may be replaced on the basis of piece-for-piece of the same effectiveness and the same type. Such combat aircraft, armored vehicles, weapons, and ammunition shall be introduced into Korea only through the ports of entry enumerated in Paragraph 43 hereof. In order to justify the requirement for combat aircraft, armored vehicles, weapons, and ammunition to be introduced into Korea for replacement purposes, reports concerning every incoming shipment of these items shall be made to the Military Armistice Commission and the Neutral Nations Supervisory Commission; such reports shall include statements regarding the disposition of the items being replaced. Items to be replaced which are removed from Korea shall be removed only through the ports of entry enumerated in Paragraph 43 hereof. The Neutral Nations Supervisory Commission, through its Neutral Nations Inspection Teams, shall conduct supervision and inspection of the replacement of combat aircraft, armored vehicles, weapons, and ammunition authorized above, at the ports of entry enumerated in Paragraph 43 hereof.

e. Insure that personnel of their respective commands who violate any of the provisions of this Armistice Agreement are adequately punished.

f. In those cases where places of burial are a matter of record and graves are actually found to exist, permit graves registration personnel of the other side to enter, within a definite time limit after this Armistice Agreement becomes effective, the territory of Korea under their military control, for the purpose of proceeding to such graves to recover and evacuate the bodies of the deceased military personnel of that side, including deceased prisoners of war. The specific procedures and the time limit for the performance of the above task shall be determined by the Military Armistice Commission. The Commanders of the opposing sides shall furnish to the other side all available information pertaining to the places of burial of the deceased military personnel of the other side.

g. Afford full protection and all possible assistance and cooperation to the Military Armistice Commission, its Joint Observer Teams, the Neutral Nations Supervisory Commission, and its Neutral Nations Inspection Teams, in the carrying out of their functions and responsibilities hereinafter assigned; and accord to the Neutral Nations Supervisory Commission, and to its Neutral Nations Inspection Teams, full convenience of movement between the headquarters of the Neutral Nations Supervisory Commission and the ports of entry enumerated in

Paragraph 43 hereof over main lines of communication agreed upon by both sides, and between the headquarters of the Neutral Nations Supervisory Commission and the places where violations of this Armistice Agreement have been reported to have occurred. In order to prevent unnecessary delays, the use of alternate routes and means of transportation will be permitted whenever the main lines of communication are closed or impassable.

h. Provide such logistic support, including communications and transportation facilities, as may be required by the Military Armistice Commission and the Neutral Nations Supervisory Commission and their Teams.

i. Each construct, operate, and maintain a suitable airfield in their respective parts of the Demilitarized Zone in the vicinity of the headquarters of the Military Armistice Commission, for such uses as the Commission may determine.

j. Insure that all members and other personnel of the Neutral Nations Supervisory Commission and of the Neutral Nations Repatriation Commission hereinafter established shall enjoy the freedom and facilities necessary for the proper exercise of their functions, including privileges, treatment, and immunities equivalent to those ordinarily enjoyed by accredited diplomatic personnel under international usage.

14. This Armistice Agreement shall apply to all opposing ground forces under the military control of either side, which ground forces shall respect the Demilitarized Zone and the area of Korea under the military control of the opposing side.

15. This Armistice Agreement shall apply to all opposing naval forces, which naval forces shall respect the waters contiguous to the Demilitarized Zone and to the land area of Korea under the military control of the opposing side, and shall not engage in blockade of any kind of Korea.

16. This Armistice Agreement shall apply to all opposing air forces, which air forces shall respect the air space over the Demilitarized Zone and over the area of Korea under the military control of the opposing side, and over the waters contiguous to both.

17. Responsibility for compliance with and enforcement of the terms and provisions of this Armistice Agreement is that of the signatories hereto and their successors in command. The Commanders of the opposing sides shall establish within their respective commands all measures and procedures necessary to insure complete compliance with all of the provisions hereof by all elements of their commands. They shall actively cooperate with one another and with the Military Armistice Commission and the Neutral Nations Supervisory Commission in requiring observance of both the letter and the spirit of all of the provisions of this Armistice Agreement.

18. The costs of the operations of the Military Armistice Commission and of the Neutral Nations Supervisory Commission and of their Teams shall be shared equally by the two opposing sides.

B. Military Armistice Commission

1. Composition

19. A Military Armistice Commission is hereby established.

20. The Military Armistice Commission shall be composed of ten (10) senior officers, five (5) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and five (5) of whom shall be appointed jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. Of the ten members, three (3) from each side shall be of general or flag rank. The two (2) remaining members on each side may be major generals, brigadier generals, colonels, or their equivalents.

21. Members of the Military Armistice Commission shall be permitted to use staff assistants as required.

22. The Military Armistice Commission shall be provided with the necessary administrative personnel to establish a Secretariat charged with assisting the Commission by performing record-keeping, secretarial, interpreting, and such other functions as the Commission may assign to it. Each side shall appoint to the Secretariat a Secretary and an Assistant Secretary and such clerical and specialized personnel as required by the Secretariat. Records shall be kept in English, Korean, and Chinese, all of which shall be equally authentic.

23. a. The Military Armistice Commission shall be initially provided with and assisted by ten (10) Joint Observer Teams, which number may be reduced by agreement of the senior members of both sides on the Military Armistice Commission.

b. Each Joint Observer Team shall be composed of not less than four (4) nor more than six (6) officers of field grade, half of whom shall be appointed by the Commander-in-Chief, United Nations Command, and half of whom shall be appointed jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. Additional personnel such as drivers, clerks and interpreters shall be furnished by each side as required for the functioning of the Joint Observer Teams.

2. Functions and authority

24. The general mission of the Military Armistice Commission shall be to supervise the implementation of this Armistice Agreement and to settle through negotiations any violations of this Armistice Agreement.

25. The Military Armistice Commission shall:

a. Locate its headquarters in the vicinity of PANMUNJOM (37°57′29″ N, 126°40′00″ E). The Military Armistice Commission

may re-locate its headquarters at another point within the Demilitarized Zone by agreement of the senior members of both sides on the Commission.

b. Operate as a joint organization without a chairman.

c. Adopt such rules of procedure as it may, from time to time, deem necessary.

d. Supervise the carrying out of the provisions of this Armistice Agreement pertaining to the Demilitarized Zone and to the Han River Estuary.

e. Direct the operations of the Joint Observer Teams.

f. Settle through negotiations any violations of this Armistice Agreement.

g. Transmit immediately to the Commanders of the opposing sides all reports of investigations of violations of this Armistice Agreement and all other reports and records of proceedings received from the Neutral Nations Supervisory Commission.

h. Give general supervision and direction to the activities of the Committee for Repatriation of Prisoners of War and the Committee for Assisting the Return of Displaced Civilians, hereinafter established.

i. Act as an intermediary in transmitting communications between the Commanders of the opposing sides; provided, however, that the foregoing shall not be construed to preclude the Commanders of both sides from communicating with each other by any other means which they may desire to employ.

j. Provide credentials and distinctive insignia for its staff and its Joint Observer Teams, and a distinctive marking for all vehicles, aircraft, and vessels, used in the performance of its mission.

26. The mission of the Joint Observer Teams shall be to assist the Military Armistice Commission in supervising the carrying out of the provisions of this Armistice Agreement pertaining to the Demilitarized Zone and to the Han River Estuary.

27. The Military Armistice Commission, or the senior member of either side thereof, is authorized to dispatch Joint Observer Teams to investigate violations of this Armistice Agreement reported to have occurred in the Demilitarized Zone or in the Han River Estuary; provided, however, that not more than one half of the Joint Observer Teams which have not been dispatched by the Military Armistice Commission may be dispatched at any one time by the senior member of either side on the Commission.

28. The Military Armistice Commission, or the senior member of either side thereof, is authorized to request the Neutral Nations Supervisory Commission to conduct special observations and inspections at places outside the Demilitarized Zone where violations of this Armistice Agreement have been reported to have occurred.

29. When the Military Armistice Commission determines that a violation of this Armistice Agreement has occurred, it shall immedi-

ately report such violation to the Commanders of the opposing sides.

30. When the Military Armistice Commission determines that a violation of this Armistice Agreement has been corrected to its satisfaction, it shall so report to the Commanders of the opposing sides.

3. General

31. The Military Armistice Commission shall meet daily. Recesses of not to exceed seven (7) days may be agreed upon by the senior members of both sides; provided, that such recesses may be terminated on twenty-four (24) hour notice by the senior member of either side.

32. Copies of the record of the proceedings of all meetings of the Military Armistice Commission shall be forwarded to the Commanders of the opposing sides as soon as possible after each meeting.

33. The Joint Observer Teams shall make periodic reports to the Military Armistice Commission as required by the Commission and, in addition, shall make such special reports as may be deemed necessary by them, or as may be required by the Commission.

34. The Military Armistice Commission shall maintain duplicate files of the reports and records of proceedings required by this Armistice Agreement. The Commission is authorized to maintain duplicate files of such other reports, records, etc., as may be necessary in the conduct of its business. Upon eventual dissolution of the Commission, one set of the above files shall be turned over to each side.

35. The Military Armistice Commission may make recommendations to the Commanders of the opposing sides with respect to amendments or additions to this Armistice Agreement. Such recommended changes should generally be those designed to insure a more effective armistice.

C. Neutral Nations Supervisory Commission

1. Composition

36. A Neutral Nations Supervisory Commission is hereby established.

37. The Neutral Nations Supervisory Commission shall be composed of four (4) senior officers, two (2) of whom shall be appointed by neutral nations nominated by the Commander-in-Chief, United Nations Command, namely, SWEDEN and SWITZERLAND, and two (2) of whom shall be appointed by neutral nations nominated jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, namely, POLAND and CZECHOSLOVAKIA. The term "neutral nations" as herein used is defined as those nations whose combatant forces have not participated in the hostilities in Korea. Members appointed to the Commission may be from the armed forces of the appointing nations. Each member shall designate an alternate member to attend those

meetings which for any reason the principal member is unable to attend. Such alternate members shall be of the same nationality as their principals. The Neutral Nations Supervisory Commission may take action whenever the number of members present from the neutral nations nominated by one side is equal to the number of members present from the neutral nations nominated by the other side.

38. Members of the Neutral Nations Supervisory Commission shall be permitted to use staff assistants furnished by the neutral nations as required. These staff assistants may be appointed as alternate members of the Commission.

39. The neutral nations shall be requested to furnish the Neutral Nations Supervisory Commission with the necessary administrative personnel to establish a Secretariat charged with assisting the Commission by performing necessary recordkeeping, secretarial, interpreting, and such other functions as the Commission may assign to it.

40. a. The Neutral Nations Supervisory Commission shall be initially provided with, and assisted by, twenty (20) Neutral Nations Inspection Teams, which number may be reduced by agreement of the senior members of both sides on the Military Armistice Commission. The Neutral Nations Inspection Teams shall be responsible to, shall report to, and shall be subject to the direction of, the Neutral Nations Supervisory Commission only.

b. Each Neutral Nations Inspection Team shall be composed of not less than four (4) officers, preferably of field grade, half of whom shall be from the neutral nations nominated by the Commander-in-Chief, United Nations Command, and half of whom shall be from the neutral nations nominated jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. Members appointed to the Neutral Nations Inspection Teams may be from the armed forces of the appointing nations. In order to facilitate the functioning of the Teams, subteams composed of not less than two (2) members, one of whom shall be from a neutral nation nominated by the Commander-in-Chief, United Nations Command, and one of whom shall be from a neutral nation nominated jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, may be formed as circumstances require. Additional personnel such as drivers, clerks, interpreters, and communications personnel, and such equipment as may be required by the Teams to perform their missions, shall be furnished by the Commander of each side, as required, in the Demilitarized Zone and in the territory under his military control. The Neutral Nations Supervisory Commission may provide itself and the Neutral Nations Inspection Teams with such of the above personnel and equipment of its own as it may desire; provided, however, that such personnel shall be personnel of the

same neutral nations of which the Neutral Nations Supervisory Commission is composed.

2. Functions and authority

41. The mission of the Neutral Nations Supervisory Commission shall be to carry out the functions of supervision, observation, inspection, and investigation, as stipulated in Subparagraphs 13c and 13d and Paragraph 28 hereof, and to report the results of such supervision, observation, inspection, and investigation to the Military Armistice Commission.

42. The Neutral Nations Supervisory Commission shall:

a. Locate its headquarters in proximity to the headquarters of the Military Armistice Commission.

b. Adopt such rules of procedure as it may, from time to time, deem necessary.

c. Conduct, through its members and its Neutral Nations Inspection Teams, the supervision and inspection provided for in Subparagraphs 13c and 13d of this Armistice Agreement at the ports of entry enumerated in Paragraph 43 hereof, and the special observations and inspections provided for in Paragraph 28 hereof at those places where violations of this Armistice Agreement have been reported to have occurred. The inspection of combat aircraft, armored vehicles, weapons, and ammunition by the Neutral Nations Inspection Teams shall be such as to enable them to properly insure that reinforcing combat aircraft, armored vehicles, weapons, and ammunition are not being introduced into Korea; but this shall not be construed as authorizing inspections or examinations of any secret designs or characteristics of any combat aircraft, armored vehicle, weapon, or ammunition.

d. Direct and supervise the operations of the Neutral Nations Inspection Teams.

e. Station five (5) Neutral Nations Inspection Teams at the ports of entry enumerated in Paragraph 43 hereof located in the territory under the military control of the Commander-in-Chief, United Nations Command; and five (5) Neutral Nations Inspection Teams at the ports of entry enumerated in Paragraph 43 hereof located in the territory under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers; and establish initially ten (10) mobile Neutral Nations Inspection Teams in reserve, stationed in the general vicinity of the headquarters of the Neutral Nations Supervisory Commission, which number may be reduced by agreement of the senior members of both sides on the Military Armistice Commission. Not more than half of the mobile Neutral Nations Inspection Teams shall be dispatched at any one time in accordance with requests of the senior member of either side on the Military Armistice Commission.

f. Subject to the provisions of the preceding Subparagraph, conduct without delay investigations of reported violations of this Armistice Agreement, including such investigations of reported violations of this Armistice Agreement as may be requested by the Military Armistice Commission or by the senior member of either side on the Commission.

g. Provide credentials and distinctive insignia for its staff and its Neutral Nations Inspection Teams, and a distinctive marking for all vehicles, aircraft, and vessels, used in the performance of its mission.

43. Neutral Nations Inspection Teams shall be stationed at the following ports of entry:

Territory under the military control of the United Nations Command		Territory under the military control of the Korean People's Army and the Chinese People's Volunteers	
INCHON	(37°28′N, 126°38′E)	SINUIJU	(40°06′N, 124°24′E)
TAEGU	(35°52′N, 128°36′E)	CHONGJIN	(41°46′N, 129°49′E)
PUSAN	(35°06′N, 129°02′E)	HUNGNAM	(39°50′N, 127°37′E)
KANGNUNG	(37°45′N, 128°54′E)	MANPO	(41°09′N, 126°18′E)
KUNSAN	(35°59′N, 126°43′E)	SINANJU	(39°36′N, 125°36′E)

These Neutral Nations Inspection Teams shall be accorded full convenience of movement within the areas and over the routes of communication set forth on the attached map.

3. General

44. The Neutral Nations Supervisory Commission shall meet daily. Recesses of not to exceed seven (7) days may be agreed upon by the members of the Neutral Nations Supervisory Commission; provided, that such recesses may be terminated on twenty-four (24) hour notice by any member.

45. Copies of the record of the proceedings of all meetings of the Neutral Nations Supervisory Commission shall be forwarded to the Military Armistice Commission as soon as possible after each meeting. Records shall be kept in English, Korean, and Chinese.

46. The Neutral Nations Inspection Teams shall make periodic reports concerning the results of their supervision, observations, inspections, and investigations to the Neutral Nations Supervisory Commission as required by the Commission and, in addition, shall make such special reports as may be deemed necessary by them, or as may be required by the Commission. Reports shall be submitted by a Team as a whole, but may also be submitted by one or more individual members thereof; provided, that the reports submitted by one or more individual members thereof shall be considered as informational only.

47. Copies of the reports made by the Neutral Nations Inspection Teams shall be forwarded to the Military Armistice Commission by

the Neutral Nations Supervisory Commission without delay and in the language in which received. They shall not be delayed by the process of translation or evaluation. The Neutral Nations Supervisory Commission shall evaluate such reports at the earliest practicable time and shall forward their findings to the Military Armistice Commission as a matter of priority. The Military Armistice Commission shall not take final action with regard to any such report until the evaluation thereof has been received from the Neutral Nations Supervisory Commission. Members of the Neutral Nations Supervisory Commission and of its Teams shall be subject to appearance before the Military Armistice Commission, at the request of the senior member of either side on the Military Armistice Commission, for clarification of any report submitted.

48. The Neutral Nations Supervisory Commission shall maintain duplicate files of the reports and records of proceedings required by this Armistice Agreement. The Commission is authorized to maintain duplicate files of such other reports, records, etc., as may be necessary in the conduct of its business. Upon eventual dissolution of the Commission, one set of the above files shall be turned over to each side.

49. The Neutral Nations Supervisory Commission may make recommendations to the Military Armistice Commission with respect to amendments or additions to this Armistice Agreement. Such recommended changes should generally be those designed to insure a more effective armistice.

50. The Neutral Nations Supervisory Commission, or any member thereof, shall be authorized to communicate with any member of the Military Armistice Commission.

Article III. Arrangements Relating to Prisoners of War

51. The release and repatriation of all prisoners of war held in custody of each side at the time this Armistice Agreement becomes effective shall be effected in conformity with the following provisions agreed upon by both sides prior to the signing of this Armistice Agreement.

a. Within sixty (60) days after this Armistice Agreement becomes effective, each side shall, without offering any hindrance, directly repatriate and hand over in groups all those prisoners of war in its custody who insist on repatriation to the side to which they belonged at the time of capture. Repatriation shall be accomplished in accordance with the related provisions of this Article. In order to expedite the repatriation process of such personnel, each side shall, prior to the singing of the Armistice Agreement, exchange the total numbers, by nationalities, of personnel to be directly repatriated. Each group of prisoners of war delivered to the other side shall be accompanied by

rosters, prepared by nationality, to include name, rank (if any) and internment or military serial number.

b. Each side shall release all those remaining prisoners of war, who are not directly repatriated, from its military control and from its custody and hand them over to the Neutral Nations Repatriation Commission for disposition in accordance with the provisions in the Annex hereto: "Terms of Reference for Neutral Nations Repatriation Commission."

c. So that there may be no misunderstanding owing to the equal use of three languages, the act of delivery of a prisoner of war by one side to the other side shall, for the purposes of this Armistice Agreement, be called "repatriation" in English, * * * (SONG HWAN) in Korean, and * * * (CH'IEN FAN) in Chinese, notwithstanding the nationality or place of residence of such prisoner of war.

52. Each side insures that it will not employ in acts of war in the Korean conflict any prisoner of war released and repatriated incident to the coming into effect of this Armistice Agreement.

53. All the sick and injured prisoners of war who insist upon repatriation shall be repatriated with priority. Insofar as possible, there shall be captured medical personnel repatriated concurrently with the sick and injured prisoners of war, so as to provide medical care and attendance en route.

54. The repatriation of all of the prisoners of war required by Sub-paragraph 51a hereof shall be completed within a time limit of sixty (60) days after this Armistice Agreement becomes effective. Within this time limit each side undertakes to complete the repatriation of the above-mentioned prisoners of war in its custody at the earliest practicable time.

55. PANMUNJOM is designated as the place where prisoners of war will be delivered and received by both sides. Additional place(s) of delivery and reception of prisoners of war in the Demilitarized Zone may be designated, if necessary, by the Committee for Repatriation of Prisoners of War.

56. a. A Committee for Repatriation of Prisoners of War is hereby established. It shall be composed of six (6) officers of field grade, three (3) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and three (3) of whom shall be appointed jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. This Committee shall, under the general supervision and direction of the Military Armistice Commission, be responsible for coordinating the specific plans of both sides for the repatriation of prisoners of war and for supervising the execution by both sides of all of the provisions of this Armistice Agreement relating to the repatriation of prisoners of war. It shall be the duty of this Committee to coordinate the timing of the arrival of prisoners of war at the place(s) of delivery and reception of

prisoners of war from the prisoner of war camps of both sides; to make, when necessary, such special arrangements as may be required with regard to the transportation and welfare of sick and injured prisoners of war; to coordinate the work of the Joint Red Cross teams, established in Paragraph 57 hereof, in assisting in the repatriation of prisoners of war; to supervise the implementation of the arrangements for the actual repatriation of prisoners of war stipulated in Paragraphs 53 and 54 hereof; to select, when necessary, additional place(s) of delivery and reception of prisoners of war; to arrange for security at the place(s) of delivery and reception of prisoners of war; and to carry out such other related functions as are required for the repatriation of prisoners of war.

b. When unable to reach agreement on any matter relating to its responsibilities, the Committee for Repatriation of Prisoners of War shall immediately refer such matter to the Military Armistice Commission for decision. The Committee for Repatriation of Prisoners of War shall maintain its headquarters in proximity to the headquarters of the Military Armistice Commission.

c. The Committee for Repatriation of Prisoners of War shall be dissolved by the Military Armistice Commission upon completion of the program of repatriation of prisoners of war.

57. a. Immediately after this Armistice Agreement becomes effective, joint Red Cross teams composed of representatives of the national Red Cross Societies of the countries contributing forces to the United Nations Command on the one hand, and representatives of the Red Cross Society of the Democratic People's Republic of Korea and representatives of the Red Cross Society of the People's Republic of China on the other hand, shall be established. The joint Red Cross teams shall assist in the execution by both sides of those provisions of this Armistice Agreement relating to the repatriation of all the prisoners of war specified in Sub-paragraph 51a hereof, who insist upon repatriation, by the performance of such humanitarian services as are necessary and desirable for the welfare of the prisoners of war. To accomplish this task, the joint Red Cross teams shall provide assistance in the delivering and receiving of prisoners of war by both sides at the place(s) of delivery and reception of prisoners of war, and shall visit the prisoner of war camps of both sides to comfort the prisoners of war and to bring in and distribute gift articles for the comfort and welfare of the prisoners of war. The joint Red Cross teams may provide services to prisoners of war while en route from prisoner of war camps to the place(s) of delivery and reception of prisoners of war.

b. The joint Red Cross teams shall be organized as set forth below:

(1) One team shall be composed of twenty (20) members, namely, ten (10) representatives from the national Red Cross Societies

of each side, to assist in the delivering and receiving of prisoners of war by both sides at the place(s) of delivery and reception of prisoners of war. The chairmanship of this team shall alternate daily between representatives from the Red Cross Societies of the two sides. The work and services of this team shall be coordinated by the Committee for Repatriation of Prisoners of War.

(2) One team shall be composed of sixty (60) members, namely, thirty (30) representatives from the national Red Cross Societies of each side, to visit the prisoner of war camps under the administration of the Korean People's Army and the Chinese People's Volunteers. This team may provide services to prisoners of war while en route from the prisoner of war camps to the place(s) of delivery and reception of prisoners of war. A representative of the Red Cross Society of the Democratic People's Republic of Korea or of the Red Cross Society of the People's Republic of China shall serve as chairman of this team.

(3) One team shall be composed of sixty (60) members, namely, thirty (30) representatives from the national Red Cross Societies of each side, to visit the prisoner of war camps under the administration of the United Nations Command. This team may provide services to prisoners of war while en route from the prisoner of war camps to the place(s) of delivery and reception of prisoners of war. A representative of a Red Cross Society of a nation contributing forces to the United Nations Command shall serve as chairman of this team.

(4) In order to facilitate the functioning of each joint Red Cross team, sub-teams composed of not less than two (2) members from the team, with an equal number of representatives from each side, may be formed as circumstances require.

(5) Additional personnel such as drivers, clerks, and interpreters, and such equipment as may be required by the joint Red Cross teams to perform their missions, shall be furnished by the Commander of each side to the team operating in the territory under his military control.

(6) Whenever jointly agreed upon by the representatives of both sides on any joint Red Cross team, the size of such team may be increased or decreased, subject to confirmation by the Committee for Repatriation of Prisoners of War.

c. The Commander of each side shall cooperate fully with the joint Red Cross teams in the performance of their functions, and undertakes to insure the security of the personnel of the joint Red Cross team in the area under his military control. The Commander of each side shall provide such logistic, administrative, and communications facilities as may be required by the team operating in the territory under his military control.

d. The joint Red Cross teams shall be dissolved upon completion

of the program of repatriation of all the prisoners of war specified in Sub-paragraph 51a hereof, who insist upon repatriation.

58. a. The Commander of each side shall furnish to the Commander of the other side as soon as practicable, but not later than ten (10) days after this Armistice Agreement becomes effective, the following information concerning prisoners of war:

(1) Complete data pertaining to the prisoners of war who escaped since the effective date of the data last exchanged.

(2) Insofar as practicable, information regarding name, nationality, rank, and other identification data, date and cause of death, and place of burial, of those prisoners of war who died while in his custody.

b. If any prisoners of war escape or die after the effective date of the supplementary information specified above, the detaining side shall furnish to the other side, through the Committee for Repatriation of Prisoners of War, the data pertaining thereto in accordance with the provisions of Sub-paragraph 58a hereof. Such data shall be furnished at ten-day intervals until the completion of the program of delivery and reception of prisoners of war.

c. Any escaped prisoner of war who returns to the custody of the detaining side after the completion of the program of delivery and reception of prisoners of war shall be delivered to the Military Armistice Commission for disposition.

59. a. All civilians who, at the time this Armistice Agreement becomes effective, are in territory under the military control of the Commander-in-Chief, United Nations Command, and who, on 24 June 1950, resided north of the Military Demarcation Line established in this Armistice Agreement shall, if they desire to return home, be permitted and assisted by the Commander-in-Chief, United Nations Command, to return to the area north of the Military Demarcation Line; and all civilians who, at the time this Armistice Agreement becomes effective, are in territory under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, and who, on 24 June 1950, resided south of the Military Demarcation Line established in this Armistice Agreement shall, if they desire to return home, be permitted and assisted by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers to return to the area south of the Military Demarcation Line. The Commander of each side shall be responsible for publicizing widely throughout territory under his military control the contents of the provisions of this Sub-paragraph, and for calling upon the appropriate civil authorities to give necessary guidance and assistance to all such civilians who desire to return home.

b. All civilians of foreign nationality who, at the time this Armistice Agreement becomes effective, are in territory under the

military control of the Supreme Commander of the Korean Poeple's Army and the Commander of the Chinese People's Volunteers shall, if they desire to proceed to territory under the military control of the Commander-in-Chief, United Nations Command, be permitted and assisted to do so; all civilians of foreign nationality who, at the time this Armistice Agreement becomes effective, are in territory under the military control of the Commander-in-Chief, United Nations Command, shall, if they desire to proceed to territory under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, be permitted and assisted to do so. The Commander of each side shall be responsible for publicizing widely throughout the territory under his military control the contents of the provisions of this Sub-paragraph, and for calling upon the appropriate civil authorities to give necessary guidance and assistance to all such civilians of foreign nationality who desire to proceed to territory under the military control of the Commander of the other side.

c. Measures to assist in the return of civilians provided for in Sub-paragraph 59a hereof and the movement of civilians provided for in Sub-paragraph 59b hereof shall be commenced by both sides as soon as possible after this Armistice Agreement becomes effective.

d. (1) A Committee for Assisting the Return of Displaced Civilians is hereby established. It shall be composed of four (4) officers of field grade, two (2) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and two (2) of whom shall be appointed jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. This Committee shall, under the general supervision and direction of the Military Armistice Commission, be responsible for coordinating the specific plans of both sides for assistance to the return of the above-mentioned civilians, and for supervising the execution by both sides of all of the provisions of this Armistice Agreement relating to the return of the above-mentioned civilians. It shall be the duty of this Committee to make necessary arrangements, including those of transportation, for expediting and coordinating the movement of the above-mentioned civilians; to select the crossing point(s) through which the above-mentioned civilians will cross the Military Demarcation Line; to arrange for security at the crossing point(s); and to carry out such other functions as are required to accomplish the return of the above-mentioned civilians.

(2) When unable to reach agreement on any matter relating to its responsibilities, the Committee for Assisting the Return of Displaced Civilians shall immediately refer such matter to the Military Armistice Commission for decision. The Committee for Assisting the Return of Displaced Civilians shall maintain its headquarters

in proximity to the headquarters of the Military Armistice Commission.

(3) The Committee for Assisting the Return of Displaced Civilians shall be dissolved by the Military Armistice Commission upon fulfillment of its mission.

Article IV. Recommendation to the Governments Concerned on Both Sides

60. In order to insure the peaceful settlement of the Korean question, the military Commanders of both sides hereby recommend to the governments of the countries concerned on both sides that, within three (3) months after the Armistice Agreement is signed and becomes effective, a political conference of a higher level of both sides be held by representatives appointed respectively to settle through negotiation the questions of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question, etc.

Article V. Miscellaneous

61. Amendments and additions to this Armistice Agreement must be mutually agreed to by the Commanders of the opposing sides.

62. The Articles and Paragraphs of this Armistice Agreement shall remain in effect until expressly superseded either by mutually acceptable amendments and additions or by provision in an appropriate agreement for a peaceful settlement at a political level between both sides.

63. All of the provisions of this Armistice Agreement, other than Paragraph 12, shall become effective at 2200 hours on 27 July 1953.

Done at Panmunjom, Korea, at 1000 hours on the 27th day of July, 1953, in English, Korean, and Chinese, all texts being equally authentic.

KIM IL SUNG
Marshall, Democratic People's Republic of Korea
Supreme Commander, Korean People's Army

PENG TEH-HUAI
Commander, Chinese People's Volunteers

MARK W. CLARK
General, United States Army
Commander-in-Chief, United Nations Command

PRESENT

NAM IL
General, Korean People's Army
Senior Delegate, Delegation of the Korean People's Army and the Chinese People's Volunteers

WILLIAM K. HARRISON, JR.
Lieutenant General, United States Army
Senior Delegate, United Nations Command Delegation

ANNEX

TERMS OF REFERENCE

FOR

NEUTRAL NATIONS REPATRIATION COMMISSION

(See Sub-paragraph 51b)

I. GENERAL

1. In order to ensure that all prisoners of war have the opportunity to exercise their right to be repatriated following an armistice, Sweden, Switzerland, Poland, Czechoslovakia and India shall each be requested by both sides to appoint a member to a Neutral Nations Repatriation Commission which shall be established to take custody in Korea of those prisoners of war who, while in the custody of the detaining powers, have not exercised their right to be repatriated. The Neutral Nations Repatriation Commission shall establish its headquarters within the Demilitarized Zone in the vicinity of Panmunjom, and shall station subordinate bodies of the same composition as the Neutral Nations Repatriation Commission at those locations at which the Repatriation Commission asssmes custody of prisoners of war. Representatives of both sides shall be permitted to observe the operations of the Repatriation Commission and its subordinate bodies to include explanations and interviews.

2. Sufficient armed forces and any other operating personnel required to assist the Neutral Nations Repatriation Commission in carrying out its functions and responsibilities shall be provided exclusively by India, whose representative shall be the umpire in accordance with the provisions of Article 132 of the Geneva Convention, and shall also be chairman and executive agent of the Neutral Nations Repatriation Commission. Representatives from each of the other four powers shall be allowed staff assistants in equal number not to exceed fifty (50) each. When any of the representatives of the neutral nations is absent for some reason, that representative shall designate an alternate representative of his own nationality to exercise his functions and authority. The arms of all personnel provided for in this Paragraph shall be limited to military police type small arms.

3. No force or threat of force shall be used against the prisoners of war specified in Paragraph 1 above to prevent or effect their repatriation, and no violence to their persons or affront to their dignity or

self-respect shall be permitted in any manner for any purpose whatsoever (but see Paragraph 7 below). This duty is enjoined on and entrusted to the Neutral Nations Repatriation Commission. This Commission shall ensure that prisoners of war shall at all times be treated humanely in accordance with the specific provisions of the Geneva Convention, and with the general spirit of that Convention.

II. CUSTODY OF PRISONERS OF WAR

4. All prisoners of war who have not exercised their right of repatriation following the effective date of the Armistice Agreement shall be released from the military control and from the custody of the detaining side as soon as practicable, and, in all cases, within sixty (60) days subsequent to the effective date of the Armistice Agreement to the Neutral Nations Repatriation Commission at locations in Korea to be designated by the detaining side.

5. At the time the Neutral Nations Repatriation Commission assumes control of the prisoner of war installations, the military forces of the detaining side shall be withdrawn therefrom, so that the locations specified in the preceding Paragraph shall be taken over completely by the armed forces of India.

6. Notwithstanding the provisions of Paragraph 5 above, the detaining side shall have the responsibility for maintaining and ensuring security and order in the areas around the locations where the prisoners of war are in custody and for preventing and restraining any armed forces (including irregular armed forces) in the area under its control from any acts of disturbance and intrusion against the locations where the prisoners of war are in custody.

7. Notwithstanding the provisions of Paragraph 3 above, nothing in this agreement shall be construed as derogating from the authority of the Neutral Nations Repatriation Commission to exercise its legitimate functions and responsibilities for the control of the prisoners of war under its temporary jurisdiction.

III. EXPLANATION

8. The Neutral Nations Repatriation Commission, after having received and taken into custody all those prisoners of war who have not exercised their right to be repatriated, shall immediately make arrangements so that within ninety (90) days after the Neutral Nations Repatriation Commission takes over the custody, the nations to which the prisoners of war belong shall have freedom and facilities to send representatives to the locations where such prisoners of war are in custody to explain to all the prisoners of war depending upon these nations their rights and to inform them of any matters relating to their return to their homelands, particularly of their full freedom to return home to lead a peaceful life, under the following provisions:

a. The number of such explaining representatives shall not exceed seven (7) per thousand prisoners of war held in custody by the Neutral Nations Repatriation Commission; and the minimum authorized shall not be less than a total of five (5);

b. The hours during which the explaining representatives shall have access to the prisoners shall be as determined by the Neutral Nations Repatriation Commission, and generally in accord with Article 53 of the Geneva Convention Relative to the Treatment of Prisoners of War;

c. All explanations and interviews shall be conducted in the presence of a representative of each member nation of the Neutral Nations Repatriation Commission and a representative from the detaining side;

d. Additional provisions governing the explanation work shall be prescribed by the Neutral Nations Repatriation Commission, and will be designed to employ the principles enumerated in Paragraph 3 above and in this Paragraph;

e. The explaining representatives, while engaging in their work, shall be allowed to bring with them necessary facilities and personnel for wireless communications. The number of communications personnel shall be limited to one team per location at which explaining representatives are in residence, except in the event all prisoners of war are concentrated in one location, in which case, two (2) teams shall be permitted. Each team shall consist of not more than six (6) communications personnel.

9. Prisoners of war in its custody shall have freedom and facilities to make representations and communications to the Neutral Nations Repatriation Commission and to representatives and subordinate bodies of the Neutral Nations Repatriation Commission and to inform them of their desires on any matter concerning the prisoners of war themselves, in accordance with arrangements made for the purpose by the Neutral Nations Repatriation Commission.

IV. DISPOSITION OF PRISONERS OF WAR

10. Any prisoner of war who, while in the custody of the Neutral Nations Repatriation Commission, decides to exercise the right of repatriation, shall make an application requesting repatriation to a body consisting of a representative of each member nation of the Neutral Nations Repatriation Commission. Once such an application is made, it shall be considered immediately by the Neutral Nations Repatriation Commission or one of its subordinate bodies so as to determine immediately by majority vote the validity of such application. Once such an application is made to and validated by the Commission or one of its subordinate bodies, the prisoner of war concerned shall immediately be transferred to and accommodated in

the tents set up for those who are ready to be repatriated. Thereafter, he shall, while still in the custody of the Neutral Nations Repatriation Commission, be delivered forthwith to the prisoner of war exchange point at Panmunjom for repatriation under the procedure prescribed in the Armistice Agreement.

11. At the expiration of ninety (90) days after the transfer of custody of the prisoners of war to the Neutral Nations Repatriation Commission, access of representatives to captured personnel as provided for in Paragraph 8 above, shall terminate, and the question of disposition of the prisoners of war who have not exercised their right to be repatriated shall be submitted to the Political Conference recommended to be convened in Paragraph 60, Draft Armistice Agreement, which shall endeavor to settle this question within thirty (30) days, during which period the Neutral Nations Repatriation Commission shall continue to retain custody of those prisoners of war. The Neutral Nations Repatriation Commission shall declare the relief from the prisoner of war status to civilian status of any prisoners of war who have not exercised their right to be repatriated and for whom no other disposition has been agreed to by the Political Conference within one hundred and twenty (120) days after the Neutral Nations Repatriation Commission has assumed their custody. Thereafter, according to the application of each individual, those who choose to go to neutral nations shall be assisted by the Neutral Nations Repatriation Commission and the Red Cross Society of India. This operation shall be completed within thirty (30) days, and upon its completion, the Neutral Nations Repatriation Commission shall immediately cease its functions and declare its dissolution. After the dissolution of the Neutral Nations Repatriation Commission, whenever and wherever any of those above-mentioned civilians who have been relieved from the prisoner of war status desire to return to their fatherlands, the authorities of the localities where they are shall be responsible for assisting them in returning to their fatherlands.

V. RED CROSS VISITATION

12. Essential Red Cross service for prisoners of war in custody of the Neutral Nations Repatriation Commission shall be provided by India in accordance with regulations issued by the Neutral Nations Repatriation Commission.

VI. PRESS COVERAGE

13. The Neutral Nations Repatriation Commission shall insure freedom of the press and other news media in observing the entire operation as enumerated herein, in accordance with procedures to be established by the Neutral Nations Repatriation Commission.

VII. LOGISTICAL SUPPORT FOR PRISONERS OF WAR

14. Each side shall provide logistical support for the prisoners of war in the area under its military control, delivering required support to the Neutral Nations Repatriation Commission at an agreed delivery point in the vicinity of each prisoner of war installation.

15. The cost of repatriating prisoners of war to the exchange point at Panmunjom shall be borne by the detaining side and the cost from the exchange point by the side on which said prisoners depend, in accordance with Article 118 of the Geneva Convention.

16. The Red Cross Society of India shall be responsible for providing such general service personnel in the prisoner of war installations as required by the Neutral Nations Repatriation Commission.

17. The Neutral Nations Repatriation Commission shall provide medical support for the prisoners of war as may be practicable. The detaining side shall provide medical support as practicable upon the request of the Neutral Nations Repatriation Commission and specifically for those cases requiring extensive treatment or hospitalization. The Neutral Nations Repatriation Commission shall maintain custody of prisoners of war during such hospitalization. The detaining side shall facilitate such custody. Upon completion of treatment, prisoners of war shall be returned to a prisoner of war installation as specified in Paragraph 4 above.

18. The Neutral Nations Repatriation Commission is entitled to obtain from both sides such legitimate assistance as it may require in carrying out its duties and tasks, but both sides shall not under any name and in any form interfere or exert influence.

VIII. LOGISTICAL SUPPORT FOR THE NEUTRAL NATIONS REPATRIATION COMMISSION

19. Each side shall be responsible for providing logistical support for the personnel of the Neutral Nations Repatriation Commission stationed in the area under its military control, and both sides shall contribute on an equal basis to such support within the Demilitarized Zone. The precise arrangements shall be subject to determination between the Neutral Nations Repatriation Commission and the detaining side in each case.

20. Each of the detaining sides shall be responsible for protecting the explaining representatives from the other side while in transit over lines of communication within its area, as set forth in Paragraph 23 for the Neutral Nations Repatriation Commission, to a place of residence and while in residence in the vicinity of but not within each of the locations where the prisoners of war are in custody. The Neutral Nations Repatriation Commission shall be responsible for the security of such representatives within the actual limits of the locations where the prisoners of war are in custody.

21. Each of the detaining sides shall provide transportation, housing, communication, and other agreed logistical support to the explaining representatives of the other side while they are in the area under its military control. Such services shall be provided on a reimbursable basis.

IX. PUBLICATION

22. After the Armistice Agreement becomes effective, the terms of this agreement shall be made known to all prisoners of war who, while in the custody of the detaining side, have not exercised their right to be repatriated.

X. MOVEMENT

23. The movement of the personnel of the Neutral Nations Repatriation Commission and repatriated prisoners of war shall be over lines of communication as determined by the command(s) of the opposing side and the Neutral Nations Repatriation Commission. A map showing these lines of communication shall be furnished the command of the opposing side and the Neutral Nations Repatriation Commission. Movement of such personnel, except within locations as designated in Paragraph 4 above, shall be under the control of, and escorted by, personnel of the side in whose area the travel is being undertaken; however, such movement shall not be subject to any obstruction and coercion.

XI. PROCEDURAL MATTERS

24. The interpretation of this agreement shall rest with the Neutra Nations Repatriation Commission. The Neutral Nations Repatriation Commission, and/or any subordinate bodies to which functions are delegated or assigned by the Neutral Nations Repatriation Commission, shall operate on the basis of majority vote.

25. The Neutral Nations Repatriation Commission shall submit a weekly report to the opposing Commanders on the status of prisoners of war in its custody, indicating the numbers repatriated and remaining at the end of each week.

26. When this agreement has been acceded to by both sides and by the five powers named herein, it shall become effective upon the date the Armistice becomes effective.

Done at Panmunjom, Korea, at 1400 hours on the 8th day of June 1953, in English, Korean, and Chinese, all texts being equally authentic.

NAM IL
General, Korean People's Army
Senior Delegate,
Delegation of the Korean People's Army and the Chinese People's Volunteers

WILLIAM K. HARRISON, JR.
Lieutenant General, United States Army
Senior Delegate,
United Nations Command Delegation

TEMPORARY AGREEMENT SUPPLEMENTARY TO THE ARMISTICE AGREEMENT

In order to meet the requirements of the disposition of the prisoners of war not for direct repatriation in accordance with the provisions of the Terms of Reference for Neutral Nations Repatriation Commission, the Commander-in-Chief, United Nations Command, on the one hand, and the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, on the other hand, in pursuance of the provisions in Paragraph 61, Article V of the Agreement concerning a military armistice in Korea, agree to conclude the following Temporary Agreement supplementary to the Armistice Agreement:

1. Under the provisions of Paragraphs 4 and 5, Article II of the Terms of Reference for Neutral Nations Repatriation Commission, the United Nations Command has the right to designate the area between the Military Demarcation Line and the eastern and southern boundaries of the Demilitarized Zone between the Imjin River on the south and the road leading south from Okum-ni on the northeast (the main road leading southeast from Panmunjom not included), as the area within which the United Nations Command will turn over the prisoners of war, who are not directly repatriated and whom the United Nations Command has the responsibility for keeping under its custody, to the Neutral Nations Repatriation Commission and the armed forces of India for custody. The United Nations Command shall, prior to the signing of the Armistice Agreement, inform the side of the Korean People's Army and the Chinese People's Volunteers of the approximate figures by nationality of such prisoners of war held in its custody.

2. If there are prisoners of war under their custody who request not to be directly repatriated, the Korean People's Army and the Chinese People's Volunteers have the right to designate the area in the vicinity of Panmunjom between the Military Demarcation Line and the western and northern boundaries of the Demilitarized Zone, as the area within which such prisoners of war will be turned over to the Neutral Nations Repatriation Commission and the armed forces of India for custody. After knowing that there are prisoners of war under their custody who request not to be directly repatriated, the Korean People's Army and the Chinese People's Volunteers shall inform the United Nations Command side of the approximate figures by nationality of such prisoners of war.

3. In accordance with Paragraphs 8, 9 and 10, Article I of the Armistice Agreement, the following paragraphs are hereby provided:

a. After the cease-fire comes into effect, unarmed personnel of each side shall be specifically authorized by the Military Armistice Commission to enter the above-mentioned area designated by their

own side to perform necessary construction operations. None of such personnel shall remain in the above-mentioned areas upon the completion of the construction operations.

b. A definite number of prisoners of war as decided upon by both sides, who are in the respective custody of both sides and who are not directly repatriated, shall be specifically authorized by the Military Armistice Commission to be escorted respectively by a certain number of armed forces of the detaining sides to the above-mentioned areas of custody designated respectively by both sides to be turned over to the Neutral Nations Repatriation Commission and the armed forces of India for custody. After the prisoners of war have been taken over, the armed forces of the detaining sides shall be withdrawn immediately from the areas of custody to the area under the control of their own side.

c. The personnel of the Neutral Nations Repatriation Commission and its subordinate bodies, the armed forces of India, the Red Cross Society of India, the explaining representatives and observation representatives of both sides, as well as the required material and equipment, for exercising the functions provided for in the Terms of Reference for Neutral Nations Repatriation Commission shall be specifically authorized by the Military Armistice Commission to have the complete freedom of movement to, from, and within the above-mentioned areas designated respectively by both sides for the custody of prisoners of war.

4. The provisions of Sub-paragraph 3c of this agreement shall not be construed as derogating from the privileges enjoyed by those personnel mentioned above under Paragraph 11, Article I of the Armistice Agreement.

5. This Agreement shall be abrogated upon the completion of the mission provided for in the Terms of Reference for Neutral Nations Repatriation Commission.

Done at Panmunjom, Korea, at 1000 hours on the 27th day of July, 1953, in English, Korean, and Chinese, all texts being equally authentic.

KIM IL SUNG
Marshal, Democratic People's Republic of Korea
Supreme Commander, Korean People's Army

PENG TEH-HUAI
Commander, Chinese People's Volunteers

MARK W. CLARK
General, United States Army
Commander-in-Chief, United Nations Command

PRESENT

NAM IL
General, Korean People's Army
Senior Delegate, Delegation of the Korean People's Army and the Chinese People's Volunteers

WILLIAM K. HARRISON, JR.
Lieutenant General, United States Army
Senior Delegate, United Nations Command Delegation

Appendix C

Armistice Agreement Between the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America on One Hand and Hungary on the Other

Signed 20 January 1945

(59 Stat. 1321; Executive Agreement Series 456)

The Provisional National Government of Hungary, recognizing the fact of the defeat of Hungary in the war against the Soviet Union, the United Kingdom, the United States of America, and other United Nations, accepts the armistice terms presented by the Governments of the above-mentioned three powers, acting on behalf of all the United Nations which are in a state of war with Hungary.

On the basis of the foregoing the representative of the Allied (Soviet) High Command, Marshal of the Soviet Union K. E. Voroshilov, duly authorized thereto by the Governments of the Soviet Union, the United Kingdom, and the United States of America, acting on behalf of all the United Nations which are at war with Hungary, on the one hand and the representatives of the Provisional National Government of Hungary, Minister of Foreign Affairs Mister Gyöngyösi Janos, Minister of Defense Colonel General Vörös Janos and State Secretary of the Cabinet of Ministers Mister Balogh Istvan, on the other, holding proper full powers, have signed the following conditions:

1. (a) Hungary has withdrawn from the war against the Union of Soviet Socialist Republics and other United Nations, including Czechoslovakia, has severed all relations with Germany, and has declared war on Germany.

(b) The Government of Hungary undertakes to disarm German armed forces in Hungary and to hand them over as prisoners of war.

The Government of Hungary also undertakes to intern nationals of Germany.

(c) The Government of Hungary undertakes to maintain and make available such land, sea and air forces as may be specified for service under the general direction of the Allied (Soviet) High Command. In this connection Hungary will provide not less than eight infantry

divisions with corps troops. These forces must not be used on allied territory except with the prior consent of the allied government concerned.

(d) On the conclusion of hostilities against Germany, the Hungarian armed forces must be demobilized and put on a peace footing under the supervision of the Allied Control Commission. (See Annex to Article I.)

2. Hungary has accepted the obligation to evacuate all Hungarian troops and officials from the territory of Czechoslovakia, Yugoslavia, and Rumania occupied by her within the limits of the frontiers of Hungary existing on December 31, 1937, and also to repeal all legislative and administrative provisions relating to the annexation or incorporation into Hungary of Czechslovak, Yugoslav and Rumanian territory.

3. The Government and High Command of Hungary will ensure to the Soviet and other allied forces facilities for free movement on Hungarian territory in any direction if, in the opinion of the Allied (Soviet) High Command, the military situation requires this, the Government and High Command of Hungary giving such movement every possible assistance with their own means of communication and at their own expense on land, on water and in the air. (See Annex to Article 3.)

4. The Government of Hungary will immediately release all allied prisoners of war and internees. Pending further instructions the Government of Hungary will at its own expense provide all allied prisoners of war and internees, displaced persons and refugees, including nationals of Czechoslovakia and Yugoslavia, with adequate food, clothing, medical services, and sanitary and hygienic requirements, and also with means of transportation for the return of any such persons to their own country.

5. The Government of Hungary will immediately release, regardless of citizenship and nationality, all persons held in confinement in connection with their activities in favor of the United Nations or because of their sympathies with the United Nations' cause or for racial or religious reasons, and will repeal all discriminatory legislation and disabilities arising therefrom.

The Government of Hungary will take all necessary measures to ensure that all displaced persons or refugees within the limits of Hungarian territory, including Jews and stateless persons, are accorded at least the same measure of protection and security as its own nationals.

6. The Government of Hungary undertakes to return to the Soviet Union, and also to Czechoslovakia and Yugoslavia and to the other United Nations, by the dates specified by the Allied Control Commission, and in complete good order, all valuables and materials

removed during the war to Hungary from United Nations' territory and belonging to state, public or cooperative organizations, enterprises, institutions or individual citizens, such as factory and works equipment, locomotives, rolling stock, tractors, motor vehicles, historic monuments, museum treasures and any other property.

7. The Government and High Command of Hungary undertake to hand over as booty into the hands of the Allied (Soviet) High Command all German war material located on Hungarian territory, including vessels of the fleet of Germany.

8. The Government and High Command of Hungary undertake not to permit, without the authorization of the Allied Control Commission, the export or expropriation of any form of property (including valuables and currency) belonging to Germany or her nationals or to persons resident in German territory or in territories occupied by Germany. They will safeguard such property in the manner specified by the Allied Control Commission.

9. The Government and High Command of Hungary undertake to hand over to the Allied (Soviet) High Command all vessels belonging or having belonged to the United Nations which are located in Hungarian Danubian ports, no matter at whose disposal these vessels may be, for use during the period of the war against Germany by the Allied (Soviet) High Command in the general interests of the Allies, these vessels subsequently to be returned to their owners.

The Government of Hungary will bear full material responsibility for any damage or destruction of the aforementioned property until the moment of its transfer to the Allied (Soviet) High Command.

10. Hungarian merchant vessels, whether in Hungarian or foreign waters, shall be subject to the operational control of the Allied (Soviet) High Command for use in the general interests of the Allies.

11. The Government of Hungary will make regular payments in Hungarian currency and provide commodities (fuel, foodstuffs, et cetera), facilities and services as may be required by the Allied (Soviet) High Command for the fulfillment of its functions as well as for the needs of missions and representatives of the allied states connected with the Allied Control Commission.

The Government of Hungary will also assure, in case of need, the use and regulation of the work of industrial and transport enterprises, means of communication, power stations, enterprises and installations of public utility, stores of fuel and other material, in accordance with instructions issued during the armistice by the Allied (Soviet) High Command or the Allied Control Commission. (See Annex to Article 11.)

12. Losses caused to the Soviet Union, Czechoslovakia and Yugoslavia by military operations and by the occupation by Hungary of the territories of these states will be made good by Hungary to the Soviet Union, Czechoslovakia and Yugoslavia, but taking into con-

sideration that Hungary has not only withdrawn from the war against the United Nations but has declared war against Germany, the parties agree that compensation for the indicated losses will be made by Hungary not in full but only in part; namely, to the amount of 300 million American dollars payable over six years in commodities (machine equipment, river craft, grain, livestock, et cetera), the sum to be paid to the Soviet Union to amount to 200 million American dollars and the sum to be paid to Czechoslovakia and Yugoslavia to amount to 100 million American dollars.

Compensation will be paid by Hungary for loss and damage caused by the war to other allied states and their nationals, the amount of compensation to be fixed at a later date. (See Annex to Article 12.)

13. The Government of Hungary undertakes to restore all legal rights and interests of the United Nations and their nationals on Hungarian territory as they existed before the war and also to return their property in complete good order.

14. Hungary will cooperate in the apprehension and trial, as well as the surrender to the governments concerned, of persons accused of war crimes.

15. The Government of Hungary undertakes to dissolve immediately all pro-Hitler or other fascist political, military, para-military and other organizations on Hungarian territory conducting propaganda hostile to the United Nations and not to tolerate the existence of such organizations in future.

16. The publication, introduction and distribution in Hungary of periodical or non-periodical literature, the presentation of theatrical performances or films, the operation of wireless stations, post, telegraph and telephone services will take place in agreement with the Allied (Soviet) High Command. (See Annex to Article 16.)

17. Hungarian civil administration will be restored in the whole area of Hungary separated by not less than 50–100 kilometres (depending upon conditions of terrain) from the front line, Hungarian administrative bodies undertaking to carry out, in the interests of the reestablishment of peace and security, instructions and orders of the Allied (Soviet) High Command or Allied Control Commission issued by them for the purpose of securing the execution of these armistice terms.

18. For the whole period of the armistice there will be established in Hungary an Allied Control Commission which will regulate and supervise the execution of the armistice terms under the chairmanship of the representative of the Allied (Soviet) High Command and with the participation of representatives of the United Kingdom and the United States.

During the period between the coming into force of the armistice and the conclusion of hostilities against Germany, the Allied Control

Commission will be under the general direction of the Allied (Soviet) High Command. (See Annex to Article 18.)

19. The Vienna Arbitration Award of November 2, 1938 and the Vienna Award of August 30, 1940 are hereby declared to be null and void.

20. The present terms come into force at the moment of their signing.

Done in Moscow 20 January, 1945, in one copy which will be entrusted to the safekeeping of the Government of the Union of Soviet Socialist Republics, in the Russian, English and Hungarian languages, the Russian and English texts being authentic.

Certified copies of the present agreement, with annexes, will be transmitted by the Government of the Union of Soviet Socialist Republics to each of the other governments on whose behalf the present agreement is being signed.

FOR
THE GOVERNMENTS OF THE UNION OF SOVIET SOCIALIST REPUBLICS, THE UNITED KINGDOM AND THE UNITED STATES OF AMERICA
K. ВОРОШИЛОВ.
/M.II./

FOR
THE PROVISIONAL NATIONAL GOVERNMENT OF HUNGARY
GYÖNGYÖSI JÁNOS
VÖRÖS JÁNOS
BALOGH ISTVÁN
/M.II./

ANNEX TO

"AGREEMENT CONCERNING AN ARMISTICE BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AND THE UNITED STATES OF AMERICA ON ONE HAND AND HUNGARY ON THE OTHER", SIGNED IN MOSCOW 20 JANUARY, 1945.

A. Annex to Article 1.

The Hungarian Military Command shall hand over to the Allied (Soviet) High Command within a period fixed by the latter all the information at its disposal regarding the German armed forces and the plans of the German Military Command for the development of military operations against the Union of Soviet Socialist Republics and the other United Nations, and also the charts and maps and all operational documents relating to the military operations of the German armed forces.

The measures provided for in Article 1 of the Agreement regarding the internment of nationals of Germany now in Hungarian territory do not apply to nationals of that country of Jewish origin.

B. Annex to Article 3.

The assistance specified in Article 3 of the Agreement shall be taken to mean that the Government and High Command of Hungary will place at the disposal of the Allied (Soviet) High Command, for use at its discretion during the armistice, in complete good order and with the personnel required for their maintenance, all Hungarian military, air and river fleet installations and buildings, ports, barracks, warehouses, airfields, means of communication and meteorological stations which might be required for military needs.

C. Annex to Article 11.

The Government of Hungary will withdraw and redeem within such time limits and on such terms as the Allied (Soviet) High Command may specify, all holdings in Hungarian territory of currencies issued by the Allied (Soviet) High Command, and will hand over currency so withdrawn free of cost to the Allied (Soviet) High Command.

The Government of Hungary will not permit the disposal of external Hungarian assets or the disposal of internal Hungarian assets to foreign

governments or foreign nationals without the permission of the Allied (Soviet) High Command or Allied Control Commission.

D. Annex to Article 12.

The precise nomenclature and varieties of commodities to be delivered by Hungary to the Soviet Union, Czechslovakia and Yugoslavia in accordance with Article 12 of the Agreement and also the more precise periods for making these deliveries each year shall be defined in special agreements between the respective governments. These deliveries will be calculated at 1938 prices with an increase of fifteen percent for industrial equipment and ten percent for other goods.

As the basis of calculation for payment of the indemnity foreseen in Article 12 of the Agreement, the American dollar is to be used at its gold parity on the day of signing of the agreement, i. e. thirty-five dollars to one ounce of gold.

In connection with Article 12 it is understood that the Government of Hungary will immediately make available certain food and other supplies required for relief and rehabilitation of the population of those Czechoslovak and Yugoslav territories which have suffered as a result of Hungarian aggression. The quantities of the products to be delivered will be determined by agreement between the three governments and will be considered as part of the reparation by Hungary for the loss and damages sustained by Czechoslovakia and Yugoslavia.

E. Annex to Article 16.

The Government of Hungary will ensure that wireless communication, telegraphic and postal correspondence, and correspondence in cipher and by courier, as well as telephonic communication with foreign countries, of embassies, legations and consulates situated in Hungary will be conducted in the manner laid down by the Allied (Soviet) High Command.

F. Annex to Article 18.

Control over the exact execution of the armistice terms will be entrusted to the Allied Control Commission to be established in conformity with Article 18 of the Armistice Agreement.

The Government of Hungary and its organs shall fulfill all instructions of the Allied Control Commission arising out of the armistice agreement.

The Allied Control Commission will set up special organs or sections, entrusting them respectively with the execution of various functions. In addition, the Allied Control Commission may have its officers in various parts of Hungary.

The Allied Control Commission will have its seat in the city of Budapest.

Moscow, *20 January, 1945.*

PROTOCOL
TO THE ARMISTICE AGREEMENT WITH HUNGARY.

In signing the Armistice Agreement with the Government of Hungary, the Allied Governments signatory thereto have agreed as follows:

1. The term "war material" used in Article 7 shall be deemed to include all material or equipment belonging to, used by, or intended for use by the military or para-military formations of the enemy or members thereof.

2. The use by the Allied (Soviet) High Command of allied vessels handed over by the Government of Hungary in accordance with Article 9 of the Armistice Agreement and the date of their return to their owners will be the subject of discussion and settlement between the Government of the Soviet Union and the Allied Governments concerned.

Done in Moscow in three copies, each in the Russian and English languages, the Russian and English texts being authentic.

January 20, 1945.

BY AUTHORITY OF THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS.	FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA.	FOR THE GOVERNMENT OF THE UNITED KINGDOM.
В. Деканозов	W. A. Harriman	John Balfour.
[SEAL]	[SEAL]	[SEAL]

The American Ambassador to the Soviet People's Commissar for Foreign Affairs

Embassy of the
United States of America
Moscow, January 17, 1945.

Excellency:

I have the honor to state that the United States Government hereby authorizes Marshal of the Soviet Union K. E. Voroshilov to sign on its behalf the armistice to be concluded in Moscow with the Provisional National Government of Hungary.

Accept, Excellency, the assurances of my most distinguished consideration.

W. A. Harriman

His Excellency
V. M. Molotov,
People's Commissar for Foreign Affairs,
Moscow.

Appendix D

Unconditional Surrender of German Forces at Rheims

Signed 8 May 1945

(59 Stat. 1857; Executive Agreement Series 502)

1. We, the undersigned acting by authority of the German High Command, hereby surrender unconditionally to the Supreme Commander, Allied Expeditionary Force, and simultaneously to the Soviet High Command, all forces on land, sea, and in the air who are at this date under German control.

2. The German High Command will at once issue orders to all German military, naval, and air authorities and to all forces under German control to cease active operations at 2301 hours Central European Time on 8 May and to remain in the positions occupied at that time. No ship, vessel or aircraft is to be scuttled, or any damage done to their hull, machinery or equipment.

3. The German High Command will at once issue to the appropriate commanders and ensure the carrying out of any further orders issued by the Supreme Commander, Allied Expeditionary Force, and by the Soviet High Command.

4. This Act of Military Surrender is without prejudice to, and will be superseded by, any general instrument of surrender imposed by, or on behalf of, the United Nations and applicable to Germany and the German Armed Forces as a whole.

5. In the event of the German High Command or any of the forces under their control failing to act in accordance with this Act of Surrender the Supreme Commander, Allied Expeditionary Force, and the Soviet High Command will take such punitive or other action as they deem appropriate.

Signed at Rheims, France, at 0241 hours on 7 May, 1945.

On behalf of the German High Command—Jodl

In the presence of:

On behalf of the Supreme Commander, Allied Expeditionary Force—W. B. Smith

On behalf of the Soviet High Command—Ivan Susloparoff

On behalf of the French—F. Sevez.

Appendix E

Instrument of Local Surrender of German and Other Forces Under the Command or Control of the German Commander-in-Chief Southwest

Signed 29 April 1945

(Department of State Pub. 2669, European Series 17 at pp. 128–140)

1. The German Commander-in-Chief Southwest hereby surrenders unconditionally all the forces under his command or control on land, at sea and in the air and places himself and these forces unconditionally at the disposal of the Supreme Allied Commander, Mediterranean Theatre of Operations.

2. All armed forces under the command or control of the German Commander-in-Chief Southwest will cease all hostilities on land, at sea and in the air at 1200 hours (Greenwich mean time) on 2 May 1945. The German Commander-in-Chief Southwest undertakes to arrange accordingly.

3. The German Commander-in-Chief Southwest undertakes to carry out the orders set out in Appendices "A", "B" and "C" and any further orders of the Supreme Allied Commander, Mediterranean Theater of Operations. Disobedience of such orders or failure to comply with them will be dealt with in accordance with the accepted laws and usages of war.

4. This instrument will enter into force immediately on signature, and the orders in Appendices "A", "B" and "C" will become effective on the date and at the time specified in paragraph 2 above.

5. This instrument and accompanying orders are drawn up in the English and German languages. The English version is the authentic text. If any doubt as to meaning or interpretation arises, the decision of the Supreme Allied Commander is final.

6. This instrument is independent of, without prejudice to, and shall be superseded by any general instrument of surrender imposed

by or on behalf of the United Nations and applicable to Germany and the German armed forces as a whole.

(sgd) SCHWEINITZ

Victor von Schweinitz,
Lieutenant Colonel in the General Staff of Army Group C,
for Colonel General von Vietinghoff-Scheel,
Commander-in-Chief Southwest and Commander-in-Chief of Army Group C.

(sgd) WENNER

Eugen Wenner,
SS-Sturmbannfuhrer and Major in the Waffen-SS,
for SS-Obergruppenfuhrer and General of the Waffen-SS Wolff,
Supreme Commander of SS and Police and plenipotentiary General of the German Wehrmacht in Italy.

(sgd) MORGAN

W. D. Morgan,
Lieutenant General, Chief of Staff,
for Field Marshall The Honourable Sir Harold R. L. G. Alexander,
Supreme Allied Commander of the Mediterranean Theatre of Operations.

Signed at CASERTA, Italy.
29th April 1945
1400 Hours

APPENDIX "A"

Orders for German Land Forces

1. The term "German Land Forces" wherever used in these orders shall be deemed to include all German and Italian Republican military or para military forces or organisations, under the command or control of the German Commander-in-Chief Southwest, who is hereafter referred to as "the German Authority."

2. The Term "Supreme Allied Commander" will be deemed to include all subordinate Allied Commanders.

3. The German Authority will send to HQ 15 Army Group, as soon as possible after the signing of the instrument of surrender, senior representatives with full executive powers to carry out the following orders and such further orders as the Commanding General, 15 Army Group, may issue for compliance by the German Land Forces.

"STAY-PUT" ORDER

4. All formations, units and sub-units of the German Land Forces, wherever they may be, will remain in their present positions and in their existing formations pending further orders from the Supreme Allied Commander. Only such local movement is permitted as is essential for the transmission of orders, the supply of food, water,

forage and petrol and the treatment of sick and wounded. (See also paragraph 7.)

5. In particular, all large scale road and rail movement between ITALY and any point outside ITALY is absolutely prohibited. Any movement east of the ISONZO River will be liable to air attack without warning.

DISARMAMENT OF GERMAN LAND FORCES

6. All German Land Forces will be completely disarmed. They will hand over their arms, ammunition, equipment and all war-like stores at places and times and in a manner to be further ordered by the Commanding General, 15 Army Group, or any of his subordinate Commanders.

MAINTENANCE OF GERMAN LAND FORCES

7. The German Authority will, pending further orders from the Supreme Allied Commander, maintain its own forces from its own resources. Purchase or requisition from local sources is forbidden.

STATUS OF SURRENDERED PERSONNEL

8. All personnel of the German Armed Forces shall be subject to such conditions and directions as may be prescribed by the Supreme Allied Commander. At the Supreme Allied Commander's discretion, some or all of such personnel may be declared to be prisoners of war.

PROHIBITION OF DESTRUCTION AND DAMAGE

9. The German Authority will prevent the removal, destruction of or damage to, and will safeguard in good condition at the disposal of the Supreme Allied Commander:

a. All arms, ammunition, explosives and war-like stores, equipment, vehicles, material of all kinds, fuel and oil stocks, and any items of supply used by or for members of the German Land Forces.

b. All military installations and establishments, including permanent and temporary land fortifications, fortresses and fortified areas together with all plans and drawings of the same.

c. All transportation and communications facilities and equipment, including all ports and port facilities and equipment, roads, railways, waterways, bridges, tunnels and telecommunications systems.

d. All civil and industrial factories, installations and plant workshops, laboratories, experimental stations, stores, equipment, supplies, raw materials and finished products, buildings and civil property.

e. All cryptographic methods and equipment, cyphers, codes and call-sign systems, whether military, diplomatic or civilian.

f. All military, para military and civil documents, records and archives.

Provision of Information and Facilities

10. The German Authority will forthwith furnish to the Supreme Allied Commander:

a. Complete information regarding the German Land Forces and in particular such details as the Supreme Allied Commander may require concerning the numbers, locations, dispositions, stores and equipment of the German Land Forces wherever located.

b. Complete information concerning mines, minefields and other obstacles to movement and the safety lanes in connection therewith.

c. Such military, para military and civil documents, records and archives as the Supreme Allied Commander may require.

11. The German Authority will:

a. Maintain in operation all public utility and essential civilian services.

b. Clearly mark and maintain safety lanes through all minefields and other obstacles to movement.

c. Remove or render safe all demolition charges and all booby-traps.

d. Make available for the Supreme Allied Commander such military personnel with the necessary equipment, as he may require, for the clearance of mines, minefields and other obstacles to movement; and such labour as he may require for any purpose.

Disposal of Prisoners of War and of Persons in Custody

12. The German Authority will release in accordance with the instructions of the Supreme Allied Commander all prisoners of war (naval, military or air) at present in their power and will furnish forthwith complete lists of these persons with the places of their detention. Pending release of such prisoners of war, the German Authority will continue to protect them in their persons and property, and accord them such treatment and facilities as are prescribed under the Geneva Convention.

13. The provisions of paragraph 12 preceding will be applied by the German Authority equally to all other persons who are confined, interned or otherwise under restraint for political reasons or as the result of any action, law or regulation originating from discrimination on grounds of nationality, race, colour, creed or political belief. Such persons as are not entitled to treatment in accordance with the Geneva Convention will be afforded comparable rights and amenities in accordance with their rank or official position.

14. Without prejudice to any other provisions in these orders, the German Authority will hand over to the Supreme Allied Commander the control of all places of detention.

Radio and Tele-Communications

15. The use of military and civil radio and land line communication systems is permitted with the provisos that:

a. All messages and signals will be made in clear.

b. All forms of scrambling and secrecy equipment will be disconnected and safeguarded intact.

Maintenance of Discipline

16. The German Authority will remain responsible for the maintenance of discipline throughout the German Land Forces as defined in paragraph 1 above.*

Treatment of Allied Liaison Officers and Italian Government Forces in German-Occupied Italy

17. Italian Government forces in Northern Italy comprise all partisan formations and organisations owing allegiance to the CLNAI, which is the recognised delegate in German-occupied Italy of the Italian Government. Immediate control of these groups is exercised through Allied and Co-belligerent officers operating in conjunction with these forces in the field. Such officers are being instructed immediately to get in touch with local German commanders.

18. The German Commander-in-Chief Southwest and all German subordinate commanders will receive and afford all facilities to these Allied or Co-belligerent officers together with representatives of the CLNAI for the purposes of establishing and maintaining pending arrival of Allied forces, liaison with the following objects:

a. The general maintenance of law and order.

b. The maintenance of all essential civilian services.

c. The provision of communications and transport which may be necessary for the adequate distribution of supplies and the continuance of local administration.

19. For the execution of the above functions all Allied Liaison officers will be considered as the representatives of the Supreme Allied Commander. They will be afforded complete freedom of communication by any means.

APPENDIX "B"

Orders for German and German Controlled Naval Forces and Merchant Shipping

1. *a.* The term "German Naval Forces" wherever used in these orders will be deemed to include all German and Italian Republican naval or para naval forces or organisations under the command or

*Until such time as this responsibility is taken over by Allied troops, e. g., until German troops become prisoners of war, German commissioned officers and military police (*Felder gendarmarie* and *Geheim feld polizei*) will retain their hand weapons.

control of the German Naval Commander South or the German Commander-in-Chief Southwest.

b. The term "German Authority" wherever used in these orders will mean the German Naval Commander South and the German Commander-in-Chief Southwest, both severally and jointly.

2. The term "Supreme Allied Commander" will be deemed to include all his subordinate commanders.

3. The German Authority will cause:

a. All such surface warships, auxiliaries and merchant vessels as are under his command or control, at sea at the time and date of surrender, wherever they may be, to return to their normal port or base. Armaments of these ships are to be trained fore and aft.

b. All ocean going U-boats at sea to surface and fly a black flag or black pendant by day and to remain undarkened by night and show navigation lights. All ocean going U-boats at sea to be ordered to proceed to GIBRALTAR, reporting on 500 Kilocycles to the nearest Allied Wireless Station their estimated time of arrival at EUROPA point. Small enemy submarines at sea in the ADRIATIC or LIGURIAN Seas are to be ordered to return to POLA or GENOA respectively.

c. All such warships, including submarines of all types, auxiliaries, and merchant vessels as are under his command or control, which are in harbour, to remain there.

d. All ships and vessels of the United Nations, whether or not title has been transferred as the result of prize court or other proceedings, which are at the disposal of or under German control at the time of surrender, to proceed at the dates and to the ports or bases specified by the Supreme Allied Commander's representatives.

4. The German Authority will at once cause all such warships, surface or submarine, auxiliaries, merchant ships and other craft in harbour, as are under his command or control, to comply with the following orders:

a. No ship, vessel or craft of any description including harbour craft, whether afloat, under repair or construction, built or building, is to be damaged or scuttled, nor is any damage to be done to its hull, machinery or equipment.

b. Ammunition is to be retained on board until further orders.

c. Armaments are to be rendered inoperative by removal of essential portions of the firing mechanisms, but such mechanisms, and the armament in general are not to be damaged or destroyed. Fire control equipment is to be maintained on board fully efficient. All weapons are to be trained fore and aft.

d. All small arms are to be landed, and safeguarded.

e. Ships are to remain undarkened by night.

f. Colours are to be struck and not rehoisted.

g. With the exception of minesweepers and harbour tugs and vessels, all warships, surface and submarine, and auxiliaries, are to be reduced

to 20% of their complement of officers and men, except such ships or craft as are required to remain in operation to comply with the instructions in paragraph 7*h* (1). The officers and men removed are to be placed in shore barracks where they are to remain under naval discipline. The crews of merchant vessels are to remain on board their ships.

h. Minesweepers are to be subjected to the degree of disarmament prescribed in subparagraph *c* above, but are to be prepared immediately for minesweeping service under the orders of the Supreme Allied Commander's representatives, and are to be complete with fuel.

i. Wireless transmitting apparatus is to be rendered inoperative by removal of essential parts, but no wireless apparatus is to be damaged or destroyed.

j. All callsign, code and cypher systems, including books, documents, files and cryptographic machinery, are to be removed from ships and placed under guard ashore. International code and callsigns are to be retained on board.

5. The German Authority will cause all such warships, surface or submarine, auxiliaries, merchant ships and other craft at sea as are under his command or control to be instructed to comply with the orders in paragraph 4 above immediately on return to harbour.

6. The German Authority will immediately ensure that German naval aircraft under his command or control:

a. Do not leave the ground or base or ship until further orders are received from the Supreme Allied Commander's representatives.

b. Already in the air, land or alight forthwith.

7. The German Authority will immediately take action to ensure compliance with the following orders:

a. No demolitions are to be carried out to harbour or port facilities of whatever nature; to naval establishments ashore; to scientific or experimental centres or laboratories; to telecommunication and radar stations; to power and water installations; to stores and industrial equipment; to documents, records and archives of naval interest; which are to be preserved and kept free from damage or destruction pending receipt of further orders from the Supreme Allied Commander's representatives. All necessary steps are to be taken, and orders issued, to prohibit any act of sabotage, scuttling or contamination of fuels.

b. All boom defences at all ports and harbours are to be opened and kept open at all times. Where possible, they are to be removed.

c. All controlled minefields at all ports and harbours are to be disconnected and rendered ineffective.

d. All demolition charges in all ports and harbour works are to be removed or rendered ineffective, and their presence indicated by appropriate signs.

e. The existing wartime system of navigational lighting is to be

maintained except that all dimmed lights are to be shown at full brilliancy, and lights shown only by special arrangement are to be exhibited continuously. Navigational lights which have been extinguished are to be exhibited as soon as possible with their former characteristics if possible.

f. All pilotage services are to continue to operate and all pilots are to be held at their normal stations ready for service and equipped with charts.

g. All small arms, explosives, and war-like stores, in naval barracks and shore establishments, are to be placed in magazines, under guard.

h. (1) German naval and other personnel concerned in the operation of ports and administrative services in ports are to remain at their stations and to continue to carry out their routine duties.

(2) German and German controlled naval personnel employed on seaward defence are to comply with the instructions given by the Supreme Allied Commander.

(3) A general order is to be given to all German and German controlled naval and para naval personnel that they are to carry out all orders and instructions given them by the Supreme Allied Commander. All personnel are to be unarmed at all times.

i. A certificate that the action required under subparagraphs *c*, *d*, and *e* above has been carried out, is to be rendered by the German Authority to the Supreme Allied Commander's representatives.

8. *a.* Sufficient information is required immediately to enable rapid entry to be made into the ports of VENICE and CHIOGGIA. This information is to be delivered by the German Authority to the Allied Naval Authorities at the date and time at which the surrender becomes effective and by means which will be decided at the meeting held prior to the signing of the Instrument of Surrender.

b. For each of the above ports the following details are therefore required:

(1) Limits, types and laid depths of all minefields in the approaches, and the positions, types and laid depths of all mines in the harbours themselves.

(2) Positions of obstructions dangerous to navigation inside the harbours and in their approaches.

(3) The safe routes, if any, leading into these harbours. If no safe routes exist to the harbours themselves, then details of the routes to the nearest suitable beach in each case are required.

9. The German Authority is forthwith to furnish the Allied Naval Commander-in-Chief with certain information in respect of the undermentioned two special areas and subsequently of the whole of the Mediterranean and the Straits of GIBRALTAR. This information is to be delivered to the Allied Naval Authorities by means which will be decided at the meeting held prior to the signing of the Instrument of Surrender. The two special areas concerned are:

LIGURIAN SEA—Area bounded on the west by meridian of 8° E. South by parallel of 43°30′ N. East and north by the coast of ITALY.

ADRIATIC SEA—Area bounded on the north, east and west by the coasts of ITALY, ISTRIA and JUGOSLAVIA. On the south by parallel of 44° N.

The information concerned is:

a. Positions of all minefields, both moored and ground mines, independent and controlled, laid by the Italians or Germans, by all types of minelaying craft including aircraft.

Details of each mine or group of mines laid is to include:

(1) Type of mine.

(2) Number of mines laid.

(3) Spaces between mines.

(4) Depth setting.

(5) Date laid.

(6) Number and type of antisweeping devices laid.

(7) Types of antisweeping devices, if any, including chain moorings, fitted to the mines themselves.

(8) If snag lines have been fitted to mines.

(9) Polarity, delay, and number of actuations set on all ground mines.

(10) Details of the mines themselves, including drawings and photographs of all types of mines and minefittings.

b. Details of convoy routes, searched channels and approach channels.

c. Details of,

(1) Navigational lights which have been destroyed.

(2) Navigational lights which are in operation, giving details of operation, and by whom controlled.

(3) Navigational lights which can be put into operation at short notice and their characteristics.

d. Details of buoys, indicating:

(1) Buoys remaining in place. If light buoys whether light is working and its characteristics.

(2) Additional buoys laid, with reason for laying and details including lights, if any.

(3) Buoys removed.

e. Details of booms and obstructions, including wrecks dangerous to navigation.

f. Details of all radio and radar navigational aids including all shore radar stations which could be used for this purpose.

g. A complete and up-to-date set of charts corrected to the latest information available, and showing all minefields, convoy routes, searched channels, approach channels, buoys, lights, navigational aids, booms, wrecks, obstructions and radar stations.

h. A complete and up-to-date set of navigational publications corrected to the latest information available.

10. Pilots equipped as in paragraph 7*f*, and in addition, provided with the information required by paragraph 8*b*, are to be stationed at suitable rendezvous, at the time and date at which surrender becomes effective, in readiness to meet and lead-in Allied warships to the ports of TRIESTE, VENICE, and POLA. These rendezvous are to be communicated to the Allied Naval Authorities by means which will be decided at the meeting held prior to the signing of the Instrument of Surrender.

11. The German Authority is to send to the Headquarters of the Commander-in-Chief, Mediterranean, at CASERTA, forthwith upon the surrender becoming effective, a Senior German Naval Officer from his staff. This officer is to be granted full executive powers by the German Authority to act on his behalf in conformity with any orders and instructions given him by the Commander-in-Chief, Mediterranean, or his representatives.

The route and method by which this officer is to present himself at the Headquarters of the Commander-in-Chief, Mediterranean, will be notified to the German Authority at the meeting held prior to the signing of the Instrument of Surrender.

12. The German Authority is to furnish forthwith, exact information with regard to the disposition of German and German controlled naval formations and units under his command. Such information is to include the following:

a. Present locations of all Naval Staffs and Headquarters.

b. Full details of organisation of German Naval Command in the Mediterranean.

c. Disposition, state of readiness, and crew lists of all warships, auxiliaries and merchant shipping.

d. Details of defence plans, including plans and drawings of all naval fortifications, installations and establishments.

e. Detailed lists of fuel stocks including furnace, diesel, petrol and coal.

13. The German Authority will cause all Naval Shore Wireless Stations under his command to comply with the following orders:

a. All wireless transmitting apparatus is to be rendered inoperative by removal of essential parts, but no wireless apparatus or shore station equipment is to be damaged or destroyed.

b. All callsign, code and cypher systems, including books, documents, files and cryptographic machinery, are to be safely stored and guarded.

14. Detailed directions as to how and where the information required by the foregoing paragraphs 8, 9, and 10 is to be delivered to the Allied Naval Authorities will be notified separately to the German Authority.

15. The German Authority will, pending further orders from the Supreme Allied Commander, maintain his own forces from his own resources.

APPENDIX "C"

Orders for the German and German Controlled Air Forces

1. The German Commander in Chief Southwest, hereinafter referred to as the "German Authority," is hereby held responsible for the execution of the following orders.

2. The German Authority will forthwith cause all aircraft of any kind or nationality whether military, naval, or civil, under the control of the German Authority, or operating in or over the area he controls, to alight at once and remain on the ground, on the water, or aboard ship pending further instructions from the Supreme Allied Commander. The term aircraft includes gliders and balloons.

3. All German or German controlled aircraft in the air will be treated as hostile.

4. The German Authority will prevent sabotage or destruction of any equipment or installations, and will maintain all airfields in readiness for instant use by the Allied Air Forces.

5. All aircraft will be cleared off runways and parked in recognised dispersal areas.

6. All aircraft will be disarmed and all wireless equipment rendered inoperative without damage. The guns, bombs, pyrotechnics, ammunition and wireless equipment will be stored under guard in the appropriate storehouses or hangars.

7. All aircraft will be immobilized by removing the elevators, disconnecting the fuel and oil supply (to each engine, in the case of twin or multi-engined aircraft) and draining all fuel and oil tanks into suitable containers.

8. All aircraft together with the removed elevators, fuel and oil, spare parts, hangars, storehouses, airfield administrative and living accommodation, general airfield equipment, including lighting installations will be safeguarded intact.

9. The German Authority will send forthwith upon the surrender becoming effective, to the Headquarters of the Air Commander in Chief, MAAF, at CASERTA, a Senior German Air Force officer from his staff. This officer will be granted full executive powers by the German Authority to act on his behalf in conformity with any orders and instructions given him by the Air Commander in Chief, MAAF, or his representatives.

The route and method by which this officer is to present himself at the Headquarters of the Air Commander in Chief, MAAF, is to be notified to the German Authority at the meeting held prior to the signing of the Instrument of Surrender.

10. The German Authority will forthwith furnish to the Supreme Allied Commander complete information regarding German and German controlled Air Forces and in particular such details as the Supreme Allied Commander may require concerning the numbers, units, locations, dispositions, stores and equipment of the German and German controlled Air Forces wherever located.

11. *Balloons*

All balloons will be hauled down, deflated, packed and safeguarded intact. Fuel pumps and carburetors will be removed from all winch motors and safeguarded.

12. *Explosives*

Information concerning all booby-traps, mines and other explosive devices on and in the vicinity of the airfields will be furnished immediately on demand to the responsible local Allied authorities. All explosives, including bombs, will be rendered safe by the removal of fuzes and detonators.

13. All self-destroying devices, whether in aircraft, signals equipment or in any Luftwaffe equipment or installation will be removed.

14. *Personnel*

All personnel of the Luftwaffe and associated air forces will be disarmed and will remain in their camps or at assigned sites until directed otherwise by the representatives of the local Allied Commander. The orders or instructions of any representative of the local Allied Commander will be obeyed.

15. *Motor Transport*

All transport tracked or wheeled will be collected together and maintained in good condition in recognised MT parking areas under guard.

16. *Fuel and Oil*

Fuel and oil supplies and installations of all types will be safeguarded and handed over to the local Allied Authorities without contamination.

17. *Anti-Aircraft*

All anti-aircraft guns, heavy and light, under control of the Luftwaffe will be rendered inoperative by the removal of an essential part of the firing mechanism. The whole equipment will be safeguarded intact.

18. All parts removed from AA under paragraph 17 above, will be properly prepared for storage, labelled with the number of the appropriate gun, segregated from guns, and safeguarded intact.

Any spare parts for AA guns held at Luftwaffe units will be segregated from guns and safeguarded intact.

19. *Fire Control Equipment*

Instruments, directors and computors including radar and all fire control equipment will be concentrated and stored intact.

20. *Searchlights*

All carbon rods will be removed from the projectors. The fuel

pumps will be removed from the generators. The carbon and fuel pumps together with all carbon and fuel pump spares will be stored and safeguarded intact.

21. *Small Arms*

All small arms will be collected and safeguarded intact.

22. *Gas Bombs and Equipment*

Normal precautions will be taken against leakage of gas from any gas bombs.

All gas equipment and decontamination material will be preserved and handed over to the Allied representatives on demand.

Gas spray containers will be collected and guarded, and where such containers are filled with gas, the normal precautions will be taken against leakage.

23. *Flying Bombs*

All stocks of flying bombs will be immobilized by the removal of fuzes, detonators, and fuel pumps. The items so removed will be segregated from flying bombs, concentrated and safeguarded intact, and all flying bombs and their equipment, spares and launching sites and facilities will be safeguarded intact.

24. *Rocket-Propelled Weapons*

All weapons and projectiles propelled by rockets or similar devices will be immobilized by the removal and segregation of essential parts of the mechanism. The parts so removed will be segregated from such weapons and projectiles, concentrated, and guarded, and the weapons and projectiles, their equipment, spares, launching sites and facilities will be safeguarded intact.

25. *Signals Equipment*

a. In addition to the requirements of paragraph 6 above, all communications equipment used for code, voice, teletype or other electrical transmission will be rendered inoperative without damage and safeguarded.

b. All ground and airborne electronic transmitters and receivers of whatever nature or design, whether used for air warning, tracking, identification or flying control will be rendered inoperative without damage and safeguarded.

26. *Call and Code Signs*

All call and code sign systems used by Germany and/or her Allies in operating Luftwaffe telecommunication systems will be withdrawn from use, and all documents and/or associated coding devices will be stored and safeguarded intact.

27. *Code and Cyphers*

All code and cyphers systems, including books, documents and cypher machinery, employed by the Luftwaffe will be withdrawn from use, stored and safeguarded intact.

28. *Secrecy Equipment*

All forms of scrambling and secrecy equipment in use on any

Luftwaffe tele-communication system will be disconnected and safeguarded intact.

29. All other Luftwaffe equipment, including that in experimental stations and laboratories, military or civilian, photographic equipment, furniture, will be preserved intact and maintained in good condition. Special care will be taken to ensure the preservation of all documents, including technical manuals, files, plans, maps, card indices, identity documents.

30. *Maintenance of Luftwaffe*

The German Authority will, pending further orders from the Supreme Allied Commander, maintain its own forces from its own resources.

INDEX*

	Articles	Page
Accounts:		
Internees	GC, 98	167
Prisoners of war	GPW, 18, 58–66	74, 77
Aerial bombardment	HR, 26	13
Aid societies (*see also* Red Cross):		
Neutral countries	GWS, 27	33
Neutrals, return of personnel	GWS, 32	35
Personnel protected	GWS, 26; GWS Sea 14	33, 53
Prisoners of war	HR, 15; GWS, 26; GPW 72–75, 125	11, 33, 92, 113
Property of	GWS, 34	36
Aircraft:		
Bombardment	HR, 25, 26	13
Forced landing at sea	GWS Sea, 12	52
Medical uses	GWS, 36; GC, 22	36, 142
Aliens	GC, 35–46	146
Assigned residence	GC, 41–43	148
Confinement	GC, 37	147
Control:		
Measures of	GC, 41, 42, 44	148, 149
Employment (*see also* Labor under Internees; Prisoners of war; Occupied territory)	GC, 40	148
Enemy, status as	GC, 35, 42, 45	146, 148, 149
Expulsion	GC, 41–45	148
Extradition	GC, 45	149
Humane treatment (*see also* Internees—humane treatment)	GC, 5, 38	137, 147
Internment (*see also* Internees)	GC, 41–43	148
Nonrepatriated persons—generally	GC, 38–46	147
Refugees	GC, 41	148
Religious freedom	GC, 38	147
Restrictions other than internment: Duration and termination of	GC, 39, 46	147, 149

*The following abbreviations are used in this index:

GWS..... Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 12 August 1949.

GWS Sea..... Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 12 August 1949.

GPW..... Geneva Convention Relative to the Treatment of Prisoners of War, 12 August 1949.

GC..... Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949.

H. III..... Hague Convention No. III Relative to the Opening of Hostilities, 18 October 1907.

H. IV..... Hague Convention No. IV Respecting the Laws and Customs of War on Land, 18 October 1907.

HR..... Annex to Hague Convention No. IV, 18 October 1907, embodying the Regulations Respecting the Laws and Customs of War on Land.

H. V..... Hague Convention No. V Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land, 18 October 1907.

	Articles	Page
Aliens—Continued		
Rights of:		
Exit from territory	GC, 35, 36	146
Means of existence guaranteed	GC, 39	147
Protected rights of action in occupied territory	HR, 23	12
Wartime rights	GC, 38	147
Security measures	GC, 5, 27, 39–43	137, 144, 147
Status in territory of party to conflict	GC, 35	146
Transfer to another Power	GC, 45	149
Women, special mention (*see also* Civilians; Internees)	GC, 38	147
American National Red Cross. (*See* Red Cross.)		
Annexation (*see also* Occupied Territory)	GC, 47	150
Armed forces (*see also* Land Forces):		
Applicability of Geneva Conventions to Combatants and noncombatants	HR, 3, GPW 4, 5	8, 68, 69
Qualifications for recognition as lawful combatants (*see also* Prisoners of War)	HR, 3	8
Responsibility of belligerents for acts committed by members of	HR, 3	8
Soldiers penetrating enemy zone to obtain information, when not spies	HR, 29	13
Armistice	HR, 36–41; GPW, 118	14, 109
Activities authorized and prohibited during	HR, 36, 39, 41	14, 15
Communications during	HR, 39	15
Defined	HR, 37	15
Denunciation	HR, 40, 41	15
Duration	HR, 36	14
Effect	HR, 36	14
Forms of	HR, 37	15
General armistice, defined	HR, 37	15
Hostilities:		
Cessation of	HR, 38	15
Resumption of	HR, 36, 40	14, 15
Inhabitants, effect on	HR, 39	15
Intercourse in theater of operations	HR, 39	15
Korean Armistice Agreement	App. B	197
Local armistice, defined	HR, 37	15
Notification	HR, 38	15
Prisoners of war:		
Repatriation of	GPW, 118	109
Purpose	HR, 36	14
Stipulations	HR, 36–41; GPW, 118	14, 109
Supervision	HR, 36–41; GPW, 118	14, 109
Termination	HR, 40	15
Types	HR, 37	15
Violations:		
Effects of	HR, 40, 41	15
Individuals, violations by	HR, 41	15

	Articles	Page
Arms. (*See* Weapons.)		
Army of occupation. (*See* Occupied Territory.)		
Art, buildings devoted to, protection of	HR, 27, 56	13, 17
Assassination and outlawry	HR, 23	12
Assaults, bombardments, and sieges (*see* Bombardments, assaults, and sieges)	HR, 25, 26, 28	13
Assigned residence	GC, 78	159
Atomic weapons. (*See* Weapons.)		
Bacteriological warfare. (*See* Weapons.)		
Balloons	HR, 29	13
Belligerents (*see also* Hostilities; Prohibited acts).		
Aid societies, relief from. (*See* Aid Societies.)		
Agreements. (*See* Armistice.)		
Capitulation	HR, 35	14
Armed forces of, who may generally comprise	HR, 2	8
Commencement of hostilities. (*See* Hostilities—commencement.)		
Communications:		
Neutral territory, communications in	H. V, 3, 8, 9	18, 19
Parlementaires	HR, 32	14
General rules of conduct	H. IV, Preamble	5
Intercourse or negotiations between	HR, 32–34	14
White flag, rules relating to. (*See* White Flag.)		
Neutrals, relations with (*see also* Neutral Powers):		
Belligerent acts committed by neutral persons	H. V, 17, 18	20, 21
Belligerents in neutral territory	H. V, 11–15; GPW 4	19, 68
Communications in neutral territory	H. V, 3, 8, 9	18, 19
Equipment of belligerents:		
Movement of supplies across neutral territory	H. V, 2	18
Railroad equipment in neutral territory	H. V, 19	21
Internment of belligerents by neutrals	H. V, 11, 12	19, 20
Parole of belligerents by	H. V, 11	19
Recruitment in neutral territory forbidden	H. V, 4	19
Nonhostile agreements. (*See* Armistices; Capitulations; Cartels; Suspension of Arms; Surrender.)		
Nonhostile relations (*see also* Armistices; Capitulation; Cartels; Surrender):		
Flags of truce	HR, 23, 32	12, 14
Parlementaires. (*See* Parlementaires.)		
White flag (*see also* White Flag)	HR, 32–34	14

	Articles	Page
Belligerents—Continued		
Nonintercourse between	HR, 39	15
Notification to neutrals (*see also* Protecting Powers, notification)	H. III, 2	2
Recognition as to each other, qualifications for. (*See* Prisoners of War—recognition.)		
Red Cross. (*See* Red Cross; Wounded and Sick.)		
Relief Societies, aid from. (*See* Aid Societies.)		
Besieged places	GC 17, 23	141, 143
Buildings and areas protected	HR, 27	13
Communication	GC 17, 23	141, 143
Entry and exit	GC, 17, 23	141, 143
Inhabitants, treatment of	GC, 17, 23	141, 143
Medical and religious personnel	GWS Sea, 18	54
Pillage, forbidden	HR, 28; GC 33	13, 146
Wounded and sick. (*See* Wounded, sick, or shipwrecked.)		
Bombardments, assaults, and sieges	HR, 25–27	6
Aerial bombardment	HR, 25–27	6
Assaults and sieges	HR, 25–27	6
Buildings and areas protected	HR, 25–27; GWS Sea, 23; GC, 18, 19	13, 56, 141
Sea bombardments	GWS Sea, 23	56
Undefended places	HR, 25	13
Warning required	HR, 26	13
Booty of war (*see also* Pillage)	HR, 23, 46, 53, 56	12, 16, 17
Brassards. (*See* Distinctive emblem.)		
Buildings and monuments to be spared from bombardment (*see also* Property; Public Information Bureau)	HR, 25, 27, GC, 18, 19	13, 141
Bullets. (*See* Weapons.)		
Bureau of Information for Prisoners of War. (*See* Prisoners of war.)		
Burial. (*See* Dead.)		
Cables, submarine. (*See* Submarine cables.)		
Camp followers, treatment as prisoners of war. (*See* Prisoners of war.)		
Camps and depots. (*See* Prisoners of war, camps.)		
Canteens, prisoners of war. (*See* Prisoners of war—canteens.)		
Capitulation (*see also* Armistice)	HR, 35	14
Local Surrender of German Commander-in-Chief, Southwest	App. E	233
Military honor	HR, 35	14
Observance	HR, 35	14
Captives. (*See* Prisoners of war.)		
Captivity. (*See* Prisoners of war—captivity.)		
Capture cards. (*See* Prisoners of war.)		

	Articles	Page
Censorship:		
Internees correspondence	GC, 112	172
Prisoners of war correspondence	GPW, 76	94
Central Prisoners of War Information Agency	GPW, 123	113
Cessation of arms. (*See* Armistice; Suspension of Arms.)		
Chaplains:		
Prisoner of War, not to be considered as	GPW, 33, 136	79, 116
Protection	GWS, 24, 28	33, 34
Retention	GWS, 28; GPW, 33	34, 79
Rights and duties, with respect to prisoners of war	GPW, 35	81
Weapons, right to carry	GWS, 22	32
Charity, protection of buildings devoted to (*see also* Aid Societies; Red Cross; Property)	HR, 27, 56; GC 18, 19	13, 17, 141
Chemicals, use of. (*See* Weapons.)		
Children:		
Aliens, rights	GC, 38	147
Besieged areas, evacuation from	GC, 17	141
Identification discs	GC, 24	143
Occupied areas, rights in	GC, 50	151
Orphans	GC, 24, 50	143, 151
Safety zones, protection in	GC, 14	140
Welfare of	GC, 23, 24	143
Churches, protection	HR, 27, 56	13, 17
Civil capacity of prisoners of war. (*See* Prisoners of war.)		
Civilians (*see also* Aliens; Internees; Medical Personnel; Neutral Persons; Protected Persons; Occupied Territory; Espionage):		
Application of 1949 Geneva Conventions to	GC, 4, 13	136, 140
Assigned residence	GC, 41–43	148
Children	GC, 24	143
Civil capacity as internees	GC, 80	160
Coercion prohibited	GC, 31	145
Collective punishment prohibited	GC, 33	146
Confinement. (*See* Internees.)		
Correspondence permitted (*see also* Censorship)	GC, 25, 26	144
Discriminations prohibited	GC, 13	140
Dispersed families	GC, 26	144
Employment of (*see also* Aliens)	GC, 39	147
Evacuation of wounded and sick. (*See* Wounded, Sick or Shipwrecked.)		
Free passage of medical and religious supplies to	GC, 23	143
Guides, impression of	GC, 31	145
Hospitals for (*see also* Medical Personnel; Medical Units)	GC, 14, 18–20	140, 141
Hostages	GC, 34	146
Hostile acts	GC, 53	159
Humane treatment	GC, 27, 32	144, 145

	Articles	Page
Civilians—Continued		
Information Bureaus. (*See* Information Bureaus.)		
Internees. (*See* Internees; Internment.)		
Interrogation, coercion prohibited	GC, 31	145
Medical personnel, civilian	GWS, 35; GC, 20	36, 142
Medical supplies, food, and clothing	GC, 23, 55	143, 152
Neutralized zones, protection in	GC, 15	140
Pillage prohibited. (*See* Pillage.)		
Prisoner of war, status as	GPW, 4	68
Prohibited acts towards	GC, 27, 32	144, 145
Protected persons, status as (*see also* Protected persons)	GC, 4, 13	136, 140
Protecting Powers, relations with	GC, 30	145
Protection	GC, 4, 13	136, 140
Duration of	GC, 6	137
Responsibility for	GC, 29	145
Punishment of	GC, 5	137
Re-establishment	GC, 6	137
Relief organizations for (*see also* Aid Societies; Red Cross)	GC, 30	145
Relief shipments for	GC, 60–63	153
Renunciation of rights prohibited	GC, 8	145
Repatriation	GC, 35, 36	146
Reprisals prohibited	GC, 33	146
Rights, generally	GC, 27	144
Derogations	GC, 5	137
Exit from territory involved in conflict	GC, 35, 36	146
Safety zones	GC, 14	140
Security measures by occupying power	GC, 5	137
Special agreements with regard to	GC, 7	137
Torture and corporal punishment prohibited	GC, 32	145
Treatment, responsibility for	GC, 29	145
Use to immunize certain places prohibited	GC, 28	145
Women, special mention (*see also* Aliens; Occupied territory)	GC, 14, 17, 23, 27	140, 141, 143, 144
Wounded and sick:		
Evacuation	GC, 17	141
Medical supplies for	GC, 23	143
Protection generally	GC, 16	141
Transportation	GC, 21, 22	142
Treatment of	GWS, 18; GC, 16	31, 141
Clothing. (*See* Internees; Prisoners of war, etc.)		
Coastal rescue craft	GWS Sea, 27	56
Coercion prohibited. (*See* Civilians; Internees; Prisoners of war, etc.)		

	Articles	Page
Collective punishment prohibited. (*See* Civilians; Internees; Prisoners of war; Occupied territory, etc.)		
Combatants, status as prisoners of war	HR, 3; GPW, 4	8, 68
Commanding officers:		
Contributions to be levied on occupied country only on responsibility of a commander-in-chief	HR, 51	16
Not obliged to receive flag of truce; prevention of abuse	HR, 33	14
Prisoner of war, status as (*see also* Prisoners of war)	GPW, 4	68
Requisitions on municipalities or inhabitants of occupied territory, authority for	HR, 52	17
Responsibility for subordinates	HR, 1	8
Unforeseen cases not to be left to arbitrary judgment of	H. IV, Preamble	5
Warning authorities before commencing bombardment	HR, 26	13
Commerce:		
Neutrals, transactions of private persons	H. V, 7	19
Occupied territory	GC, 48	150
Communications (*see also* Correspondence):		
Between:		
Belligerents	HR, 39	15
Besieged and outside areas	GC, 17, 23	141, 143
During armistice	HR, 39	15
Means:		
In neutral territory	H. V, 3, 5, 8, 9	18, 19
On hospital ships	GWS Sea, 31	57
Use of the white flag	HR, 23, 32–34	12, 14
Compensation (*see also* Internees; Prisoners of war):		
Losses sustained in violation of an armistice	HR, 41	15
Payments by belligerents, for violation of laws and customs of war on land	H. IV, 3	6
Private property taken possession of by army of occupation	HR, 53	17
Railway material retained by belligerent or neutral	HR, 19	12
Submarine cables seized or destroyed	HR, 54	17
Complaints of:		
Internees	GC, 101	168
Prisoners of war	GPW, 78	95
Protected persons	GC, 30, 101	145, 168
Conciliation procedures	GWS, GWS Sea, GPW, 11; GC, 12	27, 51, 72, 139
Confinement. (*See* Internees; Prisoners of war, etc.)		
Confiscation of enemy property prohibited	HR, 46	16
Contractors, prisoner of war status	HR, 13, GPW, 4	10, 68
Contributions in occupied territory	HR, 49, 51, 52	16, 17

	Articles	Page
Convoys:		
Munitions through neutral territory	H. V, 2, 5	18, 19
Wounded and sick through neutral territory	H. V, 14; GWS, GWS Sea, 17	20, 30, 54
Correspondence. (*See* Civilians; Internees, Prisoners of war, etc.)		
Courts (*see also* Courts-Martial; Military Commissions):		
In occupied territory	GC, 54, 66	152, 155
Prisoners of war	GPW, 5, 84, 102	
War Crimes courts	GPW, 85	98
Crimes. (*See* War crimes.) (*See also* Internees; Prisoners of war, etc.)	GPW, 82–108	97
Cruelty, types prohibited. (*See* Prohibited Acts.)		
Cultural buildings and property	HR, 27, 56	13, 17
Customary laws of war	H. IV, Preamble; GWS, 63; GWS Sea, 62; GPW, 142; GC, 158.	8, 44, 65, 117, 185
Danger zones	GC, 28	145
Dead:		
Burials	HR, 19; GWS, 17; GPW, 120; GC, 130	12, 30, 110 178
Cremation	HR, 19; GWS, 17; GPW, 120; GC, 130	12, 30, 110, 178
Death certificates	HR, 19; GWS, 17; GPW, 120; GC, 129	12, 30, 110, 177
Examination of bodies	HR, 23; GWS, 17; GPW, 120; GC, 129	12, 30, 110, 177
Graves	HR, 23; GWS, 17; GPW, 120; GC, 129, 130	12, 30, 110, 177, 178
Graves registration service	HR, 23; GWS, 17; GPW, 120; GC, 129, 130	12, 30, 110, 177, 178
Identification tags	GPW, 120	
Information with respect to	HR, 14; GPW, 120, 121; GC, 129, 130	10, 110, 111, 177, 178
Inquiry	GPW, 121; GC, 131	111, 178
Internees	GC, 129–131	177
Neutral powers, duties toward	GWS Sea, 5	49
Personal effects, disposition	GPW, 120; GC, 129;	110, 177
Policing of battlefields, etc	GWS, 15	29
Prisoners of war. (*See* Prisoners of War.)		
Robbery and ill-treatment, protected from	GWS, 17	30
Search of battlefield	GWS, 15	29
Security measures	GC, 5, 27	137, 144

	Articles	Page
Dead—Continued		
Treatment of bodies	GWS, 17; GPW, 121; GC, 130	30, 111, 178
Wills	GPW, 121; GC, 113, 129	111, 172, 177
Death penalty. (*See* Internees; Prisoners of war; Occupied territory.)		
Deception. (*See* Ruses of war.)		
Declarations of war:		
Necessity of	H. III, 1	2
Notification to neutrals	H. III, 2	2
Defended place and undefended places	HR, 25	13
Definitions:		
General and local armistice	HR, 37	15
Neutrals	H. V, 16	20
Occupied territory	HR, 42	15
Parlementaries	HR, 32	14
Spies (*see also* Espionage, sabotage, and treason)	HR, 29	13
Denunciation of:		
Armistice	HR, 40	15
Geneva Conventions of 1949	GWS, 63; GWS Sea, 62; GPW, 142; GC, 158	44, 65, 117, 185
Hague Convention No. III of 1907 (Opening of Hostilities)	H. III, 7	3
Hague Convention No. IV of 1907 (Laws and Customs of War on Land)	H. IV, 8	7
Hague Convention No. V of 1907 (Rights and Duties of Neutral Powers and Persons)	H. V, 24	22
Deployment of prisoners of war. (*See* Prisoners of war.)		
Destruction of property. (*See* Property; *see also* Devastation.)		
Detaining power. (*See* Prisoners of war; Detaining Power.)		
Devastation:		
In occupied areas, restricted	GC, 53	152
Wanton, prohibited	HR, 23; GC, 53, 147	12, 152, 183
Discipline. (*See* Internees; Prisoners of war.)		
Discrimination. (*See* Civilians; Internees; Prisoners of war, etc.)		
Dispersed families	GC, 26	144
Dissemination of the 1949 Geneva Conventions	GWS, 47; GWS Sea, 48; GPW, 127; GC, 144	40, 62, 114, 182
Distinctive emblems:		
Must be recognizable at a distance	HR, 1	8
Improper use forbidden	HR, 23; GWS, 53, 54; GWS Sea, 45	12, 41, 42, 62

162-168 O - 94 - 9

	Articles	Page
Distinctive emblems—Continued		
Insignia of rank, prisoners of war. (*See* Prisoners of war.)		
Red Cross, etc. (*See* Red Cross Emblem.)		
Education, internees	GC, 94	165
Emblem (*see also* Distinctive emblems; Prisoners of war; Red Cross—emblem)	GPW, 38	81
Enemy:		
Aliens, effect of hostilities on. (*See* Aliens.)		
Courts of law, rights in	HR, 23	12
Flags, misuse of, forbidden	HR, 23	12
Forced participation in hostilities, forbidden	HR, 23	12
Insignia, misuse forbidden	HR, 23	12
Population, status	GPW, 4; GC, 4	68, 136
Property. (*See* Property.)		
Territory. (*See* Occupied territory.)		
Uniform, misuse forbidden	HR, 23	12
Escape:		
Internees	GC, 120, 121	174
Prisoner of war	GPW, 91–94	100
Espionage, Sabotage, and Treason (Spies):		
Espionage (Spies):		
Civilians committing	GC, 4, 5	136, 137
Definitions	HR, 24, 29–31	13
Immunity upon rejoining own forces	HR, 30, 31	14
Lawful to use	HR, 24, 29	13
Prisoner of war, status as	GPW, 4	68
Protected persons	GC, 4, 5	136, 137
Punishment	HR, 30, 31; GC, 5	14, 137
Trial of	HR, 29, 30, 31; GC, 5	13, 14, 137
Use of	HR, 24, 29	13
Sabotage:		
Prisoner of war, status of saboteurs as	GPW, 4, 5	68, 69
Protected persons, status of saboteurs as	GC, 4, 5	136, 137
Punishment	GC, 5	137
Spies. (*See* Espionage, above.)		
Evacuation of prisoners of war	GPW, 19, 20	75
Executions, summary, prohibited	GPW, 101	110
Expulsion of enemy nationals from localities	GC, 41–45	148
Finances:		
Prisoners of war (*see also* Prisoners of war):		
Adjustments between parties to the conflict	GPW, 67	91
Financial resources	GPW, 58–68	77
Repatriation costs	GPW, 116	109

	Articles	Page
Flags:		
Hospital ships, detained by enemy	GWS Sea, 43	61
Proper and improper use	HR, 23	12
Red Cross emblem. (*See* Red Cross, emblem.)		
Truce flag, misuse	HR, 23, 32–34	12, 14
Food:		
Free passage for certain purposes	GC, 23, 59	143, 153
Internees	GC, 89	162
Occupied territories	HR, 52; GC. 50, 55, 59	151, 152, 153
Prisoners of war	GPW, 26	77
Forbidden conduct. (*See* Prohibited acts.)		
Forms of: Passports, safe conducts, and safeguards	App. A	195
Geneva Conventions of 1864, 1906 and 1929: Supersession by Geneva Conventions of 1949	GWS, 59; GWS Sea, 58; GPW, 134	43, 64, 116
Geneva Conventions of 1949. (*See also* appropriate subject headings.)		
Civilian Persons, Convention Relative to the Protection of:		
Accessions	GC, 155–157, 159	185, 186
Denunciation	GC, 158	185
Dissemination	GC, 144	182
Effective date	GC, 153, 156, 157	184, 185
Execution	GC, 145, 151	183, 184
Grave Breaches	GC, 146–148	183
Interpretation	GC, 12, 150	139, 184
Ratification	GC, 152, 153, 157, 159	184, 185, 186
Respect	GC, 1	135
Violations	GC, 149	184
Prisoners of War, Convention Relative to Treatment of:		
Accessions	GPW, 139–141, 143	117, 118
Denunciation	GPW, 142	117
Dissemination	GPW, 127	114
Effective date	GPW, 138, 140, 141	117
Execution	GPW, 128	115
Grave Breaches	GPW, 129–131	115
Interpretation	GPW, 11, 133	72, 116
Ratification	GPW, 137, 138, 141, 143	116, 117, 118
Respect for	GPW, 1	67
Violations	GPW, 132	116
Wounded and Sick in Armed Forces in the Field, Convention for the Amelioration of the Condition of:		
Accessions	GWS, 60–62, 64	43, 44
Denunciations	GWS, 63	44
Dissemination	GWS, 47	40
Effective date	GWS, 58, 61, 62	43, 44

	Articles	Page
Geneva Conventions of 1949—Continued		
Wounded and Sick in Armed Forces in the Field—Continued		
Execution	GWS, 45, 48	40
Grave breaches	GWS, 49–51	40
Interpretation	GWS, 11, 55	27, 43
Ratification	GWS, 57, 58, 62, 64	43, 44
Respect	GWS, 1	24
Violations	GWS, 49–54	40
Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Convention for the Amelioration of the Condition of:		
Accessions	GWS Sea, 59–61, 63	64, 65
Denunciation	GWS Sea, 62	65
Dissemination	GWS Sea, 48	62
Effective date	GWS Sea, 57, 60, 61	64, 65
Execution	GWS Sea, 46, 49	62
Grave breaches	GWS Sea, 50–52	63
Interpretation	GWS Sea, 11, 54	51, 64
Ratification	GWS Sea, 56, 57, 60, 63	64, 65
Respect	GWS Sea, 1	48
Violations	GWS Sea, 50–53	63
Geneva Cross. (*See* Red Cross.)		
Germany:		
Local Surrender of German Commander-in-Chief Southwest	App. E	233
Unconditional Surrender of German Forces at Rheims	App. D	232
Government officials. (*See* Officials under Occupied territory; Officers.)		
Government, military. (*See* Military government.)		
Grave breaches of the Geneva Conventions (*see also* Geneva Conventions, grave breaches of).		
Grave Registration Service. (*See* Dead.)		
Graves service. (*See* Dead.)		
Graves. (*See* Dead.)		
Guerillas:		
Prisoner of war status	GPW, 4	68
Protection	GC, 5	137
Guides, impression of enemy nationals forbidden	GC, 31	145
Hague Conventions of:		
1899, extent to which superseded by those of 1907	H. IV, 4	6
1899 and 1907, effect of Geneva Conventions of 1949	GWS Sea, 58; GPW, 135; GC 154	64, 116, 185
1907, extent to which binding on belligerents	H. III, 3; H. IV, 2; H. V, 20	2, 6, 21

	Articles	Page
Hague Conventions of—Continued		
1907, No. III (Opening of Hostilities), text of		2
Ratification	H. III, 4, 6, 8	3, 4
1907, No. IV (Laws and Customs of War on Land), text of		5
Ratification	H. IV, 5, 7, 9	6, 7
1907, No. V (Rights and Duties of Neutral Powers and Persons), text of		18
Ratification	H. V, 21, 22, 25	21, 22
Hospitals. (*See* Medical units; *see also* Medical Personnel; Medical stores and supplies.)		
Hospital zones	GWS, 23; GC, 14	32, 140
Model agreement	GWS, Annex 1; GC, Annex 1	45, 187
Hostages, use as means of reprisals prohibited	GWS, GWS Sea, GPW, 3; GC, 3, 34	24, 48, 67, 135, 146
Hostile acts. (*See* Hostilities; Prohibited acts.)		
Hostilities:		
Belligerents. (*See* Belligerents.)		
Cessation. (*See* Cartels, Capitulation, Armistice.)		
Commencement:		
Appoint mixed medical commissions	GPW, 112	107
Agreements of belligerents on money to be retained by prisoners	GPW, 58	87
Declaration of War required	H. III, 1	2
Effect on enemy nationals	HR, 23; GC, 35, 41–45	12, 146, 148
Establishment of information bureaus	GPW, 122; GC, 136–143	111, 180
Exchange of titles and ranks	GPW, 43	83
Hague Convention, No. III	H. III, 3–7	2
Notification to:		
Neutrals	H. III, 2	2
Protecting Powers. (*See* Protecting Powers.)		
Organization of Graves Registration Service	GWS, 17	30
Conduct of (*see also* Prohibited acts; Weapons):		
Armistice, resumption after	HR, 36, 40	14, 15
Arms, etc., causing unnecessary injury. (*See* Weapons.)		
Assassination and outlawry forbidden. (*See* Prohibited acts.)		
Assaults. (*See* Bombardments, Assaults, and sieges.)		
Atomic weapons. (*See* Weapons.)		
Attack restricted to defended places. (*See* Prohibited acts.)		

	Articles	Page
Hostilities—Continued		
Conduct of—Continued		
Bacteriological warfare. (*See* Weapons.)		
Battlefield, search of	GWS, 15	29
Bombardments, assaults, and sieges. (*See* Assaults, bombardment and sieges.)		
Bullets, use of certain kinds forbidden. (*See* Weapons.)		
Compelling nationals to fight against own country	HR, 23	12
Confiscation of private property. (*See* Property.)		
Contamination of water sources. (*See* Prohibited acts.)		
Cruelty prohibited. (*See* Prohibited acts.)		
Dead. (*See* Dead.)		
Deception	HR, 23	12
Defended place defined	HR, 22, 23	12
Destruction. (*See* Destruction.)		
Enemy nationals not to be compelled to take part against own country	HR, 23, 52	12, 17
Enemy territory. (*See* Occupied territory.)		
Executions, summary, forbidden. (*See* Prohibited acts.)		
Flags, misuse of, forbidden. (*See* Prohibited acts.)		
Forbidden conduct. (*See* Prohibited acts.)		
Gases and chemicals, use of. (*See* Weapons.)		
Grenades. (*See* Weapons.)		
Information, coercion prohibited	GPW, 17; GC, 31	73, 145
Injuring enemy, means limited. (*See* Prohibited acts.)		
Insignia, enemy, misuse of forbidden. (*See* Prohibited acts.)		
Killing or wounding captives forbidden. (*See* Prohibited acts.)		
Offenders against the laws of war, treatment of. (*See* War Crimes.)		
Perfidy, prohibited. (*See* Prohibited acts.)		
Pillage of towns and places forbidden. (*See* Prohibited acts.)		
Prisoners of war, not to be used in connection with	HR, 6	9
Quarters, refusal of. (*See* Prohibited acts.)		
Requisition of supplies. (*See* Requisitions.)		

	Articles	Page
Hostilities—Continued		
Conduct of—Continued		
Surrender, injuries after. (*See* Prohibited acts.)		
Termination, effects of. (*See* Armistice; Capitulation; Suspension of Arms; Surrender.)		
Humane treatment. (*See* Aliens; Civilians; Internees; Prisoners of war; Wounded and sick.)		
Humanity, principles of, defined	H. IV, Preamble; GWS, 63; GWS Sea, 62; GPW, 142; GC, 158	5, 44, 65, 117, 185
Hungary, Peace Treaty with	App. C	224
Hygiene. (*See* Internees; Occupied territory; Prisoners of war.)		
Identification cards, discs, etc. (*See* Children; Civilians; Dead; Internees; Prisoners of war; Medical personnel, Wounded, sick, or shipwrecked.)		
Information:		
Coercion prohibited (*see also* Prisoners of war; Civilians)	HR 44; GPW, 17; GC, 31	16, 73, 145
Obtaining by Parlementaire improperly	HR, 33	14
Information Bureau (*see also* Aid Societies; Red Cross; Prisoners of war)	GWS Sea, 19; GPW, 122–124; GC, 136–141	54, 111, 180
Central Bureau	GPW, 122, 123, 124; GC, 137, 139, 140, 141	111, 113, 180, 181
Exemption from postal changes	GPW, 124; GC, 141	113, 181
National Bureau	GPW, 122, 124; GC, 136–139, 141	111, 113, 180, 181
Inhabitants:		
Communications between inhabitants of belligerent states during an armistice	HR, 39	15
Occupied territory. (*See* Occupied territory-inhabitants.)		
Spontaneous resistance to invading troops	HR, 2; GPW, 4	8, 68
Injuries after surrender	HR, 23	12
Insignia. (*See* Distinctive emblems.)		
Institutions. (*See* Religion, Charity, etc.)		
Intercourse between belligerents. (*See* Belligerents—intercourse or negotiations between.)		
International Committee of the Red Cross. (*See* Red Cross.)		

	Articles	Page
International law:		
Customary law	H. IV, Preamble; GWS, 2, 3, 63; GWS Sea, 2, 3, 62; GPW, 2, 3, 142; GC, 2, 3, 158	8, 44, 48, 65, 67, 117, 135, 185
Geneva Conventions. (*See* Geneva Conventions.)		
Responsibility of nations for punishment of crimes	GWS, 49; GWS Sea, 50; GPW, 129; GC, 146	40, 63, 115, 183
Treaty law, force of	GWS, GWS Sea, GPW, GC, 2	24, 48, 67, 135
War Crimes. (*See* War crimes.)		
Internees	GC, 79–135	160
Accommodations (*see also* camps, below; and *see* Internment):		
Generally	GC, 82, 83, 85	160, 161
In neutral countries	GC, 132	178
Accounts	GC, 98	167
Air raid shelters	GC, 88	162
Allowances	GC, 98	167
Burial and cremation	GC, 130	178
Camps:		
Administration of	GC, 99	167
1949 Geneva Conventions to be posted	GC, 99	167
Inspection of	GC, 143	182
Location	GC, 83	161
Regulations, orders, etc., to be posted	GC, 99	167
Canteens	GC, 87	162
Censorship	GC, 101, 112	168, 172
Civil capacity	GC, 80	160
Clothing	GC, 90	163
Coercion	GC, 31	145
Collective punishment prohibited	GC, 33	146
Collective relief shipments. (*See* below, under relief shipments.)		
Compensation	GC, 95	165
Complaints	GC, 101	168
Confinement	GC, 122, 126	175, 177
Correspondence	GC, 106, 107, 111–113, 125, Annex III	169, 170, 171, 176, 192
Censorship. (*See* above, under Censorship.)		
Court proceedings	GC, 115, 118, 121, 123, 124, 126	173–175, 176
Death of	GC, 129–131	177
Death certificates	GC, 129	177
Discipline:		
Disciplinary punishment	GC, 119–125	174
Generally	GC, 100	168

Internees—Continued	Articles	Page
Discrimination	GC, 27	144
Education of	GC, 94	165
Employment of. (*See* below, under Labor.)		
Escape, effect on other offenses	GC, 120, 121	174
Families	GC, 82	160
Financial allowances	GC, 98	167
Food rations	GC, 89	162
Graves registration	GC, 130	178
Groupings for housing purposes	GC, 82	160
Hazards of war, protection from	GC, 88	162
Humane treatment	GC, 27, 100, 127	144, 168, 176
Hygiene and health	GC, 85	161
Identification and identity cards	GC, 97, 106, 138	166, 169, 180
Imprisonment	GC, 118, 119, 122, 124, 125	173, 174, 175, 176
Information bureaus	HR, 14; GC, 136–141	10, 180
Inspection of internment facilities	GC, 143	182
Intellectual pursuits	GC, 94	165
Internee committees	GC, 101–104	168
Internment. (*See* above, under Accommodations.)		
Internment cards	GC, 106, Annex III	169, 192
Investigations:		
Death or injury	GC, 131	178
Inspection of camp	GC, 143	182
Offenses of internees	GC, 122	175
Judicial proceedings. (*See* above, under Court proceedings.)		
Killed or injured, special circumstances	GC, 131	178
Labor:		
Conditions	GC, 95	165
Labor detachments	GC, 96	166
Laws applicable	GC, 117	173
Lawsuits against	GC, 115	173
Legal aid	GC, 113, 115	172, 173
Legal documents	GC, 113, 129	172, 177
Maintenance	GC, 81	160
Medical examinations and care	GC, 91, 92	163, 164
Monies	GC, 97, 98	166, 167
Notifications by detaining power	GC, 105, 129, 131, 136	169, 177, 178, 180
Offenses:		
Generally	GC, 117, 120–121	173, 174
Investigation of	GC, 122	175
Punishment (*see* below, under Punishments).		
Penalties and disciplinary sanctions (*see* below, under Punishments).		
Personal effects	GC, 97, 139	166, 181

Internees—Continued	Articles	Page
Petition, right to	GC, 101	168
Postal exemptions	GC, 110	171
Prisoners of war, separation from	GC, 84	161
Property, personal. (*See also* Monies above.)		
Forwarding of personal property	GC, 139	181
Management of	GC, 114	173
Personal effects of	GC, 97; 139	166, 181
Transfers	GC, 128	177
Protecting Powers:		
Complaints to	GC, 101	168
Notification to	GC, 105, 129, 131	169, 177, 178
Supervision by	GC, 143	182
Visitations by	GC, 143	182
Protection of	GC, 88	162
Punishments:		
Basis for	GC, 124	175
Disciplinary	GC, 117–126	173
General provisions	GC, 117	173
Penalties prescribed	GC, 118	173
Procedures for imposing	GC, 123–126	175
Prohibited punishment	GC, 32, 33	145, 146
Safeguards	GC, 124, 125	175, 176
Recreation	GC, 94	165
Release	GC, 132–135	178
Relief	GC, 108	170
Collective relief	GC, 109, Annex II	171, 190
Exemption from fees and duties	GC, 110	171
Relief shipments	GC, 108, 111, 142	170, 171, 182
Relief societies	GC, 142	182
Religious freedoms	GC, 86, 93	162, 164
Repatriation	GC, 132–134	178
Costs of	GC, 135	179
Representatives of (*see also* Protecting Powers, above)	GC, 101–104	168
Residence, return to	GC, 134–135	179
Rights:		
Generally	GC, 27, 84, 100, 127	144, 161, 168, 176
During punishment	GC, 124–125	175
Sanitation measures	GC, 85	161
Transfers:		
Conditions	GC, 127	176
Methods	GC, 128	177
Visitors and visits (*see also* Protecting Powers, above)	GC, 116	173
Wills	GC, 113, 129	172, 177
Women	GC, 81, 82, 85, 89, 91, 97, 124	160, 161, 162, 163, 166, 175

	Articles	Page
Internment (*see also* Assigned residence; Internees):		
Areas of	GC, 83	161
Civilian	GC, 79	160
Neutral territory	H. V, 11	19
Prisoners of war	HR, 5, 14, 15; GPW, 21–24	9, 10, 11, 75
Interrogation:		
Civilians, use of force prohibited	GC, 31	145
Prisoners of war	GPW, 17	73
Killing or wounding, limitations on means of	HR, 22, 23, GC, 147	12, 183
Korean Armistice Agreement	App. B	197
Labor. (*See* under Aliens; Internees; Prisoners of war; and Occupied Territory.)		
Land forces, instructions to, required by H IV	H. IV, 1	6
Land warfare. (*See* Hostilities.)		
Law of Nations. (*See* International Law.)		
Lawful belligerents. (*See* Belligerents.)		
Laws of war:		
Applicability	H. IV, Preamble; HR, 1; GWS, 2, 3; GWS, 63; GWS Sea, 2, 3, 62; GPW, 2, 3, 142; GC, 2, 3, 158	5, 8, 24, 44, 48, 65, 117, 135, 185
Civil War, applicability to	GWS, GWS Sea, GPW, GC, 3	24, 48, 67, 135
Customary laws	H. IV, Preamble; GWS, 63; GWS Sea 62; GPW 142; GC, 158	5, 44, 65, 117, 185
Enforcement of	GWS, GWS Sea, GPW, 8, 9, 11; GC, 9, 10, 12	26, 27, 51, 70, 71, 72, 138, 139
Interpretation of 1949 Geneva Conventions relating to	GWS, GWS Sea, GPW, 11; GC, 12	27, 51, 72, 139
Protecting Powers, role with regard to	GWS, GWS Sea, GPW, 8, 10, 11; GC, 9, 11, 12	26, 27, 50, 51, 70, 71, 72, 138, 139
Unwritten rules. (*See* Customary laws, above.)		
Violations (*see also* Prohibited acts; War crimes)	H. IV, 3; GWS, 50–52; GWS Sea, 51, 53; GPW, 130–132; GC, 147–149	6, 41, 63, 115, 183
Legal documents. (*See* under Internees; Prisoners of war.)		
Levee en masse, defined	HR, 2; GPW, 4	8, 68
Looting	HR, 28, 47; GC, 33	13, 16, 146

	Articles	Page
Mail. (*See* Correspondence under Civilians; Internees; Prisoners of war, etc.; *see also* Censorship; Information bureaus.)		
Medical aircraft. (*See* under Medical units.)		
Medical commissions	GPW, 112, 113, Annex II	107, 108, 124
Medical examinations. (*See* under Internees; Prisoners of war.)		
Medical personnel (*see also* Wounded and Sick; Red Cross):		
Besieged places. (*See* Besieged places.)		
Civilian hospitals, employed at	GC, 20	142
Definition, persons included	GWS, 19, 24–27, 29, 32; GWS Sea, 36, 37; GPW, 33; GC, 20	31, 33, 34, 35, 58, 79, 142
Emblem of protection	GWS, 38, 40, 43; GWS Sea, 42	37, 38, 39, 60
Identification	GWS, 40; Annex II; GWS Sea, 42	38, 47, 60
Neutrals, status of	GWS, 27, 32	33, 35
Prisoners of war, status of	GWS, 24, 25, 28, 29, 32; GWS Sea, 36, 39; GPW, 33	33, 34, 35, 58, 59, 79
Protection of	GWS, 22, 24, 25, 35; GWS Sea, 36, 39	32, 33, 36, 58, 59
Retained personnel, status as	GWS, 24, 25, 27, 28–32; GPW, 33	33, 34 79
Return by the enemy	GWS, 30–32	35
Rights, nonrenunciation	GWS, 7; GWS Sea, 33	26, 58
Security measures	GWS, 30	35
Weapons, right to carry	GWS, 22	32
Medical stores and supplies (*see also* Medical units):		
Free passage	GC, 23	143
Occupied territories, use in	GC, 55	152
Protection of	GWS, 33; GWS Sea, 38	36, 59
Requisition of	GC, 55, 57	152, 153
Medical units (Including hospitals and Mobile units; *see also* Medical commissions):		
Aircraft, medical	GWS, 36, 37; GWS Sea, 39, 40; GC, 22	36, 37, 59, 60, 142
Building, mobile units and stores, protection of	GWS, 19–22, 33; GWS Sea, 23; GC, 14, 18–21	31, 36, 56, 140, 141
Civilian hospitals	GC, 18, 19, 56, 57	141, 153
Defense of, protective status not thereby denied	GWS, 22	32
Emblem of protection	GWS, 42, 43; GC, 18	38, 39, 141

	Articles	Page
Medical units etc.—Continued		
Hospital ships	GWS Sea, 15, 22, 24–26, 29, 30, 43; GC 21	53, 55, 56, 57, 142
Captured ports	GWS Sea, 29	57
Certificates from responsible authorities	GWS Sea, 24	56
Communications	GWS Sea, 31, 34	57, 58
Defined	GWS Sea, 22	55
Emblem	GWS Sea, 43, 44	61, 62
Merchant ships used as	GWS Sea, 33	58
Neutral observers	GWS Sea, 31	57
Neutral ports	GWS Sea, 32	57
Notification of voyage particulars to adverse party	GWS Sea, 38	59
Personnel. (*See* Medical personnel.)		
Protection of	GWS Sea, 22, 34, 35	55, 58, 61
Search of	GWS Sea, 31	57
Secret code may not be passed by	GWS Sea, 34	58
Sick bays	GWS Sea, 28, 35	57, 58
Hospital zones	GWS, 23; GC, 14	32, 140
Location of	GWS, 19; GC, 14	31, 140
Neutral territory, passage of units through	H. V, 14; GWS, 37	20, 37
Neutral units, and the use of national flag	GWS, 27, 43	33, 39
Occupied territory	GC, 18, 19, 57	141, 153
Protection of. (*See* Buildings, etc., above.)		
Requisition of hospitals and other units	GC, 57	153
Sick bays. (*See* Hospital ships, above.)		
Termination of protection	GWS, 21; GWS Sea, 34	32, 58
Transportation units	GWS, 35	36
Utilization of	GWS, 21, 22	32
Weapons employed in connection with	GWS, 22	32
Merchant ships	GWS Sea, 33	58
Military government (*see also* Occupied territory):		
Courts, suspension of	GC, 54	152
Functions	HR, 43	15
Laws to be applied	HR, 23, 43; GC, 51, 64	12, 15, 151, 155
Rights protected under	GC, 47	150
Military occupation. (*See* Occupied territory.)		
Military passports: form	App. A	195
Militia:		
Definition	GPW, 4	68
Mixed medical commissions. (*See* Medical commissions.)		
Money:		
Internees	GC, 97, 98	166, 167
Occupied territory, use of (*see also* Taxation)	HR, 48, 49, 51	16

	Articles	Page
Money—Continued		
Prisoners of war. (*See* Prisoners of war—finances.)		
Monuments, protection of	HR, 27, 56	13, 17
Municipal property. (*See* Property—public property.)		
Munitions (*see also* Weapons; Prohibited Acts):		
Neutral territories:		
Convoys through	H. V, 2, 5	18, 19
Shipments to belligerents	H. V, 5, 7, 18	18, 19
Occupied territory:		
Seizure authorized	HR, 53	17
Museums, protection of	HR, 56	17
National Red Cross. (*See* Red Cross.)		
Necessities of war, destruction, seizure of property required by	HR, 23	12
Neutral aid societies. (*See* Aid societies.)		
Neutral commerce, shipment of supplies for belligerents	H. V, 2, 5, 7	18, 19
Neutral countries. (*See* Neutral Powers; Neutral territory; Neutrality.)		
Neutral observers on medical transports	GWS Sea, 31, 38	57, 59
Neutral persons	H. V, 16–18	20
Belligerent acts	H. V, 4, 6, 10, 17	19
Commerce with belligerents	H. V, 7	19
Definition	H. V, 16	20
Export of arms	H. V, 7	19
Forfeiture of neutrality	H. V, 17	20
Hospital ship owners	GSW Sea, 25	56
Hostile acts	H. V, 17	20
Medical personnel, security measures	GWS, 27, 32	33, 35
Occupied territory:		
Diplomatic personnel. (*See* Diplomatic personnel above.)		
Status in	GC, 4	136
Protected persons, status as	GC, 4	136
Rights and restrictions	H. V, 16–18	20
Neutral ports, hospital ships in	GWS Sea, 32	57
Neutral Powers:		
Asylum	H. V, 11	19
Belligerents, relations with:		
Commercial shipment	H. V, 2, 5, 7	18, 19
Communication facilities, belligerents use of	H. V, 3, 8, 9	18, 19
Equipment of belligerents, disposition of	H. V, 19	21
Export controls	H. V, 7, 8	19
Force, use to enforce neutrality	H. V, 10	19
Internment of belligerents	H. V, 11, 12	19, 20
Medical units and medical personnel	H. V, 14; GWS 28, 30; GWS, 37, 43	20, 34, 37, 43
Movement of troops and supplies	H. V, 2, 5, 14	18, 19, 20
Parole of belligerents	H. V, 11	19

	Articles	Page
Neutral Powers—Continued		
Belligerents, relations with—Continued		
Radio apparatus. (*See* above, Communication facilities.)		
Treatment of belligerents	H. V, 11, 12	19, 20
Neutral persons. (*See* Neutral persons.)		
Neutral territory. (*See* Neutral territory.)		
Neutrality. (*See* Neutrality.)		
Notification as to:		
Medical aircraft passage	GWS Sea, 40	60
Neutrality	H. III, 2, 3	2
State of war	H. III, Preamble, 2, 3	2
Prisoners of war, duties concerning. (*See* Prisoners of war.)		
Protecting Power, role as. (*See* Protecting Powers.)		
Railroad equipment	H. V, 19	21
Responsibilities	H. V, 5, 7	19
Shipwrecked belligerents, detention	H. V, 6; GWS Sea, 15, 17	19, 53, 54
Troop movements	H. V, 2, 5	18, 19
Violations of neutrality	H. V, 5, 10	19
Weapons, transport or export	H. V, 2, 5, 7	18, 19
Wounded, sick, or shipwrecked, duties toward (*see also* Wounded, sick, or shipwrecked)	GWS Sea, 5	49
Neutral ships, care for wounded, sick, or shipwrecked	GWS Sea, 2	48
Neutral territory (*see also* Neutral Powers):		
Asylum	H. V, 11	19
Belligerents in (*see also* under Neutral Powers)	H. V, 11	19
Communication facilities, use of	H. V, 3, 8, 9	18, 19
Inviolability of	H. V, 1	18
Medical aircraft	GWS, 37; GWS Sea, 40	37, 60
Medical personnel	GWS, 28, 30	34, 35
Movements of troops and supplies through	H. V, 2	18
Prisoners of war, escapees	H. V, 13	20
Radio stations, etc., forbidden	H. V, 3, 9	18, 19
Railroad equipment	H. V, 19	21
Recruitment of troops prohibited	H. V, 4	19
Restrictions of territory	H. V, 5	19
Sale of supplies to belligerents	H. V, 2, 5, 7, 18	18, 19, 21
Violations of neutrality	H. V, 5, 10	19
Wounded, sick, or shipwrecked. (*See* Wounded, sick, or shipwrecked)	GWS, 37; GWS Sea, 15	37, 53
Neutrality (*see also* Neutral persons; Neutral Powers; Neutral territory):		
Enforcement of	H. V, 10	19
Forfeiture of	H. V, 17	20

	Articles	Page
Neutrality—Continued		
Notification of	H. III, 2, 3	2
Violations of	HR, 4–6, 10; GWS Sea, 21	8, 10, 55
Neutralized zones, creation of	GC, 15	140
Newspaper correspondents, status as prisoners of war	HR, 13; GC, 4	10, 136
Nonbelligerent Powers. (*See* Neutral powers.)		
Noncombatants:		
Besieged places	GC, 17, 23	141, 143
Prisoner of war status	HR, 3	8
Nonhostile agreements. (*See* Armistices; Capitulations; Cartels; Suspension of arms; Surrender.)		
Nonhostile relations of belligerents. (*See* Belligerents—nonhostile relations.)		
Notification to neutrals (*see also* Protecting Powers)	H. III, 2	2
Oath of allegiance to Occupying Power	HR, 45	16
Occupation:		
Definition	HR, 42	15
Question of fact	HR, 42	15
Sovereignty not transferred	GC, 47	150
Subjugation or conquest, distinctions	GC, 47	150
Occupational accidents. (*See* Labor under Internees; Prisoners of war; Occupied territory.)		
Occupied territory (*see also* Civilians; Internees; Neutral persons)	HR, 23, 42–56; GC, 27–34, 43, 47–48	12, 15, 144, 148, 150
Administration	HR, 23, 43, 47, 48; GC, 51, 54, 64	12, 151, 152, 155
Allegiance, inhabitants not to be forced to give	HR, 45	16
Annexation	GC, 45, 47	149, 150
Assigned residence	GC, 78	159
Charitable property. (*See* Property—religious, charitable and cultural.)		
Children	GC, 23, 24, 50	143, 151
Coercion of inhabitants to obtain information, prohibited	HR, 44; GC, 31	16, 145
Collective punishment. (*See* this title under Laws—penal laws.)		
Commercial intercourse, restrictions allowed	GC, 48	150
Confinement (*see also* Assigned residence; Internment):		
Place of	GC, 76	159
Pretrial	GC, 69	156
Treatment during	GC, 76, 77	159

Occupied territory—Continued	Articles	Page
Contributions (*see also* Taxes, below):		
Method of levy or collection	GC, 51	151
Purpose and restrictions	HR, 49, 51, 52	16, 17
Control of inhabitants	GC, 78	159
Costs of occupation. (*See* Contributions; Taxes)		
Courts (*see also* Occupied territory—penal procedures, below)	GC, 54, 66, 67	152, 155, 156
Crimes. (*See* Penal law—offenses, below.)		
Criminal procedure. (*See* Penal Procedures, below.)		
Death penalty. (*See* Punishments, below.)		
Defenses at trials. (*See* under Trials, below.)		
Definition	HR, 42	15
Detainees, treatment. (*See* under Confinement, above.)	GC, 76	159
Deportations	GC, 49	150
Devastation	HR, 53, 54	17
Evacuations	GC, 49	150
Food and clothing:		
Generally	GC, 55, 59	152, 153
Requisition of	GC, 55	152
Freedom of movement	GC, 48	150
Government. (*See also* Administration, above.)		
Government officials. (*See* Officials, below.)	GC, 31	145
Hospitals:		
Protection	HR, 18, 19	11, 12
Requisition	GC, 57	153
Zones	GC, 14	140
Hostages forbidden	GC, 34	146
Human rights of inhabitants	HR, 46; GC, 27	16, 144
Hygiene and health	GC, 56	153
Inhabitants. (*See* under appropriate subject headings here.)		
Institutions to be protected (*see also* Property)	HR, 23, 56	12, 17
Internment (*see also* Internees)	GC, 78	159
Interrogation of inhabitants	HR, 44	16
Judges. (*See* Officials, below.)		
Labor (*see also* Officials, below)	HR, 23; GC, 51, 52, 54	12, 151, 152
Prohibited labor	GC, 51	151
Protection of laborers	GC, 52	152
Requisitions	HR, 23; GC, 51	12, 151

162-168 O - 94 - 10

Occupied territory—Continued	*Articles*	*Page*
Land, private and public. (*See* Property.)		
Laws, generally	HR, 23; GC, 51, 64, 67	12, 151, 155, 156
Administration	HR, 23; GC, 51, 64 67	12, 151, 155, 156
Occupation laws	HR, 23, 43; GC, 51, 64	12,15,151, 155
Penal law	HR, 50; GC, 33, 64–78	16, 146, 155
Appellate rights	GC, 73	158
Applicable law	HR, 23, 43; GC, 51, 64, 67	12,15,151, 155, 156
Confinement	GC, 69, 76, 77	156, 159
Courts	GC, 54, 66, 67	152, 155, 156
Defense at trial	GC, 72	164
Individual responsibility	HR, 50; GC, 33	16, 146
Legislation	GC, 64	155
Offenses:		
Committed before occupation	GC, 70	157
Generally	GC, 68	156
Penalties	GC, 68	156
Procedure for trials	GC, 71–74	157
Publication of laws	GC, 65	155
Punishments	HR, 50; GC, 68–70	16, 156
Collective punishment, prohibited	HR, 50; GC, 33	16, 146
Confinement	GC, 68, 69, 76, 77	156, 159
Death penalty	GC, 68, 74, 75	156, 158
Notification to Protecting Power	GC, 74	158
Offense committed before occupation	GC, 70	157
Repeal or suspension	GC, 64	155
Publication of new laws	GC, 65	155
Right of action, not to be suspended	HR, 23	12
Repeal or suspension	HR, 23; GC, 51, 64	12, 151, 155
Medical supplies	GC, 55, 57, 59	152, 153
Military authority	HR, 42–56	15
Military services, recruitment, etc	GC, 51	151
Money (*see also* Taxes, below)	HR, 48, 49, 51	16
Movement, restrictions on	GC, 48	150
Municipal property. (*See* Property—public property.)		
Nationals of the Occupying Power, offenses committed before occupation	GC, 70	157
Nationals of other Powers, repatriation	GC, 48	150
Neutral persons (*see* Neutral persons)	H. V, 18	21
Oaths (*see also* Officials, below)	HR, 45	16
Obedience to occupation authorities	HR, 45; GC, 54	16, 152

Occupied territory—Continued	Articles	Page
Occupation. (*See* Occupation.)		
Offenses before occupation. (*See* under Laws, above.)		
Officials of hostile government:		
Coercion	GC, 54	152
Obedience	HR, 45; GC, 54	16, 152
Punishment. (*See* Punishment, below.)		
Removal	GC, 54	152
Penal and disciplinary sanctions. (*See* under Laws, above.)		
Penal law. (*See* under Laws.)		
Pillage prohibited	HR, 47; GC, 33	16, 146
Population, rights of (*see also* appropriate subheadings here)	HR, 46; GC, 27–34, 48–50, 55–58	16, 144, 150, 152
Prisoners of war, status of persons in occupied territory	GC, 68	156
Property. (*See* Property.)		
Protecting Power (*see also* Internees; Protecting Powers):		
Functions with respect to:		
Foods, medical supplies and relief	GC, 55, 59–61	152, 153
Labor	GC, 52	152
Trials	GC, 72, 74	157, 158
Notification of	GC, 74	158
Transfers and deportations	GC, 49	150
Trials and sentences	GC, 71, 74, 76	157, 158, 159
Public finance	HR, 48, 49, 51	16
Public order	HR, 43; GC, 64	15, 155
Punishment. (*See* under this title, Laws—penal law.)		
Puppet governments	GC, 47	150
Red Cross. (*See* Red Cross.)		
Relief and relief shipments	GC, 59–62	153
Relief societies	GC, 63	161
Religion:		
Religious assistance	GC, 58	153
Religious freedom	HR, 46; GC, 13, 27	16, 140, 144
Religious property, protection and use	HR, 46, 56	16, 17
Repatriation of nationals of other powers (*see also* Civilians; Internees; Prisoners of war)	GC, 48	150
Reprisals prohibited	GC, 33	146
Requisitions. (*See* Requisitions.)		
Residence, assigned	GC, 78	159
Revenue. (*See* Taxes, below.)		
Rights of action	HR, 23	12
Rights of inhabitants	HR, 46; GC, 24–34, 47–50, 55–58	16, 143, 150, 152

	Articles	Page
Occupied territory—Continued		
Schools	GC, 49	150
Security measures	GC, 5, 27, 64	137, 144, 155
Services, requisition of	HR, 23; GC, 51, 54	12, 151, 152
Subjugative or conquest	GC, 47	16
Submarine cables	HR, 54	17
Taxes (*see also* Contributions, above):		
Collection of	HR, 48, 49	16
Use	HR, 48, 49	16
Termination of occupation	GC, 6, 77	137, 159
Transfers of populations	GC, 49	150
Transportation, control of	GC, 48	150
Trials (*see also* Courts; Laws—Penal law, above):		
Appellate rights	GC, 73	158
Defense, rights of	GC, 71–75	157
Notification to Protecting Power	GC, 74	158
Women	GC, 27	144
Workers. (*See* Labor, above.)		
Officers (*see also* Commanding officers):		
Captured. (*See* Prisoners of war—officers.)		
Internment by neutrals	H. V, 11	19
Parole in neutral countries	H. V, 11	19
Open cities	HR, 25	13
Opening of hostilities. (*See* Hostilities.)		
Orders and regulations:		
Prisoners of war, posting in prisoners' language	GPW, 41	82
Orphans, care of	GC, 24, 44	143, 149
Outlawry and assassination	HR, 23	12
Parlementaires	HR, 32–34	14
Parole:		
In neutral territory	H. V, 11	19
Information on	HR, 14	10
Prisoners of war. (*See* Prisoners of war—parole.)		
Passports, military, forms	App. A	195
Pay. (*See* Internees; Prisoners of war.)		
Peace Treaty with Hungary	App. B	224
Penal and disciplinary sanctions. (*See* under Internees; Occupied territory; Prisoners of war.)		
Permitted acts, specifically mentioned:		
Property destruction	GC, 53	152
Ruses	HR, 24	13
Spies	HR, 29	13
Stratagems	HR, 24	13
Personal property. (*See* Internees; Prisoners of war; Property; Wounded and sick.)		
Physical examinations. (*See* Internees; Prisoners of war.)		
Pillage prohibited	HR, 28, 47; GWS, 15; GWS Sea, 18; GC, 33	13, 16, 29, 54, 146

	Articles	Page
Poison	HR, 23	12
Policing of battlefields, etc	GWS, 15; GWS Sea, 18	29, 54
Populations shifts in occupied territory (*see* Occupied territory—transfers).		
Postage. (*See* Mail.)		
Press. (*See* Newspaper correspondence; Communications.)		
Prisoners of war	HR, 24, 29, 30; GWS Sea, 14, 24–27, 29, 32; GPW, 1–143; GC, 4, 68	13, 14, 67, 70, 72, 87, 136, 156
Accidents	GPW, 114	108
Accommodations in neutral country	GPW, 109–111, 115	106, 108
Accounts. (*See* Finances, below.)		
Accused prisoners, rights	GPW, 99, 105, 106	102, 104, 105
Acts committed prior to capture	GPW, 85	98
Administration of. (*See* Camps—administration, below.)		
Addresses of prisoners, belligerents to inform each other	GPW, 122	111
Agreements on treatment	GPW, 6	70
Aid societies (*see also* Red Cross)	HR, 15; GWS, 26; GPW, 72–75, 125	11, 33, 92, 113
Aiding the enemy. (*See* Espionage, sabotage, and treason.)		
Appellate rights after conviction	GPW, 106	105
Armistice, disposition during	HR, 39	15
Authorities of Detaining Power, relations with	GPW, 57, 78–81, 98, 104, 107, 125, 127	87, 95, 102, 103, 105, 113, 114
Asylum	GPW, 119	109
Badges and decorations	GPW, 18, 40	74, 82
Books, may receive	GPW, 72	92
Bureau of information	GPW, 122–124	111
Burial certificates, etc. (*see also* Dead)	GPW, 120	110
Camp followers, status	HR, 13; GPW, 4, 5	10, 68, 70
Camps:		
Administration	GPW, 39	82
Geneva Conventions, regulations and orders, posting of	GPW, 41	82
Hygiene	GPW, 29	78
Responsible officer	GPW, 39	82
Screening	GPW, 24	77
Supervision	GPW, 126	114
Transit	GPW, 24, 29	77, 78
Working	GPW, 23	83
Canteens	GPW, 28	78
Captivity (*see also* Capture, below):		
Beginning of	GPW, 17–20	73
Termination of	GPW, 21, 109–121	75, 106

Prisoners of war—Continued	*Articles*	*Page*
Capture:		
Acts committed prior to	GPW, 85	98
Recapture	GPW, 92–94	100
Capture cards	GPW, 70, Annex IV	92, 128
Censorship	GPW, 76	94
Central Prisoner of War Information Agency	GPW, 123, 124	113
Chaplains. (*See* Religious ministers, below.)		
Civil capacity	GPW, 14	73
Civilians. (*See* Civilians.)		
Clothing	GPW, 26	77
Coercion for:		
Inducement to admit guilt	GPW, 99	102
Obtaining information, prohibited	GPW, 17	73
Collective punishment. (*See* Punishment, below.)		
Combatants and noncombatants, status. (*See* this title—Definition.)		
Compelling to serve in hostile forces, forbidden	GWS, 50; GWS Sea, 51	41, 63
Complaints and requests, right to make	GPW, 78	95
Confinement as punishment (*see also* Internment):		
Conditions	GPW, 97, 98, 103, 108	101, 102, 103, 105
Duration	GPW, 98	102
Hearings prior to	GPW, 103	103
Place	GPW, 97, 108	101, 105
Pretrial	GPW, 103	103
Conviction:		
Appeal from	GPW, 106	105
Enforcement	GPW, 108	105
Notice of	GPW, 107	105
Correspondence (*see also* this title—Information Bureau):		
Capture card	HR, 16; GPW, 70, Annex IV	11, 92, 128
Censorship and suspension	GPW, 76	94
Dispatches	GPW, 71, 74	92, 93
Exemption from postage and duties	GPW, 74	93
Forms	GPW, Annex IV	128
General rules	HR, 16; GPW, 71–77	11, 92
Legal documents	GPW, 77	95
Parcels	GPW, 72, 73	92, 93
Relief shipments	GPW, 72	92
Special transport	GPW, 75	94
Telegrams	GPW, 71, 74	92, 93
Transfer of	GPW, 48	91
Courts	GPW, 5, 84, 102	70, 98, 103
Dangerous work. (*See* Labor, below.)		

Prisoners of war—Continued	*Articles*	*Page*
Dead:		
Burial	HR, 19; GPW, 120, 121	12, 110, 111
Death certificate	HR, 19; GPW, 120	12, 110
Notification of	GPW, 120, Annex IV	110, 128
Special circumstances of death	GPW, 121	111
Death penalty	GPW, 100, 101, 107	102, 103, 105
Definition:		
Persons included	HR, 3, 13; GPW, 4, 5, 14, 27, 29, 32, 33	8, 10, 68, 70, 73, 77, 78, 79
Persons excluded	HR, 24, 29, 30, 31; GPW, 4, 5; GC, 4, 68	13, 14, 68, 70, 136, 156
Deployment of prisoners (*see also* Labor, below)	GPW, 23	76
Detaining power:		
Accounts maintained by	GPW, 64	90
Responsibility for treatment of prisoners	GPW, 2, 15	67, 73
Detention in combat zone	GPW, 23	76
Diplomatic personnel of neutral states.		
Discipline and disciplinary punishment (*see also* this title—Punishment)	HR, 8; GPW, 39–42, 89, 90, 96	9, 82, 99, 101
Power to administer	GPW, 39, 96	82, 101
Right of defense	GPW, 96	101
Discriminations	HR, 6, 19; GPW, 16	9, 12, 73
Documents, legal	GPW, 77	95
Enemy, relations with	GPW, 57, 78–81, 98, 104, 107, 125, 127	87, 95, 102, 103, 105, 113, 114
Escapee (*see also* Punishment, below)	HR, 8; H. V, 13; GPW, 91–94	9, 20, 100
Exchange of	GPW, 118, 119	109
Exposure to combat fire	GPW, 23	76
Exterior, relation with	GPW, 69–77	91
Evacuation (*see also* Transfers, below)	GPW, 19, 20	75
Finances:		
Accounts:		
Maintained by Detaining Power	GPW, 18, 58, 59, 64–68	74, 87, 90
Terminating of	GPW, 66	90
Right of prisoners to inspect	GPW, 65	90
Adjustments between parties to conflict	GPW, 67	91
Canteen funds	GPW, 28	78
Claims for compensation	GPW, 68	91
Money of prisoners of war	GPW, 18, 58–67	74, 87
Pay advances	GPW, 60, 64, 67	88, 90, 91
Ready money	GPW, 58	87
Receipts issued for funds of prisoners	GPW, 18, 63	74, 89

Prisoners of war—Continued	*Articles*	*Page*
Finances—Continued		
Restrictions by Detaining Power	GPW, 60, 62, 63	88, 89
Supplementary pay	GPW, 61	88
Transfer of funds	GPW, 63, Annex V	89, 134
Wages for labor or working pay	GPW, 54, 57, 62, 64	86, 87
Food:		
Generally	GPW, 26	77
Mess supervision	GPW, 44, 45	83
Force used against. (*See* Coercion, above.)		
Funds of prisoners. (*See* Finances, above.)		
General divisions of enemy populations	GPW, 4	68
Geneva Conventions, posting of text	GPW, 41	82
Gifts for	HR, 16; GPW, 72–75	11, 92
Graves	GPW, 120	110
Guerillas	GPW, 4	68
Hospitalization. (*See* Medical attention.)		
Humane treatment	GPW, 13	72
Hygiene and health	GPW, 29, 31, 108	78, 79, 105
Identification and identity cards	GPW, 4, 17, 18, 120, 122, Annex IV	68, 73, 74, 110, 111, 128
Imprisonment. (*See* Confinement, above.)		
Infirmaries	GPW, 30	78
Information Bureaus	HR, 14, 16; GPW, 122–124	10, 11, 111
Information to be given by prisoners	HR, 9; GPW, 17	10, 73
Injuries of	GPW, 30, 54, 55, 114, 121	78, 86, 108, 111
Insignia of rank and badges	GPW, 18, 40	74, 82
Insults and public curiosity, protection from	GPW, 13	72
Intellectual pursuits	GPW, 38	81
Interim protection if status doubtful	GPW, 5	70
International Committee of Red Cross. (*See* Red Cross.)		
Internees, to be separated from	GPW, 84	98
Internment of prisoners:		
Generally	HR, 5; GPW, 20–24	9, 75
In neutral country	GPW, 111	107
Interrogation	HR, 9; GPW, 17	10, 73
Judicial proceedings	GPW, 99–108	102
Appellate rights	GPW, 106	105
Defense	GPW, 99, 105	102, 104
Notification of proceedings to:		
Accused	GPW, 104, 107	103, 105
Protecting Powers. (*See* Protecting powers, above.)		
Principles in general	GPW, 99	102
Sentence, validity and execution	GPW, 102, 107, 108	103, 105

	Articles	Page
Prisoners of war—Continued		
Killing prohibited	GPW, 13	72
Labor:		
Accidents, occupational	GPW, 54, 55	86
Authorized labor	HR, 6; GPW, 50, 52	9, 85
Complaints regarding	GPW, 50, 54	85
Conditions of	GPW, 51	85
Dangerous or humiliating labor, generally prohibited	GPW, 52	85
Detachments of labor, administration of	GPW, 56	86
Disease, occupational	GPW, 54, 55	86
Duration of, hours and days	GPW, 53	86
Employers, private	HR, 6; GPW, 57	9, 87
Generally	GPW, 49	91
Officers and noncommissioned officers	GPW, 49	91
Persons subject to	GPW, 49, 81	91, 97
Physical examination	GPW, 55	86
Prisoners' representatives	GPW, 81	97
Rest required	GPW, 53	86
Wages	HR, 6; GPW, 54, 57, 58, 62, 64.	9, 86, 87, 89, 90
War operations, relations to	GPW, 50, 52	85
Language employed	GPW, 17, 41, 79	73, 82, 103
Laws and regulations applicable	GPW, 41, 82	82, 97
Ex post facto laws prohibited	GPW, 99	102
Legal documents	GPW, 77	95
Legislation. (*See* Laws, above.)		
Letters. (*See* this title, Correspondence.)		
Levee en masse	HR, 7; GPW, 4	9, 68
Maintenance of	HR, 7; GPW, 15, 60, 67	9, 73, 88, 91
Medical duties	GPW, 32	79
Medical examination and care (*see also* Wounded and sick, below)	GPW, 30, 31, 55, 112, 113	78, 79, 86, 107, 108
Medical commissions, mixed	GPW, 112, 113, Annex II	107, 108, 124
Medical personnel:		
Neutral personnel	GWS, 32	35
Retained personnel	GWS, 24, 25, 27, 29, 32; GPW, 33	33, 34, 35, 79
Status and duties	GWS, 24, 25, 28–33	33, 34
Voluntary aid society personnel	GWS, 26, 28	33, 34
Mess supervision (*see also* Food, above)	GPW, 44, 45	83
Ministers of religion. (*See* Religious Ministers, below.)		
Militia and volunteer corps	GPW, 4	68
Money. (*See* Finances, above.)		
Movement, liberty of	GPW, 21	75
Neutral personnel (*see also* Protecting Powers, below)	GWS, 32	35

Prisoners of war—Continued	*Articles*	*Page*
Neutral territory:		
Accommodation	H. V, 13; GPW, 109–117, Annex I	20, 106, 119
Escape to	H. V, 13	20
Internment in	GPW, 111	107
Passage through	H. V, 13, 14; GWS, 37	20, 37
Treatment	H. V, 13, 14; GWS, 37	20, 37
Wounded and sick prisoners	GPW, 109, 110	106
Noncommissioned officers, supervisory work only	GPW, 49	84
Notification by belligerents:		
To each other (*see also* Information Bureau, above)	GPW, 43, 58, 69	83, 87, 91
To Protecting Power	GPW, 69, 81, 94, 100, 101, 104, 105, 107, 121	91, 97, 101, 102, 103, 104, 105, 111
Occupational accidents. (*See* Labor, above.)		
Occupied areas, certain persons in	GPW, 82	97
Offenses (*see also* Punishment, below; Discipline, above):		
Committed prior to capture	GPW, 85	98
Officers:	GPW, 44	83
Generally	GPW, 39, 44	82, 83
Labor	HR, 6; GPW, 49	9, 84
Mess supervision	GPW, 44	83
Prisoners' representatives	GPW, 79	103
Quarters	GPW, 97	101
Orders and regulations, posting of	GPW, 41	82
Parcels by mail may be received	HR, 16; GPW, 72	11, 92
Parole	HR, 10–12; GPW, 21	10, 75
Pay (*see also* Finance, above):		
Advance pay	GPW, 60	88
Labor, pay for	HR, 6, 17; GPW, 54, 62	9, 11, 86, 89
Supplementary pay	GPW, 61	88
Penal and disciplinary sanctions. (*See* Punishment, below.)		
Personal property (*see also* Clothing, above)	HR, 4, 14; GWS, 4–7, 12, 13, 15; GWS Sea, 27, 29, 37; GPW, 18–79, 82–108, 125, 127	8, 10, 25, 28, 29, 56, 57, 58, 74, 97, 113, 114
Prohibited acts. (*See* Prohibited acts.)		
Prisoners' representatives. (*See* Representatives of prisoners, below.)		
Protecting Powers:		
Complaints to	GPW, 78, 81	95, 97
Correspondence	GPW, 71, 75	92, 94

	Articles	Page
Prisoners of war—Continued		
Protecting Powers—Continued		
Notification as to:		
Death penalty	GPW, 100, 101	102, 103
Judicial proceedings	GPW, 104, 105	103, 104
Killed or injured prisoners	GPW, 121	111
Labor	GPW, 56	86
Measures taken concerning prisoners	GPW, 69	91
Recapture	GPW, 94	101
Supervision of camps	GPW, 126	114
Visitation of camps	GPW, 126	114
Protection:		
Commencement and termination	GPW, 5	70
Generally	GPW, 5–7, 12–16	70, 72
Hazards of war	GPW, 23	76
Interim	GPW, 5	70
Punishment:		
Acts committed prior to capture	GPW, 85	98
Appeal, right of	GPW, 106	105
Coercion	GPW, 99	102
Collective punishment forbidden	GPW, 87	98
Confinement	GPW, 97	101
Courts	GPW, 84, 102	98, 103
Death penalty	GPW, 100, 101, 107	102, 103, 105
Defense, right to	GPW, 96, 105	101, 104
Disciplinary punishment (*see also* Discipline, above)	HR, 8; GPW, 39–42, 89, 90, 96	9, 82, 99, 101
Duration	GPW, 90	99
Escape	HR, 8; H. V, 13; GPW, 91–94	9, 20, 100
Ex post facto laws prohibited	GPW, 99	102
Execution of penalties	GPW, 88, 97	99, 101
Forms of	GPW, 89	99
General principles	GPW, 87–89, 99	98, 102
Leniency	GPW, 83	97
Notice of:		
Proceeding for	GPW, 104	103
Results	GPW, 107	105
Place of	GPW, 97	101
Repatriation or accommodation in neutral country	GPW, 115	108
Repetitive punishment prohibited	GPW, 86	98
Rights during	GPW, 98, 108	102, 105
Safeguards	GPW, 98	102
Sentence, validity	GPW, 102	103
Physical exercise. (*See* Recreation, below.)		
Quarters	GPW, 25	77
Questioning of	GPW, 17	73

Prisoners of war—Continued	Articles	Page
Rank:		
Notification to parties to conflict	HR, 9, 14; GPW, 43	10, 83
Recognition of	HR, 6, 19; GPW, 39, 43–45, 98	9, 12, 82, 83, 102
Rations. (*See* Food, above.)		
Recapture, notice	GPW, 21, 91–94	75, 100
Recreation	GWS, 26; GPW, 38, 108, 125, 126	33, 81, 105, 113, 114
Release	GPW, 21, 109–119	75, 106
Relief:		
Collective relief, regulations concerning	GPW, Annex III	126
Shipments or transportation	GPW, 72–75	92
Exemption from postal and transportation charges	GPW, 74	93
Relief societies. (*See* this title, Aid societies; Red Cross.)		
Religious freedoms	HR, 18; GPW, 34–37	11, 80
Religious buildings	HR, 46	16
Religious ministers	GWS, 24; GPW, 7, 35–37	33, 70, 81
Renunciation of rights prohibited	GWS, 7; GPW, 7	26, 70
Repatriation (*see also* Exchange of prisoners; Release of prisoners):		
Activity of repatriated prisoners	GPW, 117	109
Agreement, model	GPW, Annex I	119
Asylums permitted	GPW, 119	109
Costs of	GPW, 116, 118	109
Certificate, model	GPW, Annex IV	128
Exchanges	GPW, 118, 119	109
Hostilities, end of	HR, 20; GPW, 118	12, 109
Injured person	GPW, 114	108
Mixed medical commissions examinations	GPW, 113	108
Prisoners serving sentences	GPW, 115	108
Procedures	GPW, 119	109
Wounded and sick	GWS, 14; GPW, 109, 110	29, 109
Reports	GPW, 78	95
Representatives of prisoners	GPW, 44, 45, 57, 78–81, 98, 104, 107, 125, 127	83, 87, 95, 102, 103, 105, 113, 114
Duties	GPW, 57, 78–81, 98, 104, 107, 125, 127	87, 95, 102, 103, 105, 113, 114
Prerogatives	GPW, 81	97
Reprisals prohibited	GPW, 13	72
Retained personnel	GWS, 24, 25, 27–29, 31, 32; GPW, 33	33, 34, 35, 79
Rights protected (*see also* Treatment, below)	GPW, 24	77

Prisoners of war—Continued	*Articles*	*Page*
Screening camps	GPW, 23	76
Segregation of	GPW, 16	73
Sick and wounded. (*See* Wounded, sick, or shipwrecked, below.)		
Special agreements concerning	GPW, 6	70
Spies. (*See* Espionage, sabotage, and treason.)		
Summary execution forbidden	GPW, 23	76
Supervision by Protecting Powers. (*See* Protecting Powers, above.)		
Transactions with enemy prohibited	GPW, 18	74
Transfers	GPW, 46–48	83
Circumstances precluding	GPW, 47	84
Conditions of	GPW, 46	83
Procedure	GPW, 48	84
Transit camps	GPW, 24	77
Treatment:		
General rights	HR, 3, 4; GPW, 5–7, 12–16	8
Nonrenunciation of	GPW, 22	76
Equality of treatment	GPW, 16	73
Officers	GPW, 44	83
Persons other than officers	GPW, 45	83
Responsibility for	GPW, 12	72
Trial. (*See* Judicial proceedings, above; *see also* Punishment, above.)		
Uniform, recognition as belligerent	GPW, 4	68
Violence and intimidation prohibited	GPW, 13	72
Visitation and supervision of camps by Protecting Powers. (*See* Protecting Powers, above.)		
Voluntary aid societies for. (*See* Aid societies.)		
Volunteer camps	GPW, 4	68
Weapons to be used against prisoners of war	GPW, 42	82
Wills	HR, 19; GPW, 77, 120	12, 95, 110
Women as prisoners of war, special mention:		
Protection generally	GPW, 14, 16, 49, 108	73, 84, 105
Punishments	GPW, 88, 97, 108	99, 101, 105
Quarters	GPW, 25, 29, 97, 108	77, 78, 101, 105
Work. (*See* Labor.)		
Wounded, sick, or shipwrecked:		
Evacuation	GPW, 19	75
Medical examination	GPW, 30, 31, 55, 112, 113	78, 79, 86, 107, 108
Neutral countries, accommodation in	H. V, 14, 15; GWS Sea, 16; GPW, 109	20, 53, 106
Personal effects of	GWS, 16	29

	Articles	Page
Prisoners of war—Continued		
Wounded, sick, or shipwrecked—Con.		
Protection of	GWS, 5, 16	25, 29
Repatriation	GPW, 109, 110, 114, 116	106, 108, 109
Sentenced prisoners	GPW, 115	108
Special agreements with respect to	GWS, 6; GPW, 6	25, 70
Status as prisoners of war	GWS, 14; GWS Sea, 16, 39	29, 53, 59
Transfers	GPW, 47	84
Prisoner of War Information Bureau	GPW, 122	111
Prohibited acts (*see also* Weapons):		
Assassination and outlawry	HR, 23	12
Bombardment of undefended places	HR, 25	13
Civilians, certain acts toward	GC, 32–34	145
Commencing hostilities without declaration of war	H. III, 1	2
Compelling enemy to participate in hostilities against own country	HR, 23	12
Confiscation of enemy property. (*See* Property.)		
Destruction of:		
Historic and educational institutions	HR, 56	17
Property	HR, 23, 56	12, 17
Submarine cables (*see* Submarine cables, below)	HR, 54	17
Devastation (*see also* Destruction, above)	GC, 53, 147	152, 183
Flags and insignia, improper use of (*see also* Red Cross)	HR, 23	12
Geneva Convention emblem, improper use of	HR, 23	12
Germ warfare	HR, 23	12
Guides, impressment of	GC, 31	145
Hostages, taking of	GC, 34	146
Injury of enemy after surrender or by prohibited means	HR, 22, 23	12
Ill-treatment of peaceful populations	GWS, GWS Sea, GPW, GC, 3	24, 48, 67
Perfidy. (*See* Treachery.)		
Pillage	GC, 33	146
Poison. (*See* Weapons.)		
Prisoners of war:		
Discriminating treatment of	GPW, 16	73
Inhuman treatment of	GPW, 13, 14	72, 73
Killing or wounding of	GPW, 13, 14	72, 73
Status, no renunciation of	GPW, 7	70
Punishment, collective punishment forbidden	GC, 33	146
Quarters, refusal of	HR, 23	12
Red Cross emblem, improper use of. (*See* Red Cross.)		
Reprisals	GWS, 46; GWS Sea, 47; GPW, 13, 87; GC, 33	40, 62, 72, 98, 146

	Articles	Page
Prohibited acts—Continued		
Revengeful acts	GPW, 13, 87; GC, 33	72, 98, 146
Submarine cables, destruction of	HR, 54	17
Torture and other inhuman treatment	GPW, 13, 14	72, 73
Weapons, certain weapons prohibited. (*See* Weapons.)		
Wounded and sick, ill treatment of surrendered personnel; killing or wounding of	HR, 23	12
Property:		
Bombardment of. (*See* Bombardment.)		
Booty of war	GPW, 18	74
Captured	GPW, 18	74
Combat, treatment during	HR, 23; GPW, 18; GC, 53	12, 74, 152
Confiscation or seizure (*see also* Requisitions; Pillage, below)	HR, 23, 46, 53; GC, 53	12, 16, 17,
Control by occupant power	HR, 53–56	17
Cultural	HR, 27, 56; GC, 18, 19, 53	13, 17, 141, 152
Destruction	HR, 23, 53; GC, 53	12, 17, 152
Inquiry office	HR, 14	10
Internees, property of	GC, 114	173
Military	HR, 53	17, 152
Municipal	HR, 56	17
Pillage, prohibited	HR, 28, 47, 56; GC, 33	13, 16, 17, 152
Prisoner of war, property of	HR, 4; GPW, 18	8, 74
Private property:		
Confiscation prohibited	HR, 46	16
Destruction of	HR, 23, 54; GC, 53	12, 152
Immovable, requisition or seizure	HR, 52	17
Military use	HR, 53	17
Movable	HR, 53	17
Prohibited acts with regard to (*see also* Prohibited acts)	HR, 46	16
Seizure	HR, 53	
Public property:		
Administration by occupying power	HR, 55, 56	17
Disposition by occupying power	GC, 53	152
Military use of	HR, 53	17
Movable	HR, 53	17
Preservation of	HR, 55	17
Requisitions	HR, 52	17
State property	HR, 53, 55	17
Railway equipment. (*See* Railway equipment.)		
Religious, charitable, cultural, etc	HR, 27, 46, 56; GC, 14, 18, 19, 56	13, 140 141, 153
Requisitions	HR, 52; GC, 55, 57	17, 152, 153
Seizure. (*See* Confiscation, above.)		

	Articles	Page
Property—Continued		
State property. (*See* Public property, above.)		
Submarine cables	HR, 54	17
Surrender, disposition of property	GPW, 18	74
Undefended buildings, bombardment of	HR, 25	13
Protected persons (*see also* Aliens; Civilians; Internees):		
Coercion prohibited	GC, 31	145
Collective penalties prohibited	GC, 33	146
Definition as	GC, 4, 13	136, 140
Derogations permitted	GC, 5, 68	137, 156
Neutrals as	GC, 4, 13	136, 140
Reestablishment of	GC, 6	137
Rights, nonrenunciation of	GC, 8	138
Special agreements	GC, 7	137
Treatment, responsibilities	GC, 29	145
Protecting Powers, application to	GC, 30	145
Protecting powers	GWS, GWS Sea; GPW, 8–11; GC, 9–11	26, 50, 70, 138
Arbitration and conciliation procedures	GWS, GWS Sea; GPW, 11; GC, 12	27, 51, 72, 159
Defined	GWS, GWS Sea; GPW, 8–11; GC, 9–11	26, 50, 70, 138
Failure to function, remedies	GWS, GWS Sea; GPW, 10; GC, 11	27, 51, 71, 138
Functions (*see also* Internees; Occupied Territory; Prisoners of War).	GWS, GWS Sea; 8–11	27, 50
Generally	GWS, GWS Sea; GPW, 8–11; GC, 9–11	27, 50, 70, 138
International Red Cross Committee, no obstacle to functioning	GWS, GWS Sea; GPW, 8; GC, 9	26, 50, 70 138
Notification with respect to	GWS, GWS Sea; GPW, 9; GC, 10	26, 51, 71, 138
Internees	GC, 105, 129, 131	169, 177, 178
Prisoners of war. (*See* Prisoners of war—Protecting Powers.)		
Protected persons	GPW, 107, 121; GC, 49, 71, 75	105, 111, 150, 157, 158
Substitutes for	GWS, GWS Sea; GPW, 10; GC, 11	27, 51, 72, 138
Visitations by	GPW, 126; GC 76	114, 159
Public conscience	H. IV, Preamble	5

	Articles	Page
Punishment of:		
Armistice violation by private persons	HR, 41	15
Inhabitants of occupied territory. (*See* Occupied territory.)		
Prisoners of war. (*See* Prisoners of war.)		
Spies. (*See* under Espionage, sabotage and treason.)		
War criminals. (*See* War crimes.)		
Quarters. (*See* Internees; Prisoners of war.)		
Refusal of	HR, 23	12
Radios (*see also* Communications):		
Neutral territory	H. V, 3, 8, 9	18, 19
Railway equipment:		
Neutrality rules concerning	H. V, 19	21
Prisoner of war correspondence, free carriage	HR, 16	11
Rank. (*See* Prisoners of war; *see also* Officers.)		
Ratifications. (*See* Geneva Conventions, Hague Conventions.)		
Recapture. (*See* Prisoners of war.)		
Recruitment:		
Neutral territory	H. V, 4	19
Occupied territory	GWS, 38; GC, 25	37, 144
Red Crescent. (*See* Red Cross—emblem.)		
Red Cross (*see also* Aid societies; Medical personnel; Medical units):		
Emblem	HR, 23; GWS, 38–44; GC 25	12, 37, 144
Auxiliary personnel, use by	GWS, 41	38
Form	GWS, 38; GWS Sea, 41	37, 60
Hospitals and other medical units, and transports, land, sea and air, the marking of	GWS, 42; GWS Sea, 41–44; GC, 18, 22, 23, 27	38, 60, 141, 142, 143, 144
Improper use, prohibited	GWS, 44, 53, 54; GWS Sea 45	39, 41, 42, 62
Medical personnel, use by	GWS, 40; GWS Sea, 19, 36, 37, 42; GC, 20	38, 54, 58, 60, 142
Peacetime use	GWS, 44, 53, 54; GWS Sea, 45	39, 41, 42, 62
Private and public individuals, firms, etc	GWS, 53, 54; GWS Sea 45	41, 42, 62
Religious personnel, use by	GWS, 40; GWS Sea, 19, 36, 37, 42	38, 54, 58, 60
Family news, facilitation of	GC, 27	144

	Articles	Page
Red Cross—Continued		
International Committee of Red Cross activities	GWS, GWS Sea, 9–11; GPW, 9–11, 72, 73; GC, 10–12	26, 51, 71, 92, 93, 138
Hospital zones, good offices for establishment of	GWS, 23; GPW, 123; GC, 14	32, 113, 140
Prisoners' representatives, right to consult with	GPW, 79, 81	96, 97
Purpose	GPW, 123; GC, 130	113, 178
Relief shipments of Central Agency (*see* Relief shipments.)	GPW, 123; GC, 130	113, 178
Special status to be given recognition	GPW, 125; GC, 142	113, 182
Substitute for Protecting Power (*see also* Protecting Powers)	GWS, GWS Sea, GPW, 10; GC, 11	27, 51, 71, 138
Visits, with respect to:		
Prisoners of war	GPW, 125, 126	113, 114
Protected persons	HR, 50; GC, 143	16, 182
National Red Cross societies, status of personnel	GWS, 26	33
Prisoners of war, medical personnel	GPW, 26	77
Protected persons, right to complain to	GC, 30	145
Relief activities	GPW, 72, 73, 75; GC, 59, 61, 63, 108, 109, 111	92, 93, 94, 153, 161, 170, 171
Red Lion and Sun. (*See* Red Cross—emblem.)		
Refugees	GC, 44	149
Relief (*see* Civilians; Internees; Prisoners of war)	GPW, 72–75, 108	92, 105
Relief societies. (*See* Aid societies; Red Cross.)		
Religion:		
Religious activities and freedoms. (*See* under Aliens; Civilians; Internees; Prisoners of war; and Occupied territory.)		
Religious buildings, protection of	HR, 27, 28, 46, 56; GC, 14, 18, 19	13, 16, 17, 140, 141
Religious personnel:		
Besieged places. (*See* Besieged places.)		
Capture, retention or return by an enemy	GWS, 28, 30, 31; GWS Sea, 36; GPW, 36	34, 35, 58, 81
Emblem of protection	GWS, 40; GWS Sea, 42	38, 60
Identification	GWS, 40; Annex II; GWS Sea, 42; Annex	38, 47, 60, 66
Rights, nonrenunciation	GWS, 7; GWS Sea, 7	26, 50
Security measures with respect to	GWS, 30	35

	Articles	Page
Remedies available for violation of international law	GWS, 11, 49–51; GWS Sea, 11, 50–53; GPW, 11, 13, 82–108, 130–132; GC, 12, 33, 34, 146–149	27, 40, 51, 63, 72, 97, 115, 139, 146, 183
Repatriation. (*See* Occupied territory; Prisoners of war; Wounded, sick or shipwrecked.)		
Reporters. (*See* Newspaper Correspondents.)		
Representatives of: (*See* Internees; Prisoners of war):		
Belligerents. (*See* Parlementaires.)		
Internees. (*See* Internees.)		
Neutral states. (*See* Neutral powers—diplomatic agents.)		
Red Cross. (*See* Red Cross.)		
Reprisals	GWS, 46; GWS Sea, 47; GPW, 13, 87; GC, 33, 34	40, 62, 72, 98, 146
Requisitions. (*See* Occupied territory.)		
Food and medical supplies	GC, 55, 57	152
General	HR, 52, GC 55, 57	17, 152, 153
Hospitals	GC, 57	153
Labor and other services	HR, 23, 52; GC, 51, 54	12, 17, 151, 152
Property	HR, 19, 52; GC. 55, 57	12, 17, 152, 153
Railway material	HR, 19	12
Retained personnel, medical and spiritual religious personnel	GWS, 24–31; GPW, 33	33, 79
Retaliation. (*See* Reprisals.)		
Revengeful acts prohibited	GC, 33, 34	146
Rewards for captured or killed enemy	HR, 23	12
Rheims, Unconditional surrender of German forces at	App. D	232
Robbery. (*See* Weapons; Booty of war; Pillage.)		
Rules of war. (*See* Laws of war.)		
Ruses of war	HR, 23, 24	12, 13
Sabotage. (*See* under Espionage, sabotage, and treason.)		
Safe conducts: Forms (*see also* Passports, military)	App. A	195
Safeguards; Forms	App. A	195
Safety zones (*see also* Hospital zones; Neutralized zones)	GC, 14	140
Sailors. (*See* Wounded, sick or shipwrecked.)		
Sanitation:		
Internees	GC, 85	161
Prisoner of war camps	GPW, 29	78
Science, buildings devoted to, protection of	HR, 27, 56; GC, 14, 18, 19	13, 17, 140, 141

	Articles	Page
Security measures. (*See* Aliens; Civilians; Occupied territory; Prisoners of war; Property—religious personnel.)		
Segregation. (*See* Prisoners of war; *see also* Women.)		
Ships (*see also* Medical units, Hospital ships, Sick-bays)	GWS Sea, 14	53
Shipments to prisoners of war	GPW, 72	92
Relief shipments. (*See* under Relief shipments.)		
Shipwrecked belligerents. (*See* Wounded, sick, or shipwrecked.)		
Sick and wounded. (*See* Wounded, sick or shipwrecked.)		
Sieges. (*See* Besieged places.)		
Signs, to distinguish protected buildings, etc.	HR, 27	13
Special agreements with respect to:		
Civilians, protection of	GC, 7	137
Hospital and safety zones	GWS, 23; GC, 14	32, 140
Neutralized zones	GC, 15	140
Prisoners of war	GPW, 6	70
Wounded and sick	GWS, 6	25
Spies. (*See* Espionage, sabotage and treason; *see also* Ruses.)		
Stratagems. (*See* Prohibited acts; Ruses.)	HR, 23, 24	12, 13
Subjugation	GC, 47	150
Submarine cables	HR, 54	17
Subordinates, responsibility for acts of	GPW, 12; GC 38, 54	72, 147, 152
Summary executions. (*See* Prisoners of war.)		
Supplies, requisition of. (*See* Requisitions, above.)		
Surrender (*see also* Capitulation; White flag)	GC, 147	183
Of German Forces at Rheims	App. D	232
German Commander-in-Chief, Southwest and his forces	App. E	233
Suspension of hostilities. (*See* Armistice.)		
Taxes. (*See* Occupied territory—taxes; Prisoners of war—parcels.)		
Telegraph and telephone:		
Neutral territory	H. V, 3, 8, 9	18, 19
Notification to neutral Power of state of war	H. III, 2	2
Torture, forbidden. (*See* Civilians; Prisoners of war.)		
Transfers. (*See* Internees; Prisoners of war; Occupied territory.)		
Transit prisoner of war camps. (*See* Prisoners of war.)		
Transportation:		
In occupied territory	HR, 53; GC, 48	17, 150
Wounded and sick	GC, 21, 22	142
Travel, occupied territory	GC, 48	150
Treachery, forbidden	HR, 23, 24	12, 13

	Articles	Page
Treason. (*See* Espionage, sabotage, and treason.)		
Treaties, generally (*see also* Geneva Conventions, Hague Conventions and Regulations)	GWS, 59; GWS Sea, 58; GPW, 134, 135; GC, 154	43, 64, 116, 185
Trials. (*See* Prisoners of war; Occupied territory; War crimes.)		
Truce. (*See* Armistice.)		
Undefended places, attacks or bombardment of	HR, 25, 27; GC, 14, 18, 19	13, 140, 141
Uniform, necessity for status as belligerent	GPW, 4	68
Uniform of enemy:		
Improper use of	HR, 23	12
Proper use of	HR, 23	12
Unnecessary suffering, use of arms for, forbidden	HR, 23	12
Unwritten rules of land warfare	GWS, 63; GWS Sea, 62; GPW, 142; GC, 158	44, 65, 117, 185
Usufructuary, occupying power regarded as	HR, 55	17
Violations of the laws of war (*see also* War crimes)	GWS, 11, 13, 52; GWS Sea, 11, 53; GPW, 11, 13, 87, 132; GC, 12, 13, 33, 34, 149	27, 28, 41, 51, 63, 72, 98, 116, 139, 140, 146, 184
Volunteer aid societies. (*See* Aid societies; *see also* Red Cross.)		
Volunteer corps of belligerents	HR, 1; GPW, 4	8
Volunteers to care for wounded and sick	GWS, 18	31
Wages. (*See* Prisoners of war—pay.)		
War (*see also* Hostilities):		
Declaration of	H. III, 1, 2	2
Laws of war (*see* Laws of war)	GWS, GWS Sea, GPW, GC, 12	28, 52, 72, 139
Notification to neutral Powers	H. III, Preamble, 2, 3	2
War crimes:		
Acts which constitute	HR, 41; GWS, 50; GWS Sea, 51	15, 41, 63
Armistice, violation of	HR, 41	15
Collective punishment. (*See* Punishment, below.)		
Death penalty. (*See* Punishment, below.)		
Geneva Conventions, grave breaches of	GWS, 49–51; GWS Sea, 50–52; GPW, 129, 131; GC, 146, 148	40, 63, 115, 183

	Articles	Page
War crimes—Continued		
Hostages, taking of	GWS, 50; GWS Sea, 51; GPW, 130	41, 63
Jurisdiction	GWS, 49; GWS Sea, 50; GPW, 82–108, 129; GC, 146	40, 63, 97, 115, 183
Laws applicable	GWS, 49; GWS Sea, 50; GPW, 105, 129; GC, 46	40, 63, 104, 115, 149
Prisoners of war liability for	GPW, 85, 87	98
Punishment:		
Responsibilities	GWS, 49; GWS Sea, 50; GPW, 129; GC, 146	40, 63, 115, 183
Remedial action other than punishment	H. IV, 3; GWS, GWS Sea, GPW, 11; GC, 12	6, 27, 51, 72, 139
Suppression	GWS, 49; GWS Sea, 50; GPW, 129; GC, 146	40, 63, 115, 183
Trials	GWS, 49; GWS Sea, 50; GPW, 82–108, 129; GC, 146	40, 63, 97, 115, 183
War criminals. (*See* War crimes.)		
Warfare. (*See* Hostilities; Bacteriological warfare.)		
Warship	GWS Sea, 14, 28, 32	53, 57
War treason. (*See* Espionage, sabotage, and treason.)		
Weapons:		
Bullets, certain types prohibited	HR, 23	12
Carried openly	HR, 1	8
Causing unnecessary injury, forbidden	HR, 23	12
Grenades, use authorized	HR, 23	12
Inhabitants taking up arms spontaneously	HR, 2	8
Medical units and personnel, authority to use	HR, 2; GWS, 22	8, 32
Occupation army taking possession of	HR, 53	17
Poisons	HR, 23	17
Prisoners of war	HR, 4, 12; GPW, 42	8, 10, 82
Rockets	HR, 23	12
Surrendered persons	HR, 23	12
White flag, use	HR, 23, 32	12, 14
Wills:		
Internees	GC, 113, 129	172, 177
Prisoners of war	HR, 19; GPW, 77, 120	12, 95, 110
Wounded, sick, or shipwrecked	GWS, 16; GWS Sea, 19	30, 59
Women. (*See* under Aliens; Internees; Prisoners of war; Occupied territory.)		

	Articles	Page
Workers. (*See* Occupied territory—labor; Prisoners of war—labor.)		
Wounded, sick or shipwrecked (*see also* Prisoners of war; Red Cross)	HR, 23, 53; GWS, 4–7, 12, 13, 15, 20 35, 36, 38–44; GWS Sea, 4, 13, 22, 27, 29, 37, 43; GPW 33, 47, 109–117	12, 17, 25, 28, 29, 31, 36, 37, 49, 52, 55, 56, 57, 58, 61, 79, 84, 106
Abandoned, medical personnel to be left with	GWS, 12	28
Aircraft at sea	GWS Sea, 12	52
American National Red Cross. (*See* Red Cross.)		
Applicability	GWS, GWS Sea, 13	28, 52
Arms and ammunition	GWS, 22	32
Bombardments and sieges, spared in	HR, 27; GWS, 19, 22, 23; GWS Sea, 4, 20, 22, 27, 29, 37, 43; GC, 14, 18, 19	13, 31, 32 49, 55, 56, 57, 58, 61 140, 141
Captured, status as prisoners of war	GWS, 13; GPW, 4	28, 68
Care and treatment of	GWS, 12, 15, 18; GWS Sea, 12, 28	28, 29, 31 52, 57
Casualties, search and removal	GWS, 15	29
Civilians. (*See* Civilians—wounded, sick or shipwrecked.)		
Coastal rescue craft	GWS, 4, 20; GWS Sea, 4, 22, 27, 29, 37, 43	25, 31, 49, 55, 56, 57, 58, 61
Convoys	H. V, 14; GWS, 37; GWS Sea, 15	20 53
Death of (*see also* Wills)	GWS, 26, 27, 35, 36, GWS Sea, 19, 20; GC, 4, 21, 22	54, 55 136, 142
Defense of. (*See* Protection, below.)	GWS, 16, 17	29, 30
Definition	GWS, Sea 12	52
Detention in neutral territory	H. V, 11, 12, 16; GWS Sea 15, 17	19, 20, 53, 54
Discrimination	GWS Sea, 30	57
Emblems, use	HR, 23; GWS, 38–44; GWS Sea, 19	12 37, 54
Evacuation	GC, 17	141
Examination by medical commissions	GPW, 112, 113	107, 108
Exchange of wounded and sick	GWS, 15	29
Geneva Conventions, execution of	GWS, 45; GWS Sea, 46	40, 62
Graves Registration Service	GWS, 17	30
Hospitals. (*See* Medical units.)		
Hospital ships. (*See* Hospital ships.)		

Wounded, sick or shipwrecked—Continued	Articles	Page
Hospital zones	GWS, 23	32
Humane treatment	HR, 21; GWS, 12, 15; GWS Sea, 12	12, 52 28, 29
Identification	GWS, 16; GWS Sea, 19, 20, Annex	29, 54, 55, 66
Ill-treatment	GWS, 12, 15; GWS Sea, 12, 18	28, 29, 52, 54
Information to be exchanged	HR, 14; GWS, 16; GWS Sea, 19	10, 29, 54
Inhabitants may be asked to care for	GWS, 18	31
Internment in neutral state	HR, 11, 12, 16	10, 11
Medical personnel. (*See* Medical personnel.)		
Medical units. (*See* Medical units.)		
Money and personal effects	GWS, 16	29
Nationality	GWS Sea, 30	57
Neutral Powers, duties toward (*see also* Neutral territory, below)	GWS, 4; GWS Sea, 5	49
Neutral ships	GWS Sea, 15, 17, 25	53, 54, 56
Neutral territory:		
Accommodation in	H. V, 14, 15; GWS Sea, 5, 40; GPW, 109–117	20 49, 60 106
Detention in	GWS Sea, 15, 17, 40	53, 54, 60
Entrance into, rules governing	H. V, 14; GWS Sea, 15, 17	53, 54
Internment in	H. V, 11, 12, 16	20
Neutral ports of entry	GWS Sea, 15, 16	53
Passage through	H. V, 14; GWS, 37	20, 37
Personal effects	GWS, 16; GWS Sea, 19	54
Pillage prohibited. (*See* Pillage.)		
Prisoners of war. (*See* Prisoners of war—Wounded, sick or shipwrecked.)		
Persons protected	GWS, GWS Sea, 13; GPW, 4	28, 52, 68
Protection of	HR, 21, 27; GWS, 5, 12; GWS Sea 12	12, 13, 25, 28, 52
Records regarding	GWS, 16	29
Red Cross. (*See* Red Cross.)		
Repatriation	GPW, 109, 110, 114, 116	106
Reprisals prohibited	GWS, 46; GWS Sea, 47	40, 62
Rescue craft	GWS, 4, 20; GWS Sea, 4, 22, 29, 37, 43	25, 31, 49, 55, 57, 61
Rights, nonrenunciation of	GWS, GWS Sea, 7	26, 50
Robbery and ill-treatment, protection from	GWS, 12, 15	28, 29

Wounded, sick or shipwrecked—Continued	Articles	Page
Shipwrecked or at sea	GWS, 4, 20; GWS Sea, 4, 12, 22, 29, 37, 43	25, 31, 49, 52, 55, 57, 58, 61
Special agreements with respect to	GWS, GWS Sea, 6	25, 50
Surrender to enemy at sea	GWS Sea, 14	53
Transfers	GPW, 47	84
Transportation, vehicles used for	GWS, 4, 22, 26, 27, 35, 36, GC, 4	25, 32, 33, 136
Voluntary care may be requested	GWS 18, GWS Sea, 21	31, 55
Weapons taken from	GWS, 22	32
Women	GWS Sea, 12	52

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