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ET

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DES SOCIÉTÉS
DE LA CROIX-ROUGE

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INTERNATIONAL COMMITTEE OF THE RED CROSS

PRISONERS OF WAR IN KOREA

The ICRC has published the text of telegrams sent on August 6,¹ and repeated by radio, which M. Ruegger addressed to the Commanders-in-Chief of the belligerents in Korea on the subject of prisoners of war—a question which has been under constant review in Geneva.

General Ridgway, Commander-in-Chief of the United Nations forces, replying to previous messages also made public said:

“ I fully understand and share the desire of the Committee that the existing facilities for help and relief to war victims be extended, and assure you that the offers of the Committee will be considered by me and by higher authorities. ”

Referring especially to the Committee's cable of August 6, General Ridgway added on August 9 :

“ Confirming my message of August 6, 1951, I have a deep interest in your worthy endeavour to extend help and relief to war victims in Korea and assure you that your offers will receive sympathetic consideration. ”

The Government of South Korea, through its President, also cabled an affirmative reply on August 9.

Up to the present, no answer has arrived from Kim Ir Sen, Prime Minister of North Korea and Commander-in-Chief, to the Committee's most recent appeal, made in conformity with the spirit of the Geneva Conventions. His reply, as likewise that awaited from General Peng Te Huaih, Commander-in-Chief of the Chinese Volunteers, will be published when received.

August 21, 1951

¹ See *Supplement*, August, 1951, p. 136.

PRINCIPAL ITEMS OF INTEREST

War Invalids. — The War Invalid Section recently placed 5,000 Swiss francs at the disposal of the Paris Delegation, to continue its medical assistance to a group of Polish war invalids who are completely destitute.

“Volksdeutsche”. — The Committee continued its efforts to have the regrouping of *Volksdeutsche* families started again at an early date.

Greece. — Five tons of rice have been sent to the Athens Delegation for children and sick adults.

Deportees and Refugees. — A letter has been received from the “Lagergemeinschaft Sachsenhausen”—a group of former deportees to Sachsenhausen-Oranienburg Camp—thanking the Committee and asking it to express gratitude to all who sent gifts to the concentration camps through the intermediary of Geneva. The message states that the food parcels sent to the camps, and still more, those handed out on the roadside when the inmates were being evacuated, were instrumental in saving many lives.

The expression of thanks has accordingly been passed on to the Joint Distribution Committee in Paris and Geneva, the French Embassy and Belgian Legation at Berne, the Belgian and Netherlands Red Cross Societies (through their representatives in Switzerland), the Norwegian and Swiss Red Cross Societies, European Student Relief, and the International Quaker Centre in Geneva.

The Swiss Relief Fund for Europe is at present helping many *Volksdeutsche* from Austria to emigrate to Brazil; some 500 have already left. The Committee was able to assist by providing its Travel Documents to emigrants who had no identity papers and no way of procuring them. These docu-

ments are recognized by both the Austrian and Brazilian authorities, and were accepted as valid to receive Italian and French transit visas.

Near East. — For a number of reasons — particularly the decrease of work in Israel and Jordan—the Committee decided to close its Delegations in Tel Aviv and Jerusalem. The first closed on August 31, as arranged; the second will continue to the end of September. Part of the work will be done in future by local organizations; cases which call for the neutral intermediary of the Committee will be dealt with by the Cairo Delegation. This marks a reversion to the system existing before the Palestine conflict; Cairo will be headquarters for the Near East, with the exception of Syria and Lebanon, where a permanent Delegation is being maintained.

Iran. — M. Pierre Gaillard, Delegate to Jordan, left Cairo on August 22 for a short trip to Teheran. He discussed various aspects of Red Cross work in the Near East with the Red Lion and Sun Society, and Government representatives.

Vietnam (Indo-China). — On July 26, M. Paul Kuhne, Delegate in Vietnam, met representatives of the Red Cross of the Vietnam Democratic Republic. The meeting, which took place in a neutralized zone, dealt mainly with the distribution of medical relief for war victims in Republican territory. A second meeting was planned.

After coming to Geneva to report and receive fresh instructions, M. Kuhne, on September 2 and 3, broadcast a message for the Chairman of the Vietnam Democratic Red Cross, Dr Ton That Tung, proposing a further meeting. A large quantity of medical supplies, for use as previously suggested, could then be handed over by the Committee, and the Democratic Vietnam authorities provide lists of their prisoners of war and civilian internees.

Korea. — During the month of August, the Central Prisoners of War Agency received 1,054 capture cards and 41 lists comprising a total of some 5,000 names, of North Koreans and Chinese

volunteers taken by United Nations forces. The lists were sent to the home countries, with 2,176 messages and 342 inquiries.

On September 4, a telegram was sent to inform the President of the Korean Red Cross at Pyongyang of the International Business Machines system installed in the Korean Service,¹ and inviting a representative to Geneva to see the system in operation.

M. Max Wolf, Counsellor, went to Japan and Korea in August. His talks with the Japanese authorities and Red Cross, the United Nations High Command, and M. Syngman Rhee, President of the Republic of Korea, bore solely on the Committee's traditional activities in present circumstances.

Japan. — Further military personnel sentenced in various Far Eastern countries for acts committed prior to war captivity are being transferred to Japan. Thirty men left Rangoon by sea on August 6, and were given clothes and blankets by the ICRC before leaving. Two hundred more from Malaya and North Borneo were taken on board at Singapore. The ICRC had been asked to help in organizing the convoy.

San Francisco Conference. — By letter of August 16, Mr. Dean Acheson, U.S. Secretary of State, invited the President of the International Committee, on behalf of the convoking Government, to be present at the San Francisco Conference. M. Rucgger left Geneva on September 1 with M. Roger Gallopin, Executive Director, and M. Max Wolf, Counsellor.

Their presence at the Conference was due to the fact that the International Committee is mentioned in an Article of the Peace Treaty with Japan. The Article provides that certain Japanese assets abroad will be handed to the Committee, to be used in aiding a large category of former prisoners of war in the Far East, and their next of kin. The mandate will be executed in full independence, through the intermediary of national organizations in the countries concerned, and on conditions laid down by the Committee itself.

¹ See *Supplement* for August, 1951, p. 140.

MODEL LAW FOR THE PROTECTION OF THE RED CROSS EMBLEM AND TITLE

All countries party to the four Geneva Conventions of August 12, 1949—and especially the First—are under obligation to give effect by appropriate legislation to the clauses prohibiting abuse of the red cross (red crescent, red lion and sun) emblem, and the arms of Switzerland.

The Committee has felt it might be helpful if it drew up—as it did in 1932—a text which could serve as a model for national legislation.

Reference may also be made to the Commentary on Articles 53 and 54 of the First Convention (1949), published by the Committee in the Revue internationale de la Croix-Rouge (April 1951, p. 280 et seq.) under the title “La répression des abus du signe de la Croix-Rouge”, which may be taken as the explanatory comment of the following text.

The Model Law is not intended to cover abuses which are breaches of the laws of war and can occur only during a state of hostilities. Such breaches include, especially, hostile acts committed under cover of the emblem, the affixing of the emblem to buildings or things which the Geneva Conventions do not protect, and the wearing of the emblem in sight of the enemy by unauthorized persons. These violations of existing Conventions come most often under the military penal codes, either in virtue of special Articles or of general provisions forbidding violations of the laws and customs of war. Abuses of this nature are undoubtedly more serious than those covered by the Model Law, and must be severely put down. The Conventions, moreover, oblige States to enact the necessary legislation to suppress all infractions.¹ The Committee proposes to draft model provisions for insertion in penal military codes or special legislation; these clauses would refer especially to abuses of what is called the protective sign.

¹ See Convention I, Art. 49; II, Art. 50; III, Art. 129; IV, Art. 146.

The English wording of the Articles reproduces the French legal terminology of the original draft, and should be taken only as a general indication.

MODEL LAW

To give effect to Articles 44, 53 and 54 of the (First) Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of August 12, 1949, to Articles 43, 44, and 45 of the (Second) Geneva Convention for the Amelioration of the Condition of Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea, of August 12, 1949, and to Articles 18-22 of the (Fourth) Geneva Convention relative to the Protection of Civilian Persons in Time of War, of August 12, 1949, be it enacted as follows: ¹

ARTICLE I

The emblem of the red cross on a white ground and the words "red cross" or "Geneva cross" shall be reserved at all times for the protection or the designation of personnel and material protected by the First and Second Geneva Conventions of August 12, 1949.² This protection and designation extends to establishments, units, personnel, material, vehicles, hospital ships and other craft of the Medical Services of the land, sea, and air forces, and those of the ...³ Red Cross and other Relief Societies duly recognized and officially authorized to aid the military Medical Services. It further extends to chaplains of the forces.

The emblem may be used for no other purpose, except as is provided in Articles 2 to 5 hereunder.

¹ The Preamble to be set out according to the usage in each country. It may, for example, recall that the State has ratified the Geneva Conventions, and is thereby obliged to protect the red cross emblem.

² The 1949 Conventions are cited in the draft, but it may be suitably adapted by States which are party only to the Geneva Convention of 1929 or the XIth Hague Convention (1907). In countries which have no access to the sea, the references to the Second Geneva Convention and to objects protected by it may be omitted.

³ The name of the country to be added wherever required.

ARTICLE 2

With the express authorization of the State,¹ the red cross emblem may be employed to designate the establishments and staffs of duly recognized civilian hospitals, hospital zones and localities reserved for the wounded and sick, the craft utilised by duly recognized Coastal Rescue Services, and convoys of vehicles, hospital trains, vessels or aircraft for the transport of wounded and sick civilians, the infirm and maternity cases.

ARTICLE 3

Apart from its work for the military wounded and sick, the ... Red Cross may at all times use the red cross emblem and title in its activities which conform to the principles laid down by the international Red Cross conferences, and in accordance with municipal legislation, and its own Statutes. The conditions under which the emblem is then employed must be such that it cannot, in time of war, be considered as implying the protection of the Geneva Conventions ; the emblem shall be of relatively small dimensions,² and may not appear on an armlet or be displayed on roofs of buildings.

The ... Red Cross shall issue regulations for the use of the Red Cross emblem and title, as far as the organization itself is concerned ; these regulations shall be subject to government approval.

ARTICLE 4

The international Red Cross agencies and their duly authorized personnel shall be entitled at all times to use the red cross name and emblem.

¹ The name of the State may be replaced throughout by the title of the competent Service. The military authority should, in time of war, be able to control and regulate all uses of the red cross sign.

² The Geneva Convention has not fixed maximum dimensions for what is known as the purely « indicator » sign, but there is no reason why municipal law should not do so. Regulations could be made, for example, fixing the flag for a building at one metre square, twenty cm. sq. for a vehicle, and two cm. square for personal use.

ARTICLE 5

The red cross name and emblem may, with the express authorization of the ... Government and Red Cross, be employed in peacetime on vehicles in use as ambulances, and on relief posts whose sole function is to give first aid free of charge to injured or sick persons.

ARTICLE 6

Any unauthorized person who wilfully employs the red cross emblem, or the words "red cross" or "Geneva Cross", or any other sign or word constituting an imitation thereof, or liable to be confused therewith, regardless of the object of such employment and of the original date of adoption, or who utilizes such emblem or words for commercial purposes on signs, posters, advertisements, prospectuses, or business papers, or who displays them on goods or wrappings, or sells, or offers for sale or places in circulation goods so marked, shall be liable to fine or imprisonment.¹

ARTICLE 7

Because of the confusion which may arise between the arms of Switzerland and the red cross sign formed, in tribute to that country, by reversing the Federal colours, the use of the arms of the Swiss Confederation or of marks constituting an imitation thereof, whether (1) as trademarks or commercial marks or as parts of such marks, or (2) for purposes contrary to commercial honesty, or (3) as a distinctive sign for products, or (4) as a trading sign, or (5) as a method of advertising in whatever form, or (6) in circumstances capable of wounding Swiss national sentiment, shall be prohibited, at all times, irrespective of the date of adoption.

Offenders are liable to fine.²

¹ Insert here the minimum and maximum penalties in accordance with penal legislation. The penalties might be less than in the corresponding Article of the military penal code, but should be sufficient to act as deterrents.

² Minimum and maximum penalties might also be specified here.

ARTICLE 8

Commercial names, manufacturers' or trade marks, and industrial designs or models, which are contrary to the present Act, shall be refused registration.¹

ARTICLE 9

Should a corporate body commit a breach as defined in Articles 6 and 7, the shareholders, members, directors, authorized representatives, members of the staff of the managing board or of a controlling or liquidating body who have committed the said breach shall be liable to a penalty.

ARTICLE 10

The competent authority may issue provisional orders, *inter alia*, for the seizure of goods and wrappings bearing marks which are contrary to the present Act.

The Court may, in case of acquittal, order the removal of the unlawful signs and the destruction of the tools and implements used exclusively for the affixing of such signs.

After the signs have been removed, the goods and wrappings which have been seized shall be returned to their owners.

ARTICLE 11

The present Act shall be applicable at all times without prejudice to those provisions of the military penal code which take effect in wartime.

ARTICLE 12

Articles 4 and 6, and 8 to 11, shall apply, by analogy, to the emblems of the red crescent on a white ground or the red lion and sun on a white ground, as well as to the words "red crescent" and "red lion and sun".

¹ Registration Offices, which vary in title, might be expressly named.

The right of persons who have employed these emblems or words from a date previous to the entry into effect of the present Act shall, however, be reserved.

ARTICLE 13

Persons responsible for breaches of the present Act shall be prosecuted by the judicial authorities.

The ... Red Cross shall be entitled to prosecute directly before the competent Courts persons responsible for breaches of the present Act.¹

(Final Provisions to be added as is customary in the State concerned.)

¹ The wording may vary according to the country. It is important that the National Red Cross should be entitled to lodge complaints and be party to the judicial proceedings.

*BRIEF SUMMARY
OF THE FOUR GENEVA CONVENTIONS*

Several National Societies have expressed the wish that a condensed summary of the Geneva Conventions of 1949 be issued for the use of members of forces and the public.

The Committee has now published a summary of this kind in French, English and Spanish and forwarded copies to all Societies. The text of the summary is given hereunder.

* * *

Even in war and in regard to the enemy, certain rules of conduct must be observed; the principal expression of these rules is in the four Geneva Conventions of August 12, 1949, now signed on behalf of practically all countries.

The Geneva Conventions are founded on the idea of respect for the individual and his dignity as such. Persons not directly taking part in hostilities and those put out of action through sickness, wounds, captivity or any other cause must be respected and protected against the effects of war; those who suffer must be aided and cared for without discrimination.

GENERAL RULES COMMON TO THE FOUR CONVENTIONS

Once armed conflict breaks out, the Conventions shall be applicable in all circumstances (2).¹

In case of civil war or internal strife, certain essential principles at least must be observed (3).

The following are prohibited at all times and in all places: the taking of hostages, execution without regular trial, torture,

¹ The Roman numerals in brackets refer to the number of the Convention; the Arabic numerals indicate Articles.

and all cruel and degrading treatment (I-IV, 3 ; I, II, 12 ; III, 13 ; IV, 32, 33).

Reprisals on persons protected by the Conventions are forbidden (I, 46 ; II, 47 ; III, 13 ; IV, 34).

No one may renounce or be forced to renounce the protection accorded him by the Conventions (I-III, 7 ; IV, 8).

Protected persons must at all times be able to have resort to a Protecting Power (the neutral State responsible for safeguarding their interests), and to the International Committee of the Red Cross, or any other qualified humanitarian agency (I-III, 8, 9, 10 ; IV, 9, 10, 11).

I. GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED AND SICK IN ARMED FORCES IN THE FIELD, OF AUGUST 12, 1949.

II. GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF WOUNDED, SICK AND SHIPWRECKED MEMBERS OF ARMED FORCES AT SEA, OF AUGUST 12, 1949.

The *wounded and sick* of armed forces must be respected and protected in all circumstances. There must be no attempt on their lives or violence on their persons. They must be aided and cared for (I, 12, 15).

The *shipwrecked* shall be similarly treated (II, 12, 18).

Belligerents must treat the wounded, sick or shipwrecked members of enemy forces taken prisoner as they do their own (I, 12, 14 ; II, 12, 16).

The dead must be collected and their bodies protected against robbery (I, 15 ; II, 18).

Bodies must be identified before burial and death confirmed, if possible by medical examination (I, 16, 17 ; II, 19, 20).

Everything which serves for the care of the wounded and sick shall, in their interest, be respected and protected—namely : personnel, establishments, vehicles, and medical supplies belonging to the military Medical Services, the National Red Cross or

other Relief Societies—and shall be indicated by the emblem of the red cross on a white ground.

Medical and religious personnel includes: (a) persons responsible for the care and transport of the wounded and sick, and for the prevention of disease (doctors, orderlies, nurses and stretcher-bearers); (b) the administrative staff of medical establishments and units; (c) chaplains (I, 24-27; II, 36, 37).

Such personnel shall wear an armband with a red cross, and carry an identity card (I, 40; II, 42). They may bear arms for their own defence and that of the wounded (I, 22; II, 35).

If medical and religious personnel fall into enemy hands, they shall be allowed to continue their duties towards the wounded and sick (I, 19). Personnel whose retention is not indispensable to the care of prisoners shall be repatriated (I, 30, 31; II, 36, 37). Those retained shall not be considered as prisoners of war and shall have wide facilities for their work (I, 28).

Civilians may not be prevented from giving care and shelter to the wounded and sick, whoever they may be, and shall not be penalized for doing so; they must on the contrary be aided in this work (I, 18).

Medical units and establishments shall include all buildings or permanent installations (hospitals, stores, etc.), or mobile units (ambulances, field hospitals, tents, open-air installations, etc.) used exclusively in collecting and caring for the wounded and the sick (I, 19).

They may not be attacked or damaged, or prevented from operating even if, for the moment, they do not contain either wounded or sick (I, 19).

The same shall apply to medical vehicles: ambulances, lorries and trucks, hospital ships, lifeboats, medical aircraft, etc. (I, 35, 36; II, 22-27, 38, 39).

Medical equipment (stretchers, medical and surgical appliances and instruments, medical supplies, dressings, etc.) must never be destroyed, but must be left at the disposal of the medical personnel, wherever they may be (I, 33, 34; II, 28, 38).

The *emblem of the red cross*¹ on a white ground, symbol of aid to the wounded and sick, shall be used to designate buildings, staff, and material entitled to protection. It may not be otherwise employed and must at all times be scrupulously respected (I, 38-44; II, 41-43).

III. GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR, OF AUGUST 12, 1949.

Status.

Members of the armed forces and assimilated personnel² who fall into enemy hands shall become prisoners of war (4). They shall then be in the power of the enemy State, but not of the individuals or troops who have captured them (12).

Prisoners of war are entitled in all circumstances to humane treatment and to respect for their persons and their honour (13, 14).

They shall all be treated alike; privileged treatment may be accorded only on grounds of health, sex, age, military rank or professional qualifications (16).

Prisoners of war, if questioned, are bound to give their name, first names and age, rank and army number. They may not be compelled to give other information (17).

They shall be entitled to retain their effects and articles of personal use. The enemy may impound their military equipment, except articles of clothing and feeding utensils. Sums of money and valuables may not be taken from them except against receipt, and must be handed back at the time of release (18).

Prisoners of war shall in general be subject to the discipline and the military code of the capturing State (called the Detaining Power) (39, 82-88). For security reasons, their liberty

¹ Some Middle and Near East countries use the red crescent in place of the red cross; in Iran (Persia) the red lion and sun is used.

² Assimilated personnel covers members of militia and volunteer corps (including those of organized resistance movements not part of the regular forces) when they are attached to a belligerent and (1) have a responsible leader; (2) wear a fixed distinctive sign, recognizable at a distance; (3) carry arms openly, and (4) conform to the laws and customs of war.

may be restricted, but they may not be imprisoned unless for breaches of the law (21). Before sentence, they must have the possibility of stating their case (96, 99, 105, 106).

Conditions of captivity.

The Detaining Power shall supply prisoners of war free of charge with adequate food and clothing, provide them with quarters not inferior to those of its own troops, and give them the medical care their state of health demands (15, 25, 26, 27, 30).

Prisoners of war, with the exception of officers, may be obliged to work. They shall receive pay; working conditions shall be equal to those of nationals of the Detaining Power. They may not be compelled to do military work, nor work which is dangerous, unhealthy, or degrading (49-54).

When taken prisoner, they shall be enabled to advise their next of kin and the Central Prisoners of War Agency (International Committee of the Red Cross). Afterwards, they may correspond regularly with their relatives, receive relief, and be attended by clergymen of their own religion (33, 70, 71, 72).

They shall be entitled to elect a spokesman (prisoners' representative), who shall act for them with the authorities of the Detaining Power and with welfare organizations assisting them (79).

They shall have the right to address complaints and requests to representatives of the Protecting Power who are authorized, as are Delegates of the International Committee of the Red Cross, to visit the camps, and talk with them either directly or through their representative (78, 126).

The text of the Convention must be posted up in each camp, so that prisoners may at all times ascertain their rights and duties (41).

Repatriation.

Prisoners of war certified seriously ill or wounded shall be repatriated, but may not afterwards take up active military duties (109, 117).

At the end of active hostilities, prisoners must be released and repatriated without delay (118).

IV. GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR, OF AUGUST 12, 1949.

A civilian is defined as a person who does not belong to the armed forces and takes no part in hostilities. Civilians may never be attacked ; they shall be respected, protected, and at all times humanely treated (3, 27). They shall be entitled at all times to correspond with their relatives (25).

Civilian wounded and sick, civilian hospitals and staff, and civilian ambulances shall be the object of particular respect and may be placed under protection of the Red Cross emblem (16-22).

The Convention deals specially with civilians in enemy hands, and distinguishes two categories (4) :

a) *Civilians in enemy territory.*

Unless security reasons forbid, civilians in enemy territory must be allowed to leave (35). If they do not leave or are retained, they shall be treated in the same way as aliens in general (38). If security reasons make their internment imperative, they shall have the right to appeal, and to have their case impartially reviewed (41-43).

b) *Population of occupied territory.*

The civilian population shall, so far as possible, be enabled to continue as usual (47). The Occupying Power shall be responsible for the maintenance of public order (64).

Deportations and transfers of population shall in general be prohibited (49). Every compulsory enlisting of manpower shall be subject to strict regulation. Persons under eighteen years of age are entirely excepted, and enlisted workers may not be forced to do labour which would make them participate in

military operations (51). Pillage and unnecessary destruction of property are forbidden (33, 53).

The Occupying Power shall be responsible for the welfare of the children (50), the maintenance of the medical and health services (56), and the feeding of the population (55). It shall allow the entry of relief consignments, and facilitate their transport (59-62). In general, the authorities, administration, and public and private institutions shall continue to function (54, 63, 64).

The Occupying Power has the right to defend itself against acts hostile to its administration and the members of its armed forces (64). It may introduce special laws in this connection (64). It may try accused persons before its own tribunals, but no sentence may be pronounced without regular trial (66). It may, for imperative security reasons, intern certain persons (78). All these measures are, however, governed by explicit provisions and subject to the supervision of the Protecting Power (65-77, 78, 136, 137, 143).

* * *

Civilians in enemy territory and the inhabitants of occupied territories have certain rights in common.

They are in all circumstances entitled to respect for their persons, their honour, family rights, religious convictions and practices, and their manners and customs. They shall at all time be humanely treated (27); no coercion shall be exercised against them (31). Women shall be especially protected against any attack on their honour, and, in particular, against rape and any form of indecent assault (27).

These civilians shall have the right of free resort to the Protecting Power, the International Committee of the Red Cross and the National Red Cross of the country where they may be (30). The representatives of the Protecting Power and of the International Committee shall be able to visit them freely (30, 143).

The enemy Government shall be responsible for the treatment given them by its officials or military personnel (29).

Finally, should they be interned—a measure which cannot be taken as a form of punishment—they shall be entitled to treatment which shall in general, and taking into account the fact that they are civilians, be analogous to that of prisoners of war (79-135).

ERRATUM

Our attention has been drawn to an unfortunate but obvious printer's error in the *Supplement* (May, 1951, page 79). "German and *Australian* Red Cross" should of course read "German and *Austrian* Red Cross".
