



SUPPLEMENT

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REVUE INTERNATIONALE
DE LA CROIX-ROUGE

ET

BULLETIN INTERNATIONAL
DES SOCIÉTÉS
DE LA CROIX-ROUGE

SUPPLEMENT

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STATEMENT MADE BY M. PAUL RUEGGER
AT THE DIPLOMATIC CONFERENCE
IN GENEVA

In the course of the Ninth Plenary Session of the Diplomatic Conference, on July 21, 1949, the meeting was called upon to make a decision regarding the Red Cross emblem. M. Paul Ruegger, President of the International Committee, thereupon made the following statement.

The International Committee of the Red Cross, as the institution which, in 1863, founded what is today the Red Cross, considers that it is entitled, and above all that it is its duty, to express, at this stage of the Conference, its carefully considered views on the fundamental problem of the emblem.

The International Committee would like to warn the Governments represented at this Conference against the putting into effect of plans which would, sooner or later, inevitably entail the risk of a multiplication of protective symbols, which would, in turn, diminish the value attached to them.

The protective emblem cannot be fully efficacious unless it is universally known, unless it is the symbol which is automatically recognisable by all, of the protection given to war victims. Any infringement of this principle of universality can only undermine the value of the symbol and hence increase the dangers incurred by those whom it is designed to safeguard.

Our view is based on the fullest respect for all national emblems. What we must avert, however, at all costs, is the possible confusion between these emblems and the neutral symbol of fraternal and mutual aid in time of war. Under the emblem of the Red Cross, men are treated simply as human beings, whether they are prisoners, wounded or refugees, irrespective of origin.

If the present Conference were to adopt new symbols, it would open the way to other exceptions in the future. The

progressive weakening of the symbol of aid to war victims would be a positive disaster, since the protection of human lives is here at stake.

It is in the light of this principle that the International Committee would not only deprecate any increase in the number of symbols of protection, but even emphasize the advantages of the single symbol of the Red Cross, if a return to the past could be envisaged.

There are undoubtedly today some emblems which are an exception: the venerable Red Crescent, which has witnessed so many acts of generous self-sacrifice; and also the Red Lion and Sun of Iran. One thought, however, occurs to us: if, about 1870, the Red Cross had been part of the spiritual birthright of humanity, as it is today, if the emblem and the term had at that time already acquired the high moral significance which is attached to it and which all peoples, whatever their creed, recognise today, would the Ottoman Empire have pressed for the adoption of the Red Crescent?

It is possible to imagine that the very natural attitude adopted at that time towards a new symbol of the Red Cross, which had not yet taken root in the minds of nations, might have been different.

This idea is justified by the example of a great statesman who died recently, the leader of a great Mahommedan Power of 70 million inhabitants, the Quaid-i-Asam, Muhamed-Ali-Jinnah, Head of the State of Pakistan. At the beginning of last year, I had the opportunity and the privilege of speaking with Mr. Jinnah about the question of the emblem. On March 15, 1948, at the public foundation ceremony of the Red Cross Society of Pakistan, the Quaid-i-Asam, who became its President, said:

"The Conference also decided that all those who were striving to relieve the sufferings caused by war and all those who are to be protected by this Convention, should adopt a distinctive emblem, irrespective of the country to which they belonged.

"The emblem which was adopted was a Red Cross on a white ground. It is generally recognised that this emblem should

be universal, in order to fulfil its mission as effectively as possible, in particular on the battle-field...

“ The symbolic value of the Red Cross is no less great in the field of international cooperation, by contributing towards the mitigation of the horrors of war and the improvement of public health and well-being.”

Mr. Jinnah's eloquent words are, in my opinion, of paramount importance for the solution of the question at present before the Conference. They give due emphasis to the principle of unity which should inspire us.

The International Committee of the Red Cross, after long consideration and debates which lasted throughout several meetings, has also decided to advise Governments against adopting an exceptional symbol of geometric design. The proposal first drafted by the Delegation of India, and then withdrawn, has been revived to a certain extent by the Delegation of Burma. We have before us today a new amendment submitted by India, and in originally supporting the decisions of your Committees, was not the Delegation of India acting in the spirit of Mahatma Gandhi ?

Ten days before the foul assassination of the Mahatma, the present President of the International Committee of the Red Cross heard the holy man, who prayed for mutual understanding and peace between nations, say : “ The Red Cross creed is my creed ”. We should like to conclude that the symbol of the Red Cross was also his symbol, and we place this invaluable testimony on record.

One last consideration : if, on account of the multiplication of symbols, the emblem of the Red Cross were to lose its universal value, the words “ Red Cross ”, which are themselves perhaps equally, if not more important, would lose part of their universal significance.

We must make a common effort to avert such a disaster. It would be a heedless sacrifice of the heritage of self-denial and devotion to duty accumulated in the glorious past, in the vain hope of recreating, perhaps a century hence, perhaps even later, a new mysticism around a new symbol.

No objection, I believe, has been raised to the name "Red Cross", as the designation of the Red Cross movement as a whole, comprising the International Committee of the Red Cross, the League of National Red Cross Societies, the International Red Cross Conferences — in a word, all the bodies that go to make up the International Red Cross.

The general term "Red Cross" would no longer apply, in theory at least, to the whole of the movement, if the emblem lost its universal character. The name without the universal emblem, which is the corresponding symbol, would finally become incomprehensible.

We need not prolong here the discussion on the origin of the emblem. In 1864, the first Diplomatic Conference, under the chairmanship of General Dufour, took as its symbol the emblem and the reversed colours of the Swiss flag. The Swiss Confederation had itself adopted the symbol of Schwyz, the community which, seven centuries earlier, already bore the white cross as the emblem of its faith.

Everyone, today, whatever his opinions, whatever his religious convictions, can recognise in the Red Cross the symbol of the neutral protection of war victims, of fraternal aid and mutual assistance between nations. A kind of mysticism has grown up around the Red Cross, and innumerable lives have been sacrificed in the service of the idea which it represents. The Red Cross is borne by vast spiritual forces and invisible legions.

May our precarious world neither uproot nor weaken one of the rare symbols, one of the rare words, perhaps the only symbol and the only word, which still unite it in a common ideal.

JEAN S. PICTET

Director-Delegate of the International Committee of the Red Cross

*THE NEW GENEVA CONVENTIONS AND THE
RED CROSS*¹

On August 12 last the Diplomatic Conference of Geneva concluded its sustained labours of nearly four months duration. The highly important results achieved by the Conference will, of course, have to be reviewed and a commentary will have to be made upon each of the provisions adopted ; but this can only be done to useful purpose after intensive study. For the present, the *Revue* is publishing the text of the four Geneva Conventions, in English and in French. We feel that National Red Cross Societies, in particular, might also be interested in a brief summary of those provisions in the new treaties that are of peculiar interest to the Red Cross as an institution.

In the first place, it should be noted that the draft Conventions produced by the International Committee, with the cooperation of Government and Red Cross representatives, and approved by the XVIIth International Red Cross Conference, were forthwith and unanimously accepted by the Diplomatic Conference as its working documents. The Committee's legal assistants furthermore were placed in close and daily contact with the Conference. The League of Red Cross Societies was also invited to attend in an expert capacity. The inclusion of representatives of National Red Cross Societies in the Government delegations was proved most desirable, by the happy influence they exercised over the decisions of the meeting.

¹ Translated from the *Revue internationale de la Croix-Rouge*, September 1949.

FIRST AND SECOND GENEVA CONVENTIONS
(WOUNDED, SICK AND SHIPWRECKED MEMBERS
OF ARMED FORCES)

Legal Authority. — It was most gratifying to note the real credit which the Red Cross, as an institution, commanded at the Geneva meetings. The Government delegates showed full confidence in the Red Cross organization and supplied it very largely with the legal backing it had hitherto lacked for the execution of its traditional duties.

Until then, the Geneva Conventions dealing in the first instance with the chief concern of the Red Cross—the victims of war—had provided this institution with only the scantiest support. They made, for instance, only the barest mention of the Red Cross Societies, which figured merely under the general heading of “recognised relief societies”, despite the fact that they were by far the most important of these organizations. The Conference put an end to this anomaly, and the Societies are now expressly referred to in the First Geneva Convention, Article 26 (former Article 10), which now provides them with a legal basis. The said Article does not however in any way prohibit other recognised relief societies from cooperating with the Army Medical Service. The rapporteur of the Commission concerned remarked on this new provision as follows:

“The Commission, without in any way wishing to minimise the valuable services rendered by other national relief organizations, wished, in referring to them by name in this Article, to pay a special tribute to the Red Cross Societies, thus recognising the great services they had rendered on all the battle-fields of the world”.

The Red Cross Societies are also named in Articles 24 and 25 of the Second Convention, which relates to the protection of their hospital ships.

Medical and Religious Personnel.

(1) *Repatriation.* — The most important question the Conference had to decide when discussing the First Geneva

Convention, was the position of medical personnel and chaplains after capture. This matter primarily concerns the Red Cross Societies, part of whose staff is in wartime put at the disposal of the Army Medical Service, on exactly the same footing as Army medical personnel.

Since 1946, the question has given rise to lively debate. At that time there were two wholly opposing views; one was that the former ruling for the immediate repatriation of doctors and other members of the protected personnel should be upheld, while the other was that these persons should become ordinary prisoners of war and be treated as such.

However, the intervening years of preliminary study led the way to conciliation. Agreement was finally reached upon certain principles; these were that medical personnel may be retained in so far as the number and the state of health of the prisoners demand; that they shall enjoy all the rights of prisoners of war and have the privileges and freedom of movement necessary for the best possible exercise of their duties; lastly, that all medical personnel whose presence in camp is not indispensable shall be repatriated with all possible speed.

(2) *Status*. — These principles were not in fact again brought under discussion at the Diplomatic Conference. The point upon which no agreement had been reached, namely, whether medical personnel should or should not be treated as prisoners of war, gave rise, on the other hand, to prolonged debate. By a very substantial majority the Conference finally decided that medical personnel and chaplains should not be considered as prisoners of war. (See First Convention, Art. 28 to 31). Here, some critics have dwelt upon the drawbacks inherent to every compromise; the arrangement seems, however, satisfactory, as it confirms the universal and, as it were, neutral character of all charitable work: the non-combatant medical personnel, whose duties take no heed of friend or foe, are outside the conflict. At the most, Detaining Powers will now find it slightly more difficult to organize the detention of prisoners.

The new Convention calls on belligerents to conclude separate agreements on the proportion of retained personnel to

the number of prisoners. Failing such an agreement, the general principle will apply : the personnel may only be retained in so far as the state of health, the spiritual needs and the number of prisoners demand, the Detaining Power not being relieved of its obligations towards prisoners of war in this respect. All personnel whose detention is not, under this ruling, indispensable shall be repatriated as soon as possible. The selection of personnel for return shall be made irrespective of race, religion or political opinion, but preferably according to the duration of their captivity and their state of health. In a final Resolution (No. 3) the Conference requested the International Committee to prepare a model agreement on the percentage of personnel to be retained and the organization of possible "replacements".

The personnel permanently retained for the care of their prisoner compatriots, whilst not regarded as prisoners of war, will nevertheless benefit by all the provisions of the Third Geneva Convention relative to the Treatment of Prisoners of War. They will continue under the authority of the Detaining Power, but in accordance with their professional conscience, to perform their medical duties in behalf of prisoners of war, preferably those of the armed forces to which they themselves belong. For this purpose, they will be granted important facilities. Although subject to camp discipline, they will not be required to perform work outside their medical duties and will be authorised to make periodical visits to labour units and hospitals outside the camp. The senior medical officer of each camp will be responsible for the retained medical personnel and will have direct access to the camp authorities ; his correspondence with abroad will be facilitated.

(3) *Personnel at sea.* — For those at sea, a still more liberal solution was adopted (Second Geneva Convention, Art. 36 and 37). The medical and hospital personnel and the crew of a hospital ship may not be captured or retained, whether or not there are wounded and sick on board. A hospital ship without its medical personnel would obviously be a mere shell. The medical personnel of other craft, including merchant ships,

will, as a rule, be sent back as soon as the detaining commander-in-chief deems it possible. Nevertheless, in case of need, some of this personnel may be retained to care for the prisoners, in which case they will be landed as soon as circumstances permit and will be subject to the provisions of the First Geneva Convention, examined above.

(4) *Temporary Staff.* — The 1929 Geneva Convention, in addition to the permanent medical staff, also gave protection to the so-called temporary staff, that is to say, members of the armed forces trained for occasional service as auxiliary orderlies or stretcher-bearers. The Preliminary Conference of Experts recommended that the provision should be deleted, but the Diplomatic Conference maintained it. However, such temporary personnel, if in enemy hands, will be treated as prisoners of war; they will not be repatriated but, as far as possible, will be employed on their medical duties. As temporary medical personnel must be enlisted in the armed forces and may not be that of National Red Cross Societies, the latter may only lend to the Medical Services personnel having a permanent status.

(5) *Neutral Societies.* — The foregoing remarks apply only to the personnel of belligerent countries. Relief societies—this term must still be understood as including National Red Cross Societies—of neutral countries may, however, as hitherto, lend humanitarian assistance to any party to the conflict, subject to the customary authorisation and notification. The new Convention provides that in no circumstances shall their assistance be considered an intervention in the conflict. Neutral personnel of course may not be detained at any time.

(6) *Civilian First Aid.* — An innovation in this field is contained in the provision (First Convention, Art. 18) that even in occupied areas the military authorities “shall permit the inhabitants and relief societies spontaneously to collect and care for the wounded and sick of whatever nationality”. This provision meets the case of wounded parachutists or

members of resistance forces, whom in the past it was hitherto often and most inhumanely forbidden to assist, under pain of the severest penalties. The Convention further stipulates that "no one may ever be molested or convicted for having nursed the wounded or sick". As the rapporteur to the Assembly rightly observed, provisions of this nature might have been considered superfluous in the twentieth century, but tragic experience has shown their necessity.

(7) *Identity Cards.* — The Geneva Conference provided for the standardisation of all identity cards for the permanent medical personnel of the same armed forces, including that of the National Red Cross Society seconded to the Army Medical Service; it also recommended the use of the same type of card by all armed forces. The identity card adopted by the Conference is most practical, owing to the information it conveys; a specimen card is annexed to each of the first two Conventions. These cards should be made out at least in duplicate, one copy being kept by the owner and the other by the home country (Art. 40). The purpose of these measures is to prevent the recurrence of the unfortunate incidents of the last War, when numerous medical personnel in enemy hands were unable to obtain recognition of their status and right to repatriation. On this subject, the Conference also adopted a final Resolution (No. 4), recommending that States and National Red Cross Societies should provide members of their medical personnel, even in peace-time, with badges and identity cards.

Material.

Far-reaching changes were introduced in respect of the material of medical units which fall into enemy hands. This will no longer be returned to the owner country, but will be used by the detaining belligerent for the benefit of the wounded. This follows on the abandonment of the former ruling for the unconditional return of medical personnel. No change, however, has been made as regards the material belonging to National Red Cross Societies; this, including their buildings, remains

their private property and may be requisitioned by belligerents only in cases of urgent necessity.

Hospital ships, hospital aircraft and ambulances belonging to Red Cross Societies and placed by them at the disposal of the Army Medical Service have also been considered.

Hospital ships are granted even wider and more efficient protection than in the past ; their capture is prohibited (Second Convention, Art. 22 to 35). The same protection is conferred upon hospital aircraft (Art. 39 to 40) as in the 1929 Convention, but this privilege is restricted to flights where the altitude, time and route have been agreed upon by the belligerents concerned. One humanitarian gain is the right granted to hospital aircraft on certain conditions to fly over and land in neutral countries (First Convention, Art. 36 and 37). Vehicles used by the Medical Service for the transport of wounded and sick, or material, may not be fired on ; if captured, however, they need not be returned as hitherto. If the vehicles or material belong to a National Red Cross Society they shall, however, be considered as private property, in accordance with the principle above.

Emblem.

(1) *Separation of Functions.* — The Conference dealt at some length with the important question of the Red Cross Emblem. The First Convention, Art. 44, at last draws a clear distinction between the so-called *protective* emblem, displayed on all objects protected under the Convention, and the purely *indicatory* sign, which merely denotes that a person or object is connected with the Red Cross, although not protected by the Convention. The Conference aimed at giving the most effective possible safeguards to the protective emblem, while allowing Red Cross Societies to make wide use, for identification purposes, of an emblem that is popularly known and to which they have a clear right.

(2) *Use.* — The Red Cross Societies will be entitled (Art. 44) to use the emblem for the protection of buildings, personnel and material which they place at the disposal of the Medical Service.

In time of peace, they may use the emblem 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 Societies—and this is a most important innovation—may continue to use the emblem, but in such a way that it may not then be considered as intended to confer protection under the Convention. The main requirement is to ensure that they are not confused by the enemy: the emblem must therefore be of comparatively small dimensions and cannot be displayed on armlets, or the roofs of buildings. For practical reasons, the Conference rejected a proposal that maximum dimensions, expressed in metres, should be prescribed. National Societies would therefore be well advised to adopt in peace-time emblems of small size for their activities, particularly those which lie outside the field of relief to wounded members of armed forces. Thus, in case of war, they will not have to reduce the dimensions of their emblems—always a costly and difficult process, and one which, if not done with great care, may lead to regrettable incidents.

Subject to approval by the National Red Cross Society, the indicatory emblem may be displayed on first-aid posts for free assistance to the civilian population; this privilege has also been extended to ambulance vehicles, in time of peace.

The former Geneva Convention, it will be remembered, did not expressly extend to the International Committee the right to display the red cross emblem, although no one had ever contested that right and although the emblem had been conceived and first worn on active service by the Committee. This absurd discrepancy has now been adjusted: the international Red Cross agencies now have official permission to display the red cross emblem, without any sort of restriction. In other words, the emblem thus used may have a protective function whenever circumstances and the nature of the Committee's activities demand.

(3) *Unity.* — As regards the plurality of emblems, there has been no change in the position: the red cross emblem

remains the rule, and the former exceptional emblems, namely the red crescent, and the red lion and sun have been retained.

Several attempts were made to modify the existing arrangement, but the Conference rejected them all. The first proposal aimed at introducing a third exceptional emblem, the Red Shield of David; another suggestion was that each country should be allowed to use a red symbol of its choice on a white ground; yet another aimed at abolishing not only the exceptional emblems but even the red cross itself, and replacing them by a new symbol, of fancy shape, as some said. These amendments led the President of the International Committee to make a statement on the subject which greatly impressed the meeting and which has been published in the *Revue internationale*¹. Nevertheless, the proposal for the recognition of the Red Shield was rejected by a majority of one vote only, and the Israeli Government stated that it would not abandon this symbol. There is every reason to expect therefore that the unity of the red cross emblem will give rise to further debates in the future.

(4) *Abuse.* — The measures and sanctions for the protection of the red cross emblems against misuse were defined anew and slightly strengthened.

In future, the red crescent, and the red lion and sun may not be used in any country for commercial or other purposes which are foreign to humanitarian needs. This veto, however, has no effect upon established rights, but the necessary amendments must be introduced in the municipal law of all countries.

In view of the frequent misuse of the Red Cross emblem, the Conference passed a final Resolution (No. 5) recommending that States take strict measures to ensure that the emblem is used only within the limits prescribed by the Geneva Conventions, in order to safeguard its authority and protect its high significance.

¹ See above p. 352.

THIRD GENEVA CONVENTION (PRISONERS OF WAR)

Up to this year's Conference, National Red Cross Societies seeking authority for their relief work in behalf of prisoners of war, could invoke Article 78 of the 1929 Convention relative to the Treatment of Prisoners of War, which offered them a certain basis for their work in this field. The terms of this Article, however, which reproduced those of the 1899 Hague Convention, lacked force and clarity. In the new Convention, Article 125 is worded with the required emphasis and precision; aid societies for prisoners of war are to be given full recognition by the Detaining Powers, who will grant them and their agents all necessary facilities for visiting the prisoners, distributing relief supplies and material from any source and of all descriptions, and for assisting in the organization of the men's leisure. The Detaining Powers may not limit the number of such aid societies, to the point of invalidating assistance to all prisoners.

The expression « relief societies » is used here in quite a different sense to that employed in Article 26 of the First Convention. It no longer applies to a few societies recognised by their respective Governments and authorised to cooperate with the Army Medical Service. The Article now makes it clear that the term embraces all organisations or associations anxious to assist prisoners of war. National Red Cross Societies are of course included in this category, but whereas under Article 26 of the First Convention they stand almost alone, in connection with prisoner of war relief they are in numerous company.

The Conference endeavoured in fact to give the widest possible scope to relief schemes for prisoners of war. The said societies may thus be national or international, public or private, religious or secular. They are free to assist either their fellow-countrymen or enemy nationals interned in their own territories. The latter provision is important in the light of the XXVIth Resolution adopted by the Stockholm Conference, which recommends that National Societies should contribute to the relief of enemy prisoners of war.

FOURTH GENEVA CONVENTION (CIVILIANS)

Legal Status of the Societies.

In our particular field, the most important provision in the Fourth Geneva (Civilian) Convention is that contained in Article 63¹ which deals with the protection of Red Cross Societies in their relations with the Occupying Power. It is expressly stated that, subject to temporary and exceptional measures imposed for urgent reasons of security, recognised National Red Cross Societies may pursue their activities in accordance with Red Cross principles as defined by the International Conferences. Furthermore, the Occupying Power may not require any changes in the personnel or structure of these Societies, which would prejudice the said activities. This marks, in our opinion, a step forward of the highest import for the Red Cross. These rulings are a clear recognition of the independence of National Red Cross Societies and the necessity for their continued action, even when governmental authority has passed into enemy hands ; they are calculated to prevent the recurrence of disastrous experiences in the past.

Similarly, civilians are granted the right of appeal to their National Red Cross Society, as well as to their Protecting Power, to the International Committee of the Red Cross, or to any body able to assist them.

Protection of the Wounded and Sick.

Under the new Convention, wounded and sick civilians are covered by the essential principles which the First Geneva Convention had applied only to the wounded and sick of the armed forces.

(1) *Hospitals.* — Thus civilian hospitals², that is to say, hospitals organized to give treatment to the wounded and sick, the infirm and maternity cases, will be entitled to the

¹ See *Revue*, English Supplement, August 1949, p. 251.

² *Loc. cit.*, p. 235, Art. 18.

same protection as military hospitals and be similarly marked with the Red Cross flag, which was not allowed under the former law. To qualify for this protection, civilian hospitals must have been duly recognised as such by the State and hold a State certificate to this effect. Such recognition in no way implies that the hospitals must be under State management; they may be administered by a Red Cross Society, or be its property. Moreover, civilian hospitals will not be deprived of protection if nursing wounded military personnel; the same naturally applies to civilian wounded in military hospitals.

The personnel of civilian hospitals—who may also be members of a National Red Cross—must be respected and protected in the same way as military medical personnel. Such special protection applies, however, only to “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”. All members of this personnel must wear an armlet and be provided with an identity card, in the same way as the medical personnel of armed forces.

We thus see that the 1949 Conference has in a manner set up a rudimentary civilian medical service, similar to that of the armed forces. This important innovation is, however, confined to the staff of civilian hospitals and does not apply to persons qualified on various grounds to give medical or hospital care to civilians. The Conference seems to have acted wisely in thus limiting its aims.

(2) *Transports.* — Transports of wounded or sick civilians, the infirm and maternity cases, by land, sea or air, will be protected to the same extent as hospital ships and may display the Red Cross emblem.

Family News. — Provision is now made for the co-operation of National Societies in the exchange of family news, whenever ordinary postal communications have broken down. One of the delegations having proposed the deletion of this provision, the representative of the International Committee asked that

it should be maintained and gained his point. He recalled that during the last war, the 26 million Civilian Messages exchanged through the International Committee by members of families separated by hostilities had nearly all been collected and delivered by the National Red Cross Societies.

Relief. — As regards civilian relief, the wording of Article 142¹ gives useful support to National Societies. As the substance is similar to that of Article 125 of the Third Convention, the comments on the latter should be consulted.

Use of the Emblem.

To revert once more to the use of the Red Cross emblem²: this sign had so far been peculiar to the first two Geneva Conventions and its purpose had been to protect only the buildings, personnel and material used for the care of the wounded and sick of the armed forces. In their preparatory studies the International Committee proposed, not without some hesitation, that, in preference to any new emblem of protection, the use of the emblem be extended to civilian hospitals duly recognised by the State, and to safety zones strictly reserved for wounded and sick. The Geneva Conference, following in this respect the proposal made by the XVIIth International Red Cross Conference, went still further and granted the use of the Red Cross emblem, in its full protective character, to the personnel of civilian hospitals and to transports of civilian wounded and sick.

It is to be hoped that this privilege will not be abused and that the emblem, which is hedged with so many safeguards in the First Convention, will not in the future lose any part of its prestige. The Geneva Conference has, fortunately, combined the above extension with safeguards that were absent from the wording approved by the Stockholm Conference. For instance, the emblem may only be displayed under State supervision,

¹ See *Revue*, English Supplement, August 1949, p. 283.

² *Loc. cit.*, pages 235-237 and 289.

and its use is strictly limited to the personnel of recognised civilian hospitals.

THE WORK OF THE INTERNATIONAL COMMITTEE

We turn to the legal authority which the International Committee can now draw from the four Geneva Conventions, enabling it to pursue its time-honoured activities.

The Committee's right of initiative—the prerequisite of its humanitarian activity—is upheld and extended to civil war, in cases, for instance, where the Protecting Power ceases to function.

The Committee remains responsible, should need arise, for the establishment of a Central Prisoners of War Agency, and of another for Civilians. The latter, as has just been remarked, will organise, in cooperation with the Red Cross Societies, the exchange of family news, should ordinary postal services break down.

In two World Wars—during the last in particular—the Committee's delegates paid regular visits to prison camps, on the same footing as the representatives of the Protecting Powers. Such action did not, however, rest on any obligation in international law. It is now expressly prescribed in a legal instrument. The Committee's delegates will have authority to visit all places where prisoners of war are held and interview them—the camp leader in particular—without witnesses. The duration and frequency of such visits may not be restricted and the delegates will be free to select the places they wish to see.

Still more important is the following. During the recent war, both the Protecting Powers and the Red Cross were refused access to the concentration camps, where so many civil internees and deportees died in unspeakable circumstances. Today, under the Fourth Convention (Art. 143), delegates may also freely enter all places where civilians are detained, no matter on what grounds¹.

The Committee's activities in the field of relief for prisoners of war, civilian internees and the populations of occupied

territories have been given explicit recognition. A special provision deals with the transports by sea, rail or road that circumstances may render necessary.

The Committee's services may be called on in several other circumstances, such as the establishment of safety zones and localities, the settlement of disputes between the Powers and the Mixed Medical Commissions responsible for visiting wounded and sick prisoners of war and deciding upon their repatriation. It will be for the International Committee to appoint the members of these Commissions, in agreement with the Protecting Power.

The Geneva Conference also passed a Resolution recognizing the necessity of regular financial support for the International Committee in order that it may at all times be ready to fulfil the humanitarian tasks entrusted to it by the Geneva Conventions.

* * *

National and international Red Cross agencies will thus find in the new Conventions a wider and firmer basis for the performance of their humanitarian duties, without prejudice to the private character of these organizations, their right to initiative or the flexibility of their statutes.

¹ See *Revue*, English Supplement, August 1949, page 283.

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

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.

Respect for
the Convention

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 recognised by one of them.

Application
of the
Convention

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 :

Conflicts
not of an
international
character

- (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 recognised as indispensable by civilised 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

Prisoners of war 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 these armed forces ;
- (2) Members of other militias and members of other volunteer corps, including those of organised 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 these militias or volunteer corps, including these organised 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 recognisable 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 recognised 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 authorisation 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

Beginning
and end of
application

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

Special
agreements

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.

Non-renunciation of rights

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.

Protecting Powers

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 organisation may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of prisoners of war and for their relief.

Activities of the International Committee of the Red Cross

ARTICLE 10

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

Substitutes for Protecting Powers

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 organisation provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organisation, 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 organisation, 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 organisation 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 organisations in the sense of the present Article.

ARTICLE II

Conciliation procedure

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.

Responsibility
for the
treatment
of prisoners

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 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.

Humane
treatment
of prisoners

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

Respect for
the person
of prisoners

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

Maintenance
of prisoners

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

Equality of
treatment

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

Questioning
of prisoners

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 identity 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 6.5×10 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 any 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 after the amount and particulars of the owner have been recorded in a special register, and an itemized receipt has been given legibly

Property
of prisoners

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 the 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

Evacuation
of prisoners

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

Conditions
of evacuation

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.

Restriction
of liberty
of movement

Prisoners of war may be partially or wholly released on parole or promise, in so far 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 fulfil, both towards the Power on which they depend and 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.

Places and
conditions of
internment

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 these 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

Security
of prisoners

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

Permanent
transit camps

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

Quarters

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.

Food

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.

Clothing

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

Canteens shall be installed in all camps, where prisoners of war may procure food-stuffs, 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 organisation, 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

Hygiene

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

Medical attention

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 civil 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 made 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.

Medical inspections

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.

Prisoners engaged on medical duties

CHAPTER IV
MEDICAL PERSONNEL AND CHAPLAINS
RETAINED TO ASSIST PRISONERS OF WAR

ARTICLE 33

Rights and
privileges
of retained
personnel

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 ministrations 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 authorised 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.

Religious
duties

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 the international religious organisations. Letters and cards which they may send for this purpose shall be in addition to the quota provided for in Article 71.

Retained
chaplains

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

Prisoners
who are
ministers
of religion

receive the same treatment as the chaplains retained by the Detaining Power. They shall not be obliged to do any other work.

ARTICLE 37

Prisoners
without a
minister
of their
religion

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

Recreation,
study, sports
and games

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 being out of doors. Sufficient open spaces shall be provided for this purpose in all camps.

CHAPTER VI DISCIPLINE

ARTICLE 39

Adminis-
tration.
Saluting

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.

Badges and
Decorations

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, at 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.

Posting of the
Convention,
and of
regulations
and orders
concerning
prisoners

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.

Use of
weapons

CHAPTER VII

RANK OF PRISONER 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.

Notification
of ranks

The Detaining Power shall recognise 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

Treatment
of officers

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

Treatment
of other
prisoners

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

Conditions

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 especially 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.

Circumstances precluding transfer

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 if 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.

Procedure for transfer

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 utilise 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.

General observations

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

Authorized
work

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 ; 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

Working
conditions

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 utilising the labour of prisoners of war, shall ensure that in areas in which 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.

Dangerous
or
humiliating
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.

Duration
of labour

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.

Working pay.
Occupational
accidents
and disease

ARTICLE 55

The fitness of prisoners of war for work shall be periodically verified 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.

Medical
supervision

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

Labour detachments

The organisation 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

Prisoners working for private employers

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

Ready money

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 the camp administration and charged 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.

Amounts in
cash taken
from
prisoners

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 :

Advances
of pay

- 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

Supplemen-
tary pay

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

Working pay

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.

Transfer
of funds

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:

Prisoners'
accounts

- (1) The amounts due to the prisoner or received by him as advances of pay, or 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

Management
of prisoners'
accounts

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

Winding up
of accounts

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 authorised 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 authorised 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.

Adjustments
between
Parties to the
conflict

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.

Claims for
compensation

Any claim from 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 repatriation, 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 Agency for Prisoners of War 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

Notification
of measures
taken

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

Capture card

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 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

Correspondence

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's 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.

Relief
shipments
I.
General
principles

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 organisation 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.

II.
Collective
relief

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 organisation giving assistance to prisoners of war and responsible for the forwarding of collective shipments, to supervise their distribution to the recipients.

ARTICLE 74

Exemption from postal and transport charges

All relief shipments for prisoners of war shall be exempt from import, customs and other dues.

Correspondence, relief shipments and authorised 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 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

Special means of transport

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 organisation 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.

Censorship
and
examination

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.

Preparation,
execution
and
transmission
of legal
documents

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

Complaints
and requests

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 recognised 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

PRISONERS OF WAR REPRESENTATIVES

ARTICLE 79

Election

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, prisoner's representatives entrusted with representing them before the military authorities, the Protecting Powers, the International Committee of the Red Cross and any other organisation 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 recognised 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. Duties

In particular, where the prisoners decide to organise amongst themselves a system of mutual assistance, this organisation 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. Prerogatives

Prisoners' representatives may appoint from amongst the prisoners such assistants as they may require. All material facilities shall be granted them, particularly a certain freedom of movement necessary for the accomplishment of their duties (inspections of labour detachments, receipts 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 with 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

Applicable
legislation

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

Choice of
disciplinary
or judicial
proceeding

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.

Courts

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 recognised, 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.

Offences
committed
before capture

ARTICLE 86

No prisoner of war may be punished more than once for the same act or on the same charge.

" Non bis
in idem "

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.

Penalties

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 punishments, 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.

ARTICLE 88

Execution
of penalties

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

General
observations
I.
Forms of
punishment

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

II.
Duration of
punishments

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.

Escapes
I.
Successful
escape

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.

II.
Unsuccessful
escape

ARTICLE 93

III. Connected offences
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, 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

IV. Notification of recapture
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

Procedure
I. Confinement awaiting hearing
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

II. Competent authorities and right of defence
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 supervision of women.

Execution of
punishment
I.
Premises

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.

II.
Essential
safeguards

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

Essential rules
I. General principles

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

II. Death penalty

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 upon which the prisoners of war depend.

The death sentence cannot be pronounced against 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

III. Delay in execution of the death penalty

If the death penalty is pronounced against 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.

Procedure
I.
Conditions
for validity
of sentence

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 account 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.

II.
Confinement
awaiting
trial
(Deduction
from sentence,
treatment)

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.

III.
Notification
of proceedings

The same communication shall be made by the Detaining Power 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

IV. Rights and means of defence

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 re-opening 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.

V.
Appeals

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 re-opening 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 this right of appeal.

VI.
Notification
of finding
and sentence

Furthermore, if a prisoner of war is finally convicted or if a sentence pronounced against 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, emphasising 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 against 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.

Execution
of penalties.
Penal
regulations

A woman prisoner of war against 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 I

DIRECT REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES

ARTICLE 109

General
observations

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 endeavour, 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.

Cases of
repatriation
and
accommoda-
tion

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.

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

Details of procedure

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 authorised 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 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.

Wills, death
certificates,
burial,
cremation

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 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 interned 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

Prisoners
killed or
injured in
special
circumstances

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-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.

National
Bureaux

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 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

Central
Agency

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 organisation of such an Agency.

The function of the Agency shall be to collect all 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

Exemption
from charges

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 organisations, relief societies, or any other organisation assisting prisoners of war, shall receive from the said Powers, for themselves and their duly accredited agents, all necessary facilities for visiting the prisoners, distributing relief supplies and material, from any source, intended for religious, educational or recreative purposes, and for assisting them in organising their leisure time within the camps. Such societies or organisations may be constituted in the territory of the Detaining Power or in any other country or they may have an international character.

Relief
societies
and other
organisations

The Detaining Power may limit the number of societies and organisations 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 recognised and respected at all times.

As soon as relief supplies or material intended for the above-mentioned 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 organisation 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

Supervision

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

Dissemination
of the
Convention

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 construction, so that the principles thereof may become known to all their armed forces and to the entire population.

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

Translations.
Rules of
application

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

Penal
sanctions
I. General
observations

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.

II.
Grave
breaches

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.

III.
Responsi-
bilities of the
Contracting
Parties

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 within the briefest possible delay.

Enquiry
procedure

SECTION II
FINAL PROVISIONS

ARTICLE 133

Languages 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

Relation The present Convention replaces the Convention of July
to the 1929 27, 1929, in relations between the High Contracting Parties.
Convention

ARTICLE 135

Relation In the relations between the Powers which are bound by
to the Hague the Hague Convention relative to the Laws and Customs of
Convention 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

Signature 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

Ratification 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 trans-
 mitted by the Swiss Federal Council to all the Powers in whose
 name the Convention has been signed, or whose accession has
 been notified.

ARTICLE 138

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

Coming
into force

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.

Accession

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.

Notification
of accessions

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.

Immediate
effect

ARTICLE 142

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

Denunciation

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

ARTICLE 143

Registration
with the
United Nations

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.

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 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 ;
 - (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. peroneus communis) and medial popliteal nerve (N. tibialis) ; etc. The separate injury of the radial (musculo-spiral), 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.
- (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

* 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.

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 $\frac{1}{2}$ 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 ; Simmond's 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 ;

* 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.

- (s) serious chronic infectious diseases, persisting for one year after their inception, for example: malaria with decided organic impairment, amoebic or bacillary dysentery with grave 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 the 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 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 reparation, 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 (I) 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.

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.

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 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 sub-divisions 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 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' representative 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 authorise, 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.

A. IDENTITY CARD

(see Article 4)

<p>NOTICE</p> <p>This identity card is issued to persons who accompany the Armed Forces of but are not part of them. The card must be carried at all times by the person to whom it is issued. If the bearer is taken prisoner, he shall at once hand the card to the Detaining Authorities, to assist in his identification.</p>		<p>Finger-prints (optional)</p> <p>(Left forefinger) _____ (Right forefinger)</p>		<p>Any other mark of identification</p> <p>.....</p> <p>.....</p>
<p>Official seal imprint</p>	<p>Blood type</p> <p>.....</p>	<p>Religion</p> <p>.....</p>		
<p>Hair</p>	<p>Eyes</p>	<p>Weight</p>	<p>Height</p>	
<p>Photograph of the bearer</p>		<p>(Name of the country and military authority issuing this card)</p> <p>IDENTITY CARD</p> <p>FOR A PERSON WHO ACCOMPANIES THE ARMED FORCES</p> <p>Name</p> <p>First names</p> <p>Date and place of birth</p> <p>Accompanies the Armed Forces as</p> <p>Date of issue _____ Signature of bearer _____</p> <p>.....</p>		

Remarks. — This card should be made out by preference in two or three languages, one of which is in international use. Actual size of the card: 13 by 10 centimetres. It should be folded along the dotted line.

ANNEX IV

B. CAPTURE CARD

(see Article 70)

1. Front

<p><u>PRISONER OF WAR MAIL</u></p>	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Postage free</div>
<p>CAPTURE CARD FOR PRISONER OF WAR</p>	
<p style="text-align: center;">IMPORTANT</p> <p>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).</p> <p>This card is distinct from the special card which each prisoner is allowed to send to his relatives.</p>	<p>CENTRAL PRISONERS OF WAR AGENCY</p> <p>INTERNATIONAL COMMITTEE OF THE RED CROSS</p> <p><u>GENEVA</u> SWITZERLAND</p>

2. Reverse side

<p>Write legibly and in block letters</p>	<p>1. Power on which the prisoner depends</p>
<p>2. Name</p>	<p>3. First names (in full)</p>
<p>5. Date of birth</p>	<p>4. First name of father</p>
<p>7. Rank</p>	<p>6. Place of birth</p>
<p>8. Service number</p>	<p>9. Address of next of kin</p>
<p>*10. Taken prisoner on: (or) Coming from (Camp No., hospital, etc.)</p>	
<p>*11. (a) Good health — (b) Not wounded — (c) Recovered — (d) Convalescent — (e) Sick — (f) Slightly wounded — (g) Seriously wounded.</p>	
<p>12. My present address: Prisoner No. Name of camp</p>	
<p>13. Date 14. Signature.....</p>	
<p>* Strike out what is not applicable — Do not add any remarks — See explanations overleaf.</p>	

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

C. CORRESPONDENCE CARD AND LETTER
(see Article 71)

1. Front

I. CARD.

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.

ANNEX IV

C. CORRESPONDENCE CARD AND LETTER

(see Article 71)

2. LETTER

PRISONER OF WAR MAIL

Postage free

To

Place

Street

Country

Department or Province

Country where posted

Name of camp

Prisoner of War No.

Date and place of birth

Name and first names

Sender

Remarks. — This form should be made out in two or three languages, particularly in the prisoner's own language and in that of the Detaining Power. It 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 I); this space can contain about 250 words which the prisoner is free to write. Actual size of the folded form: 29 by 15 centimetres.

ANNEX IV

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 decease 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.

ANNEX IV

E. REPATRIATION CERTIFICATE

(see Annex II, Article II)

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

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 witnessed by the prisoners' representative and certified by the camp commander.

THE INTERNATIONAL COMMITTEE'S AID TO THE PALESTINE REFUGEES

Details have already appeared in the "Revue internationale" on the Committee's programme of aid for the Palestine refugees, launched at the request of the United Nations and operative over a wide area of the Near East, comprising Northern and Central Palestine.

The following is an extract from a report by M. A. Escher, the Committee's Commissioner for Aid to Palestine Refugees :

The Commissariat's activities have steadily increased. During April, 5360 tons of foodstuffs were moved into the area.

The medical service, which has developed rapidly, now comprises twelve doctors and 25 nurses, including the Danish medical staff at Jericho, who have given invaluable assistance.

One hundred and six Arabs are employed on administrative work, whilst ten doctors, twenty-four nurses, five male nurses and forty-five clinical and hospital assistants, all of Arab nationality, are also at work : apart from these, there are thirty-five Arab helpers in the milk distribution centres. In all, 410 Arabs are employed by the Commissariat.

The medical service has the following main objectives :

- (1) — Extension of medical aid, and establishment of new dispensaries in the Jericho camps.
- (2) — Establishment of base clinics in areas which will later serve as centres for mobile dispensaries.
- (3) — Establishment of ICRC hospitals.
- (4) — Study of the questions of removing the sick to local hospitals.
- (5) — Application of essential hygienic and prophylactic measures in the camps and cooperation with the local health authorities and military commands, for the combating of epidemics.

- (6) — Establishment of a medicaments store in Palestine and of a bacteriological and serological laboratory.
- (7) — Supervision of and, where required, organization of the UNICEF milk distribution centres.

Four dispensaries have already been set up in the Jericho camps. Six base clinics are in operation at Tulkarm, Jenin, Nablus, Ramallah, Bethlehem and Hebron, whilst mobile dispensaries have been organized with vehicles supplied by the Commissariat. Efforts have been made to recruit an auxiliary staff which will be able to continue medical treatment after the ICRC doctors and nurses have left.

There are also two ICRC hospitals: one at Bethany, with 42 beds, and one at Hebron, with 80 beds. A number of beds have also been reserved in the Jerusalem and Bethlehem hospitals, and similar arrangements have been made with other hospitals.

There is a medicaments store at Ramallah. The Commissariat is engaged at the moment in setting up small laboratories at Bethlehem, Hebron and Nablus for blood and urine analysis; UNICEF has also made the Commissariat a grant of 10,000 dollars for a bacteriological and serological laboratory.

In the period from the beginning of January until the end of May, daily attendances at the dispensaries have increased on the following scale: January, 700; February, 1,200; March, 1500; April, 1800; May, 2100.

44,821 small-pox vaccinations and 36,368 anti-typhus and anti-paratyphus inoculations have been carried out. More than 100,000 Samaritans are also being inoculated for typhus and paratyphus; 30,000 have already been dealt with. Similar prophylactic action will shortly be taken with 50,000 people in the Bethlehem area.

One health inspector, six assistant inspectors, seventy sanitary workers and seven foremen have been engaged for maintenance work in the refugee camps. The premises are cleaned and the latrines disinfected regularly each day.

An anti-malaria campaign, based on the use of DDT to destroy the adult mosquito, has begun in Palestine; it employs

fifteen teams of five men each, with fifteen foremen and five assistant inspectors. Up to date, 7245 tents, 17,861 rooms and 2492 hutments have been treated. The few recent malaria patients appear to be mostly cases of relapse.

The preventive measures taken by the International Committee's medical mission have averted all serious epidemics: during the period February-May, there were only 38 cases of small-pox, 146 cases of exanthematic typhus, 107 cases of typhoid, 758 of dysentery, 10 of diphtheria and 116 of scarlet fever. All of these diseases are relatively common in the Near East. By far the most serious problem of the future appears to lie in the spread of tuberculosis among the refugee populations, since there is no organization either for the treatment or isolation of these patients.
