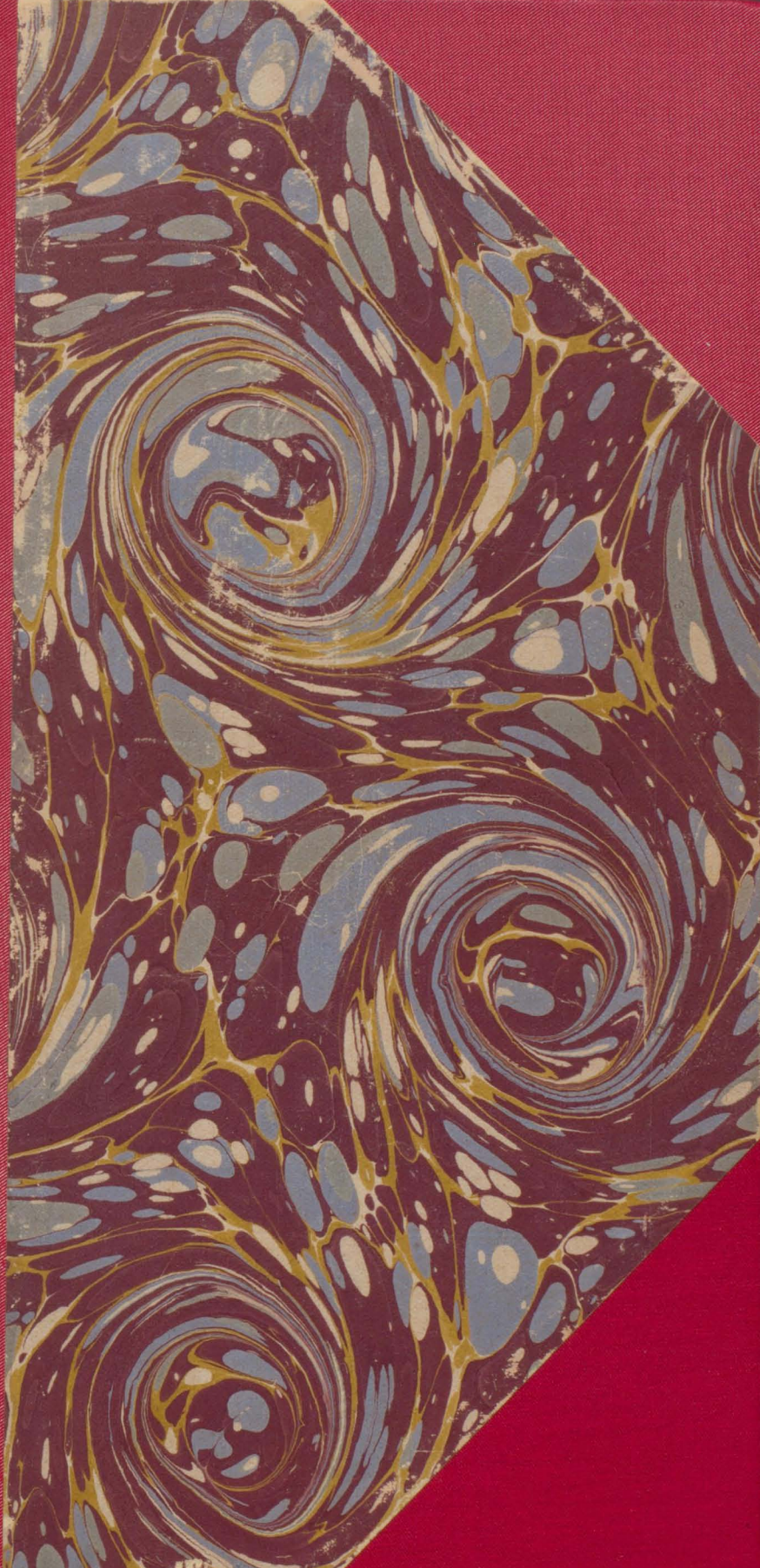


SUPPLEMENT

VOL. II

REVUE INTERNATIONALE
DE LA CROIX-ROUGE

ET

BULLETIN INTERNATIONAL DES SOCIÉTÉS
DE LA CROIX-ROUGE

SUPPLEMENT

Vol. II, 1949

GENÈVE

1949

CONVENTION FOR THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR

PREAMBLE

The High Contracting Parties, conscious of their obligation to come to an agreement in order to protect civilian populations from the horrors of war, undertake to respect the principles of human rights which constitute the safeguard of civilisation and, in particular, to apply, at any time and in all places, the rules given hereunder:

(1) *Individuals shall be protected against any violence to their life and limb.*

(2) *The taking of hostages is prohibited.*

(3) *Executions may be carried out only if prior judgment has been passed by a regularly constituted court, furnished with the judicial safeguards that civilised peoples recognize to be indispensable.*

(4) *Torture of any kind is strictly prohibited.*

These rules, which constitute the basis of universal human law, shall be respected without prejudice to the special stipulations provided for in the present Convention in favour of protected persons.

PART I

GENERAL PROVISIONS

ARTICLE 1

Respect of the Convention

The High Contracting Parties undertake [1] to respect and to ensure respect for the present Convention in all circumstances.

ARTICLE 2

Application of the Convention

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

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

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

In all cases of armed conflict not of an international character [2] which may occur in the territory of one or more of the High Contracting Parties, each of the *Parties to the conflict* shall be bound to implement the provisions of the present Convention, *subject to the adverse party likewise acting in obedience thereto.* The Convention shall be applicable in these circumstances, whatever the legal status of the Parties to the conflict and without prejudice thereto.

ARTICLE 3

Definition of protected persons

Persons protected under the present Convention are those who, at a given moment and in whatever manner, find themselves, in the case of a conflict or occupation, in the hands of a Power of which they are not nationals ; furthermore, in case of a conflict not international in character, the nationals of the country where the conflict takes place *and who are not covered by other international conventions,* are likewise protected by the present Convention.

---

[1] The words " in the name of their peoples " have been deleted.

[2] The words " especially cases of civil war, colonial conflicts or wars of religion " have been deleted.

The provisions of Part II are, however, wider in application, as defined in Article 11.

Persons such as prisoners of war, the sick and wounded, the members of medical personnel, who are the subject of other international conventions, remain protected by the said conventions.

ARTICLE 4

Beginning and end of application

The present Convention shall apply from the outset of any conflict covered by Article 2. The application thereof shall cease on the close of hostilities or of occupation, except as regards protected persons whose release, repatriation or re-establishment may take place subsequently and who, until such operations are terminated, shall continue to benefit by the present Convention.

ARTICLE 5

Special agreements

Besides the agreements expressly provided for in Articles 12, 33, 52, 85, 97, 98, 121 and 122, the Parties to the conflict may conclude special agreements for all matters concerning which they may deem it suitable to make separate provision. Such agreements shall in no case adversely affect the situation of protected persons, as defined in the present Convention, nor restrict the rights which it confers upon them.

Protected persons shall benefit by the agreements that concern them as long as the Convention is applicable to them, except for express stipulations to the contrary in the aforementioned or in subsequent agreements, or except also for more favourable measures taken with respect to them by one or the other of the Parties to the conflict.

ARTICLE 6

Acquired rights

Protected persons may in no circumstances [1] renounce in part or in entirety the rights secured to them by the present Convention and by the special agreements referred to in the foregoing Article, if such there be.

ARTICLE 7

Protecting Powers

The present Convention shall be applied with the co-operation and under the supervision of the Protecting Powers responsible

[1] The words " be induced by constraint, or by any other means of coercion " have been deleted.

for safeguarding the interests of the Parties to the conflict. To that effect, the Protecting Powers may, apart from their diplomatic staff, appoint delegates from amongst their own nationals or the nationals of other neutral Powers. Such delegates shall be subject to approval by the Power near which they will carry out their duties. *The said Power may only refuse its approval if serious grounds are adduced.*

The Parties to the conflict shall, to as great a degree as possible, facilitate the task of the representatives or delegates of the Protectiong Powers.

ARTICLE 8

Activity of the International Committee of the Red Cross

The provisions of the present Convention constitute no obstacle to the humanitarian activity which the International Committee of the Red Cross may undertake for the protection of civilian persons and for the relief to be given them, with the consent of the interested Parties to the conflict.

ARTICLE 9

Substitutes for Protecting Powers

The Contracting Parties may at any time agree to entrust to a body which offers all guarantees of impartiality and efficacy, the duties imposed upon the Protecting Powers by the present Convention.

Furthermore, if persons protected by the present Convention do not profit or cease to profit by the activity of a Protecting Power, or of the above-mentioned body, the Party to the conflict in whose power they are shall be under the obligation to make up for this lack of protection by requesting either a neutral State or an impartial humanitarian body, such as the International Committee of the Red Cross, to assume in their behalf the duties imposed on the Protecting Powers by the present Convention.

Whenever in the present Convention mention is made of a Protecting Power, such mention shall also designate substitute bodies in the sense of the present Article.

ARTICLE 10

Procedure of conciliation

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 of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to facilitating such application.

To that effect, each of the Protecting Powers may, at the invitation of one Party, or by its own motion, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for protected persons, in suitably chosen neutral territory, if circumstances permit. The Parties to the conflict shall be bound to give effect to the proposals made to them in this respect. 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 called upon to participate in such a meeting.

PART II

GENERAL PROTECTION OF POPULATIONS AGAINST CERTAIN CONSEQUENCES OF WAR [1]

ARTICLE 11

Field of application of Part II

The provisions of Part II cover the whole of the population of the countries in conflict, irrespective of race, nationality, religion, political opinions or any other distinction based on similar criteria, and are intended to attenuate [2] the sufferings caused by war.

ARTICLE 12

Hospital and safety zones and localities

In time of peace already, the Contracting Parties and, in case of conflict, the Parties thereto, shall endeavour to set up in their own territory, and, if the need arises, in occupied areas, hospital and safety zones and localities so organized as to protect from the effects of war the wounded and sick, children under fifteen, expectant mothers, mothers of children under seven, persons over sixty-five and the personnel entrusted with the organization and administration of such zones and localities, and with the care of the persons assembled therein.

---

[1] The Sub-commission instructed to study this Convention recommended that Part II should be placed at the end of the Convention, in order to clarify its lay-out. This recommendation was not examined by the Commission, doubtless owing to an oversight.

[2] The words "as far as possible" have been deleted.

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

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

ARTICLE 12 *(b)*

Neutralized zones

Any Party to the conflict may, either direct or through some humanitarian organization, propose to the adverse Party to establish, in the regions where fighting is taking place, neutralized zones intended to shelter from the effects of war the following persons, without distinction:

(a) *Wounded and sick combatants or non-combatants.*

(b) *Persons taking no active part in the fighting, as for example the personnel responsible for the administration, supervision and food-supply of the said zones.*

When the Parties concerned have agreed upon the geographical position, administration and food-supply of the proposed neutralized zone, a written agreement shall be concluded and signed by the representatives of the Parties to the conflict. The agreement shall fix the date from, and the period during which the said zone shall remain in force.

ARTICLE 13

Wounded and sick
I. General protection

The Parties to the conflict shall, so far as possible, ensure medical care and hospital treatment to civilians; they shall allow medical personnel of all categories to carry out their duties. The wounded and sick shall be the object of particular protection and respect.

As far as military considerations allow, every Party to the conflict shall facilitate the measures taken to search for the killed and wounded, to assist the shipwrecked and other persons exposed to grave danger, and to protect them against pillage and ill-treatment.

ARTICLE 14

II. Evacuation

The Parties to the conflict shall endeavour to conclude local agreements for the removal from besieged or encircled areas of

wounded and sick, *infirm and aged persons*, children and maternity cases, and for the passage of medical personnel and equipment intended for such areas.

ARTICLE 15

III. Protection of hospitals

Civilian hospitals, recognized as such by the State and organized on a permanent basis to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be attacked, but shall at all times be respected and protected by the Parties to the conflict.

The recognition of such establishment by the State shall be certified by a document delivered to each of them. In view of the danger incurred by hospitals being close to military objectives, the responsible authorities shall ensure that such hospitals are situated as far as possible from the said objectives.

ARTICLE 16

IV. Lapse of protection of hospitals

The protection to which civilian hospitals are entitled cannot lapse unless they are used to commit acts harmful to the enemy, and only after due warning which is unheeded. In any case, a sufficient period shall be allowed for the removed of the wounded and sick.

The fact that sick or wounded members of the armed forces are nursed in these hospitals, and the presence of portable arms and ammunition taken from such combatants and which have not yet been handed to the proper service, shall not be considered as acts harmful to the enemy.

ARTICLE 17

V. Protection of hospitals in enemy or occupied territory

Civilian hospitals in enemy or occupied territory may pursue their activities and shall be protected against pillage.

In cases of urgent necessity, however, the military authorities governing the territory where such hospitals are situated may employ them for the care of civil or military wounded and sick, on condition of having previously ensured the care of the sick and wounded accommodated therein.

The material and stores of civilian hospitals cannot be requisitioned and diverted from their *normal* purpose, so long as they are necessary for the wounded and sick.

ARTICLE 18

VI. Hospital personnel Register of wounded and sick

Members of the personnel of civilian hospitals shall be respected and protected by the Parties to the conflict. The said personnel shall carry identity cards certifying their status, provided with the photograph and fingerprints of the holder, and embossed with the stamp of the responsible authority.

Personnel exclusively engaged in collecting, transporting and caring for wounded and sick civilians, the infirm and maternity cases, likewise medical personnel exclusively engaged in the administration of the hospitals provided for in Article 15, shall when carrying out their duties, wear on the left arm a water-resistant armlet bearing the emblem provided for in Article 19 of the Convention of 1929, delivered by the State and the National Red Cross Society.

The management of every civilian hospital shall be at all times in possession of an up-to-date list of members of the personnel [1].

ARTICLE 19

VII. Marking

Civilian hospitals shall be marked by means of the emblem of the red cross (red crescent, red lion and sun) on a white ground, *with the permission of the State and of the National Red Cross Society* [2].

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

ARTICLE 19 *(b)*

Hospital transports

Transports conveying wounded and sick civilians, the infirm and maternity cases shall be respected and protected in the same manner as the hospitals provided for in Article 15, and shall be marked by means of the emblem of the red cross (red crescent, red lion and sun) on a white ground,

Any such transports of vehicles falling into the power of the adverse party shall be subject to the laws of war, on condition that the capturing belligerent on all occasions takes charge of the wounded and sick who are conveyed therein.

---

[1] The remainder of the paragraph "and of patients..." has been deleted.

[2] The words "subject to the consent of the responsible authorities" have been deleted.

ARTICLE 20

Dispatch of medicaments, foodstuffs and tonics

The Contracting Parties shall allow the free passage of all consignments of medical and hospital stores intended for *civilians* of another Contracting Party, even if the latter is their adversary.

They shall likewise permit the free passage of all shipments of foodstuffs, clothing and tonics intended for children under fifteen and expectant mothers. The Power which allows the passage of foodstuffs, clothing and tonics may make such permission conditional to the fact that the distribution to the persons benefited thereby is made under the supervision of the Protecting Powers, and that the persons benefited perform no work of a military[1] character.

Such shipments shall be forwarded as rapidly as possible *and may be checked by the Power which permits such consignment*

ARTICLE 21

Special measures in behalf of children

The Parties to the conflict shall take the necessary measures to ensure that children under fifteen who are orphaned or separated from their parents as a result of the war, are not left to their own resources, and that their maintenance and education are *facilitated* in all circumstances.

The Parties shall facilitate the accommodation of such children in a neutral country, for the duration of the conflict.

They shall furthermore ensure that all children under fifteen can be identified at any time, in particular by the wearing of identity discs.

ARTICLE 22

Right to family news

All persons in the territory of a Party to the conflict, or in a territory occupied by it, shall be enabled to give news of a strictly personal nature to members of their families, wherever they may be, and to receive news from them. This correspondence shall be forwarded as rapidly as possible.

If, as a result of circumstances, it becomes difficult or impossible to exchange family correspondence by the ordinary post, the States concerned shall apply to a neutral intermediary, such as the Central Agency provided for in Article 124, and shall decide in consultation with it how to ensure the fulfilment of their obligations under the best possible conditions, *in particular with the co-operation of the National Red Cross Societies.*

If the Parties to the conflict deem necessary to restrict family correspondence, such restrictions shall be confined to the

[1] The words "or civilian" have been deleted.

compulsory use of standard forms containing twenty-five freely chosen words, and to the dispatch of only one of these forms a month.

ARTICLE 23

Dispersed families

The Parties to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting, if possible. They shall encourage, in particular, the work of agencies engaged on this task.

PART III

STATUS AND TREATMENT OF PROTECTED PERSONS

SECTION I

Provisions common to the Territories of the Parties to the conflict, and to Occupied Territories

ARTICLE 24

Particular risks

No protected person may at any time be sent to, or detained in areas which are particularly exposed, nor may his or her presence be used to render certain points or areas immune from military operations.

ARTICLE 25

Treatment
I. General remarks

Protected persons are entitled, in all circumstances, to respect for their persons and their honour. They shall at times be humanely treated and protected, particularly against acts of violence or intimidation, against insults and public curiosity.

Without prejudice to the provisions relative to their state of health, age and sex, all protected persons shall be treated alike by the Party to the conflict in whose power they are, without any difference founded on race, religious belief or political opinions, or any other distinction based on similar criteria.

ARTICLE 26

II. Responsibilities

The Party to the conflict in whose hands protected persons may be, is responsible for the treatment granted to them, irres-

pective of any individual responsibility that may rest in this matter on officials, law officers, members of the armed or police forces, or on any other person.

ARTICLE 27

III. Women and children

Women shall be specially protected against any attacks on their honour or dignity.

Children under fifteen shall in all circumstances enjoy preferential treatment, particularly as regards food, medical care and protection against the effects of war.

Expectant mothers and mothers of children under seven shall also enjoy such preferential treatment.

ARTICLE 28

Application to Protecting Powers and relief organizations

Protected persons shall have every facility for making application to the Protecting Powers, the International Committee of the Red Cross, the National Red Cross Society of the country where they may be, as also to any body that might assist them.

These several bodies shall be granted by the authorities, to that purpose, all facilities within the bounds set by military considerations.

In addition to the visits of the delegates of the Protecting Powers and of the International Committee of the Red Cross, provided for by Article 126, the Detaining or Occupying Powers may allow the representatives of other bodies to visit the protected persons to whom they may desire to give spiritual aid or material relief.

ARTICLE 29

Prohibition of torture, duress and corporal punishment

No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

Torture and corporal punishments are prohibited.

ARTICLE 30

Individual responsibility, collective penalties, reprisals

No protected person may be punished for an offence he or she has not personally committed. Collective penalties are prohibited.

Measures of reprisal against protected persons or their property are prohibited. Any destruction of personal or real property which is not made absolutely necessary by military operations, is prohibited, as are likewise all measures of intimidation or terrorism.

ARTICLE 31

Hostages

The taking of hostages is prohibited.

SECTION II

Aliens in the Territory of a Party to the conflict

ARTICLE 32

Repatriation and detention

All aliens, whether of enemy nationality or not, of uncertain nationality or stateless, who may desire to leave the territory at the outset of, or during a conflict, shall be entitled to do so, subject to the provisions of the following paragraph. They may provide themselves with the necessary funds for their journey and take with them their effects and articles of personal use [1].

Only persons whose departure the Detaining Power may reasonably oppose on urgent grounds of security, may be refused permission to leave.

Such refusal shall be decided on only after regular proceedings before a special tribunal for aliens, before which the persons concerned may freely plead their case.

If the tribunal decides that the protected person shall not be allowed to leave, it shall also decide whether he or she shall be left at liberty, placed in assigned residence or interned, in conformity with Articles 38, 39 and 40. If the person concerned has been placed in assigned residence or interned, the tribunal shall periodically, and at least twice yearly, review his or her case, with a view to the favourable amendment of the initial decision, if circumstances permit.

The representatives of the Protecting Power shall be entitled to attend the hearing of the case, unless the proceedings must exceptionally be held secret for reasons of state security. The Detaining Power shall in such cases notify the Protecting Power.

In any case, the decision of the tribunal shall be communicated with all speed to the Protecting Power, together with the grounds adduced.

ARTICLE 33

Methods of repatriation

Repatriations shall be carried out in satisfactory conditions as regards security, hygiene, healthfulness and food.

---

[1] The clause " No person shall be repatriated against his will " has been deleted.

The practical details of such repatriations may, if necessary, be settled by particular agreements between the Parties to the conflict.

ARTICLE 34

Detained persons

Protected persons who, at the outset of the conflict, are confined pending trial, or serving a sentence involving loss of liberty, shall not be subjected to more stringent conditions owing to the outbreak of hostilities.

As soon as they are released they may ask to leave the territory, in conformity with the foregoing Articles.

ARTICLE 35

Persons not repatriated. I. General remarks

The situation of protected persons shall continue to be governed, in principle, by the provisions relating to the treatment of aliens in time of peace, subject to such measures of control or security as may be ordered with respect to them, as a result of the war. They shall be enabled to receive the individual or collective relief that may be sent them.

ARTICLE 36

II. Means of existence

Protected persons who, as a result of the war, have lost their gainful employment, shall be granted the opportunity to meet the cost of their maintenance, either by finding paid employment under the provisions of Article 37, or by receiving allowances from the Power in whose hands they may be. Protected persons may in any case receive allowances from their home country, the Protecting Powers, or the relief societies referred to in Article 28.

ARTICLE 37

III. Labour

Protected persons may only be required to do work which is normally necessary for the feeding, sheltering, clothing, transportation and health of human beings, but they not be employed in work that is moreover of value in assisting the conduct of active military operations.

If the above provisions are infringed, the protected persons shall be allowed to exercise their right of complaint, in conformity with Article 28 [1].

[1] This Article replaces a much more detailed draft submitted by the International Committee.

ARTICLE 38

IV. Assigned residence. Internment

If the Power in whose hands protected persons may be considers that the measures of control referred to in Article 35 are inadequate, it may have recourse only to assigned residence and, by way of exception, to internment, in conformity with the provisions of Articles 39 and 40.

ARTICLE 39

V. Reasons for internment. Voluntary internment

The internment of protected persons in fenced camps may not be ordered unless the security of the Detaining Power imperatively demands.

Should any person, acting through the representatives of the Protecting Power, voluntarily ask to be interned because his or her situation renders that course necessary, the said person shall be interned by the Power in whose hands he or she may be.

ARTICLE 40

VI. Procedure of internment

Decisions regarding the internment of protected persons, and any subsequent decisions leading to a change of their status, shall be made according to regular procedure, to include the right of the protected persons to appeal, in conformity with Article 32, to the special tribunal for aliens.

In any case, the decisions made by the Detaining Power shall be speedily brought to the knowledge of the Protecting Power.

ARTICLE 41

VII. Transfers to another Power

Protected persons may not be transferred *against their will* to a Power which is not party to the Convention.

This provision shall in no way constitute an obstacle to the repatriation of protected persons, or to their return to their country of residence *after the cessation of hostilities or of occupation.*

If they are transferred to a Power which is party to the Convention, the responsibility for the application of the Convention shall rest conjointly on the Power which transfers and the Power which receives them.

During hostilities or occupation, no protected person shall be transferred to a country where he or she may have reason to fear persecution for his or her political opinions or religious beliefs.

ARTICLE 42

If not rescinded previously, restrictive measures taken in respect of protected persons shall cease as rapidly as possible after the close of hostilities.

End of restrictive measures

SECTION III

Occupied Territories

ARTICLE 43

Protected persons who may find themselves in occupied territories cannot in any case or in any manner whatsoever be deprived of the benefit of the present Convention, either by virtue of changes introduced as the result of the occupation into the institutions or government of the said territories, or of arrangements which may be concluded between the authorities of the occupied territories and the occupying Power.

Inviolable rights

ARTICLE 44

Persons who are not nationals of the Power whose territory is occupied, may avail themselves of the provisions of Article 32, in order to secure permission to leave the territory.

Special cases of repatriation

ARTICLE 45

Deportations or transfers *against their will* of protected persons out of occupied territory are prohibited, whether such deportations or transfers are individual or collective, and regardless of their motive.

Deportations. Transfers. Evacuations

The occupying Power shall not undertake total or partial evacuation of a given area, unless the security of the population or imperative military considerations demand. Such evacuations may not involve displacements outside the bounds of the occupied territory, except in cases of physical necessity.

The occupying Power shall not carry out such transfers and evacuations unless it has ensured proper accommodation to receive the protected persons. Such removals shall be effected in satisfactory conditions of hygiene, healthfulness, security and nutrition. Members of the same family shall not be separated.

The Protecting Power shall be informed of any proposed transfers and evacuations. It may supervise the preparations and the conditions in which such operations are carried out.

The occupying Power shall not deport or transfer parts of its own civil population into the territory it occupies.

ARTICLE 46

Children

The occupying Power shall, with the co-operation of the national and local authorities, *facilitate* the proper working of all institutions devoted to the care of children.

The occupying Power shall take all necessary steps to allow identification of children and registration of their parentage. It may not, in any case, change their personal status, nor enlist them in formations or organizations subordinate to it.

Children who are orphaned or separated from their parents as a result of war, and who cannot be handed over to the care of near relatives, shall be entrusted to institutions for children, where their education shall be ensured as far as possible by persons of their own nationality *and religion.*

ARTICLE 47

Enlistment. Labour

The occupying Power may not compel protected persons to serve in its combatant or auxiliary forces. No propaganda which aims at securing voluntary enlistment is permitted.

The occupying Power may not compel protected persons to work unless they are over eighteen years of age, and only to ensure the proper functioning of public utility services, *such as water, gas, electricity, transport, public health and other similar services.* It may not, however, compel requisitioned protected persons to employ forcible means to ensure the security of the installations where they are performing compulsory labour.

The work shall be carried out only in the occupied territory where the requisitioned persons may be. Every requisitioned person shall, so far as possible, be kept in his usual place of employment. Workers shall be paid a fair wage and the work shall be proportionate to their physical and intellectual capacities. The work shall be neither unhealthy, nor dangerous.

In any case, requisition of labour shall only be of a temporary nature, and shall in no case lead to the mobilization of workers for the duration of hostilities.

ARTICLE 48

Protection of workers

No contract, agreement or regulation shall impair the right of every worker, whether voluntary or not, and wherever he may be, to apply to the representatives of the Protecting Power, in order to request the said Power's intervention.

Artificially created unemployment, and all planned schemes for restricting the opportunities offered to workers in an occupied territory, in order to induce them to work for the occupying Power, are prohibited.

ARTICLE 49

Food supplies. Relief consignments

The occupying Power is bound to assure the food supply of the civilian population. *If international standards of nutrition have been established, they shall be applied.*

The occupying Power shall, in particular, import the necessary foodstuffs and products, if the resources of the occupied territory are inadequate to ensure such subsistence ; it may not commandeer or use for its own purposes, in particular for the occupation forces or administration personnel, foodstuffs or products available in the occupied territory, unless the subsistence of the civilian population is sufficiently provided for.

The Protecting Powers shall, at any time, be at liberty to verify the state of the food supply in occupied territories.

If the whole or part of the population of an occupied territory is inadequately supplied, the occupying Power shall agree to relief schemes in behalf of the said population, and shall facilitate them by all the means at its disposal.

Such schemes, which may be undertaken either by States or by impartial humanitarian bodies such as the International Committee of the Red Cross, shall consist, in particular, of shipments of foodstuffs, tonics and clothing.

All Contracting Parties shall permit the free passage of these shipments and shall guarantee their protection.

ARTICLE 50

Hygiene and public health

The occupying Power is bound to ensure and maintain, with the co-operation of national and local authorities, public health and hygiene in the occupied territories. The said Power must, in particular, continue to apply or introduce health or prophylactic measures proper to combat the spread of conta-

gious diseases or epidemics, *facilitate* the proper working of hospital establishments and dispensaries, the adequate supply of medicaments, vaccines, serums, dressings and medical stores, in the occupied territory.

The occupying Power shall accept consignments of such articles from abroad, and facilitate their allocation in occupied territories.

ARTICLE 51

Relief consignments

I. Obligations of the occupying Power

Relief consignments shall in no way relieve the occupying Power of its responsibility to ensure the subsistence and hygiene of the occupied territories.

The occupying Power may neither requisition relief consignments, nor divert them in any way from their destination.

ARTICLE 52

II. Collective relief

The distribution of the relief consignments referred to in the foregoing Articles shall be carried out with the co-operation and under the supervision of the Protecting Powers, or of other neutral Powers. This duty may also be *undertaken by* an existing humanitarian body, such as the International Committee of the Red Cross, or by an agency specially set up for that purpose.

Such consignments shall be exempt from all charges, such as customs dues and registration fees, transit or import dues, and others. The occupying Power shall transport them rapidly and free of charge in the territories which it governs.

ARTICLE 53

III. Individual relief

Furthermore, subject to imperative reasons of security which the occupying Power may advance, protected persons in occupied territories shall receive the individual relief supplies that may be sent them.

ARTICLE 54

National Red Cross and other relief societies

In occupied territories, recognized National Red Cross Societies shall be able to pursue their activities in accordance with Red Cross principles, as defined by the International Red Cross Conferences.

The occupying Power may not require any changes in the personnel or structure of these Societies, which would prejudice the aforesaid activities.

The other relief societies shall be permitted to continue their humanitarian activities under similar conditions, provided that they refrain from any act harmful to the occupying Power [1].

ARTICLE 55

Penal laws.
I. General remarks

The penal laws of the occupied Power shall remain in force and the tribunals thereof shall continue to function in respect of all offences covered by the said laws.

The occupying Power may, however, subject the population of the occupied territory to provisions intended to assure the security of the members and property of the forces or administration of the occupying Power, and likewise of the establishments used by the said forces and administration.

ARTICLE 56

II. Publication

The penal provisions enacted by the occupying Power shall not come into force before they have been brought to the knowledge of the inhabitants, in their own language.

ARTICLE 57

III. Competent tribunals

In case of a breach of the penal provisions published by it by virtue of Article 55, paragraph 2, the occupying Power may hand over the accused to its regular, *non-political* military or civil courts, on condition that the said courts sit in occupied territory. Courts of appeal are not subject to the obligation of sitting in occupied territory.

ARTICLE 58

IV. Applicable provisions

The courts shall apply solely the provisions published prior to the offence, and which are in conformity with the general principles of law, in particular the principle that the penalty

[1] The text submitted by the International Committee ran as follows :

" National Red Cross Societies and other Relief Societies which, prior to occupation, have likewise been recognized by the State whose territory is occupied, shall be allowed to pursue their activities without hindrance during occupation, and no changes shall be made by the occupying Power in their structure or managing staff. "

shall be proportionate to the offence. They shall take into consideration the fact that the accused owes no duty of allegiance to the occupying Power.

ARTICLE 59

V. Penalties

Protected persons who commit an offence intended to harm *the occupying Power*, but which but does not constitute an attempt on the life or limb of members of the occupying forces or administration, nor a grave collective danger, nor seriously damage the property of *the occupying Power* or the installations used by *it*, are liable to internment, according to Part III, Section IV, as the only penalty depriving them of liberty.

The courts of the occupying Power shall not pass the death sentence on a protected person unless he is guilty of an offence which was punishable by the death penalty under the law of the occupied Power at the outbreak of hostilities.

The death penalty may not be pronounced against a protected person unless the attention of the Court has been particularly called to the fact that the accused, not being a national of the occupying Power, is not bound to it by any duty of allegiance and is in its power by reason of circumstances independent of his will.

The *three* preceding paragraphs do not apply to the case of a protected person who is guilty of espionage to the detriment of the occupying Power.

The death penalty may not be pronounced against a protected person under eighteen years of age for any offence whatsoever.

ARTICLE 60

VI. Breaches committed before occupation Penal procedure.

Protected persons shall not be arrested, prosecuted or convicted by the occupying Power for acts committed or for opinions expressed before the occupation, or during a temporary interruption thereof, with the exception of breaches of the laws and customs of war.

Nationals of the occupying Power who, before the outbreak of hostilities, have sought refuge in the territory of the occupied State *from the consequences of an offence committed outside the occupied territory*, shall not be arrested, prosecuted, convicted or deported out of the occupied territory *for that offence, unless* according to the law of the occupied State, *the said offence would have* justified extradition in time of peace.

ARTICLE 61

I. General remarks

No conviction shall be pronounced except after a regular trial.

Accused persons who are prosecuted by the occupying Power shall be promptly informed, in a language they understand, of the particulars of the charge preferred against them. They shall be brought to trial as rapidly as possible. The Protecting Power shall be immediately informed of all proceedings instituted by the occupying Power against protected persons, and shall be enabled, at any time, to obtain information regarding the state of such proceedings.

ARTICLE 62

II. Right to defence

Accused persons shall have the right to be assisted by qualified counsel of their own choice, who shall be able to visit them freely and shall enjoy every facility for preparing the defence.

Failing a choice by the accused, the Protecting Power may provide them with counsel.

Accused persons may, if they desire, be assisted by an interpreter, both during preliminary investigation and during the hearing in court.

ARTICLE 63

III. Means of defence

Accused persons shall have the right to adduce all evidence necessary to their defence and may, in particular, call witnesses.

Convicted persons shall have the right of appeal provided for by the laws applied by the court.

ARTICLE 64

IV. Assistance by the Protecting Power

The representatives of the Protecting Power shall have the right to attend the sessions of any court judging a protected person, unless the hearing has, exceptionally, to be secret in the interests of the safety of the occupying Power, which shall then notify the Protecting Power.

Any judgments pronounced shall be communicated, with the relevant grounds, as rapidly as possible to the Protecting Power, and shall contain, if the case arises, the name of the place where sentence is to be served. Judgments shall not be enforced until the expiration of the period allowed for appeal; the said period shall not run until notification of judgment to the Protecting Power has been made.

ARTICLE 65

V. Death sentence

No death sentence shall be carried out before the expiration of a period of six months at least from the notification of judgment to the Protecting Power.

In no case shall persons condemned to death be deprived of the right of petition for pardon or reprieve.

ARTICLE 66

Treatment of detainees

Protected persons who are indicted or convicted by the courts of the occupying Power shall be kept apart from other detainees and shall enjoy conditions of food and hygiene sufficient to keep them in good health, and similar at least to those obtaining in penitentiaries in the occupied territory. Proper regard shall be paid to the special treatment due to minors.

Such protected persons shall have the right to be visited by delegates of the Protecting Power and of the International Committee of the Red Cross, in conformity with the provisions of Article 126.

Detained protected persons shall have the right to receive at least one relief parcel a month.

ARTICLE 67

Handing over of detainees at the lose of occupation

Protected persons indicted or convicted by the courts in occupied territory, shall in no case be taken outside the said territory, but shall be handed over, at the close of occupation to the authorities of the liberated territory, together with the relevant records.

ARTICLE 68

Security measures

If the occupying Power deems necessary, for imperative reasons of security, to take safety measures with respect to persons against whom no specific charge can be preferred, the said Power may at most subject them, *as an exceptional measure*, to assigned residence or, *in especially serious cases*, to internment.

SECTION IV

Regulations for the Treatment of Internees

CHAPTER I

General Provisions

ARTICLE 69

The Parties to the conflict may not intern protected persons except in the cases provided for in Articles 32, 38, 39, 59 and 68.

Cases of internment and applicable regulations

ARTICLE 70

Internees shall retain their full civil capacity and shall exercise their attendant rights, as far as may be compatible with their internment.

Civil capacity

ARTICLE 71

The Parties to the conflict who intern protected persons shall be bound to provide for their free maintenance, and to grant them the medical attention required by their state of health.

No deduction shall be made for the repayment of these costs from the allowances, salaries or credits due to the internees.

Maintenance

ARTICLE 72

The Detaining Power shall assemble the internees so far as possible in camps or camp compounds according to their nationality, language and customs.

Furthermore, members of the same family, and in particular parents and children, shall be lodged in the same camp throughout the duration of their internment. Internees may request that their children who are left at liberty shall be interned with them. So far as possible, specially arranged camps for family units shall be reserved for members of such units. They may not be separated, except temporarily for reasons of employment.

Assembling of internees

CHAPTER 2

Places of Internment

ARTICLE 73

Location of camps

Detaining Powers shall give the enemy Powers, through the medium of the Protecting Powers, *all useful information* regarding the geographical location of places of internment.

Places of internment shall be indicated in the day-time by the letters "IC", placed so as to be clearly visible from the air. The Detaining Powers may, however, agree upon any other system of marking.

ARTICLE 74

Separate places of internment

Places of internment for protected persons shall be distinct from places of internment for prisoners of war, and from places where persons deprived of liberty for any other reason are confined.

ARTICLE 75

Quarters, hygiene

The Detaining Power is bound to take all necessary and possible measures to ensure that protected persons shall, from the outset of their internment, be accommodated in buildings or quarters which afford all possible safeguards as regards hygiene and healthfulness, and efficient protection against the rigours of the climate and the effects of the war. In no case shall places of internment be located in unhealthy areas, or in districts the climate of which is injurious for the internees.

The premises shall be fully protected from dampness, adequately heated and lighted, in particular between dusk and lights out. The sleeping quarters shall be sufficiently roomy and well ventilated, and the internees shall have suitable bedding and sufficient blankets, account being taken of the climate and the age, sex, and state of health of the internees.

Internees shall have for their use, day and night, sanitary conveniences which conform to the rules of hygiene, and are constantly maintained in a state of cleanliness. They shall be provided daily with sufficient water for their personal toilet and

for washing their underwear. Showers or baths shall also be available. Internees shall be provided periodically with sufficient quantities of soap. The necessary time shall be set aside for washing and cleaning.

ARTICLE 76

Canteens

Canteens shall be installed in all places of internment, where internees may procure ordinary articles and soap at the local market prices.

The profits made by canteens for camp administrations shall be used for the benefit of the internees ; a special fund shall be created for that purpose. The internee committee shall have the right to check the management of the canteens and of the said fund.

When a place of internment is closed down, the profits of canteens shall be employed for the benefit of internees of the same nationality as those who have contributed to the constitution of the fund. In case of a general release, the said profits shall be kept by the Detaining Power, subject to any agreement to the contrary between the Powers concerned.

ARTICLE 77

Shelters, measures of protection

Internees shall have shelters against air bombardments and other hazards of war, to the same extent as the local civilian population. In the case of alarms, they shall be permitted to enter such shelters as soon as possible, except those internees engaged in the defence of their quarters against the aforesaid hazards. Any other protective measure taken in favour of the population shall also apply to them.

All precautions must be taken in places of internment against the danger of fire.

CHAPTER 3

Food and Clothing

ARTICLE 78

Food

Food rations for internees shall be sufficient in quantity, quality, and variety to keep internees in a good state of health. Account shall also be taken of the habitual diet of the internees. *International standards bearing on nutrition that may be adopted shall be applied to internees.*

Internees shall also be given the means for preparing themselves any additional food in their possession.

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

Internees who work shall receive additional rations proportionate to the kind of labour which they perform.

Expectant and nursing mothers and their children shall be given additional food, proportionate to their physiological needs.

ARTICLE 79

Clothing

When arrested, internees shall be given all facilities to provide themselves with the necessary clothing, footwear and change of underwear, and later on, to procure further supplies, if required. Should the internees not have sufficient clothing and cannot procure any, it shall be provided free of charge by the Detaining Power.

The clothing supplied by the Detaining Power to internees and the outward markings placed on their own clothes, shall not be ignominious nor expose them to ridicule.

Workers shall receive suitable working kit, whenever the kind of labour requires.

CHAPTER 4

Hygiene and Medical Attention

ARTICLE 80

Medical attention

Every place of internment shall have an adequate infirmary, under the direction of a qualified doctor, where internees may have the attention they require, as well as appropriate diet. Isolation wards shall, if necessary, be set aside for cases of contagious disease.

Internees suffering from serious disease, or whose condition necessitates special treatment, a surgical operation or hospital care, must be admitted to any institution where such treatment can be given *and shall receive care not inferior to that provided for the population.*

Internees shall have the attention preferably of medical personnel of their own nationality.

Internees may not be prevented from presenting themselves to the medical authorities for examination. The detaining authorities shall, upon request, issue to every internee having undergone treatment an official certificate indicating the nature of his illness or injury, and the duration and kind of treatment given. A duplicate of this certificate shall be forwarded to the Central Agency provided for in Article 124.

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

ARTICLE 81

Medical inspections

Medical inspections of internees shall be made at least once a month. Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of internees, and to detect contagious diseases, especially tuberculosis, malaria and venereal complaints. Such examinations shall include, if possible, periodical radioscopic examination and the checking of weight of each internee.

CHAPTER 5

Religion, Intellectual and Physical Activities

ARTICLE 82

Religion

Internees shall enjoy complete liberty in the exercise of their religious duties, including attendance at the services of their faith, on the sole condition that they comply with the measures of order prescribed by the detaining authorities. The Detaining Power shall provide them with adequate premises.

Ministers of religion who are interned shall, whatever their religious denomination, be allowed to minister freely to the members of their community. For that purpose, the Detaining Power shall ensure their equitable allocation amongst the various places of internment. They shall enjoy all facilities for moving about [1] from one camp to another.

[1] The words "in case of need" have been deleted.

If there is no minister of the internees' faith, the Detaining Power shall allow religious assistance to be given by a minister of the same denomination, or failing such a minister, by a minister of a similar denomination, if such a course is feasible from a sectarian point of view.

Ministers of religion shall be at liberty to correspond on matters concerning their ministry with the ecclesiastical authorities in the country of detention.

Furthermore, *duly mandated* representatives of religious organizations, who have been chosen by agreement between the Detaining and the Protecting Powers, preferably amongst the nationals of neutral countries, may, subject to the approval of the Detaining Power, visit the internees and provide for their religious needs.

In the officials reports sent to the Governments on the condition of internees, explicit mention shall be made of the religious assistance by which they benefit.

ARTICLE 83

Recreation, instruction, sports and games

While respecting the individual liberty of every internee, the Detaining Power shall encourage the practice of intellectual, educational, and recreational pursuits, sports and games amongst internees, and shall take the measures necessary to ensure the exercise thereof, in particular by providing suitable premises.

Internees shall have opportunities for taking physical exercise and being out of doors. Open spaces shall be provided for the purpose in all places of internment.

All possible facilities shall be granted to internees to continue their studies, or to take up new subjects.

Special play-grounds shall be set aside for children and young people. The latter's education shall be ensured ; they shall be allowed to attend schools, either within the place of internment or outside.

ARTICLE 84

Labour

The Detaining Power shall not employ internees as workers, unless they so desire.

After a working period of three months, internees shall be free to give up work at any moment, subject to eight days notice.

These provisions constitute no obstacle to the right of the Detaining Power to employ medical practitioners, or persons of equivalent status and members of the medical service in their professional capacity and in behalf of their interned compatriots.

nor to the right of the Detaining Power to employ internees for administrative and maintenance work in places of internment Internees may also be detailed for work in the kitchens and for other domestic tasks.

Wages, insurance and all other working conditions shall be determined by agreements between the internees, the employers and the Detaining Power. Internees permanently detailed for the administration, kitchen, maintenance and medical services shall be paid fair wages by the Detaining Power, and shall be insured against accidents.

The Detaining Power shall take entire responsibility for working conditions and the payment of wages.

ARTICLE 85

Labour detachments

All labour detachments shall be subordinate to a camp. The authorities and the camp commandant shall be responsible for the observance in the labour detachment of the provisions of the present Convention. The commandant shall keep an up-to-date list of the labour detachments subordinate to him, and shall communicate it to the delegates of the Protecting Power, of the International Committee of the Red Cross and of other humanitarian organizations who are authorized to visit the camp.

CHAPTER 6

Personal Property and Financial Resources

ARTICLE 86

Valuables and personal effects

Internees shall remain in possession of all personal effects and personal articles. Monies, cheques, bonds, etc., and valuables in their possession may not be taken from them except by the order of an officer, or of a civilian official of equivalent status. Detailed receipts shall be given therefor.

The amounts shall be paid into the account of every internee, as provided for in Article 87. Such amounts may not be converted into any other currency without the owner's consent.

Articles of a personal or sentimental value may not be taken away.

On release or repatriation, internees shall be given all articles, monies or other valuables taken from them during internment and shall receive in currency the balance of any credit to their accounts kept in conformity with Articles 87, with the exception of any articles or amounts to be held by the Detaining Power by virtue of the alien enemy property laws in force under public international law. If internee property is withheld under the alien enemy property laws of the Detaining Power, the owners shall receive detailed certificates [1].

Family or identity documents in the possession of internees may not be taken away without a receipt given. At no time shall internees be left without identity documents. If they have none, they shall be given special documents issued by the detaining authorities, to serve as identity papers until the end of their internment.

Internees may keep on their persons a certain amount of money, in cash or in the shape of purchase coupons, to enable them to buy foodstuffs, tobacco and toilet requisites.

ARTICLE 87

Financial resources and individual accounts

All internees shall receive regular allowances, sufficient to enable them to purchase goods and articles, such as tobacco, toilet requisites, etc. Such allowances shall take the form of credits or purchase coupons, and shall be paid to all internees, regardless whether they perform labour or not.

Furthermore, internees may receive allowances from their Home Power, the Protecting Powers, the bodies which may assist them, or their next of kin. *The amount of the allowances granted by the Home Power shall, however, be identical for all internees belonging to the same category.*

The Detaining Power shall open a regular account for every internee, to which shall be credited the sums taken from him, the allowances named in the present Article, the wages earned and the remittances received. Internees shall be granted all facilities to make remittances to their families and to other dependents. They may draw from their accounts the amounts necessary for their personal expenses, within the limits fixed by the Detaining Power. A statement of accounts shall

---

[1] The wording submitted by the International Committee ran as follows:

"At the time of release or repatriation, internees shall receive in currency the amount of their credit balances. The Detaining Power shall also hand back to them all articles, bonds, valuables, etc., which may have been taken from them."

be furnished to the Protecting Power, on request, and shall accompany the internee in case of transfer.

CHAPTER 7

Administration and Discipline

ARTICLE 88

Camp administration

Every place of internment shall be put under the authority of a responsible officer, chosen from amongst the regular military forces or the regular civil administration of the Detaining Power. The officer in charge of the place of internment *must have in his possession* a copy of the present Convention, in his own language, and shall be responsible for its application. The supervising personnel shall be instructed in the provisions of the present Convention *and of the regulations adopted to ensure its application.*

The text of the present Convention shall be posted inside the place of internment, in the language of the internees, or be in the possession of the internee committee.

Regulations, orders, notices and publications of every kind shall be issued to the internees and posted inside the places of internment, in a language which the internees understand.

Every order and command addressed to internees individually must likewise be given in a language which they understand.

ARTICLE 89

General discipline

The disciplinary regime in places of internment shall be consistent with humanitarian principles, and shall in no circumstances include regulations imposing on internees any physical exertion dangerous to their health, or involving physical or moral victimization. Identification by tattooing or imprinting signs and markings on the body, is prohibited.

In particular, prolonged standing and roll-calls, punishment drill, military drill and manœuvres, *or the reduction of food rations*, are prohibited.

ARTICLE 90

Complaints and requests

Internees shall have the right to make known to the authorities in whose power they are, their requests with regard to the conditions of internment to which they are subjected.

They shall also have the right to apply without restriction through the internee committee, or if they consider it necessary direct to the representatives of the Protecting Powers, in order to indicate to them any points on which they may have complaints to make with regard to the conditions of internment.

Such petitions and complaints shall be transmitted forthwith *and without alteration.* Even if they are recognized to be unfounded, they may not occasion any punishment.

Periodic reports on the situation in places of internment and the needs of the internees may be sent by the internee committees to the representatives of the Protecting Powers.

ARTICLE 91

Internee Committees.
I. Composition

In every place of internment, the internees shall freely elect *by secret ballot* every six months, the members of a committee empowered to represent them before the Detaining and the Protecting Powers, the International Committee of the Red Cross and any other body which may assist them. The members of the committee shall be eligible for re-election.

Such elections shall be subject to the approval of the detaining Authorities. The reasons for any refusal shall be communicated to the Protecting Powers concerned.

ARTICLE 92

II. Duties

The committees shall contribute to the physical, spiritual and intellectual well-being of the internees.

In case the internees decide, in particular, to organize a system of mutual assistance amongst themselves, this organization would be within the competence of the committees, in addition to the special duties entrusted to them by other provisions of the present Convention.

ARTICLE 93

III. Prerogatives

Members of committees shall not be required to perform any other work, if the accomplishment of their duties is rendered more difficult thereby.

Members of committees may appoint from amongst the internees 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 (visit to labour detachments, receipt of supplies, etc.).

All facilities shall likewise be accorded to committee members for communication by post and telegraph with the detaining Authorities, the Protecting Powers, the International Committee of the Red Cross and their delegates, and with the bodies which give assistance to internees. Committee members in labour detachments shall enjoy the same facilities for communication with the committee in the principal camp. Such communication shall not be limited, nor considered as forming a part of the quota mentioned in Article 96.

Committee members who are transferred shall be allowed a reasonable time to acquaint their successors with current affairs [1].

CHAPTER 8

Relations with the Exterior

ARTICLE 94

Notification of measures taken

Immediately upon interning protected persons, the Detaining Power shall inform them and their Home Power, either direct or through the Protecting Power, of the measures taken for executing the provisions of the present Chapter. The Detaining Power shall likewise inform the parties concerned of any subsequent modifications of such measures.

ARTICLE 95

Internments cards

Immediately upon arrest, or not more than one week after arrival in a place of internment, likewise in case of sickness or transfer to hospital or to another place of internment, every internee shall be enabled to write direct to his family, on the one hand, and to the Central Agency provided for by Article 124, on the other, a card similar, if possible, to the model annexed to the present Convention, informing his relatives of his arrest, address and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any manner.

ARTICLE 96

Correspondence

Internees shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the

[1] The clause " Should they be dismissed... " has been deleted.

number of letters and cards sent by each internee, the said number shall not be less than two letters and four cards monthly; these shall be drawn up, in so far as possible, according to the models annexed to the present Convention. If limitations must be placed on the correspondence addressed to internees they may be ordered only by the Power of origin, at the possible request of the Detaining Power. Such letters and cards must be conveyed by the most rapid means; they may not be delayed or retained for disciplinary reasons.

Internees who have been without news for a long time, or who are unable to have news from their next of kin, or to give them news by the ordinary postal route, furthermore, those who are separated from home by great distances, shall be permitted to send telegrams, against payment of the charges in the currency at their disposal.

As a general rule, the correspondence of internees shall be written in their native language. The Parties to the conflict may allow correspondence in other languages.

ARTICLE 97

Relief shipments. I. General principles

Internees shall be allowed to receive, by post or by any other means, individual parcels or collective shipments containing in particular foodstuffs, clothing, medicaments and articles of a devotional, educational and recreational character which may meet their needs. Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present Convention.

The only limits which may be placed on these shipments shall be those which are proposed in the interest of the internees themselves by the Protecting Power, the International Committee of the Red Cross, or any other body giving assistance to the internees and which may be responsible for the forwarding of such shipments.

The conditions for the sending of individual parcels and collective shipments shall, if necessary, be the subject of special agreements between the Powers concerned.

ARTICLE 98

II. Collective relief

In the absence of special agreements between the Powers concerned on the conditions for the receipt and distribution of relief shipments, the rules and regulations concerning collective shipments which are annexed to the present Convention shall be applied.

The special agreements provided for above shall in no case limit the right of internee committees to take possession of collective relief shipments intended for internees, to proceed to their distribution and to dispose of them in the interest of the recipients.

Nor shall such agreements restrict the right of representatives of the Protecting Powers, the International Committee of the Red Cross, or any other body giving assistance to internees and responsible for the forwarding of collective shipments, to supervise their distribution to the recipients.

ARTICLE 99

III. Devotional articles, books, etc.

Internees shall have permission to receive individual parcels of books.

The Protecting Powers and the bodies giving assistance to internees may send single works and collections of books to internee camps, likewise devotional articles, scientific equipment, musical instruments, sports outfits and material allowing the internees to pursue their studies or their artistic activities.

ARTICLE 100

Free postage and transportation

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

Correspondence, relief shipments and remittances of money addressed to internees or dispatched by them through the post office, either direct or through the Information Bureaux provided for in Article 123 and the Central Information Agency provided for in Article 124, shall be exempt from any postal dues, *both in the countries of origin and destination, and in intermediate countries.*

Relief shipments intended for internees and which, by reason of their weight or any other cause, cannot be sent through the post office, shall benefit by free transport in all the territory under the control of the Detaining Power. If conveyed by rail, they shall also benefit by free transport in the territories of the other Powers party to the Convention [1].

The costs incident to the transport of such shipments and which are not covered by the above exemption shall be charged to the senders.

[1] The paragraph beginning : "Individual parcels..." has been deleted.

The High Contracting Parties shall endeavour to reduce, so far as possible, the charges for telegrams sent by internees, or addressed to them.

ARTICLE 101

Special transportation

Should military operations prevent the Powers concerned from fulfilling their obligation to assure the transport of the shipments provided for in Articles 95, 96, 97, 99 and 103 of this Chapter, the Protecting Powers concerned, the International Committee of the Red Cross or any other body duly approved by the belligerents may undertake to ensure the conveyance of such shipments by suitable means (railway cars, motor vehicles, vessels or aircraft, etc.). The High Contracting Parties shall endeavour to supply them for that purpose with such means of transport, and shall allow their traffic, in particular by granting them, the necessary safe-conducts.

The said means of transport may also be used to convey:

(a) *the correspondence, lists and reports despatched by the Central Information Agency provided for in Article 124 to the National Bureaux provided for in Article 124, or forwarded by these Bureaux to the said Agency;*

(b) *the correspondence and reports relating to internees which the Protecting Powers, the International Committee of the Red Cross or any other body assisting the internees, exchange either with their own delegates or with the belligerents* [1].

The costs occasioned by the use of these means of transportation shall be borne proportionally by the belligerents whose nationals are benefited thereby.

ARTICLE 102

Censorship and control

The censoring of correspondence addressed to internees or dispatched by them shall be effected as quickly as possible. Mail shall be censored only by the shipping State and the receiving State, and if possible, once only by each.

The examination of consignments intended for internees shall be carried out in conditions such as will not expose to damage the goods contained therein. It shall be done, if possible,

[1] The foregoing paragraphs replace the first two paragraphs of the draft submitted by the International Committee.

in the presence of the addressee, or of a fellow-internee duly delegated by him. The transmission to internees of light reading matter or educational works shall not be delayed under the pretext of difficulties of censorship.

Any prohibition of correspondence ordered by the Parties to the conflict either for military or political reasons, shall only be temporary and its duration shall be as brief as possible.

ARTICLE 103

Drafting and transmission of legal documents

The Detaining Powers shall assure all facilities for the transmission, through the Protecting Power or the Central Agency provided for in Article 124, of instruments, papers or documents intended for internees or despatched by them, in particular powers of attorney and wills.

In any case, they shall facilitate for internees the preparation of such documents, in particular by allowing them to consult a lawyer and by arranging, if necessary, for the authentication of their signatures by a responsible official, or by a member of the internee committee.

ARTICLE 104

Management of property

The Detaining Power shall afford internees all facilities compatible with internment conditions, to enable them to manage their property. *The said Power may give them for that purpose permission to leave the camp in urgent cases and if circumstances allow.*

To that effect, internees may appoint an agent to look after their interests, with whom they will be permitted to communicate.

ARTICLE 105

Suspension of suits

No measure of distraint may be taken in occupied territory against internees or their dependents, during the internment of such internees and the month following their return to their domicile. Civil suits in which internees are engaged may, on their request or on that of their agents, be suspended for the duration of the internment.

If an internee in the territory of a Party to the conflict is engaged in a civil suit, the Detaining Power shall, if required to do so by the internee or his agent, advise the tribunal of the detention of the internee, and shall take such other steps as will facilitate justice.

ARTICLE 106

Visits

Every internee shall be allowed to receive visitors, in particular their near relatives, periodically and as frequently as possible.

In urgent cases, and so far as possible, internees shall be permitted to visit their homes, particularly in cases of death or serious illness of relatives.

CHAPTER 9

Penal and Disciplinary Sanctions

ARTICLE 107

General provisions. Applicable legislation

Internees who commit offences during internment are subject to the laws of the territory where they are detained, except for the provisions of the present Chapter.

If general laws, regulations or orders declare acts committed by internees to be punishable, whereas the same acts are not punishable when committed by persons who are not internees, such acts shall entail only disciplinary penalties as punishments.

No internee may be punished more than once for the same act, or on the same count.

ARTICLE 108

Penalties

(The Conference requested the International Committee to submit a new draft of this Article.) [1]

[1] The text submitted by the International Committee ran as follows :

"The courts or authorities shall, to the widest extent possible, take into consideration, in fixing the penalty, 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 or she is in its power as the result of circumstances independent of his own will. They shall be at liberty to reduce the penalty provided for the violation with which the internee is charged, and shall therefore not be bound, to this effect, to apply the kind of penalty or the minimum penalty prescribed.

" Imprisonment in premises without daylight, and in a general manner, any form whatsoever of cruelty are forbidden.

" Internees who have served disciplinary or judicial sentences may not be treated differently from other internees.

" The duration of confinement awaiting trial of an internee shall be deducted from any disciplinary or judicial penalty involving deprivation of liberty.

" Internee committees shall be informed of any judicial proceedings against internees whom they represent, and of their results. "

ARTICLE 109

Disciplinary sanctions. Nature of penalties

The disciplinary penalties applicable to internees shall be the following :

(1) Fines up to and not exceeding fifty per cent of the *monthly* allowance and wages ;

(2) Discontinuance of privileges granted over and above the treatment provided for by the present Convention ;

(3) Fatigue duties ;

(4) For working internees, additional labour of the same kind as their usual employment and not exceeding two hours daily ;

(5) Confinement.

In no case shall disciplinary penalties be inhuman, brutal or dangerous for the health of internees. Account shall be taken of the internees' age, sex and state of health.

The duration of any single punishment shall in no case exceed thirty consecutive days. The said maximum of thirty days may not be exceeded, even should the internee, when his case is dealt with, be answerable for several breaches of discipline, whether such breaches are connected or not.

ARTICLE 110

Escapes

Internees who are recaptured after having escaped or when attempting to escape, shall be liable only to disciplinary punishment in respect of this act, even if it is a repeated offence.

Article 108, paragraph 3 notwithstanding, internees punished as a result of escape or attempt to escape may be subjected to special surveillance, on condition that such surveillance does not affect the state of their health, that it is exercised in a place of internment, and that it does not entail the abolition of any of the safeguards granted by the present Convention.

After an escape or attempt to escape, fellow-internees who aided and abetted the offender shall be liable on this count to disciplinary punishment only.

ARTICLE 111

Connected offences

Escape, or attempt to escape, even if it is a repeated offence, shall not be deemed an aggravating circumstance, if the internee is given over to the courts in respect of offences committed during his escape.

The Parties to the conflict shall see that the responsible authorities exercise the greatest leniency in deciding whether an infraction committed by an internee shall be punished by disciplinary or judicial measures, especially in respect of acts committed in connexion with the escape, whether successful or not.

In particular, offences without violence against persons, offences against public property, theft without intention of self-enrichment, the drawing up and use of false papers, shall occasion disciplinary punishment only, provided such violations have been committed with the sole intent of facilitating escape.

ARTICLE 112

Confinement awaiting trial (regime, deduction)

Facts constituting offences against discipline shall be investigated immediately. This rule shall be especially applied in cases of escape or attempt to escape. Recaptured internees shall be handed over to the competent authorities as soon as possible.

In case of offences against discipline, confinement awaiting trial shall for all internees be reduced to an absolute minimum, and shall not exceed fourteen days. Its duration shall in any case be deducted from any sentence of confinement.

The provisions of Articles 114 and 115 shall apply to internees who are under confinement awaiting trial for offences against discipline

ARTICLE 113

Competent authorities and procedure

Excepting the competence of courts and higher authorities, disciplinary punishment may be ordered only by the commandant of the place of internment, or by a responsible officer or official who replaces him, or to whom he has delegated his disciplinary powers.

The decision shall be made in the presence of the internee and of a member of the internee committee. The accused shall be able to use his means of defence.

The period elapsing between the pronouncing of a disciplinary penalty and its execution shall not exceed one month.

When an internee is sentenced to a further disciplinary penalty, a period of three days at least shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

ARTICLE 114

Premises for disciplinary punishments

Internees shall not in any case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) to undergo disciplinary punishment therein.

The premises in which disciplinary punishments are undergone shall conform to sanitary requirements; they shall in particular be provided with adequate bedding. Internees undergoing punishment shall be enabled to keep themselves in a state of cleanliness.

Men and women shall be confined separately.

ARTICLE 115

Essential safeguards

Internees given 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 hospitals.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money, however, may not be handed to them until the expiration of the sentence; such consignments shall meanwhile be sent to the internee committee, who will turn over to the infirmary the perishable goods contained in the parcels.

No internee given a disciplinary punishment may be deprived of the benefit of the provisions of Article 96 and 126 of the present Convention.

ARTICLE 116

Judicial proceedings

The provisions of Articles 60 to 67 inclusive shall apply, by analogy, to proceedings against internees who are in the national territory of the Detaining Power.

CHAPTER 10

Transfers of Internees

ARTICLE 117

Conditions

Transfers must always be effected humanely. As a general rule, they shall be carried out by rail or other means of transport, and in conditions at least equal to those for the forces of the Detaining Power, in their changes of station. If such removals have to be exceptionally effected on foot, they may not take place unless the internees are in a fit state of health, and may not in any case expose them to excessive fatigue.

The Detaining Power shall supply transferred internees with sufficient food and water, and with the necessary medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during transfer, and shall establish before their departure a complete list of all internees transferred.

Sick or wounded internees shall not be removed as long as their recovery may be endangered by the journey, unless their safety imperatively demands.

If the combat zone draws closer to a camp, the internees in the said camp shall not be transferred, unless their removal 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 118

Procedure

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

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight of such baggage may be limited, if the conditions of removal so require, but in no case to less than twenty-five kilograms per head.

Mail and parcels addressed to their former place of internment shall be forwarded to them without delay.

The commandant of the place of internment shall, if necessary, take in agreement with the internee committee any measures needed to ensure the transport of the internees' community kit and of the luggage the internees are unable to take with them, in consequence of restrictions imposed by virtue of paragraph 2.

CHAPTER 11

Deaths

ARTICLE 119

Wills, death certificates, burial, cremation

The wills of internees shall be received and drawn up under the same conditions as for the civilian population of the country of internment, *and shall be promptly transmitted to the persons designated by the internee.*

Deaths of internees shall be certified in every case by a doctor, and a death certificate shall be established, showing the causes of death and the conditions under which it occurred.

Failing a certificate issued by the district official registrar, the death certificate shall be made out and signed by the camp commandant.

The detaining authorities shall ensure that internees dying in captivity are honourably buried, if possible according to the rites of the religion to which they belonged, and that their graves are respected, properly maintained, marked in such a way that they can always be recognized, and grouped as far as possible.

Deceased internees shall be buried individually, unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, *or in consequence of the religion of the deceased, or if he or she has expressed the wish* [1]. In case of cremation, mention thereof shall be made on the death certificate of the deceased internee, with indication of the reasons.

ARTICLE 120

Internees killed or injured in special circumstances

Every death or serious injury of an internee caused by a sentry, another internee, or any other person, shall be immediately followed by an official inquiry by the Detaining Power.

A relevant communication shall be sent immediately to the Protecting Power. The testimony of any witnesses shall be taken, and a transcript of the proceedings shall be prepared and forwarded to the said Protecting Power.

If the enquiry indicates the guilt of one or more persons, the Detaining Power shall take all measures for the prosecution of the person or persons responsible.

CHAPTER 12

Release, Repatriation and Accommodation in Neutral Countries

ARTICLE 121

During hostilities or occupation

All interned persons shall be released by the Detaining Power as soon as the reasons which necessitated their internment no longer exist.

[1] The words "for religious motives" have been deleted.

The Parties to the conflict shall, moreover, endeavour, during the course of hostilities, to conclude agreements for the release, repatriation, return to places of residence or accommodation in a neutral country of certain classes of internees, in particular children, wounded and sick and internees who have been detained for a long time.

Throughout the course of hostilities or occupation, no internee may be removed to a country where he may have reason to fear persecution for his political opinions or religious beliefs [1].

ARTICLE 122

After the close of hostilities

Internment shall cease as soon as possible after the close of hostilities and, in occupied territories, at latest at the close of the occupation.

Internees in the territory of a Party to the conflict against whom penal proceedings are pending for offences not exclusively subject to disciplinary penalties, may be detained until the close of such proceedings and, if circumstances require, until the completion of the penalty. The same shall apply to internees who have been previously sentenced to a punishment depriving them of liberty.

By agreement between the Detaining Power and the Powers concerned, commissions may be set up after the close of hostilities or of the occupation of territories to search for dispersed internees.

SECTION V

Information Bureaux and Central Agency

ARTICLE 123

National Bureaux

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 the protected persons who are in its power.

Within the shortest possible period, each of the Parties to the conflict shall give its Bureau information concerning

[1] The text submitted by the International Committee ran as follows : " No internee may be repatriated, returned to his place of residence or accommodated in a neutral country against his will. "

any persons it may have arrested, subjected to assigned residence or interned.

The Bureau shall immediately forward such information by the most rapid means to the Powers of whom the aforesaid persons are nationals, or to the Power in whose territory they resided, through the Protecting Powers, and likewise through the Central Agency provided for in Article 124.

This information shall make it possible quickly to advise the next of kin concerned. The information shall include for each person his or her surname, first name, place and full date of birth, nationality, last domicile, the 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 may be sent for the person who is under arrest, in assigned residence or interned.

The Information Bureaux charged with replying to all enquiries about protected persons shall receive from the various departments concerned information respecting transfers, assigned residences, releases, repatriations, escapes, admittances to hospitals and deaths, and shall transmit such information in the manner described in paragraph 3 above.

Likewise, information regarding the state of health of internees who are seriously ill or seriously wounded shall be supplied regularly, every week if possible.

All 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 left by protected persons designated in this Article, who have been repatriated or released, or who have escaped or died, and shall forward the said valuables to those concerned. Such articles shall be sent by the Bureau in sealed packets.

ARTICLE 124

Central Agency

A Central Information Agency for protected persons, in particular for internees, shall be created in a neutral country. The International Committee of the Red Cross shall, if it deems necessary, propose to the Powers concerned the organization of such an Agency, which may be the same as that provided for in Article 113 of the Convention relative to Prisoners of War.

The function of the Agency shall be to collect all information it may obtain through official or private channels respecting protected persons, and to transmit it by the most rapid means to the countries of origin or of domicile of the persons concerned, *except in cases where such transmissions might be detrimental*

to the persons whom the said information concerns, or to their relatives. It shall receive from the Parties to the conflict all facilities for effecting such transmissions.

The foregoing provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross.

ARTICLE 125

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 100, and further, so far as possible, exemption from telegraphic charges, or at least, greatly reduced rates.

PART IV

EXECUTION OF THE CONVENTION

ARTICLE 126

Control

Representatives or delegates of the Protecting Powers shall have permission to go to all places where protected persons may be, particularly to places of internment and detention.

They shall have access to all premises occupied by protected persons and shall be able to interview the latter without witnesses, personally or through an interpreter.

Such visits may not be prohibited except for reasons of imperative military necessity, and only as an exceptional and temporary measure. Their duration and frequency shall not be limited.

Representatives and delegates shall have full liberty to select the places they wish to visit. The detaining or occupying Power, the Protecting Power and ultimately the Power of origin of the persons to be visited, may agree that compatriots of the internees shall be 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 governing the territories where they will carry out their duties [1].

[1] The paragraph beginning with the words "The Detaining or Occupying Powers..." has been deleted.

ARTICLE 127

Return to domiciles. Emigration

The High Contracting Parties shall endeavour, upon the close of hostilities or occupation, to facilitate the return to their domicile, or the settlement in a new residence of all persons who, as the result of war or occupation, are unable to live under normal conditions at the place where they may be.

The High Contracting Parties shall, in particular, ensure that these persons may be able to travel, if they so desire, to other countries and that they are provided for this purpose with passports or equivalent documents.

ARTICLE 128

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 incorporate the study thereof in their programmes of civil and military instruction, so that the principles thereof may become known to the whole of the population.

Any civilian, military, police or other authorities who, in time of war, assume responsibilities in respect of protected persons must possess the text of the Convention, and be specially instructed as to its provisions.

ARTICLE 129

Translations

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 130

Violation

Within a maximum period of two years, the governments of the High Contracting Parties shall, if their penal laws are inadequate, enact or propose to their legislative assemblies the measures necessary for the repression, in time of war, of all acts contrary to the provisions of the present Convention.

Each Contracting Party shall be under the obligation to apprehend, regardless of their nationality, the persons accused of acts contrary to the present Convention, and in conformity with its own laws or with the Conventions prohibiting acts that

may be defined as war crimes, to indict such persons before its own tribunals or, *if it prefers*, to hand them over for trial to another Contracting Party.

Final Provisions

ARTICLE 131

Languages

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

ARTICLE 132

Signature

The present Convention, which bears the date of this day, is open to signature for a period of six months, that is to say, until the ....., in the name of the Powers represented at the Conference which opened at ..... on .....

ARTICLE 133

Ratifications

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

A procès-verbal of the deposit of each instrument of ratification shall be drawn up, copy of which, certified to be correct, shall be transmitted by the Swiss Federal Council to the Governments of all countries in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 134

Effect

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

Thereafter, it shall come into force for each High Contracting Party ..... after the deposit of the instrument of ratification [1].

---

[1] The XVIIth International Red Cross Conference decided to leave to the Diplomatic Conference the care of fixing the periods provided for in this Article, while recommending that they should be as brief as possible. The same remark applies to Article 137.

ARTICLE 135

Effect on previous Conventions

The present Convention shall replace, in respect of the matters treated therein, the Convention of The Hague relating to the Laws and Customs of War, both as regards that of July 29, 1899, as that of October 18, 1907, in relations between the High Contracting Parties.

ARTICLE 136

Accessions

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

ARTICLE 137

Notification of accessions

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

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

ARTICLE 138

Immediate effect

The situations provided for in Article 2 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict, before or after the outbreak of hostilities. The Swiss Federal Council shall communicate by the quickest means any ratifications or adhesions received from Parties to the conflict.

ARTICLE 139

Notice of termination

Each of the High Contracting Parties shall be at liberty to denounce the present Convention. The notice of termination shall not take effect until one year after the notification thereof has been made in writing to the Swiss Federal Council. The latter shall communicate such notification to the Governments of all the High Contracting Parties.

The denunciation shall have effect only in respect of the High Contracting Party which has made notification thereof.

Furthermore, this denunciation shall not take effect during a conflict in which the denouncing Power is involved. In such a case, the present Convention shall continue binding beyond the

period of one year, until the conclusion of peace, and in any case until the operations connected with the release and repatriation of the persons protected by the present Convention are terminated. *Lastly, the denunciation shall in no way impair the other obligations, even if similar, by which the denouncing Party is bound under any other rules of international law.*

ARTICLE 140

Transmission to the United Nations

The present Convention shall be forwarded by the Swiss Federal Council *to the United Nations Organization, for the purpose of registration* [1]. Similarly, ratifications, accessions and notices of termination which are notified to the Swiss Federal Council shall be communicated by them to the United Nations Organization.

Reservations

On the occasion of the XVIIth International Red Cross Conference, reservations were recorded in respect of the following Articles :

GOVERNMENT OF DENMARK :	Articles 3, 25, 29 and 89.
GOVERNMENT OF NORWAY :	Articles 41, 47, 57, 60, 88 and 130.
GOVERNMENT OF TURKEY :	Article 100.
GOVERNMENT OF THE UNITED STATES :	Articles 18, 55 and 80

---

[1] The words " A certified copy of the present Convention shall be deposited in the archives of the United Nations " have been deleted.

THE INTERNATIONAL COMMITTEE IN PALESTINE

Readers of this " Revue " have been regularly informed during the past year of any particular events or striking incidents which have marked the International Committee's activities in Palestine. They have been told of the work done by a small team of doctors and nurses who have participated in many tragic events and whose unflagging endeavours to alleviate distress have sorely taxed their strength and courage.

The most remarkable result of their work and example is the fact that Red Cross principles and methods are gradually becoming familiar to populations to whom they were hitherto unknown. These people have been taught to respect the person of disarmed enemies and to treat them with humanity, in accordance with the provisions of the Geneva Conventions. Both civil and military authorities have by degrees grasped the obligations involved in the application of the Geneva Conventions, and in the promise made in April 1948 to respect the provisions of these agreements. A great educational achievement is shown in the fact that between six and seven thousand persons are now duly assembled in camps, where they receive regular relief and benefit by the basic safeguards granted to prisoners of war. These men are thus protected from arbitrary or unjust treatment which might have placed them in a most critical situation. Furthermore, many thousands of refugees, who had kept strictly aloof from military operations, have received timely assistance, particularly medical attention and sanitation of camps, thanks to the relief schemes carried out by the International Committee — the scope of which could have been far greater, if funds had permitted. Confronted by the situation in Palestine the Committee have once again assumed the duties laid upon them by the Conventions in the field of humanitarian initiative.

* * *

During November and December 1948, the Committee's delegation in Palestine embarked on fresh tasks, both general and particular. Reference should first be made to the repatriation of twenty-four disabled Jewish ex-servicemen interned at Mafraq, who were conveyed back to Tel-Aviv after crossing the lines at Latrun. The able-bodied prisoners of war remaining at Mafraq were provided with sleeping bags, taken from the small stock remaining at the Committee's disposal. The gift was much appreciated at this time of the year. Furthermore, acting as a neutral intermediary, the delegation managed to purchase, with funds supplied by the Jewish authorities 650 beds for the prisoners at Mafraq and Damascus. The delegation continues to act as agent for the transmission of mail to the prisoners on both sides ; endeavours are made in particular to speed up the work of the censorship. It has been ascertained that the prisoners on both sides are, generally speaking, in a good state of health ; they are given all essential food rations and are humanely treated. Living conditions are not, however, wholly up to the standard laid down in the Conventions, and it is still difficult to secure complete and exact nominal rolls. Important information, such as changes of camps or addresses and notifications of illness, is still frequently delayed. Regular contacts with the camp leaders elected by the prisoners might be more frequent, but the delegates are often faced by the reluctance of subordinates, who are over-suspicious or unfamiliar with the principles of the Conventions. These men do not fully understand that the Committee's delegates are strictly impartial and neutral, that they work in behalf of the prisoners of both parties and that the value of their activities is enhanced whenever the principle of reciprocity can be adduced, in order to secure improvements for all concerned. The educational side of the delegates' basic work, to which allusion has been made, is to disseminate these basic principles, the practical value of which was fully demonstrated during the recent war.

The Committee achieved an important result by securing the repatriation of disabled prisoners, according to the lines laid down in the Conventions.

The Committee's delegation is also concerned with assisting

the civilian internees (of whom there are only a small number) and the aliens who found themselves in enemy territory at the outbreak of hostilities. Such people are usually interned by the belligerents, particularly if they are of military age. Failing any Convention for the protection of civilians, the International Committee had, in 1939, obtained that this category of persons should enjoy the protection afforded by the Conventions relating to military prisoners of war. In Palestine, the question did not arise, as both parties of their own accord placed such civilians on the same footing as prisoners of war, and treated them accordingly. This applies in particular to the Arabs in Jewish hands.

The Committee's delegates also give their services to the Arab committees which have been formed in territories under the control of the Israeli forces, and act on their behalf when required. The Civilian Message scheme and the tracing system continue to yield good results, and the correspondence handled by the various delegations increases week by week.

* * *

With the winter season, the task of finding and distributing relief supplies for the victims of events in Palestine has become more important, as concerns both prisoners of war and the many refugees driven by military operations from their usual places of residence and scattered over the country. The prisoners of war have received gifts through the Committee's delegations. Allusion has been made to the supplies provided for Jewish prisoners in Arab hands, but the Arabs in Jewish hands have also been cared for, and the delegates were able to hand them parcels sent by next of kin. The regular forwarding of relief supplies still encounters difficulties. Thus, about thirty tons of miscellaneous relief supplies intended for Arab prisoners are stocked in Beirut. It would be fairly easy to convey them by sea to Haifa for distribution in the Jewish zone. Unfortunately, the Arab authorities refuse to allow transport by sea; the supplies thus held up will have to be sent overland, which means passing through the fighting lines —

a risky business, as the delegates well know. Since no other route is available, local agreements have to be made for the exchange of relief trucks. On November 23, fourteen motor-trucks each carrying five tons, were exchanged between the lines, on the proposal of the Committee's delegation and under its supervision. The delegation was also able to send urgently required medical supplies to the Egyptian forces surrounded in the Faluja pocket.

The supply of relief to hospitals has also continued ; steps have been taken for the protection of such establishments in the fighting zone, but this again is a matter of some difficulty. The position of the Jerusalem Government Hospital had for some time caused great anxiety. After being taken under the Committee's protection on the departure of the British forces in May 1948, events occurred which placed this Arab hospital in the Jewish area and later on, in the fighting zone. A most critical situation arose which threatened the hospital's very existence. For several weeks arrangements were discussed for removing the Arab personnel ; the talks were finally concluded and on November 19 the entire staff, taking their personal belongings, left the Jewish area for the Arab zone. The Committee's flag was flown on the building from the outbreak of hostilities and proved an effective safeguard ; the protection of the emblem ensured the perfect safety of the building, together with that of the patients, staff and equipment. Thus, an Arab hospital was able to function in the Jewish zone, and still more remarkable, in the front line, without loss of life, despite the military operations carried on in the immediate vicinity. This remarkable achievement was above all due to the courage and perseverance of three of the International Committee's nurses, Mlles. Weber, Thorin and Giauque, who managed to keep up the morale of the staff and inmates, and successfully resisted any attempt at interference on the part of the combatants. The evacuation of the building took place in accordance with an agreement proposed and negotiated by the delegation, the Jewish authorities accepting to take over the entire management of the hospital, which remains under the Committee's protection and continues to function under

their auspices. The new administration also undertook to be guided at all times by the counsel and suggestions of the Committee's delegation.

Other hospital centres have the support and material help of the delegation, including the various policlinics set up in the areas where refugees have been assembled, in particular at Jericho, Beir-Zeit, Ramallah, Rafah and Gaza. With the assistance of several donors, including the Egyptian Government and the American Red Cross, the delegation in Gaza has relieved some 50,000 refugees. By the services of the Committee's delegates and nurses, 3,000 persons receive daily food-rations, chiefly flour, rice and sweetened condensed milk. Clothing, too, is distributed.

The following quotation from a letter sent by one of the nurses shows how greatly this assistance is required and how much remains to be done.

" The distress everywhere is unspeakable ; we feel helpless in the midst of so many hungry people. On October 11, we left at 7 a.m. for the refugee camps where I found my patients. I thought I should find conditions distressing, but within certain bounds ; in fact, distress here is really unbounded, and we feel as if our efforts were but a drop in the ocean. Extra arms and legs would be necessary to do a little more. There is a shortage of everything. We are given ten or twelve rolls of bandage only for the 120 to 150 patients we handle daily ; hardly any ointments, whereas we could use a kilo each morning. How can one treat so many cases of scabies, when even water is lacking ? It is really painful to see the children's gums suffering through lack of vitamins. We need fruit, vegetables and vitamins by the ton. What is the use of a piece of bread and a single tomato to fill an empty stomach ? These poor women whose only clothing consists of a filthy shawl and an old pair of knickers ; their only wealth the precious coins they wear on their foreheads ! So many bare feet, with heels raw from too much walking, with swollen and infected toes. All these unfortunates pin their hope on the " little blue ladies " (Red Cross nurses), to whom they can turn for bodily relief. That is a bare outline of a picture in which one point stands out — the cemetery, where every morning fresh palm-leaves mark new graves. "

* * *

New Relief Schemes for Palestine Refugees

The constant appeal for help made by the International Committee and the League of Red Cross Societies has fortunately led to new and important developments. At the request of the late Count Bernadotte, their mediator in Palestine, the United Nations had started a limited relief project. On the suggestion of Secretary-General Trygve Lie, the problem was put before the General Assembly in Paris and a new plan was outlined. At the close of October, M. Lie sent two representatives to Geneva to discuss the relief question with the Committee and the League. The Secretary-General proposed to submit to the Assembly the appointment of a United Nations Director for relief to Palestine refugees, who would in turn call upon two or three private organizations, to be responsible for the distribution of relief supplies in the Palestine territory proper and the neighbouring Arab states. M. Lie wished to be informed what the position of the International Red Cross would be, and whether it could be relied upon for this work. Following on these preliminary discussions, the Third Commission of the U. N. proposed to the General Assembly that a grant of 29,500,000 dollars should be voted for relief to some 600,000 Palestine refugees from December 1, 1948, to August 31, 1949. The funds would be subscribed by Governments, whether members or not of the U. N. ; they were to serve for the purchase of food, clothing, blankets, shelters, medicaments and medical equipment, and for transport. Certain Governments would no doubt supply relief in kind.

This extensive scheme was agreed to in principle and a first instalment of five million dollars was placed at the Secretary General's disposal, to allow immediate practical steps. M. Lie then called upon three private organizations—the International Committee of the Red Cross, the League of Red Cross Societies and the American Friends Service Committee to put the plan into action.

The principles governing the Committee's action were embodied in an agreement made on December 16, 1948, with the U. N. Director for Relief in Palestine, Mr. Stanton Griffis,

United States Ambassador in Cairo. Under this agreement, the U. N. act as an ordinary donor, to whom the International Committee undertake to send operational reports and financial statements. The U. N. fully recognise, however, the wholly independent and autonomous character of the International Committee, who will take all responsibility for distributions without being in any way subordinate to the United Nations Organisation. The Committee were particularly anxious that their independent status should be clearly specified, since they wish to maintain their present position of neutral intermediary in the Palestine conflict, particularly as regards prisoners of war,

The three private organizations responsible for the issue of relief to Palestine refugees will each have a separate working area, while their activities will be closely co-ordinated. The Committee will cover (1) the regions under the control of the Jewish forces, and (2) Central Palestine from Jenin to Hebron. The American Friends Service Committee will operate in Southern Palestine (Gaza) and the League of Red Cross Societies will issue relief in Syria, Iraq, Lebanon and Transjordan.

The Committee have appointed M. Alfred Escher to direct their relief action. M. Escher will act as " Commissioner of the International Committee of the Red Cross for Relief to Palestine Refugees ". Similar functions will be filled by Mr. H.P.J. van Ketwich Verschuur (former General Director of the Netherlands Red Cross) for the sector covered by the League of Red Cross Societies, and by Mr. Bell, of the Friends Service Committee.

After a week spent in a preliminary survey in Palestine early in December, Mr. Escher drew up plans for practical action. On December 24 a start was made in Beirut, whence 40,000 blankets were dispatched for Palestine refugees. Furthermore, 450 tons of dates taken from the stocks left over from the initial relief scheme started by U. N. were sent to the same destination early in January.

The Committee's organization has two principal centres, (1) Beirut, for relief to the Arab areas in Palestine, and (2) Haifa, for the territory under Jewish control. Teams of workers, chiefly doctors and nurses, have been enlisted ; their task will be to ensure the proper distribution of relief in the shape of

food and clothing, and to supervise health conditions among the refugees living in the towns or in assembly centres.

It has been decided to send such teams to Nablus, Ramallah, Jerusalem, Jericho, Bethlehem, Hebron and Nazareth. During January, the entire machinery will be set up locally, and large quantities of flour, rice, dates, blankets and tents will be issued, provided the U. N. project can be realised according to schedule.

In January 1948, the Committee were already making a study of the humanitarian aspect of the Palestine conflict, and had sent out a team for survey and first-aid. They are glad to continue, through the U. N. scheme, helping the chief victims of the Palestine conflict, namely the refugees, while pursuing their customary relief work for prisoners of war.

REVUE INTERNATIONALE
DE LA CROIX-ROUGE

ET

BULLETIN INTERNATIONAL DES SOCIÉTÉS
DE LA CROIX-ROUGE

SUPPLEMENT

February, 1949 Vol. II, No. 2

CONTENTS

	Page
Meeting of Presidents of the Standing Commission of the International Committee of the Red Cross and of the Board of Governors of the League.	62
Resignation of M. G. Dunand	63
Remarks on the Training of Red Cross Nurses and Voluntary Aids, and their Activities in time of War	64
Revision of the Tenth Hague Convention of October 18, 1907 for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of 1906	91

Published by
Comité international de la Croix-Rouge, Genève
Editor: Louis Demolis

MEETING OF PRESIDENTS OF THE STANDING COMMISSION OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS AND OF THE BOARD OF GOVERNORS OF THE LEAGUE

In its Resolution No. XIII, the XVIIth International Red Cross Conference recommended that the three Presidents members of the Standing Commission of the International Red Cross Conference should meet at least once between the bi-annual sessions of the said Commission.

A first meeting of the three Presidents took place in Stockholm, shortly after the assassination of Count Bernadotte. This meeting was called specially to consider what measures should be taken in view of Count Bernadotte's untimely death.

The last session of the Standing Commission having taken place in September 1948 and the next being convened for April 1949, the first regular meeting of the three Presidents was held in Geneva on February 2, 1949. It was attended by M. André François-Poncet, President of the Standing Commission, M. Paul Ruegger, President of the International Committee of the Red Cross, and M. B. de Rougé, delegated by the Chairman of the Board of Governors of the League, Mr. Basil O'Connor, who was unable to come to Geneva. M. W. Sloper, Secretary to the Standing Commission, also attended.

Various matters of common interest to the International Committee and the League were discussed, in particular the relief scheme in behalf of Palestine refugees and the repatriation of Greek children. In connection with the first of these items, the following statement was issued :

RED CROSS ASKS FOR SPEED-UP IN RELIEF FOR PALESTINE REFUGIES

M. André François-Poncet, President of the Standing Commission of the International Red Cross Organisation, M. Paul Ruegger, President of the International Committee of the Red Cross and M. B. de Rougé, representing Mr. O'Connor, Chairman of the League of National

Red Cross Societies, met in Geneva on February 2, to examine, amongst other matters, the reports received on the relief work undertaken in behalf of the Palestine refugees. This relief scheme was decided upon in principle by the United Nations at their last Assembly, which entrusted a large part of its execution to the bodies constituting the International Red Cross, without prejudice to their autonomy.

MM. François-Poncet, Ruegger and de Rougé noted that, in spite of numerous, practical, moral and psychological difficulties, the work had started and was progressing satisfactorily. They felt it their duty, however, to recommend that Governments who had agreed to cooperate in the scheme, should give their practical help at the earliest possible moment. The situation of the refugees is still critical; distress is acute and the needs immense. Lack of funds alone hampers and defers the purchase and issue of relief supplies, which are anxiously awaited by several hundred thousand homeless persons who are utterly destitute.

RESIGNATION OF M. G. DUNAND

The International Committee regret to announce the resignation of a member of their Central Management, M. Georges Dunand, Director-delegate, who has returned to the service of the International Labour Office.

M. Dunand took up his duties with the International Committee in October 1944, as their delegate in Bratislava; in the following year he was appointed head of the Committee's delegation in Czechoslovakia. He was appointed Assistant Secretary-General at Geneva in December 1945, and Director-delegate in March 1946. He was responsible for the Relief Division, the Medical Division and the Information Section.

After attending the Pan-American Red Cross Conference at Caracas, M. Dunand visited on behalf of the Committee the Governments and Red Cross Societies of all the States of Latin America (Jan.-July, 1947).

REMARKS ON THE TRAINING OF RED CROSS NURSES AND VOLUNTARY AIDS, AND THEIR ACTIVITIES IN TIME OF WAR [1]

I. Introduction

During six years of war and bloodshed in most countries of the world, the medical personnel of the Red Cross laboured without flagging under conditions which were invariably difficult, sometimes very trying and often highly dangerous. The devotion of this personnel was beyond praise and deserves the gratitude of all.

It is not within the province of the International Committee to give an account of the work accomplished so admirably, day after day, by Red Cross Nurses and Voluntary Aids in all belligerent countries. The National Societies alone possess the details for an outline of this fine achievement. The Committee, however, would like to indicate briefly in this Report the rules, on the international plane, which govern the medical services of the Red Cross in time of war, and the problems which have arisen during these recent years relating to the work of Nurses and Voluntary Aids, and which might admit of better solutions.

In general, we feel that the rules which govern the work of Red Cross medical personnel should derive from the basic principles that serve as a foundation for the work of the Red Cross as a whole. Equally, they should be in accord with the " Geneva Convention for the Relief of the Wounded and Sick in Armies in the Field ", several Articles of which regulate the

[1] XVIIth International Red Cross Conference, Stockholm, August 1948. — Report of the International Committee of the Red Cross. Under Point III (d) of the Agenda of the Health, Nursing and Social Assistance Commission.

position of the medical personnel who co-operate with the Army Medical Service.

II. Fundamental Principles of the Red Cross

It is not an easy matter briefly to define the fundamental principles which guide the work of the Red Cross in time of war, nor the aims it has in view. The National Red Cross Societies, which had their origin in the compassion for the wounded dying on the battle-field at Solferino for lack of attention, were set up in every country to support the Army Medical Services by caring for the sick and wounded of the fighting forces, irrespective of nationality or party, and thus to mitigate the sufferings caused by war, or any form of armed conflict. Such support indeed requires, in time of peace, the preparation of ample equipment and the recruiting of considerable numbers of qualified personnel.

Since 1863, this work of relief for wounded men of the forces has remained the paramount aim of the National Red Cross Societies in time of war, but in the course of their development these Societies have by degrees extended their work of mercy to prisoners of war and to the civilians who are victims of war.

In order to avoid any duplication or overlapping, the practical work of every National Red Cross Society has been planned in close co-operation with those official or voluntary bodies of its own country that were working with the same object. This was especially the case with the Army Medical Services, under the orders of which the Red Cross Medical personnel is temporarily placed, in an auxiliary capacity in time of war. Such close co-ordination with the official agencies should, however, leave the National Societies sufficient independence to enable them entirely to preserve their character as private organizations. The Red Cross, which recruits its members irrespective of sex, race, religion or political opinion, must be able to carry on its work impartially and free from any political considerations, in the case both of international warfare and of civil disturbances.

III. The Geneva Convention [1]

In order to put into practice the fundamental principles described, and to implement them by practical relief work which might be carried on without obstruction in all countries in case of war, this work had to be given recognition by an international treaty. Such was the origin of the Geneva Convention of 1864. This agreement forms the legal basis of all relief work for the sick and wounded of the forces in war time. Although it does, to a slight extent, limit the sovereign power of the Governments of the belligerent countries in time of war, all the States finally ratified this Convention. Such adherence means then that the signatory States and the peoples whom they represent have voluntarily agreed to this limitation of their sovereign power, because they have recognized the supreme value of the principles of human solidarity which inspired this Treaty. This is a tribute paid by the Governments to the Red Cross.

The Geneva Convention of 1864 lays obligations not only on the sixty-six States which have hitherto signed and ratified it, but also on the medical personnel which it protects. The Convention was revised in 1906 and 1929. As a result of the experience gained in the second World War, it is today once more in process of revision, in order to make it better suited to present-day conditions, but its main principles, laid down in 1864 and confirmed in 1906 and 1929, will not be appreciably altered. It may be hoped that, by the adoption of the new Convention for the protection of civilians, the safeguards which the Convention now restricts to the sick and wounded of the forces, may be extended to cover the civilian victims of war and the medical personnel and equipment required for the satisfactory working of all hospital services.

When the Governments have made known their views on the various draft amendments or additions to the present Conven-

[1] This abbreviation will frequently be found in this paper, and refers to the Geneva Convention for the Relief of the Wounded and Sick in Armies in the Field (1929).

tions, the Committee, in response to a request it has received, proposes to publish a summary which will inform the public of the rulings laid down by the Conventions. It has however appeared useful to the Committee to state briefly for the National Societies the rights conferred by the Geneva Convention upon Red Cross Nurses and Voluntary Aids in time of war, as well as the obligations it lays upon them. The International Committee has frequently observed that this personnel was perhaps not always sufficiently well-informed on these matters.

First, it should be noted that the Convention does not specifically mention Red Cross Nurses and Voluntary Aids, but that the Articles which apply to the "personnel of Voluntary Aid (Relief) Societies duly recognized and authorized by their Government" do in fact refer to them. (Cf. Arts. 9 and 10.) For the sake of concision, this personnel is often called "Protected Personnel".

Since, under the Convention, Red Cross medical personnel are subject to the same rules as the Army medical personnel, the comments which follow therefore apply equally to all Nurses and Voluntary Aids in time of war, in so far as they are under the orders of the Army medical services of the belligerent forces, or of the National Red Cross (Red Crescent, Red Lion and Sun) Societies and other Voluntary Relief Societies recognized by their Government.

According to the Convention, the medical personnel of the belligerent forces and that of the voluntary relief societies which assist them in time of war, have the right—and the duty—to care for the sick and wounded of the forces *without distinction of nationality*. (Cf. Art. 1.)

To this end, the medical personnel shall be respected and protected "in all circumstances". This protection was recognized by the Convention to enable the medical personnel to give aid without hindrance to the wounded and sick of both parties and of all nationalities ; but, as a corollary, the medical personnel is under the obligation to give the same treatment and equal care to friend and foe alike. This protection is granted only to medical personnel "engaged *exclusively* in the collection, transport and treatment of the wounded and sick"

of the forces, and to the personnel employed in the administration of medical units under military authority. (Cf. Art. 9.)

The Convention moreover stipulates that "the military authorities may appeal to the charitable zeal of the inhabitants to collect and afford medical assistance, under their direction, to the wounded or sick of armies and may accord to persons who have responded to this appeal special protection and certain facilities". (Cf. Art. 5).

The Convention also stipulates that mobile medical units, as well as the fixed establishments of the medical service shall be respected and protected (Cf. Art. 6) ; the buildings and equipment of the medical establishments may not be diverted from their purpose or requisitioned, except in case of urgent necessity, and then "only after the welfare of the wounded and sick has been secured" (Cf. Art. 16).

To sum up, the various articles of the Geneva Convention, in general, state clearly that, in order to secure the best care possible for the wounded and sick combatants in time of war, the commanders of the belligerent forces bind themselves, on a basis of reciprocity, to exclude from hostilities not only the sick and wounded themselves, but the personnel who care for them, the buildings which shelter them and any equipment which is for their treatment or use.

Such advantages, however, involve certain obligations for those who benefit by them, and the protection granted to medical establishments ceases, "if they are made use of to commit acts harmful to the enemy". (Cf. Art. 7.) Medical units may therefore not exceed their duty of giving aid : they must not take advantage of their position, to the detriment of the enemy. This means a heavy responsibility for the medical personnel, for any failure to observe this rule imperils the life of all the sick and wounded. It may, however, be noted that medical personnel are authorized to have arms and to use them if attacked, but exclusively in their own defence and in that of the sick and wounded in the care of the unit (Cf. Art. 8).

Even if they fall into the hands of the enemy, medical personnel have the advantage of certain facilities. Throughout the period of their detention, they may continue to carry out

their duties in the care of the sick and wounded under the direction of the belligerent Power, which is bound to provide them with "the same food, the same lodging, the same allowances and the same pay as are granted to the corresponding personnel of their own armed forces" (Cf. Art. 13).

The Convention at present in force stipulates that, while in the hands of the enemy forces, the medical personnel shall "preferably be engaged in the care of the wounded and sick of the belligerent to whom they belong", (Cf. Art. 12), but this does not constitute an obligation on the Detaining Power, and the medical personnel should be ready in all circumstances to care for the sick and wounded combatants without distinction of nationality.

The main principle governing the position of medical personnel who fall into the hands of the enemy is that they should be repatriated. As a rule, "they shall be sent back to the belligerent to whom they belong as soon as a route for their return shall be open and military considerations permit". (Cf. Art. 12). But this Art. 12, par. 2, and Art. 14, par. 4, of the 1929 Convention relating to the Treatment of Prisoners of War allow belligerents to come to an agreement to retain in the camps members of the medical personnel for the purpose of caring for their prisoner fellow-countrymen. During the second World War, repatriation of medical personnel took place only on a small scale, the belligerents having agreed to retain a considerable proportion of them. When drafting the revised text of the Geneva Convention, experts of the various countries have devoted particular attention to this problem. Some would like to see repatriation maintained as a first principle; others would prefer to have it replaced by the principle of retaining such personnel, even to the length of advocating that they should be considered to be prisoners of war. The International Committee, for its own part, is endeavouring to find a solution which would ensure both for the sick and wounded of the forces and the prisoners of war, the benefit of the best possible care. Whatever the course adopted, the revised Geneva Convention should clearly lay down what the treatment of retained medical personnel should be, as the present texts give hardly an indication.

With a view to establishing their identity, all members of the medical personnel (except "temporary" personnel, a relatively small category, whom it is unnecessary to consider here), have to wear an armlet bearing a red cross on a white ground, issued and stamped by the responsible military authority (Cf. Art. 21).

Moreover, the personnel proper of the Army medical service shall be provided with an identity certificate consisting either of an entry in their paybook, or of a separate document.

As for the personnel of the National Red Cross Societies who do not wear Army uniform, they have to be provided with an identity certificate with photograph.

In no case may the medical personnel be deprived of their badges or identity certificates ; in case of loss, they shall have the right to obtain duplicates.

It is well that Nurses and Voluntary Aids should know that the emblem of the red cross on a white ground is the distinctive emblem of the medical service of the forces (Cf. Art. 19) and of the Red Cross units which are auxiliary to it, and that, under the Convention, this emblem must serve exclusively to indicate the units, establishments, personnel and equipment protected by the Convention (Cf. Art. 24).

In time of war, no one may use the emblem of the Red Cross or hoist its flag without having previously obtained the permission of the competent military authority (Cf. Art. 20). Moreover, the Convention likewise recognizes, with the same reservations concerning its use, the emblem of the red crescent or the red lion and sun on a white ground for the countries which before 1929 adopted these emblems in place of the red cross (Cf. Art. 19).

Finally, it should be noted that the signatory governments are under the obligation to take the necessary steps to instruct not only their armed forces, but also the protected personnel in the provisions of the Convention (Cf. Art. 27).

* * *

We have briefly indicated the principles of the Red Cross and the rulings of the Geneva Convention which govern the work of the medical personnel. These might serve as a guide to the National Societies in deciding, according to the circumstances in each country, on the best means of training the medical personnel whom they enlist.

The International Committee also desires to touch on certain definite problems of the work of the Nurses and Voluntary Aids which arose during the second World War. This report must of necessity have some digressions, since it has to deal with particular and unrelated points, but we hope it may nevertheless provide useful suggestions for the National Societies who are seeking to develop their medical services, and to improve the training of their Nurses and Voluntary Aids.

IV. Practical application of the Convention to various problems relating to the work of Red Cross Nurses and Voluntary Aids in time of war

(a) *Protection*. The protection afforded by the Geneva Convention to Red Cross medical personnel in time of war has not always been clearly understood by Nurses and Voluntary Aids, who have often only a rather vague and sometimes mistaken conception of the rights and duties which are theirs by the terms of the Convention. As seen above, such protection is limited to the medical personnel which works in the hospital units under the orders of the Army medical service. Since their formation, certain National Societies have greatly extended their field of activity : they have undertaken work which goes far beyond the original aim of the founders of the Red Cross. Thus, in certain countries, the National Societies have organized and directed relief schemes in behalf of civilian war victims, such as refugees and evacuees, or even for the combatant forces, for whom the Red Cross has opened recreation centres, canteens and supply centres in the railway stations, and so on. All the staff assigned to this relief work wore Red Cross uniform, and the emblem of the Red Cross on a white ground was

used to indicate the premises where this welfare work was carried on.

This use of the emblem, contrary to the very terms of the 1929 Convention, caused a certain amount of confusion, in particular amongst the women workers enrolled by the National Societies to do this welfare work. Since they wore Red Cross uniform the Voluntary Aids thought, in all good faith, that they were placed under the protection of the Geneva Convention, and when captured by enemy forces, they asked to be repatriated under Articles of the Convention which could not apply to them. It is true that the experts who are engaged in drafting a new Convention for the protection of civilians in time of war, are anxions that the personnel working in civilian hospitals in time of war should have protection similar to that of the personnel of military hospitals. We trust that this draft Convention will be accepted, but at present it has not yet been submitted for the approval of the Governments. With regard to the personnel employed in welfare work for combatant forces, it should be realized that they will not be able to enjoy any special protection. Their duties lie outside the scope of the specifically neutral and impartial activities which are provided for under the Convention. It appears desirable that this form of work should be carried out under some emblem other than the Red Cross, even when used in its "descriptive" sense only. This would avoid confusion with the emblem used in its "protective" sense, which must retain its full value in time of war for persons, establishments and equipment that are legitimately entitled to use it. (In this connection see Report No. 8 of the International Committee).

(b) *Obligations of Nurses and Voluntary Aids.* — In time of war or civil disturbances, when Nurses and Voluntary Aids join the Red Cross to work in medical units, they should be duly informed that, in addition to their responsibilities towards the sick and wounded in their care, they have definite duties towards the authorities of their own country and, at the least, moral obligations associated with the emblem of the Red Cross, under the protection of which they carry out their work.

It is not our intention here to define the professional duties of nurses towards the sick and wounded in their care, nor their duties towards the doctors under whose orders they work. They have been instructed in these duties during the course of their years of training. During the recent War, however, they were too often ignorant of the fact that the laws of their own country might in due course be applied to them.

In time of war, it is difficult to forecast the course of events : many countries were invaded at such speed that before the Governments withdrew from office, abandoned the country, or made submission to the enemy Power, they were unable to make a sufficiently wide circulation of instructions to Nurses and Voluntary Aids as to the attitude they should adopt to the occupying authority. This uncertainty created much difficulty and distress. Some Nurses and Voluntary Aids, taking their stand on the principles of neutrality which form the basis of the Convention, believed they had the right to join the Red Cross or the medical service of the occupying Power—a course which entailed grave consequences for them. At the end of the war, when they returned to their own country, they were arrested, tried and in many cases convicted for having broken the laws of their own country. The International Committee ventured to call the attention of the National Societies and Governments to this debatable problem (Cf. Report No. 15, submitted to the Legal Commission of the Stockholm Conference, Point III of the Agenda).

To avoid a repetition of such distressing incidents, it would be advisable that Nurses and Voluntary Aids receive instructions on the attitude they should observe towards the occupying Power. We should therefore like to urge that every National Society, in agreement with the responsible Government authorities, should consider how it may best instruct Red Cross Nurses and Voluntary Aids in their war-time responsibilities under the laws of their own country.

It seems, too, that Red Cross Nurses and Voluntary Aids should be better acquainted with the practical significance of the moral obligations associated with the emblem of the Red Cross which protects them, and the duties incumbent on them

in applying the Geneva Convention signed by their Governments. We have seen that, besides nursing the sick and wounded of the forces both of friend and foe, with equal care, they have to refrain from any "acts harmful to the enemy". Do Nurses and Voluntary Aids fully realize the meaning of the expression "acts harmful to the enemy" ? It seems to us necessary that every National Society should, in agreement with its Government, define this term, and that clear instructions should be given to all members of the medical personnel on this point.

To give an instance, there can be no question of using a dressing station or a hospital to shelter combatant forces or members of a resistance movement who are neither wounded nor sick, to hide ammunition, or to transmit information which might serve the forces of one or the other party. Such action is incompatible with the clauses of the Convention, and does harm to the Red Cross, by destroying the confidence upon which it rests.

In order to avoid errors of this kind occurring through ignorance of the terms of the Convention, it seems imperative that, in application of Art. 27, Red Cross Nurses and Voluntary Aids should be duly informed of the clauses of the Convention which they have to observe. It might even be advisable for them to sign an undertaking in this sense when joining the active service of the Red Cross in time of war.

In addition, it would be useful to have a copy of the Geneva Convention issued to each medical unit of the Red Cross. This document should be available to nurses, particularly when, to avoid infringement of the Convention, they must refuse access to their unit by persons who have no right to take refuge there. We are aware that, in certain circumstances, the strict application of the clauses of the Convention demands much self-sacrifice and discipline on the part of Red Cross personnel. We fully understand, for instance, that Nurses and Voluntary Aids, who may suffer greatly when their country is occupied by enemy forces, find it very difficult to observe a neutral attitude which prevents them from taking part in national resistance movements, and allows them only to tend the sick and wounded. A great sacrifice is thus demanded of the per-

sonnel by the Convention which protects them—the greater since, during the recent World War, feeling ran so high and was so strong that the neutral attitude imposed on the medical personnel was not always understood by the public. In certain instances, this attitude was interpreted as an expression of sympathy towards the enemy or the occupying forces ; the result was that offence was given and accusations made which were very painful to those who were the subject of such criticism.

To-day, three years after the end of the war, feelings of hatred are far from being allayed everywhere. It seems that the National Societies and Governments should take active steps in order to make known to the public the obligations implicit in the Geneva Convention, and to show the dignity of the actively neutral attitude which all members of the medical personnel protected by this Convention have to observe in case of war. The public should be convinced that, although they take no part in the defence of their land in time of war, Red Cross Nurses and Voluntary Aids serve their country equally well by their devotion to the care of the sick and wounded, by their loyal observance of the terms of a Convention signed by their Government, and by their defence, on the international plane, of those principles of mutual aid which it is to the credit of nations to observe.

(c) *Identity Certificates.*— In time of war, the personnel protected by the Convention must wear conspicuously on their left arm an armlet bearing the emblem of the Red Cross, issued and stamped by the military authority. This rule was laid down in order that medical personnel should be duly placed under the military authority, alone competent to issue the armlet which, in the eyes of the fighting forces, confers the right to respect and protection. Even though the wearing of an armlet is not practical in a medical unit, it is a duty in time of war, in the fighting zones in particular, and the National Societies would do well to see that this rule is observed. Moreover, if the military authorities, after stamping the armlets, give the National Red Cross the task of issuing them, care

should be taken that the brassards are handed only to persons who, under Arts. 10 and 21 of the Convention, are legally entitled to wear them.

We have already seen that, in order to be recognized as protected personnel under the Convention, Red Cross Nurses and Voluntary Aids must be provided by the competent military authority with an identity certificate with photograph. It may be recalled in this respect that, after thorough consideration by the International Standing Commission for the Study of Medical Equipment, the International Red Cross Conference adopted a standard type of identity certificate, which is described in the annexe (Cf. Annexe 1). The Draft Revised Geneva Convention lays down conditions for identity certificates, in future to be standardized, on the model of that approved by the International Red Cross Conference, with the addition of finger-prints.

During the recent War, a considerable number of Red Cross Nurses and Voluntary Aids who were taken prisoner with the medical units to which they were attached, were unable to produce the regulation documents certifying their status as members of personnel protected under the Convention, because the formalities which should have been carried out by the military authorities had too often been disregarded. For this reason they were unable to get the advantages to which they were entitled in captivity, or to be repatriated : they applied thereupon to the International Committee to claim the certificates. These applications of course had to be forwarded to their country of origin, where the military authorities were alone competent either to supply the identity certificates which had not been issued when the personnel took up their duties, or else to provide a duplicate of those which had been lost during the war.

In many cases, negotiations to obtain these certificates took several months, and it was often impossible to get Red Cross Nurses and Voluntary Aids repatriated, in default of proof that they had actually been enrolled in the Army or Red Cross medical services. The International Committee ventures to draw the attention of the National Societies to the need, in

time of war, for issuing an armlet and identity certificate to every Red Cross Nurse and Voluntary Aid before she leaves on active service.

It should be remembered that it is of paramount importance that Red Cross Nurses and Voluntary Aids should know that, in case of capture by the enemy forces, the Convention entitles them to keep their armlets and identity certificates, and that these should not be given up.

In addition, we consider that the National Societies would find it of great advantage to ask their Governments to make out every identity certificate in duplicate, one copy being handed to the owner and the other kept on record in a safe place, to serve as a substitute in case of need.

(d) *Use of the Red Cross Emblem.*—The Red Cross emblem was adopted in order to indicate the presence of sick and wounded combatants to the enemy, with a view to his giving them protection, as well as to the personnel, buildings and equipment required for the transport and care of the said sick and wounded. The emblem was assigned in the first place to the medical services of the forces, and then to the National Red Cross Societies and other recognized voluntary relief societies, which carry on the same work as auxiliaries of the medical service. On condition that they abide by the terms of the Convention, National Red Cross Societies have the right to use the Red Cross emblem in time of war for their work in behalf of the sick and wounded of the forces, but neither the National Societies nor their personnel are entitled, from a strictly legal point of view, to use the Red Cross emblem for any other purpose.

However, no Government has to our knowledge denied the right to a Red Cross Society to continue in time of war to use the emblem in the descriptive sense, in the course of the traditional work which they carry on in peace time (such as the care of sick civilians). The Draft Revised Geneva Convention, while safeguarding the use of the emblem as far as possible, aims at bringing the law on this point into line with practice and common sense.

In any case, it cannot be too often stressed that the emblem

of the red cross on a white ground is, above all, the symbol of the Geneva Convention. This treaty gives it a high significance, by making it in fact the symbol of the protection surrounding the sick and wounded of the forces, the buildings which shelter them, the personnel which brings them relief and the equipment devoted to their care. Therefore every precaution should be taken in order that the emblem be used only within the limits fixed by the Conventions, or by an *ad hoc* agreement between the Powers concerned. It is only on these terms that respect for it can be maintained and its authority safeguarded.

The fact must be admitted that, in the course of the recent wars and usually through ignorance, many abuses of the emblem of the Red Cross have occurred. The International Committee has deplored this fact, for any improper use of the Red Cross has the immediate effect of arousing the mistrust of the enemy, who then considers that he has the right to disregard the immunity conferred by the Red Cross. Whenever it was possible, the International Committee has taken steps to see that the improper use of the emblem should cease.

V. New Methods of Aid to the Sick and Wounded

(a) *Functional Training.* — Particular mention should be made of the fact that during the war, the medical services of the forces assisted by the medical branch of the Red Cross, sought to give the sick and wounded combatants the benefit of the best and most up-to-date therapeutic methods. But in some countries these aims were considerably hampered by the shortage of medicaments and medical equipment. Red Cross nurses have had opportunity, in the course of the intensive work of these last six years, to learn the technique of certain new methods of treatment, particularly in the field of functional training of the war-disabled, and their re-settlement in independent life. Great progress has been made in this branch of therapy. The functional training of injured limbs starts at the bedside of the wounded as soon as treatment begins, and is now part of the daily attention given by nurses and nursing auxiliaries.

(b) *Social Assistance.*—The type of service which the National Societies have given the Army medical service varied widely from one country to another, but great efforts have been made by all to give the most efficient form of help to the sick and wounded. In general, it should be remembered that there has been a great development of the social assistance services, since it is now generally understood that the worry caused by personal or family difficulties too often hinders the recovery of a patient. The social worker now has an important part to play in wartime Army medical units : she is an essential factor in the satisfactory working of such establishments.

(c) *Occupational Therapy.*—With the purpose of hastening the recovery of the wounded and sick suffering from atrophy, anchylosis or partial paralysis, and of making their recovery more complete, some military hospitals have introduced what is known as "occupational therapy". This service, placed under medical supervision, provides the patients with minor manual tasks, such as embroidery, weaving, plastic moulding, carpentry, pottery, etc. Their purpose is to give graded exercise to injured or stiffened limbs and to restore their strength and suppleness. Excellent results have been achieved by these means.

(d) *Hospital Libraries.*—Mention should also be made of the recent development of libraries in military hospitals. Reading matter has always been given to the wounded and sick to help them to bear the tedium of idleness in any long-term treatment. Now, however, much more care is being given to the choice of such books and publications. In some cases, the attention of the patients should be drawn to subjects which may give them moral support and comfort ; in others, general education, cultural knowledge and technical training are required. The direction of hospital libraries is now in the hands of trained staff and psychologists, who advise the patients in the choice of their reading matter. This education by reading is often supplemented by short talks on a variety of subjects.

(e) *Artistic Education.* — Some hospitals have decorated their wards and the patients' rooms with reproductions of

famous works of art. Exhibitions of this kind, which are frequently changed, have apparently met with great success, and many patients belonging to all classes and walks of life now display an interest in the history of art.

These few examples of recent developments in treatment given in military hospitals are not recommended for adoption without modification in all countries. Each country has its own traditions, customs, and habits, as well as its own culture: to these the methods of intellectual aid and social work must therefore be adapted. It seems useful, however, to illustrate by examples the practice now in favour of completing physical care by therapy in the psychological, intellectual and moral fields. Despite the skill shown in care of this kind, many sick and wounded will never wholly regain their former strength. Patients should have not only medical treatment, but also the teaching and encouragement that will help them professionally, intellectually and morally, and in their work for a livelihood. They will then be able to look forward to the future with greater courage.

Certain National Red Cross Societies have been successful in doing admirable work of this kind during the War. However, to achieve such effective results in so many varied fields, a large, well-trained and properly qualified staff is required.

VI. Training of Nurses and Voluntary Aids

Professional Training. — We will not refer here to the general question of additional training for certified nurses for service in time of war, nor to the theoretical and practical First Aid courses in sick-nursing which should be followed by Voluntary Aids who wish to serve as nursing auxiliaries. These questions have already been dealt with in reports to the last two International Red Cross Conferences (Cf. Document No. 18 : Training of Nurses and Voluntary Aids for service in case of War or Public Calamity, submitted in Tokyo, 1934 ; and Document

No. 1 : Establishment of Relief Services, submitted in London, 1938). The principles laid down in these Reports still appear to hold good, provided National Societies adapt them to present-day circumstances and current therapeutic methods. But in the light of experience gained within the last ten years, we should like to add to these Reports details on certain specific points which we consider have an important bearing on the work of the Red Cross medical services in time of war.

(a) *Development of the Nurse's resourcefulness.* — In the Red Cross medical services, nurses are often confronted by unforeseen circumstances. During the recent war, in certain forward areas and at certain times, the shortage of medical equipment and medicaments was very serious, and the nurses had to give effective treatment with makeshift means. Nurses who have had long years of service in well-equipped hospitals are ill prepared for work where ingenuity and improvisation are required. We therefore stress once more how important it is for Red Cross nurses to take courses in first aid, and to develop their enterprise and talent for improvisation.

(b) *New Tasks.* — As we have already seen, great progress has recently been made in the functional training of injured, stiff and atrophied limbs. The role of Nurses and Voluntary Aids in this field of therapy is most important and the Nursing Department of all National Red Cross Societies should, we feel, devote particular attention to training Red Cross Nurses and Voluntary Aids for this specialized care.

Social work too, having gained the important place it deserves in the service of military hospitals in time of war, the National Societies would find it useful to train qualified personnel to undertake this duty, or to employ the requisite number of trained social workers to provide such attention.

The same observations apply to the branch of "occupational therapy" ; here again, qualified staff is required to ensure the successful working of these services.

Lastly, there should also be provision for engaging staff competent to organize lending libraries in the hospitals, and

having the skill and experience needed for planning intellectual and moral welfare work to help the recovery of the sick and wounded combatants.

In time of war, Nurses and the Voluntary Aids who assist them as Nursing Auxiliaries are entirely absorbed by the work of caring for the sick, and it is clear that they should leave a great part of the services mentioned above to Voluntary Aids who have specialized in social and intellectual assistance.

In order that all these services may work smoothly and simultaneously in a hospital, great care must be given to their co-ordination. Attention must also be paid to the direction of the Red Cross staff, to strict discipline and to adherence to a single aim, that of giving care in the most effective way to the victims of war, this duty coming before any other consideration.

VII. Direction and Co-ordination of work in time of war.

(a) *Central Direction of Women Members of Medical Personnel.* — To ensure the efficiency of Red Cross services in the field in time of war, it would be advisable to set up a central organization in each country for all the women members of medical personnel of the Red Cross. The central direction should be entrusted to qualified women representatives who have the confidence of Nurses and Voluntary Aids, working in close contact with the corresponding official departments of the Government and Army services. In certain countries, it is the Nursing Department of the Red Cross that, in time of peace, accepts the responsibility of enrolling the requisite number of Nurses and Voluntary Aids, of fixing their respective duties and training them for the work they may be called upon to do in time of war or calamity. It seems, therefore, appropriate for the Head of the Nursing Department to undertake responsibility for the central organization of the said Red Cross medical personnel in time of war. She should see to it that the allocation

of staff amongst the medical units is made with care and that a sufficient number of nurses are enlisted to direct and supervise the voluntary aids, who assist them as voluntary nursing auxiliaries. This acceptance of authority is logical and necessary, if the Red Cross is to escape criticism when mistakes are made in the treatment of a patient. It is a matter for regret that this rule was not always observed during the recent War: there were instances of medical establishments run with a staff composed exclusively of voluntary nursing auxiliaries. In those circumstances these voluntary aids had to undertake duties which were beyond their capacity, and in these hospitals the sick and wounded did not always receive the required care.

During hostilities it frequently occurs that the number of wounded brought in necessitates the opening of auxiliary hospital units: at other times the number of wounded falls, and it is then possible to close certain hospitals temporarily. Staff headquarters should therefore provide for a flexible organization and a sufficient reserve of medical personnel to meet the most severe emergencies. If the Red Cross does not possess reserve teams, ready for duty, it then becomes necessary to withdraw nurses from hospitals which are relatively overstaffed. Such nurses form new units and are replaced by the most qualified of the voluntary nursing auxiliaries. In time of war, arrangements of this kind are frequent, but the organization of such transfers is one of the difficult duties of Staff headquarters, and calls for a knowledge of the individual qualifications of every nurse and voluntary aid in the Red Cross service. To meet these demands, it would be necessary in time of peace to draw up in each Red Cross Nursing Department a card-index, recording full particulars of all members of the medical personnel whom the National Society can call upon.

We should also like to point out how important it is for the staff management to be kept accurately informed, through regular reports, of the work accomplished by the Nurses and Voluntary Aids in each appointment they hold. Such reports should be supplemented, as often as possible, by visits from members of the Central Direction to the personnel on duty in

the medical units. These talks are necessary to enable the Management to arrange for suitable allocations of staff, and they serve to encourage the nurses in their work, often thankles enough, by reminding them of the spiritual significance of the most humble duties, carried out as part of the Red Cross task of service.

(b) *Team Work.*—In each medical unit, co-operation between Doctors, Nurses, Nursing Auxiliaries and other classes of Voluntary Aids of the Red Cross should be flawless. For general good relations, there must be a cultivation of good will at all times between the various groups of the medical personnel. With this end in view certain National Societies build up teams composed of all the necessary elements to run a hospital unit. By constant practice, the members of these teams train for working together, co-ordinating their particular duties and carrying them out with discipline and in a spirit of fellowship. These conditions prove to be essential for accomplishing the often arduous and trying task that will face the teams in time of war.

It must however be admitted that it is not always easy to get Nurses and Voluntary Nursing Auxiliaries to work harmoniously together, as their respective duties with the patients may give rise to a certain amount of competition. When, however, there is understanding and mutual trust between these two groups of the medical personnel, differences quickly fade. To promote this good will it seems advisable, as far as possible, to give the practical training of the Nursing Auxiliaries into the hands of the Nurses who will later have to direct them in Red Cross service in the field. In time of war, it would be a pity if through ignorance of the qualifications of their assistants, the Nurses discouraged them by using them only for menial tasks of doubtful value. If, on the other hand, the Nurses give work to the Voluntary Aids for which they have inadequate experience, unfortunate consequences may result for the patients.

If efficient and smooth co-operation is to be established between members of the staff of a medical unit, the duties of eacho ne should be clearly fixed, strict discipline should

be observed by all, and staff headquarters should encourage the team spirit, so necessary for members of a Red Cross medical unit.

VIII. Responsibility of the National Societies towards Nurses and Voluntary Aids

(a) *Civil Responsibility.*—Even in the medical services which have the best organization and direction, it may sometimes happen, especially when the personnel is overworked, that through an oversight or by an accident, errors in giving treatment occur, and that serious and may be irremediable results follow for the health of the sick and wounded. The Committee wishes to draw the attention of the National Societies to the legal consequences which such errors or accidents may have. In some countries, the National Societies, Nurses and Voluntary Nursing Auxiliaries themselves can be held responsible financially for such errors. It would therefore be advisable for the National Societies to study the relevant laws of their country, so that the Red Cross personnel in their employ may be safeguarded against the risk of being sued for damages. That might be done, for instance, by taking out appropriate civil liability policies in their behalf.

(b) *Accident and Sickness Insurance.*—It is advisable that Red Cross Nurses and Voluntary Aids should be insured against risks in their work in time of war. In several countries, if our information is correct, agreement has been reached between the National Society and its Government, and all Red Cross personnel working in units covered by the Geneva Convention are insured against sickness, accidents and disablement, in the same way as members of the medical service of their national armed forces. Likewise, if a Nurse or Voluntary Aid loses her life on active service, the next of kin receives compensation similar to that given to the next of kin of a member of the medical personnel of the armed forces who dies in similar circumstances.

If a Red Cross unit is captured by the enemy forces, and the Nurses or Voluntary Aids of that unit fall ill or sustain an accident in the performance of their duties under the direction of the enemy Power, we consider that Article 13 of the Geneva Convention should be applied in the spirit, if not the letter, and that the Detaining Power should give them medical treatment, daily care, maintenance and the compensation to which they are entitled until their return to their own country.

It may occur that, as a result of illness or accident during captivity, Red Cross Nurses or Voluntary Aids may continue after repatriation to be totally or partially disabled. In such a case they should be awarded compensation or pension. In their interests, it would be preferable that the payment of such allowances be guaranteed to them by some organization in their own country. Also, if a Red Cross Nurse or Voluntary Aid dies in captivity, compensation should be paid to her next of kin through some national organization.

The Committee is fully aware of the great courage and self-sacrifice of nurses who volunteer for work in medical units at the front without being deterred by any danger or risk. It has too, had experience of the distressing position of members of medical services who have become disabled as a result of illness contracted in captivity. Consequently, it wishes to draw the attention of the National Societies to these questions of social insurance, which were not fully settled in all countries during the second World War.

(c) *Remuneration of Red Cross Personnel.*—Finally, we should like to touch on a difficult question which has been of concern to several National Societies : it is that of remuneration of staff employed in Red Cross services in time of war. The said Societies have asked the Committee if Red Cross principles allow them to pay wages or give allowances to their staff, particularly to the Nurses and Voluntary Aids.

In 1863, when the founders of the Red Cross recommended the creation in every country of relief societies, with a view to training "voluntary" male nurses to care for the wounded on the field of battle, it was clearly meant that these men should

not only offer their services for work which they considered of high moral significance, but that they should perform it without remuneration. This was probably the intention at the time, but the economic situation in those days was not what it is now. At that period, in all countries, there were many people who were sufficiently well off to enable them to offer their services without remuneration.[1] To-day, the number of people who can work without salary is much smaller. On the other hand, in time of war, National Societies have increased responsibilities and duties, and it is imperative that they enlist the requisite number of Nurses and Voluntary Aids who are best qualified by efficiency, character and devotion to the ideal of the Red Cross. At first sight, it would seem that the National Societies should have latitude in the matter of paying, in some way or other, those who cannot regularly give their services without remuneration. But the problem requires study, and the Advisory Committee of Nurses of the League of Red Cross Societies has asked that the study which was begun, on the principle of voluntary service in the Red Cross as applied to Nurses and Voluntary Aids in time of peace and in time of war, should be pursued by the League and the Committee. The Advisory Committee also recommended that in connexion with this study, National Societies should send in to the Secretariat of the League a full report on the organization of the services and training of their voluntary personnel. (Cf. in this connexion Recommendation No. 11 of the IXth Session of the Advisory Committee of Nurses).

IX. Conclusions.

During the second World War, the Committee received only scanty information about the work done in each country by the Nurses and Voluntary Aids of the Red Cross. The Committee

[1] It is of interest to note that in the meeting of the "Committee of Five" held on March 17, 1863, Henry Dunant suggested that the voluntary male nurses "should be enrolled for temporary service and receive pay for the duration of their employment".
See *Revue*, Dec. 1948, p. 870.

is nevertheless aware that their devotion to duty was beyond all praise and that the immense amount of work accomplished by them was of a very high order. In our opinion, the few errors or confusions which did occur could be avoided in future by a stricter application of the clauses of the Geneva Convention, better training of the medical personnel, and a more clearly defined and improved organization of the medical services of the National Societies.

To find a solution to questions of administration and training is relatively easy. This is not so with the difficulties that arise in time of total warfare, when it comes to applying the main principles of the Red Cross. We are then faced with differing points of view, which are hard to reconcile as long as the hatred aroused by inhuman methods of warfare still persists.

Immediate and protracted efforts are required in this field, since public opinion in the countries most seriously stricken by invasion and occupation is not prepared to admit that Red Cross personnel must in time of war preserve a non-belligerent attitude. We admit that neutrality of this kind, the logical outcome of the obedience to Conventions signed by the national governments, goes beyond the immediate requirements of national defence. Yet we must emphasize that such a policy serves the best interests of the country, since its objects are to relieve the distress of victims of the war and to conserve the highest moral values of mankind.

It is because it remains outside all conflict of a national, political, economic or social character, that the Red Cross can perform its work of relief in time of war or civil strife, and it is because it respects private convictions and the individual rights of all, without distinction, that the Red Cross opens the way to international reconciliation. The Red Cross should patiently seek to restore respect for these fundamental rules of conduct and should make them known not only to the personnel enlisted by the Red Cross Societies, but also to all classes of the population in all countries. When the day comes that the peoples of all nations adhere with conviction and loyalty to those principles of solidarity and mutual aid which underlie all Red Cross work, then war will cease ; the Red Cross will

have achieved its primary aim, and it will then be able to devote all its efforts to relief in time of peace.

* * *

ANNEXE

IDENTITY CERTIFICATES

(A) *Neutrality Armlet.* (Prescribed by the Geneva Convention of 1929, Art. 21.)

(B) *Identity Certificate.*

(1) The certificate of identity, required by Art. 21 of the Geneva Convention for medical personnel not wearing army uniform, consists of the document known as the identity card.

(2) This document may be either a simple or a folded card. The front and back may only be used for recording standard details applying equally in all countries. The inside of the folded card may bear the items which each country considers advisable (period of validity, special duties of the bearer, possible transfers, and so on).

(3) The card shall be of cardboard or stiff paper and may be put in a case to keep it in good condition.

(4) The card shall bear the emblem of the Geneva Convention.

(5) Recommended dimensions: length 14 centimetres; breadth 10 centimetres. (5½ × 4 inches).

Obverse

(6) The items shall be numbered as follows,

(a) *Top:*

Country
Organization to which the bearer belongs
The words " Identity Card "
Number of the card

(b) *Underneath in the following numerical order:*

1. Name of bearer
2. First names
3. Place of birth

4. Date of birth
5. Height
6. Colour of eyes
7. Visible distinguishing marks
8. Signature of the bearer
9. Signature of the Chairman of the organization attesting to the accuracy of the particulars given
10. Place and date

N. B. — In no case may the medical personnel be deprived of their badges or identity certificates. (Extract from Art. 21 of the Geneva Convention, par. 5.)

Back.

11. Photograph firmly affixed. Length of head shown 2 cm. at least
12. Stamp of the organization, partly covering the photograph
13. Embossed stamp of the military authority
14. Name of the responsible military authority and signature
15. Place and date.

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

TITLE

CONVENTION .....
FOR THE RELIEF OF WOUNDED, SICK AND SHIPWRECKED MEMBERS OF ARMED FORCES ON SEA [1]

CHAPTER I

General Provisions

ARTICLE I

Respect of the Convention

The High Contracting Parties undertake [2] to respect, and to ensure respect for the present Convention in all circumstances.

---

[1] In view of the peculiarly technical nature of the Revised Draft Maritime Convention, the Legal Commission of the XVIIth International Red Cross Conference left its study to a Sub-commission of naval experts. The said Sub-commission stressed the desirability of revising the Xth Hague Convention and adapting it to the Geneva Convention. Such revision was, however, a task requiring the most careful scrutiny, owing to the circumstances which are particular to maritime warfare. Seeing the number and importance of the amendments tabled by members of the Sub-commission, and as several maritime Powers were not represented by naval experts, the Sub-commission passed a recommendation that a further meeting of Government Experts be held before the coming Diplomatic Conference.

[2] The words " in the name of their peoples " have been deleted.

ARTICLE 2

Application of the Convention

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

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

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

In all cases of armed conflict not of an international character[1] which may occur in the territory of one or more of the High Contracting Parties, each of the adversaries shall be bound to implement the provisions of the present Convention. The Convention shall be applicable in these circumstances, whatever the legal status of the Parties to the conflict and without prejudice thereto.

ARTICLE 3

Obligatory character

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

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

ARTICLE 4

Application by neutral Powers

Neutral Powers shall apply by analogy the provisions of the present Convention to the wounded and sick, and to members of the medical personnel and to chaplains of belligerent armed forces interned in their territory.

ARTICLE 5

Special agreements

Besides the agreements expressly provided for in Articles 23, 26, 33 and 35, the Parties to the conflict may conclude special agreements for all matters concerning which they may deem it

[1] The words "especially cases of civil war, colonial conflicts, or wars of religion" have been deleted.

suitable to make separate provision. Such agreements shall in no case adversely affect the situation of the wounded and sick, or of the members of medical personnel and of chaplains, as defined by the present Convention, nor restrict the rights which it confers upon them.

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

ARTICLE 6

Acquired rights

Wounded and sick, as also members of the medical personnel and chaplains, may in no circumstances abandon[1] partially or wholly the rights conferred upon them by the present Convention, and, should the case arise, by the particular agreements provided for in the foregoing Article.

ARTICLE 7

Protecting Powers

The present Convention shall be applied with the co-operation and under the supervision of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. To this effect, the Protecting Powers may appoint, apart from their diplomatic staff, delegates from amongst their own nationals, or from amongst the nationals of other neutral Powers. Such delegates shall be subject to approval by the Power near which they will carry out their duties. *The said Power may only refuse its approval if serious grounds are adduced.*

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

ARTICLE 8

Activity of the International Committee of the Red Cross

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

---

[1] The words "be induced by constraint or by any other means of coercion" have been deleted.

ARTICLE 9

Substitutes for Protecting Powers

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

Furthermore, if wounded, sick and shipwrecked, members of the medical personnel and chaplains do not benefit, or cease to benefit, by the activity of a Protecting Power or of the said body, the Party to the conflict in whose hands they may be, shall be under the obligation to make up for this lack of protection by inviting either a neutral State or an impartial humaniitarian agency, such as the International Committee of the Red Cross, to assume in their behalf the duties devolving by virtue of the present Convention on the Protecting Powers.

Whenever the Protecting Power is named in the present Convention, such reference also designates the bodies replacing the said Power in the sense of the present Article.

ARTICLE 10

Procedure of conciliation

Whenever the Protecting Powers consider it desirable in the interest of wounded, sick and shipwrecked, and of members of medical personnel and chaplains, particularly in the event of disagreement between the Parties to the conflict regarding the application of the provisions of the present Convention, the said Powers shall lend their good offices in order to facilitate such application.

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

CHAPTER II

Wounded, Sick and Shipwrecked

ARTICLE 11

Protection and care

Members of the land, sea and air forces and *the other* persons designated in Article 3 of the Convention of ..... relative to the treatment of Prisoners of War who may be on sea and who are wounded, sick or shipwrecked, shall be respected and protected in all circumstances.

They shall be treated humanely and cared for by the belligerent in whose power they may be, without any distinction of race, nationality, religion or political opinions, or any other distinction founded on similar criteria. *Priority treatment is permissible only for urgent medical reasons.*

Women shall be treated with all consideration due to their sex [1].

ARTICLE 12

Status

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

Uninjured shipwrecked persons found at sea who do not freely surrender shall not be captured or detained against their will on board a hospital ship.

ARTICLE 13

Surrender of wounded

All warships of a belligerent Party shall have the right to demand that the wounded, sick or shipwrecked on board military hospital ships, hospital ships belonging to relief societies

[1] In connexion with this Article and in all similar cases, i. e. whenever reference is made to an Article or a paragraph of another Convention, the Sub-commission of naval experts recommended that the final draft of the Maritime Convention should quote as foot-notes the full text of the Article or paragraph to which reference is made.

or to private individuals, merchant vessels, yachts and other craft shall be surrendered, whatever their nationality, provided that the wounded and sick are in a fit state to be moved.

ARTICLE 14

Wounded taken on board a neutral warship

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

ARTICLE 15

Wounded landed in a neutral port

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

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

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

Any warship arriving in a neutral port shall have the option, with the consent of the neutral Power, of landing wounded, sick or shipwrecked persons who may be on board.

ARTICLE 16

Search for the shipwrecked and the dead

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

ARTICLE 17

Communication of information Prescriptions regarding the dead

Belligerents shall communicate to each other as soon as possible, according to the procedure described in Article 112 of the Convention of . . . . . relative to the

Treatment of Prisoners of War, the names of the wounded, sick, shipwrecked and dead discovered and collected, together with any indications which may assist in their identification.

They shall establish and forward to each other, by the same channel, certificates of death or, in lieu thereof, duly authenticated lists of the dead, *together with one half of the identity discs of the dead, which should be of a standard pattern, the other half to remain attached to the body.*

They shall likewise collect and exchange by the same channel, all articles of a personal nature having an intrinsic or sentimental value which are found in captured vessels or on the dead.

Bodies shall not be cremated, except for imperative reasons of hygiene or for motives *based on the religious tenets of the deceased.* In case of cremation, the circumstances and motives shall be stated in detail in the death certificate of the cremated person.

Belligerents shall ensure that burial on land or at sea, or cremation of the dead, *carried out individually as far as circumstances permit,* is preceded by a careful, and if possible medical examination of the bodies, with a view to confirming death, establishing identity and enabling a report to be made.

They shall further ensure that the dead are honourably interred, if possible according to the rites of the religion to which they belonged, that their graves are respected, assembled if possible and marked so that they may always be found. To this effect, they shall organize at the commencement of hostilities an official graves registration service, to allow subsequent exhumations and to ensure the identification of bodies, whatever the ulterior site of the graves, and the possible transportation to the home country. These stipulations likewise apply, so far as may be, to the ashes, which shall be kept by the graves registration service until the close of hostilities.

As soon as circumstances permit, and at latest at the end of hostilities, these services shall exchange the lists of the graves and of the dead interred in their cemeteries and elsewhere.

Should wounded, sick, shipwrecked or dead be collected by neutrals, the latter shall assume towards the belligerents the obligations indicated in the preceding paragraphs.

ARTICLE 18

Appeals to merchant and private vessels

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

Vessels responding to this appeal, and those having of their own accord collected wounded, sick or shipwrecked persons shall be granted, *as far as possible*, special protection and facilities to carry out such assistance.

They may in no case be captured on account of any such transport ; in the absence of any promise to the contrary they shall, however, remain liable to capture, *should facts occur which justify such capture by virtue of the rules of maritime warfare.*

CHAPTER III

Hospital Ships

ARTICLE 19

Military hospital ships

Military hospital ships, that is to say, ships built or equipped by the Powers specially and solely with a view to assisting the wounded, sick and shipwrecked, may in no circumstances be attacked or captured, but shall at all times be respected and protected by the belligerents, *on condition that their gross tonnage is not less than one thousand tons, that their names and descriptions have been notified to the belligerent Powers and that the handing out of this notification has been confirmed by the Protecting Power thirty days before the said ships are employed.*

ARTICLE 20

Red Cross and private hospital ships

Hospital ships utilized by National Red Cross Societies, by officially recognized relief societies or by private persons shall likewise be respected and exempt from capture, if the belligerent Power on which they depend has given them an official commission, *in so far as the provisions of Article 19 concerning tonnage and notification have been complied with.*

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

In the same conditions, coastal life-boats of low speed, not exceeding twelve knots, of small tonnage and attached to a fixed base, which are employed by private persons or officially recognized relief associations, shall benefit by the same protection as the vessels described in paragraph 1.

ARTICLE 21

Neutral hospital ships

Hospital ships utilized by National Red Cross Societies, officially recognized relief societies, or private persons of neutral countries shall be respected and exempt from capture, on condition that they have placed themselves under the control of one of the belligerents, with the previous consent of their own Governments and with the authorization of the belligerent concerned, *in so far as the provisions of Article 19 concerning tonnage and notification have been complied with.*

ARTICLE 22

Hospital ships in besieged ports

Notification of a hospital ship, as provided for in Articles 19, 20 and 21, shall not be effective if, at the time of the communication made by the Protecting Power to the belligerent Powers, the ship is in a port which is besieged by land or sea and in imminent danger of being occupied.

ARTICLE 23

Removal of wounded

When circumstances permit, local arrangements may be entered into between the belligerents for the removal of the wounded and sick by sea from a besieged or encircled area and for the passage of medical personnel and equipment intended for the said area.

ARTICLE 24

Hospital ships in occupied ports

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

ARTICLE 25

Use of hospital ships

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

Governments undertake not to use these ships for any military purpose.

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

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

ARTICLE 26

Rights of belligerents

The belligerents shall have the right to control and search the vessels mentioned in Articles 19, 20 and 21. They can refuse their help, order them off, make them take a certain course, and put a commissioner temporarily on board ; they can even detain them for a maximum period of seven days *from the time of interception*, if the gravity of the circumstances requires.[1]

As far as possible, the belligerents shall enter in the log of the hospital ship, in a language he can understand, the orders they give the captain of the vessel.

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

ARTICLE 27

Stay in a neutral port

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

ARTICLE 28

Transformation of merchant vessels

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

ARTICLE 29

Lapse of protection

The protection to which hospital ships and sick-bays are entitled cannot lapse unless they are used to commit acts harmful to the enemy, and after due warning, naming a reasonable time limit, which warning is unheeded.

In particular, hospital ships provided with wireless or any other means of communication shall not be in possession of a secret code. All their communications shall be made in clear.

The following conditions shall not be considered as justifying the withdrawal of protection :

(1) The fact that the crew of these ships is armed for the maintenance of order and for the defence of the sick and wounded.

---

[1] The Sub-commission of naval experts considered it desirable that the status and powers of the commissioner named in this Article should be subsequently defined.

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

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

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

CHAPTER IV

Personnel

ARTICLE 30

Personnel of hospital ships

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

ARTICLE 31

Personnel of captured ships

The religious, medical and hospital personnel of any captured ship shall be respected and protected; they may continue to carry out their duties as long as this is necessary for the care of the wounded and sick.

The members of such personnel shall be held in captivity only in so far as the state of health, the spiritual needs and the number of prisoners of war demand. Under the authority of the Detaining Power and particularly of its medical service, the personnel thus detained shall continue to carry out their medical or spiritual duties, in accordance with their professional ethics, for the benefit of prisoners of war, preferably those of their own nationality.

The foregoing provision does not relieve the Detaining Power of its obligations to provide medical and spiritual care to prisoners of war.

Members of personnel designated in the present Article shall not be deemed to be prisoners of war, but shall enjoy all the rights of the latter. To allow them to carry out their humanitarian duties under the best possible conditions, the detaining authorities shall grant them, as far as is necessary, certain privileges, particularly

as to correspondence relating to their special duties, the election of a spokesman from amongst themselves and such travel facilities, with or without escort, as may be necessary for their work. Belligerents shall grant such personnel the same allowances and the same pay as to the corresponding personnel in their own forces.

Upon the outbreak of hostilities, belligerents shall make agreements as to the corresponding ranks of medical personnel.

ARTICLE 32

Return to the belligerents

Members of personnel designated in Article 31, whose detention in captivity is not made indispensable by the exigencies mentioned in the said Article, shall be returned to the belligerent on whom they depend as soon as a route is open for their return and military considerations permit. Pending their return, they shall not be regarded as prisoners of war, but shall enjoy all the rights of the latter.

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

ARTICLE 33

Selection of repatriates

The selection of repatriates by virtue of the foregoing Article shall be made irrespective of any consideration of race, religion or political opinion, but preferably according to the chronological order of their capture and their state of health.

As from the outbreak of hostilities, belligerents may determine by special arrangement the percentage of personnel to be retained captive, in proportion to the number of prisoners and their distribution in the camps.

CHAPTER V

Material

ARTICLE 34

Protection of sick-bays

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

CHAPTER VI

Medical Transports

ARTICLE 35

Transport of medical equipment

Ships chartered for that purpose shall be authorized to transport medical equipment, provided their routes and duties have been notified to the adverse Power *and approved by the latter. The adverse Power,* duly advised, shall preserve the right to board, but not to capture them.

By agreement amongst the belligerents, neutral observers may be placed on board such ships to verify the medical equipment carried.

Hospital ships may be used to transport medical personnel and equipment in addition to those which they usually require.

ARTICLE 36

Hospital aircraft

Hospital aircraft described in the present Article and used as a means of medical transport, in particular seaplanes, may not be the object of attack, but shall be respected by belligerents, in so far as they are exclusively employed for the removal of wounded, sick and shipwrecked, or the transport of medical personnel and material.

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

To facilitate their identification, they shall endeavour to inform the enemy of their route, altitude and time of flight.

Unless agreed otherwise, flights over enemy or enemy-occupied territory, territorial waters, likewise any enemy military objectives or formations on land or sea, are prohibited.

Hospital aircraft shall obey every summons to land.

In the event of involuntary landings in enemy or enemy-occupied territory, the wounded and sick, as well as the crew of the vircraft shall be prisoners of war. The medical personnel shall be treated in conformity with Articles 31 and following.

Any aircraft which is compelled to alight on land or water may continue its flight with its occupants, after examination if required.

ARTICLE 37

Flight over neutral countries

Subject to the provisions of paragraph 2, medical aircraft of belligerents may fly over the territory of neutral Powers, land thereon in case of necessity, or use it as a port of call. They shall give neutral Powers prior notice of their passage over the said territory, and obey all summons to alight, on land or water.

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

Unless otherwise agreed between the neutral Power and the belligerent Powers, the wounded or sick who are landed with the consent of the local authorities on neutral territory by medical aircraft shall be detained by the neutral Power, so that they cannot again take part in operations of war. The cost of their accommodation and internment shall be borne by the Power on which they depend.

CHAPTER VII

The Distinctive Emblem

ARTICLE 38

Use of the Emblem

The emblem of the Red Cross shall be displayed on the flags, armlets and all equipment employed in the Medical Service, with the permission of the competent military authority.

ARTICLE 39

Identification of medical personnel

The personnel designated in Articles 30 and 31 shall wear, affixed to the left arm, a water-resistant armlet bearing the distinctive emblem, issued and stamped by the military authority

Such personnel shall also carry an identity card attesting their status, and which can be put in the pocket. This card, *worded in the national language, likewise in French and in English,* shall be water-resistant, bear the photograph and finger-prints of the owner, and be embossed with the stamp of the military authority.

The identity card shall be uniform throughout the same armed forces, and, as far as possible, of a similar type in the armed forces of the Contracting Parties. At the outbreak of hostilities, belligerents shall inform each other of the model in use in their armed forces. Identity cards shall be established

at least in duplicate, one copy being given to the owner and the other kept by the home country.

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

ARTICLE 40

Marking of hospital ships

The ships designated in Articles 19, 20 and 21 shall be distinguished by being painted white *on all the exterior vertical surfaces and furthermore on such exterior horizontal and sloping surfaces as may be required to make plainly visible the red crosses hereunder prescribed.*

Vermilion red crosses shall be painted and displayed as follows:

(a) Three (3) crosses three metres high at least on each side of the hull, so placed as to permit identification to the greatest extent from ahead, astern and abeam.

(b) Two (2) crosses of maximum practicable size on the horizontal surfaces, so placed as to afford the greatest visibility from the air.

(c) One (1) cross of maximum practicable size placed vertically above the level of the main deck, in such a position as to be clearly visible from astern.

(d) One (1) cross of maximum practicable size placed vertically above the level of the main deck, in such a position as to be clearly visible from ahead.

In order to allow their character to be recognized during darkness and in times of reduced visibility, hospital ships shall be illuminated as follows:

(a) The centre and aftermost crosses on each side of the hull shall be floodlit, so as to ensure adequate and uninterrupted luminosity, unless this hampers navigation. Ships may also floodlight the crosses placed on the forepart of the hull.

(b) A luminous red cross of maximum practicable size to be placed as high as possible above the superstructure, in such a manner as to ensure maximum visibility from all points of the horizon, both on the surface and from the air. This cross shall consist of three luminous members, of which one is vertical and two horizontal. Of the horizontal members, one shall be placed lengthwise to the ship and the other at right angles. The cross may have an automatic switching mechanism to provide flashing and alternating illumination of the two horizontal members.

Lifeboats of hospital ships and all small craft used by the medical service shall be painted white with vermilion red crosses prominently displayed and shall, in general, comply with the identification system above prescribed for hospital ships.

All hospital ships shall make themselves known by hoisting, besides their national flag, the white flag with a red cross and further, if they belong to a neutral State, by flying at the mainmast the national flag of the belligerent whose direction they have accepted.

Hospital ships which, in accordance with Article 26, are provisionally detained by the enemy, must haul down the national flag of the belligerent on whom they depend.

As soon as technically possible, all hospital ships shall be provided with radar and underwater sound apparatus, to permit their identification by the detecting apparatus of belligerents and neutrals.

CHAPTER VIII

Execution of the Convention

ARTICLE 41

Implementing Prohibition of reprisals

Belligerents shall ensure, through their naval commanders-in-chief, the proper implementing of the foregoing Articles and shall arrange for unforeseen cases, in accordance with the instructions of their Governments and in conformity with the general principles of the present Convention.

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

ARTICLE 42

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 incorporate the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population, in particular to the armed fighting forces, the medical personnel and the chaplains.

CHAPTER IX

Repression of Abuses and Infractions

ARTICLE 43

Legislation

Within a maximum period of two years the governments of the High Contracting Parties shall, if their penal laws are inadequate, enact or propose to their legislative assemblies the measures required to make unlawful in time of war any act contrary to the provisions of the present Convention. The misuse of the distinctive markings named in Article 40, by vessels not protected by the present Convention shall be punished as an illegal use of military markings.

The Contracting Parties shall communicate to one another, through the Swiss Federal Council, *any such legislative provisions.*

ARTICLE 44

Penal sanctions

The Contracting Parties shall be under the obligation to apprehend persons charged with acts contrary to the present Convention, regardless of their nationality. They shall furthermore, in obedience to their national legislation or to the conventions for the repression of acts which may be defined as war crimes, refer such persons for trial by their own courts, or *if they so prefer,* hand them over for trial to another Contracting Party.

ARTICLE 45

Investigation procedure

In addition to the procedure indicated in Article 10, any High Contracting Party alleging a violation of the present Convention may demand the institution of an inquiry.

Such inquiry shall be undertaken as soon as possible by a Commission appointed for each particular case, comprising three neutral members chosen from a list of qualified persons, drawn up by the High Contracting Parties in time of peace, each Party nominating four such persons.

The plaintiff and defendant States shall each appoint one member of the Commission. The third member shall be designated by the other two and, in case they cannot agree, by the President of the Court of International Justice, or if the latter is a national of a belligerent State, *or incapacitated, by his substitute, or failing the latter,* by the President of the International Committee of the Red Cross.

As soon as the inquiry is closed, the Commission shall report to the Parties concerned on the reality and nature of the alleged facts, and may make appropriate recommendations.

Final Provisions

ARTICLE 46

Languages

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

ARTICLE 47

Signature

The present Convention, which bears the date of this day, is open to signature for a period of six months, that is to say, until the ....., in the name of all the Powers represented at the Conference which opened at Geneva on .... ; furthermore, by Powers not represented at that Conference, but which are party to the Xth Hague Convention of October 18, 1907, for the adaptation to Maritime Warfare of the principles of the Geneva Convention, or to the Geneva Conventions of 1864, 1906 or 1929 for the Relief of the Wounded and Sick of Armies in the Field.

ARTICLE 48

Ratification

The present Convention shall be ratified as soon as possible. The ratification shall be deposited at Berne.

A procès-verbal of the deposit of each instrument of ratification shall be drawn up, copy of which, certified to be correct, shall be transmitted by the Swiss Federal Council to the Governments of all the Powers in whose name the Convention has been signed, or whose accession has been notified.

ARTICLE 49

Effect

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

Thereafter, it shall come into force for each High Contracting Party ..... after the deposit of the instrument of ratification [1].

ARTICLE 50

Effect on previous Conventions

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

ARTICLE 51

Accessions

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

ARTICLE 52

Notification of accessions

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

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

ARTICLE 53

Immediate effect

The situations defined in Article 2 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the outbreak of hostilities. The Swiss Federal Council shall communicate by the quickest means any ratifications or adhesions received from Parties to the conflict.

---

[1] The XVIIth International Red Cross Conference decided to leave to the Diplomatic Conference the care of fixing the periods named in tne present Article, adding a recommendation that these periods named in the present Article, adding a recommendation that these periods should be as short as possible. The same applies to Article 52.

ARTICLE 54

Notice of termination

Each of the High Contracting Parties shall be at liberty to denounce the present Convention. The notice of termination shall not take effect until one year after the notification thereof in writing has been made to the Swiss Federal Council. The Council shall communicate such notification to the Governments of all the High Contracting Parties.

The denunciation shall have effect only in respect of the High Contracting Party which has made notification thereof.

Furthermore, this denunciation shall not take effect during a conflict in which the denouncing Power is involved. In such a case, the present Convention shall continue binding beyond the period of one year, until the conclusion of peace, and in any case until the operations connected with the release and repatriation of the persons protected by the present Convention are terminated.

Lastly, the denunciation shall in no way affect the other obligations, even if similar, by which the denouncing Party is bound by virtue of any other rules of international law.

ARTICLE 55

Transmission to the United Nations

The present Convention shall be transmitted by the Swiss Federal Council *to the United Nations Organization, for the purpose of registration* [1]. Similarly, ratifications, accessions and notices of termination which are notified to the Swiss Federal Council shall be communicated by them to the United Nations Organization.

---

[1] The words "A certified copy of the present Convention shall be deposited in the archives of the United Nations" have been deleted.

REVUE INTERNATIONALE
DE LA CROIX-ROUGE

ET

BULLETIN INTERNATIONAL DES SOCIÉTÉS
DE LA CROIX-ROUGE

SUPPLEMENT

March 1949 Vol. II, No. 3

CONTENTS

Page

The activities of the International Committee of the Red Cross in favour of the civil population of Greater Berlin and in the Soviet zone of occupation, Germany 112

The International Committee in the Near East. 120

Unpublished documents relative to the foundation of the Red Cross 123

Published by
Comité international de la Croix-Rouge, Genève
Editor : Louis Demolis

THE ACTIVITIES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS IN FAVOUR OF THE CIVIL POPULATION OF GREATER BERLIN AND IN THE SOVIET ZONE OF OCCUPATION, GERMANY

We have already described certain aspects of the Committee's work in Berlin [1], and the Committee's General Report to the Stockholm Conference refers several times to the many problems with which the Committee had to deal, on various grounds, after the close of hostilities in Germany. It may, however, be useful to recall the beginnings of the work, its development and certain technical details.

When hostilities ceased, the Committee had a large delegation in Germany ; this was concerned with Allied prisoners of war and civilian internees throughout the War. During the last few weeks of fighting, the delegation had finally succeeded in conveying relief supplies to a number of concentration camps, but it had never been engaged in relief activities for the German civil population.

In the early spring of 1945, after the collapse of Germany, the breakdown in communications and the steady stream of prisoners hastily evacuated on account of the Allied advance compelled the delegation to divide, and many of its members had to carry on alone, without any contact with their colleagues or with Geneva.

In consequence of the surrender of the German Wehrmacht, the delegates were suddenly obliged to change over their work. Whereas the Allied prisoners were all being released, hundreds of thousands of members of the German forces were now taking their places in the camps. In addition to the prisoners of war, millions of other persons were freed ; these included the former deportees, the displaced persons, and the populations expelled

---

[1] See *Revue internationale*, February, 1948, p. 101 ; April 1948, p. 251 ; July 1948, p. 467.

from the liberated areas, for whom no government was responsible and whom no private organization could assist. The Committee's delegates, besieged from all sides, were then called upon to take action in cases of all descriptions, which were often quite beyond their scope and means of action.

In addition to these urgent matters, the Committee was also faced by the problem of the civil populations, most of whom, particularly in the bombarded towns, had suddenly fallen a prey to extreme distress, cold, starvation and epidemics. Germany was without any Government or National Red Cross Society, and foreign charitable organizations who were anxious to send relief to the German population turned to the Committee with requests to help them with the transport and distribution of the supplies they had collected.

In a wholly disorganized country, the Committee could not act of their own motion, nor without the consent of the Allied occupation authorities. Their delegation centres had to be assembled and re-organised, particularly as the staff of the former Berlin headquarters, who remained in the capital after its occupation, had been almost immediately ordered to cease work [1]. Three new delegations were set up, one for each of the American, British and French zones. Later, in order to co-ordinate the relief action for the civil population in all parts of Germany to which the Committee had access, and in view of the presence in Berlin of an Inter-Allied Command representing the four occupying Powers, a further delegation was opened in the former capital. Its special duty, apart from the assistance it might give to prisoners of war in the Berlin sectors, was to deal with relief for the German civil population as a whole.

The head of the delegation successfully negotiated agreements with the four occupying Powers: on Nov. 6, 1945, for the British zone, Dec. 7, 1945, for the French zone, March 4, 1946, for the American zone and April 13, 1946, for the Russian zone. A fifth agreement, concluded on Dec. 5, 1945, with the Soviet

---

[1] They were interned in Soviet Russia for four months and then released.

representative of the Inter-Allied Control Commission in Berlin, defined the activities of the Committee in that city. By these agreements the Committee became the recognised neutral intermediary for the importation of relief supplies into Germany, and to this effect were granted exemption from customs dues and free transport on the German railways ; their delegates were also allowed liberty of movement to carry out their duties.

At the outset of the Allied occupation, the Committee were practically the only international relief organization that was officially recognised in Germany for relief from abroad. Acting in close co-operation with the Joint Relief Commission of the International Red Cross, they facilitated the transport of relief supplies sent by that Commission and supervised their distribution.

The joint efforts of the International Committee and the League of Red Cross Societies gradually led to the reconstitution of regional German Red Cross Branches, on a new basis, in the American, British and French zones. Furthermore, the occupation regulations having become less severe, other organizations were able to act direct in behalf of the civil population. Thenceforth, a neutral intermediary was no longer indispensable in the three Western zones, and the Committee were able to abandon by degrees their material aid to the population in this part of Germany. As, however, no German Red Cross had been reconstituted in Berlin and the Soviet zone, apart from three local Branches in the British, French and American zones of the capital, the Committee's intervention was still required to facilitate the importation of relief supplies from abroad into those areas, and to supervise distribution; this action was in fact made obligatory in most cases.

The Berlin delegation had therefore to be maintained. While it is still engaged upon the customary tasks of the International Committee (prisoners of war, tracing, etc.), the bulk of its efforts is devoted to the relief of the population in the four Berlin sectors and in the Soviet zone of occupation.

* * *

Since the close of hostilities in Germany and until the beginning of the liquidation of the Joint Relief Commission in November 1946, the Committee have handled for the said Commission 26,160 tons of supplies, for a total value of 38,970,000 Swiss francs, sent to all parts of Germany. The details of these shipments are as follows :

		Tons	Swiss francs
1945	Food and clothing	408.6	1,378,205.50
	Pharmaceutical products	37.794	423,559.40
1946	Food and clothing	25,392.-—	34,426,761.00
	Pharmaceutical products	320.586	2,740,362.40

The principal donors of relief supplies were :

National Red Cross Societies of the British Commonwealth
Caritas Catholica Internationalis
World Council of Churches
Irish Gift
Swiss Relief Fund
Œuvre suisse d'Entr'aide ouvrière
International Union for Child Welfare
Various temporary organizations set up in Switzerland and abroad for relief to Germany.

To Greater Berlin in particular and the Soviet zone, the Joint Relief Commission sent, from its own stocks in 1945, medical supplies for a value of 20,000 Swiss francs. In 1946, the Commission dispatched thirteen "block-trains" conveying the supplies given by the above organizations, and the Committee sent the trains on to the Berlin delegation. From January to June 1946, 908 tons of food, and from June to December 1946, 1,100 tons of various goods were forwarded.

When the liquidation of the Joint Relief Commission began, the Committee, solicited by the civil population, by their own delegates in Germany and the organizations that were anxious to help, made an agreement with the International Centre for Relief to Civilian Populations, set up in Geneva in 1946. The Centre took over the work of the Joint Relief Commission in countries where the Committee's delegations were still assisting distressed populations. From its inception until Dec. 31, 1948,

the International Welfare Centre sent 32 block-trains, comprising 454 trucks in all and containing 4,506 tons valued at 9,012,000 Swiss francs[1], which were directed to the Committee's Berlin delegation. The figures are as follows:

1946 —	353	tons —	value	706,000	Swiss francs
1947 —	2,376	" —	"	4,752,000	" "
1948 —	1,777	" —	"	3,554,000	" "

Out of the total relief supplies sent to Germany, first by the Joint Relief Commission and then by the International Relief Centre, the Russian zone alone received 1,600 tons in 1946, 850 tons in 1947 and 1,450 tons in 1948. From May 29, 1946, to Dec. 31, 1948, these supplies were issued to 2,675,024, persons, and 8,997 distributions were made to hospitals, sanatoria, child welfare centres and repatriation camps. For 1948 alone the figures were 423,505 recipients of relief and 1,926 distributions made to hospitals and camps.

The Committee's relief work to the Berlin civil population and the Soviet zone of occupation is organized as follows.

Associations wishing to send relief usually hand their gifts to the International Relief Centre, where the goods are assembled. Cash donations are used by the Centre for the purchase of goods to meet requirements already notified; block-trains are then loaded and sent to Germany. In conformity with the 1945-1946 agreements, the trains are on principle given free passage and exempted from customs and transport dues. In present circumstances in Berlin, however, the Committee's delegation is often obliged to take further steps in order to ensure transport through the various zones, or through neighbouring countries on the way to Berlin, so as to avoid delays which might have serious consequences.

On arrival in Berlin the goods are taken over and stored by the delegation, which has the use of two large warehouses and the necessary personnel. The goods are then given out, according to schedule, to the bodies dealing with the distribution.

[1] Of which 3,125 tons to the value of 6,250,000 francs were supplied by Switzerland, and 1,381 tons valued at 2,672,000 francs by other countries.

For each distribution, a plan of requirements is carefully established beforehand by the Committee's delegation, the local German representatives for Berlin, the two Mayoral offices and the fourteen burgomasters of the city and, for the Soviet zone, the " Central Commission for the distribution of gifts from abroad ". This Commission, of which the chair and secretariat are filled by the " Volkssolidarität " (People's Welfare Association), consists of representatives of political parties and the churches.

Under the supervision of the delegates, distributions are effected by the municipal authorities and the Central Commission, who hand to the International Committee, for transmission to the donors, detailed statements of delivery, receipts and other documents as evidence that the goods have duly reached their proper destination.

The Committee's delegation is in constant touch with the representatives of National Red Cross Societies working in Germany and with the local delegates of major international welfare organizations. Periodical meetings of these representatives are called by the Committee's delegation ; they give members an opportunity to report on their activities, exchange useful information as to current needs, and prevent overlapping. Mention should here be made of the remarkable effort sustained by the Swedish Red Cross which, from 1945 until early in 1949, has each year provided food for many tens of thousands of Berlin children.

* * *

Thus, at the beginning of 1949, the Committee's Berlin delegation pursues the work done for the last four years in favour of the civil population. It has given its services in two " 1948-1949 Winter Schemes ", one in Greater Berlin in favour of 100,000 persons over 60 (out of 600,000 aged persons of this category in Berlin), and the other in the Soviet zone, for 100,000 children from 7 to 13. These Winter Schemes are not new or distinct undertakings. They are passing aspects of the regular relief scheme which aims at helping in succession (since all

cannot be reached) some particular class of the distressed population, according to requirements and available means.

In this endeavour, all thanks are due to many generous donors who have made gifts in cash and in kind for a total value of roughly 2,650,000 Swiss francs. They are :

Swiss Relief Fund for War Victims (in liquidation) and Swiss Aid to Europe	Fr.	2,300,000.—[1]
Danish Red Cross (meat and fats)	,,	120,000.—
Irish Red Cross (meat)	,,	25,000.—
South African Red Cross	,,	18,000.—
Society of Friends	,,	130,000.—
German communities in South Africa (foodstuffs) about	,,	20,000.—

Other gifts have been promised.

Not only the population and its representatives, but also the Occupying Powers are still addressing to the Committee appeals prompted by the latter's neutral policy and the confidence this policy inspires. For this reason, the Committee cannot abruptly cease their cooperation in relief activities for the civilian population in that part of Germany.

It may indeed appear extraordinary that the International Committee should still be engaged on work of this kind. It should be clearly understood, however, that in keeping open their Berlin delegation, the Committee are not seeking prestige, nor enlarging their functions at all costs. They have, as a matter of fact, for some time past abandoned this class of humanitarian activity to other organizations.

What is truly extraordinary, however, is the fact that a great European city should be still, in 1949, in the same ruined state as when hostilities ceased ; that not a single dwelling has yet been rebuilt, and that millions of persons are living amongst ruins.

Another extraordinary fact is that, four years after the War, charitable efforts encounter the same obstacles—blockades

[1] The share used for relief to children will be credited by the European Relief Fund to the account of United Nations International Children's Emergency Fund (UNICEF).

and counter-blockades—as were experienced during hostilities. The relief supplies which are conveyed with such difficulty by block-trains to one Berlin sector and are intended for relief action in another sector are, on account of those blockades, held up on the dividing line for months at a time, so that thousands of aged people may find themselves suddenly deprived of their meagre daily ration. As during the worst period of hostilities, the International Committee are obliged to devise new and costly routes and even to plan transports by sea halfway round Europe.

The most striking fact is that the state of Europe, four years after the armistice, still demands the services of a neutral intermediary, in order to convey relief supplies for the relief of children and aged persons menaced by starvation, whereas the term " neutral intermediary " implies a state of war !

Doubtless conditions are slowly improving, but despite a good harvest, the efforts of the Occupying Powers and the hard work accomplished by relief organizations, there remains in this ravaged and over-populated country a degree of misery and distress, to which the Red Cross as a whole and the International Committee in particular cannot remain indifferent. Here, as in many other war-stricken countries, the endeavours of all men of goodwill are necessary, perhaps for many years to come.

F. Siordet and M. Borsinger.

THE INTERNATIONAL COMMITTEE IN THE NEAR EAST

As the result of gradual stabilization in the general situation, the work of the Committee's delegates in the Near East has been to some extent reduced. This does not apply, of course, to the activities recently undertaken in favour of Palestine refugees. The fighting has practically ceased, and for some weeks the number of prisoners has remained stationary, so that relief work in their behalf has been carried out steadily and without interruption.

We have had frequent occasion to describe the endeavours made by the Committee's delegations in the Near East to ensure the observance of the Geneva Conventions relating to wounded and sick combatants and to prisoners of war. The delegations have also arranged for the conveyance of prisoner of war mail in both directions and for the distribution of relief in the camps.

A matter of peculiar concern to the delegates is the repatriation of prisoners who are wounded or sick. The following instance will afford some idea of the work in this field. In June 1948, the delegate in charge of the wounded and sick prisoners of Oum el Djemal Camp asked for a certain number of men to be sent home, under Article 68 of the 1929 Prisoners of War Convention. Although this application was given favourable consideration, some months passed before it could be carried out. The detaining authorities had received a complete list of the disabled, wounded and sick, with the request that arrangements should be made for their repatriation. The delegate also proposed the setting up of a Mixed Medical Commission, under Articles 68 and 72. Receiving no reply, the delegate brought the matter up on many occasions. At last, the constitution of a Mixed Medical Commission was agreed to, but this body was unable to start work before January 6, 1949. The Commission comprised Dr. Lehner and Dr. Pflimlin, both delegates of the International Committee, and Dr. Sid Nasrallah, designated by the Transjordan authorities. They examined 109 prisoners who appeared eligible for repatriation ; of these,

29 were rejected and four were sent to hospital for further examination.

The Commission also recommended the repatriation of six children between 12 and 14 years old.

By the end of January, the Committee's delegate was informed that instructions had been given for the repatriation of the 76 disabled and sick who had been passed by the Commission. The scheme was carried out on February 3, by means of four lorries loaned by the Israeli authorities in Jerusalem and two lorries and an ambulance lent by the Arab Legion, escorted by 20 men of the Legion. They travelled from Oum el Djemal Camp to the Israeli lines, where the 76 repatriated prisoners arrived safely the same evening.

During the past few weeks, other Medical Commissions have been sitting. At the end of January, a Commission met in Abbassieh Camp in Egypt, and passed 21 men and one woman for repatriation. Early in February, another Commission sat in Mazzé Prison, Damascus, were six prisoners of war were declared eligible. In Israel, the Medical Commission sat from February 7 to 9.

The decisions for repatriation were made by the authorities of both parties, in conformity with the Model Draft Agreement annexed to the 1929 Geneva Convention and also — a particularly noteworthy feature — in reference to the Draft Revised Conventions submitted by the International Committee to the Stockholm Conference in August 1948.

The Committee's delegations in the Near East have also co-operated in facilitating the negotiations between the Israeli and Transjordan authorities for the simultaneous repatriation of prisoners held by both parties. Although this procedure is not mentioned in the Conventions, the International Committee agreed to lend their services on this occasion, on condition that the prisoners exchanged would no longer be employed on active service, but be allowed to return home. The delegations thus acted as neutral intermediaries between the Transjordan and Israeli authorities. Both parties having come to an agreement, the repatriation of the Israeli prisoners in Transjordania began on February 21 and was concluded on March 3; it was

effected simultaneously with that of the Transjordan, Iraqi and Palestine prisoners held in Israel.

While aiming chiefly at settling problems of a general nature and at facilitating negotiations, the International Committee are habitually concerned also with individual cases, of which the following is an instance.

A Jewish woman interned in Damascus was expecting a child, and the delegation suggested to the General Headquarters of the Syrian Army early in September that she should be repatriated on account of her condition, or at least be placed in the care of a Jewish family in Damascus. After two applications, the request was granted, on condition that the Israeli authorities accepted to release a Syrian prisoner in exchange. As the reply from Tel-Aviv was delayed, the delegate persuaded the Syrian authorities to let the woman go into hospital meanwhile. Agreement was finally reached at the end of January, and the exchange was effected on February 1. The woman was taken to the front line by a doctor and nurse of the Committee's staff, and given over to two other representatives of the Committee, who handed her to the Jewish authorities. In accordance with the agreement, the latter then released in exchange the prisoner selected by the Syrian authorities.

In the Near East, the various activities of the Committee's delegations chiefly concern the transmission of relief supplies, the organisation of civilian message services between dispersed persons in those areas, and the joint efforts, which are highly valued, of doctors and nurses engaged in assisting the refugees and the civil population.

R. B.

UNPUBLISHED DOCUMENTS RELATIVE TO THE FOUNDATION OF THE RED CROSS

MINUTES OF THE "COMMITTEE OF FIVE"

We have pleasure in giving in extenso *certain hitherto unpublished documents which throw valuable light on the creation of the Red Cross. These documents are the first Minutes of the body called the "Committee of Five", the parent of the Red Cross organization. While the substance of these Minutes has been reflected in works on the origins of the Red Cross, their actual text has never been published.*

It will be recalled that the "Société genevoise d'Utilité publique" was convened by its President, Gustave Moynier, to study the humanitarian proposals set out by Henry Dunant in his book Un Souvenir de Solferino *(Memories of Solferino). At their meeting of February 9, 1863, the Society decided "to give serious consideration to the suggestion made in the conclusions to the "Souvenir", and again at Moynier's instance, appointed five persons, General G. H. Dufour, Doctors Theodore Maunoir and Louis Appia, MM. Gustave Moynier and Henry Dunant* [1] *as members of a Sub-committee set up for that purpose* [2].

This "Committee of Five" inaugurated the work of the Red Cross. In 1863 it styled itself the "International Committee for the Relief of Wounded Combatants" and in 1880 officially took the name "International Committee of the Red Cross", which it bears today.

Of the following eight Minutes, seven refer to the "International Committee" and one to the "Geneva Section"; they cover the period between February 17, 1863 and March 23, 1864. All of them, save the last, were written by Henry Dunant, on whom had fallen the duties of Secretary. They fill the first twenty-

---

[1] Henry Dunant had been a member of the Genevese Public Utility Society since December 8, 1862. — The "Souvenir de Solferino" appeared in November 1862.

[2] See *Bulletin international*, XXXII, 1901, p. 79.

seven pages of a stout note-book of ordinary format, bound in green cloth.

This note-book was found amongst Henry Dunant's papers after his death, and was handed to the International Committee on April 27, 1911, by his nephew and executor, Maurice Dunant.

Gustave Moynier wrote in 1902 *that the "Committee of Five" had kept no minutes of any kind*[1]. *However, the authenticity of the Minutes which we are now publishing and which were found after Moynier's death*[2] *cannot be questioned. Professor Alexis François, the historiographer of the Red Cross, has already pointed to the fact that the last Minute is in Moynier's own hand*[3]. *The mistake the latter made in 1902 is easily explained by the circumstance that, when he denied the existence of these Minutes, thirty-eight years had elapsed since the initial meetings of the "Committee of Five", and that no minutes were apparently kept between between 1864 and 1867.*

Though concise and matter-of-fact, the eight Minutes which have survived are of very great interest. At its first meeting, the Committee which was "charged with the preparation of a memorandum... for submission to the Welfare Congress in Berlin in September 1863", unanimously declared itself to be constituted a "Permanent and International Committee"[4]. *This body would thus continue to exist as an "International Committee for the Relief of Wounded in the Event of War", after its mandate from the "Société Genevoise d'utilité publique" had expired.*

The plan of action is then outlined: "We must first lay down general principles and then state what action could be undertaken immediately in all European countries, whilst leaving each country, district, and indeed town, free to organize itself according to its own wishes, and to pursue its work in the manner best suited to it". The International Committee itself should, in Theodore

---

[1] See G. MOYNIER, *La Fondation de la Croix-Rouge*, 1903, p. 8.

[2] Gustave Moynier was born in Geneva on September 21, 1826 and died on August 20, 1910. Henry Dunant, born in Geneva on May 8, 1828, died at Heiden on October 30, 1910.

[3] *Le Berceau de la Croix-Rouge*, 1918, p. 109, note 1.

[4] This is the original style which appears at the head of the first two Minutes. See notes on pp. 126 and 129 below.

Maunoir's own words, " keep agitating, if the expression may be used, for the adoption of our ideas by all, both high and low, by the rulers of Europe, no less than by the peoples ".

Further on, we find evidence of the first " tokens of support and approval from several European countries, in particular from the reigning Houses " and from " many soldiers and physicians, who considered the entreprise difficult, though not impossible ".

It is soon evident that Moynier and Dunant are the real moving spirits of the organization. They carry out the decisions of the council, draw up memoranda and convene meetings. Dunant himself travels and corresponds extensively with influential European personalities.

The convening of the celebrated International Conference which was to meet at Geneva from October 26 to 29, 1863, and from which the Red Cross was to emerge as a quasi-official organization, is not mooted until the meeting of August 25, at which an affirmative decision is immediately taken.

After the Conference and the adoption of the Resolutions that are still regarded today as the charter of the Red Cross, the following bald statement is recorded : " The Committee had every reason for satisfaction with the good results of the Conference ", and further, it is merely remarked that " the work had gone on apace ".

We then come to the setting up by the International Committee of the " Geneva Section ", a National Society in embryo, and to the Minutes of its first sitting. While these two organizations are at this stage distinct, their fields of action are as yet scarcely determined.

Finally, we read of the first dispatch by the Committee of delegates to belligerent countries during the war of Schleswig-Holstein. General Dufour " stressed our duty, in the present circumstances, to send two delegates, one to Germany and the other to Denmark, if we were to preserve our character as an impartial and international body ".

Reading all these papers, we are struck by the fact that the founders of the Red Cross had already laid down the principles that have guided the organization throughout so many years and by virtue of which it has reached its present stature.

Jean S. Pictet

SUB-COMMITTEE OF THE SOCIETY FOR THE RELIEF OF COMBATANTS WOUNDED IN TIME OF WAR [1]

Meeting of the Sub-committee held on February 17, 1863

Present : General Dufour, Doctor Theodore Maunoir, M. Gustave Moynier, President of the " Société d'Utilité publique ", Doctor Louis Appia and M. J. Henry Dunant.

M. Moynier explained that the " Société genevoise d'utilité publique " having decided, at its meeting of February 9, 1863, to give serious consideration to the suggestion made in the conclusions to the book entitled *Un Souvenir de Solferino*, that Relief Societies for wounded soldiers should be set up in peace time, that a corps of voluntary orderlies should be attached to belligerent armies, and having appointed General Dufour and MM. Maunoir, Moynier, Appia and Dunant as members of a Sub-committee charged with the preparation of a Memorandum on these matters for submission to the Welfare Congress to be held in Berlin in September 1863, the Sub-committee was deemed to be duly constituted, all members being present.

He furthermore proposed, and M. Dunant seconded, that the Sub-committee should declare itself constituted a " Permanent International Committee ".

The proposal was adopted unanimously. On a show of hands General Dufour was elected President of the said Committee, which would thus continue to exist as an International

[1] The heading of this first Minute is written over the original heading which is nevertheless perfectly legible and runs as follows :

Société genevoise d'Utilité publique.
Permanent International Committee for the Relief of Wounded Soldiers in Time of War. — *(Ed.)*.

Committee for the Relief of Wounded in the event of War, after its mandate from the "Société genevoise d'Utilité publique" had expired.

The first task before us was to draw up the Memorandum to be presented at Berlin.

In its conclusions, the said report should express the desire of the "Société genevoise d'Utilité publique" that the Berlin Congress should:

1. Lend its authority to the creation of such Committees throughout Europe;

2. Undertake to submit this project to Governments through the good offices of its members, and to request the support, opinions and advice of the said Governments.

Furthermore, the report should enlarge upon the concept of Relief Societies for wounded in time of war and present it to the public in such a way as to preclude all possible objections.

We should first lay down general principles and then state what action could be undertaken immediately in all European countries, whilst leaving each country, district, and indeed town, free to organize itself according to its own wishes and to pursue its work in the manner best suited to it.

General Dufour thought that the Memorandum should first state the need for the unanimous consent of the sovereigns and peoples of Europe, and should then determine the general line of action. Committees should be formed, rather than Societies, but such Committees should be organised throughout Europe, so that they might act simultaneously should war break out. Volunteer helpers were required who would place themselves at the disposal of the general staffs; we did not want to take the place of the Quartermaster's Department or of the medical orderlies. Finally, a badge, uniform or armlet might usefully be adopted, so that the bearers of such distinctive and universally adopted insignia would be given due recognition.

Dr. Maunoir wished the question of international relief societies to be kept in the public mind as much as possible,

since it always took some time to bring an idea home to the masses. It would be useful if the Committee kept agitating, if the expression might be allowed, for the adoption of our ideas by all, both high and low, by the rulers of Europe, no less than by the peoples.

Dr. Appia thought that all documents likely to be of use should be procured, and that we should get into touch with the supreme military commands in the various countries.

M. Moynier had already obtained documents from Paris which could be of service to us.

M. Dunant thought the report should make it perfectly clear to the public that the present undertaking was not merely a matter of sending voluntary orderlies to a battle-field; he would like it to be carefully explained to the public that the question we had taken up was much wider in scope. It embraced the improvement of means of transport for the wounded; the amendment of the military hospital service; the general adoption of new methods of treating sick or wounded soldiers; the establishment of a veritable museum for these appliances (which would also be of benefit to civilian populations), and so on. In his opinion, the Committees should be permanent and should always be guided by a true spirit of international goodwill; they should facilitate the dispatch of relief supplies of various kinds, resolve customs difficulties, prevent any sort of waste and misappropriation, and so on. It was to be hoped that all European Sovereigns would take them under their patronage.

Finally, M. Dunant particularly underlined the hope he expressed in his book *Un Souvenir de Solferino:* that the civilized Powers would subscribe to an inviolable, international principle that would be guaranteed and consecrated in a kind of concordat between Governments, serving thus as a safeguard for all official or unofficial persons devoting themselves to the relief of victims of war.

The Committee requested M. Dunant to draw up the Memorandum, and the latter asked members to supply him with written notes.

The Committee, under the chairmanship of General Dufour, appointed M. Gustave Moynier vice-president and M. Henry Dunant secretary.

The meeting then adjourned.

The present Minutes approved

J. Henry DUNANT,
Secretary

SUB-COMMITTEE OF THE SOCIÉTÉ D'UTILITÉ PUBLIQUE, FOR THE RELIEF OF WOUNDED COMBATANTS [1]

Meeting of the Sub-committee, held on March 17, 1863

Present: General Dufour, President; Doctor Theodore Maunoir; M. Gustave Moynier; Doctor Appia; M. Henry Dunant, Secretary.

The Secretary read the Minutes of the meeting of February 17, which were adopted. He then informed the Committee that he had received numerous tokens of support and approval of our aims from several European countries, in particular from the reigning Houses in the Netherlands, Prussia, Italy, Baden, Hessen, etc., from many soldiers and physicians, who considered the enterprise difficult, though not impossible, and finally from a number of members of the public, who stated that they were prepared to give practical aid, when the time came.

M. Moynier requested the insertion of these expressions of approval in the Minutes of our meetings.

General Dufour thought that our first task was to lay down

[1] The heading of the second Minute was, as in the case of the first, written over the original, which read:

International and Permanent Committee for the Relief of Wounded Combatants.

the general policy of the work which the Committees or Societies would have to do; we should point the direction, others would later clear the way.

M. Moynier asked whether we wished Committees or Societies to be set up.

General Dufour and M. Maunoir thought that at the moment it would be sufficient to set up Committees, varying in size according to the countries concerned. When it was apparent to these Committees that the idea was taking shape and gaining ground, they would then decide what to do. The Geneva Committee could only take action when Committees had been formed elsewhere.

M. Dunant assumed that the Memorandum to be submitted by the Committee in Berlin should at some point fully illustrate the good which might have been done by voluntary orderlies during the war in Italy in 1859, had such a service then been in existence; it was advisable to quote an example of that kind in order to confront the public with summary, concrete proofs of the utility and necessity of the philanthropic corps we wished to see formed, and in order to give an idea of the considerable expansion possible in the work of these International Societies.

The Committee agreed, first and foremost, that, in its opinion, no action should be contemplated during civil wars, and that the Committees should concern themselves only with European wars. After a few years' experience, the welfare scheme, once universally adopted and established, could of course be extended in various ways, but for the moment we should confine ourselves to the question of large-scale conflicts between European Powers.

Dr. Maunoir made the following suggestions which were unreservedly approved by the Committee:

1. The Committees and their delegates should be officially recognised and approved by the authorities;

2. The voluntary corps of male nurses should be subject to the jurisdiction of the military authorities, to whose discipline they would rigidly conform, from the beginning of any campaign;

3. The corps should consist of helpers who would remain in the rear of the armies. They would cause no embarrassment, create no hindrance, nor involve the least expense for the armies concerned.

In short, the voluntary workers would cost nothing, and would be engaged and dismissed whenever necessary. Such well-organized units would have a responsible leader and a cadre of officers ; they would have their own means of transport and food supplies, and stocks of medicaments and of relief material of all kinds ; the managing Committees would keep the male nurses at the disposal of the military commanders and would supply the latter with the personnel they required.

M. Dunant, quoting the example of the Italian campaign, remarked that had a similar organisation existed in 1859 it would have rendered immeasurable service. The organization would have been very simple, as the Austrian Army commander would first have applied for help to the Committees, either in Vienna, the Austrian Empire, or in the whole of Germany, whilst the French Marshals commanding the army corps would have demanded this assistance from Paris, Turin, Milan and Brescia in turn. As an alternative, there might have been a central managing Committee to which the commanders of the belligerent armies would have applied direct, and whose work might be summed up in the words : charity, discipline and voluntary service. This work would consist of giving aid on the battle-fields, in ambulances and in temporary hospitals. A very small staff of resourceful and well-trained male nurses attached to the medical corps of an army could amplify by five or six times the relief which the said corps could normally render. The army commands would be in no way hindered or distracted by the voluntary workers and would incur no expense for their upkeep or their transport.

One member of the Committee thought that voluntary orderlies should not have to travel long distances, for instance not over thirty leagues [1].

---

[1] About 75 miles — *(Ed.)*.

M. Dunant pointed out that railways allowed long distances to be covered in a very short time, and that at the outbreak of war there would be no lack of funds to meet the cost of transporting auxiliaries.

The male nurses should be enrolled for temporary service and should receive pay for the duration of their employment.

The same principles should be observed everywhere, but they might be developed in each country in accordance with the views, customs and habits of the population. It would be advisable, however, to designate a Central Office, which might be changed each year.

Our entreprise was capable of wide development, and practical experience would show to what purposes it could extend.

The Central Committee would be required to keep Branch Committees regularly informed of any progress made in the matters under consideration.

M. Appia requested that the Committee should publish a short handbook for the use of the proposed voluntary orderlies.

M. Dunant remained responsible for the drafting of the Memorandum to be presented in Berlin, and in which the suggestion advanced in *Un Souvenir de Solferino* would be further developed.

This Memorandum was to be handed to the Committee before the following September.

The meeting then adjourned.

The Minutes were approved.

J. Henry DUNANT,
Secretary

P. S. — After the meeting, M. H. Dunant submitted the various documents he had received in regard to the subject under discussion, in particular a copy of the *Spectateur militaire*, dated February 15, 1863, containing a highly appreciative review of the book *Un Souvenir de Solferino* and of the opinions it contained, as well as an article by Monsieur Louis Joubert,

First Private Attaché to H. M. the Emperor of the French, on the folding-stretcher invented by him.

M. Dunant also submitted the correspondence on which he had been engaged for several months in order to disseminate his ideas in Europe and America, including his correspondence with the *Société vaudoise d'Utilité publique* and the *Société neuchâteloise pour l'Avancement des sciences sociales*, which had given their warm support to the aims of *Un Souvenir de Solferino*.

J. H. D.
Secretary

International Committee for the Relief of Wounded Combatants

Meeting of the Sub-committee, August 25, 1863

Present : General Dufour, President, M. Gustave Moynier, Dr. Maunoir, Dr. Appia and M. Henry Dunant, Secretary.

The Secretary read the minutes of the meeting of March 17, 1863, which were approved.

M. Moynier announced that the Welfare Congress would not be held in Berlin that year, owing to various circumstances. Other means of action had to be found and, in agreement with M. Dunant, he thought that the only means of speeding up matters was to convene an international conference at Geneva.

General Dufour, Dr. Maunoir and Dr. Appia fully supported the suggestion, and requested M. Moynier and M. Dunant to draft an invitation, to be sent to all persons we might think likely to be interested in the question.

The Conference would be held at the end of October ; choice of the opening date was left to MM. Moynier and Dunant.

M. Dunant stated that he intended to go on his own account to Berlin, to attend the important Statistical Congress which

was to be held from September 6 to 12, and that he would try to interest the Congress in our scheme. Further, M. Dunant would do his utmost to obtain the support of the German public, as he intended to visit Vienna, Dresden, Munich and other towns.

A draft concordat comprising ten articles having been prepared by M. Dunant, the Committee carefully discussed each item and requested M. Moynier and M. Dunant to draw up the final text, in such a manner that it could be joined to the circular.

MM. Moynier and Dunant were also entrusted with the printing of the circular, with the addition of any details or information they might think suitable, such as, perhaps, the concluding pages of *Un Souvenir de Solferino*. They were also made responsible for its circulation throughout Europe.

The meeting then adjourned.

Approved

J. Henry DUNANT,

Secretary

INTERNATIONAL COMMITTEE FOR THE RELIEF OF WOUNDED COMBATANTS

Meeting of the Sub-committee, October 20, 1863

Present : General Dufour President, M. Gustave Moynier, Dr. Theodore Maunoir, Dr. Appia, M. Henry Dunant, Secretary.

M. Dunant gave details of his travels in Germany. The rulers of that country, the Ministers of State, the Army and the public had shown warm approval of our entreprise.

The Statistical Congress was greatly interested and the Fourth Section, composed principally of army physicians, had expressed itself very favourably on the subject.

After the Statistical Congress, M. Dunant had thought it wise to print, at his own expense, a new circular dated September 15, in which neutral status was requested for the wounded, ambulances, hospitals, medical corps and officially recognised voluntary relief services.

Finally, M. Dunant hat written direct to almost all the European rulers, as well as to the War Ministers of several States, respectfully requesting that a delegate should be sent by each European Government.

Various arrangements were made for the meetings of the International Conference which was to open on the 26th instant in the Athénée, kindly placed at our disposal by Madame Eynard.

The meeting then adjourned.

Approved

J. Henry DUNANT

INTERNATIONAL COMMITTEE FOR THE RELIEF OF WOUNDED COMBATANTS

Meeting of the Sub-committee, November 9, 1863

Present : General Dufour, M. Gustave Moynier, Dr. Maunoir, M. Henry Dunant, Secretary.

Absent : Dr. Appia, who had sent apologies.

The Committee had every reason for satisfaction with the good results of the Conference.

On a proposal by M. Moynier, the Committee decided to send :

1. A letter to the Delegates, urging them to form Committees in their respective countries and requesting them to inform us to what extent their Governments were prepared to adhere to our recommendations and resolutions.

2. A letter to the Ministers of those States which were not represented at the Conference.

3. A letter possibly also to Governments of small States from whom nothing had been heard.

M. Henry Dunant informed the Committee that he had received the following donations for our work: 1,000 francs from Madame Eynard-Lullin, 200 francs from Madame Odier-Beaulacre, 100 francs from Monsieur and Madame Dunant-Colladon, 100 francs from Monsieur J.-L. Micheli and 50 francs from the Grand Duke of Baden. Those amounts had been deposited with MM. Hentsch, Chauvet & Co, Bankers, at Geneva. M. Dunant had prevailed upon M. Charles Hentsch to act as Treasurer for the Committee.

M. Dunant informed the Committee of his impending departure for Paris.

The drafting of the minutes of the Conference was left to M. Moynier.

The meeting then adjourned.

Approved

J. Henry DUNANT,
Secretary

INTERNATIONAL COMMITTEE FOR THE RELIEF OF WOUNDED COMBATANTS

Meeting of the Sub-committee, March 13, 1864

Present: General Dufour, M. Gustave Moynier, Dr. Maunoir Dr. Appia and M. Henry Dunant, Secretary.

M. Dunant informed the Committee of the official accession of Wurtemberg, Prussia, France, Denmark, Portugal and Hanover to the recommendations of the Conference.

It was hoped that the accession of other Governments would follow at an early date.

During the months of January, February and March, M. Dunant had written numerous letters which he had sent to all European countries, in order to stimulate progress, revive the Delegates' interest and urge countries which had not set up Committees to do so at the earliest possible moment.

The work had in fact gone on apace and our meeting had aroused widespread attention.

M. Dunant and M. Moynier had received a large number of documents, newspapers and publications in all languages.

It remained understood that General Dufour should be Honorary President of the International Committee, M. Moynier President and that M. Henry Dunant should continue to act as Secretary.

M. Dunant proposed that a Geneva Section should be set up and gave the names of the following persons who were willing to become members : MM. J.-L. Micheli, Charles Eynard, Viollier-Ador, Ernest Cramer, Kunckler-Pictet, Charles Hentsch, Maximilien Perrot, Alphonse Revilliod, Jules Faesch, Dr. Dunant et Ferdinand Forget.

The Committee requested M. Dunant to write to these gentlemen, informing them that the creation of a Geneva Section had been decided and that they were invited to become members.

M. Dunant informed the Committee that he had at one time intended to go to Schleswig, but that he considered it would be more in the interests of the work if he left without delay for Paris, since the French Emperor had informed him of his willingness to discuss the question of neutrality at a diplomatic level through his Foreign Minister with all the other European Courts. To this effect, the Emperor had ordered that, on his arrival in Paris, M. Dunant should be put in touch with the French Foreign Minister.

M. Dunant announced that M. van de Velde was ready to start for the theatre of war, if the Committee decided to send him there.

M. Appia stated that he was quite ready to go, if the Committee considered it desirable, but that he would prefer to be sent to Germany, rather than to Denmark.

General Dufour stressed our duty, in the present circumstances, to send two delegates, one to Germany, the other to Denmark, if we were to preserve our character as an impartial and international body.

M. Moynier, who was to proceed to Berne on the following day, would request the Federal Council to grant blank letters of recommendation for the two delegates whom the Committee would send.

The meeting was then adjourned.

J. Henry DUNANT,
Secretary

MEETING OF THE GENEVA SECTION OF MARCH 17, 1864

Meeting held on March 17, 1864

Present : General Dufour, Dr. Maunoir, Dr. Appia, M. Ernest Cramer, Dr. Dunant, MM. Charles Eynard, Jules Faesch, Ferdinand Forget, Kunckler-Pictet, Alphonse Revilliod, van de Velde, Viollier-Ador and Henry Dunant, Secretary.

M. Charles Hentsch, who was absent, had informed M. Henry Dunant that he agreed to become a member of the Geneva Section.

In M. Moynier's absence, due to illness, General Dufour, Honorary President of the International Committee, took the chair.

After addressing the meeting the President declared the Geneva Section to be duly constituted.

Dr. Maunoir then read the resolutions of the October Congress, and in an eloquent address demonstrated the need for this work and the desirability of a Geneva Section.

M. Henry Dunant conveyed to the Committee M. Moynier's regrets on being unable to attend.

He informed the Geneva Section that Dr. Appia and Captain van de Velde, both present, were willing to leave, one for Schleswig via Germany, and the other for Denmark, to study the work done by voluntary ambulances and to take action, if necessary.

M. van de Velde emphasized that the tour should be one of enquiry only, so that it should not appear too pretentious in the public eye.

M. Viollier-Ador supported the idea of sending delegates from Geneva.

General Dufour called for a vote on the question whether one delegate should be sent to Denmark and another to Germany.

A unanimous vote in favour was recorded.

M. Ernest Cramer asked whether publicity should be given to the creation of the Geneva Section, and whether the public should be informed that the Section was duly constituted.

General Dufour replied that it was preferable first to despatch the delegates ; the public might then be informed of our existence and would thus be under an obligation to help the organisation by making donations.

The meeting then adjourned.

J. Henry DUNANT,
Secretary

INTERNATIONAL COMMITTEE

Meeting held on March 23, 1864

Present : General Dufour, Dr. Maunoir, M. Moynier.

The President reported that M. Appia had left the previous day for Schleswig and that M. van de Velde would leave on the 29th. Each gentleman held a letter of credit on Hamburg and on Copenhagen for 2,000 francs, issued by MM. Hentsch & Co.

M. Maunoir was requested to meet Madame Eynard in order to encourage her to set up an Auxiliary Committee for women.

The President would write to M. Appia asking him to keep a diary of his travels.

The Committee would convene the Geneva Section when news had been received of their delegates.

The meeting then adjourned.

G. MOYNIER
Acting Secretary

REVUE INTERNATIONALE
DE LA CROIX-ROUGE

ET

BULLETIN INTERNATIONAL DES SOCIÉTÉS
DE LA CROIX-ROUGE

SUPPLEMENT

April 1949 Vol. II, No. 4

CONTENTS

Page

The Standing Commission of the International Red Cross and the Problem of Palestine Refugees 142

The Sign of the Red Cross by Jean S. Pictet, Director-Delegate of the International Committee of the Red Cross 143

Published by
Comité international de la Croix-Rouge, Genève
Editor: Louis Demolis

THE STANDING COMMISSION OF THE INTERNATIONAL RED CROSS AND THE PROBLEM OF PALESTINE REFUGEES

In its meeting, held at Geneva on April 5, 1949, the Standing Commission of the International Red Cross Organization paid tribute to the memory of their late President, Count Folke Bernadotte, and proceeded to elect M. André François-Poncet, Ambassador of France, to that office. The President of the Turkish Red Crescent, M. Ali Rana Tarhan, was elected Vice President of the Commission.

The chief item on the agenda was the problem of distributing relief supplies to the Palestine refugees, which has been entrusted to the International Red Cross by the United Nations.

The Commission noted that, in spite of their considerable increase in number which today amounts to some 900,000, the refugees have been assured a relatively satisfactory scale of rations. This was due to funds supplied by various Member States of the United Nations.

Member States who have not yet contributed their share will, it is hoped, provide the amounts due at the earliest possible moment, in view of the extensive requirements in housing, clothing, medical care and pharmaceutical supplies.

In the belief that the refugee problem will not be solved merely by emergency and inevitably transient relief, but that resettlement is the real remedy, the Standing Commission has felt it wise, leaving aside all political considerations, to approach the Secretary-General of the United Nations with a request that this organization consider the matter and seek the means of restoring, without undue delay, many thousands of homeless people to normal conditions of life.

JEAN S. PICTET
Director-Delegate
International Committee of the Red Cross.

THE SIGN OF THE RED CROSS

I. ORIGIN AND NATURE OF THE SIGN

1. ORIGIN OF THE SIGN [1]

Parsifal, knight of the saga and apostle of pity, bore on his shield a red cross on a white ground ; this recalled by a strange inversion of colours, the white hilt of his sword, embedded in a block of red stone.

In the sixteenth century, Camillo de Lellis, a nobleman of the Abruzzi, founded the Order of Camillans for " the care of all sick persons, whatever their faith... in public and private hospitals, and on the battle-fields". The members of this Order wore a cross of red cloth on the right side of their cape and cloak.

The above are, however, mere coincidences. The red cross emblem came into being at the memorable International Conference which met at Geneva from October 26 to 29, 1863, and which gave the Red Cross a quasi official existence [2].

---

[1] The historical data used in this chapter were carefully collected by the late Perceval Frutiger, whose premature death took place on the day on which he finished his task. The author wishes to pay a grateful tribute to the memory of this learned member of the Committee's staff.

To spare the reader, we are not giving bibliographical references ; these are however available to those who may be interested.

[2] The author prefers to write the " red cross emblem " in small letters, in order to reserve the denomination " Red Cross ", with capitals for the Red Cross conceived as an institution.

However, just as the protection of wounded combatants considerably antedates the Red Cross — since it had been first practised, under occasional short-lived agreements, since the sixteenth century — so the marking of ambulances goes back much further than the 1863 Conference. The flag used was white in Austria, red in France, yellow in Spain and the United States, and black elsewhere. At Solferino the ambulances had a red pennon and hospitals flew a black flag.

Henry Dunant states several times in his manuscript "Mémoires" that at the battle of Solferino in 1859 he realised the need for creating a uniform distinctive emblem and that he expounded this view some days after the battle, at the salon of Countess Verri.

Others had had the same idea before him, but not to his knowledge. In 1858, a French army surgeon, Baudens, published an account of his experiences in the Crimean war, in which he disclosed that medical orderlies tending the wounded at the battle of Traktir had been fired on; he goes on to remark: "Such mistakes would be impossible if, by general consent between the nations, doctors and hospital personnel wore a distinctive emblem, identical in all armies and all countries, which would make them easily recognisable to both parties".

The need for an international sign had in fact clearly emerged and must have been palpably obvious to all those who were concerned with the protection of the wounded.

Dunant did not raise the matter in his "Souvenir de Solferino" because, as he wrote later, his information was incomplete and, above all, because he feared to endanger his plan for introducing first-aid volunteers by asking too much of the States at one time.

On February 17, 1863, at their first meeting, the "Committee of Five"—the parent body of the Red Cross, which subsequently became the International Committee of the Red Cross—discussed the drafting of a Memorandum for submission to the Welfare Congress called for September 1863 in Berlin. General Dufour recommended the introduction in the Memorandum of a statement that "a badge, uniform or armlet might usefully be adopted, so that the bearers of such distinctive

and universally adopted insignia would be given due recognition"[1].

It is interesting to note that Dunant at the time apparently regarded the armlet as a proof of identity in the eyes of the general staff to which the volunteers offered their services, rather than as a protective emblem to be respected by the enemy.

The Welfare Congress did not take place, and the Memorandum written by Dunant for this purpose was not published. The manuscript, however, has been preserved, and in it the author suggests that the first-aid volunteers should wear "special dress" and "a white armlet".

At the Statistical Congress which took place in Berlin from September 6 to September 12, 1863, Dunant, supported by the Dutch delegate, Dr. Basting and the Prussian medical officers Boeger and Loeffler, did not fail to stress the importance of the distinctive emblem. On the advice, however, of Dr. Basting, he did not mention it in his circular letter of September 15, in order not to alarm the Government by pressing too many demands at once. After the Congress, he several times advised the adoption of a universal distinctive emblem.

Discussions had till then turned solely on the question of an international emblem; no mention had been made of a red cross.

The International Conference which was to launch the Red Cross and which brought together thirty-six delegates from sixteen States, opened in Geneva on October 26, 1863, under the auspices of the Committee of Five. Debates centred on a "draft agreement" written by Henry Dunant and Gustave Moynier, of which Article 9 laid down that "first-aid volunteers shall wear, in all countries, a similar uniform or distinctive emblem". The minutes of the Conference, kept by Dunant, show that the Article in question came under discussion on October 28, and that while the idea of an international uniform was discarded, that of a distinctive emblem was retained. Dr. Appia, one of the Committee of Five, proposed the insertion of the following sentence: "The Conference

[1] See English Supplement to the *Revue internationale*, March 1949, p. 127.

recommends that a white armlet be worn on the left arm". Later in the minutes the following decisive sentence occurs: " Finally, after some discussion, M. Appia's proposal was adopted, with an amendment to the effect that the white armlet should bear a red cross " [1]. The minutes however give no hint as to who was responsible for this amendment; this small piece of historical research will be taken up later in this paper.

Resolution No. 8, adopted finally on October 29, runs as follows : " They (the first-aid volunteers) shall in all countries wear a white armlet with a red cross, as a universal distinctive emblem ".

The same day, the last of the Conference, it was decided, after adoption of the final text of the Resolution, to add a number of recommendations, one of which was for the creation of a uniform distinctive sign for all regular medical personnel in the various armies, and of an international flag to signalise ambulances and hospitals. The above-mentioned Resolution (No. 8), covered only the armlets worn by first-aid volunteers.

The Austrian delegate, Dr. Unger, proposed that " since the Conference has chosen white with a red cross to distinguish first-aid volunteers, all localities which may harbour wounded and doctors should in future also be marked with this colour ". Surprisingly enough, this suggestion, though timely, was not entertained by the Conference which, both for regular army medical personnel and for hospitals and ambulances, merely recommended the adoption of a universal distinctive emblem, without specifying its nature.

It remained for the Diplomatic Conference of 1864, at which the first Geneva Convention was completed on August 22, to introduce the sign consisting of a red cross on a white ground as the universal distinctive sign for regular army medical personnel and for military hospitals and ambulances. This was the decisive step.

---

[1] The red cross emblem is sometimes called the " Geneva Cross ", not because it is shown in that city's coat of arms, but because it came into being at Geneva.

Subsequently it was stated in the revised Geneva Convention (1906), that the sign had been adopted " as a tribute to Switzerland ".

Unfortunately, documents hitherto traced give no hint as to who actually invented the red cross emblem : that is to say, who at the 1863 Conference proposed the addition of the red cross to the white armlet suggested by Dr. Appia. However, it is fairly probable that General Dufour was responsible [1].

In his manuscript " Mémoires ", Dunant states that the emblem of the red cross on a white ground was devised by himself and that he even proposed it at the Berlin Statistical Congress. This claim is not, however, conclusive, as the " Mémoires " were written some thirty years after the event, and contain many inaccuracies and contradictions. At different points in the " Mémoires " three different versions are given of the adoption, at the 1863 Conference, of the white armlet bearing a red cross. According to one version a proposal by Dunant for a white armlet with a red cross was adopted ; according to another, Appia vigorously maintained that the armlet proposed by Dufour should be white with a red cross ; and according to a third, on Appia's proposing that the armlet should be white, Dufour at once suggested adding a red cross.

As remarked above, the last version seems the most likely. The minutes of the Conference record that Appia proposed a white armlet. Verbal accounts traditionally ascribe to General Dufour the suggestion of adding a red cross. The first written narration of events was Appia's obituary notice [2]. Corroborative testimony by Gustave Moynier, given verbally to Paul Des Gouttes, and by General Dufour's daughter is on record. Further, it should be remembered that twenty-two years earlier, General Dufour had brought about the adoption of the white cross on a red ground as the Swiss national emblem, after ten years unceasing labour to that end, and that he introduced the armlet bearing these colours for the Federal troops.

No doubt Dunant was the first to propose that the red cross should be constituted by five equal squares. Any exact definition of the shape of the emblem has, however, always been avoided. Dunant's proposal was certainly made later than 1863. Otherwise, there is no explanation of the fact that in his Memorandum to the Welfare

---

[1] The clue may one day be found in the reports which the delegates to the 1863 Conference made to their Governments. This would perhaps be an interesting subject of research for the National Red Cross Societies of the countries represented at that Conference.

[2] *Bulletin international de la Croix-Rouge*, 1898.

Congress he merely advocated the adoption of the white armlet, and that at the 1863 Conference, the emblem of a red cross on a white ground was accepted in two stages. Had Dunant conceived the idea of the red cross before 1863, and had he mentioned it at the Statistical Congress, at the very least his colleagues from Geneva would immediately have proposed the white armlet with a red cross.

It remains to be ascertained whether the emblem of a red cross on a white ground was chosen in 1863 with the conscious intention of reversing the colours of the Swiss flag. This is probable, but not certain. The minutes of that Conference contain no reference in that regard, and it is possible that this analogy did not occur to men's minds till later. The first written allusion to it was made by Moynier in 1870. It has, further, been pointed out that the Swiss flag was flown on the building where the 1863 Conference took place. At all events it was, as stated above, the revised Geneva Convention, adopted in 1906, which finally declared that the emblem was a reversal of the national colours of Switzerland, as a tribute to that country.

2. Development of the Red Cross Emblem and Title between 1864 and the Present Day

The sign of the red cross on a white ground made its first practical appearance at the beginning of 1864, during the war of Schleswig-Holstein, and before the Geneva Convention was concluded. It was displayed on the armlets worn by the two delegates of the Committee of Five, Dr. Louis Appia, who was attached to the Austro-Prussian Army, and Captain van de Velde, attached to the Danish Army.

During the war of 1866 the white flag with a red cross was flown for the first time; this was in Germany, Austria and Italy.

In the course of the war of 1870-1871, many abuses of the emblem were noted. France, moreover, had provided neither flags nor armlets for her medical services.

Scarcely six weeks after the Conference of 1863 a reproduction of the white armlet with a red cross appeared in the French paper *"L'Illustration"*.

The Netherland Society for the Relief of Wounded Combatants was the first, in 1867, to adopt the title of " Red Cross Society ", and must therefore receive credit for the creation of the title. The name is, in point of fact, more particularly due to Mme. Basting, wife of the Dr. Basting who supported Dunant so enthusiastically at the Statistical Congress in Berlin, and who represented his country at the Conference of 1863.

This example was followed by some half a dozen Societies. In 1872, the Geneva International Committee urged Relief Societies to conform officially to this designation ; " scarcely a better could be devised ", the Committee wrote. The organizations concerned showed, however, little inclination to comply, and in 1875 Moynier stated that " generally speaking, they have refused ". Ten years later, nevertheless, the use of this title had become widespread.

The Geneva Committee used the title " International Committee of the Red Cross " [1] for the first time in 1875, " though the official title is International Committee for the Relief of Wounded Combatants ". The new title and the old one existed by side for four years longer in documents. In 1880 the new title prevailed, and the Committee have borne it ever since. Finally, in 1885, the International Committee sent their first circular to " The Central Committees of National Red Cross Societies " [2].

The universality of the red cross emblem, however, was not to endure for long.

Turkey, who adhered unreservedly to the Geneva Convention in 1865, notified the Swiss Federal Council in 1876 during her war with Serbia and later with Russia, that her medical

[1] The Committee are well aware that the proper English rendering of their title would be " International Red Cross Committee ". That is the style they used during the first World War and the following years until 1928, when the statutes of the " International Red Cross " (comprising the International Red Cross Conference, the International Committee and the League of Red Cross Societies) were adopted at the Hague. This new title gave rise to frequent confusion and misapprehension, and the English version of the Committee's name was subsequently modified. — *Ed.*

[2] The International Committee's motto *Inter Arma Caritas*, variations of which were used by many National Societies, was adopted in 1888, at Moynier's suggestion.

services would display a red crescent and not a red cross, because "the nature of this emblem was offensive to Muslim soldiers". An echo of the eight Crusades of A.D. 1096 to 1270 can certainly be heard here. Russia, who came into the war in 1877, at first contested Turkey's right to modify a treaty clause unilaterally, and then finally accepted the use of the red crescent, in return for a promise that the Turks would respect the red cross emblem displayed by their adversaries.

The Ottoman Society for the Relief of Wounded Combatants, founded in 1868 under the red cross emblem, was reconstituted in 1877, and therefore was obliged to alter its flag in accordance with that recently adopted for the medical services of the Turkish Army.

At the Hague Peace Conference, in 1899, which elaborated the Convention for the adaptation to Maritime Warfare of the principles of the Geneva Convention of 1864, the Turkish delegate stated that Ottoman hospital ships would replace the red cross flag by the red crescent. His example was followed by the delegates of Siam and Persia, who requested on behalf of their respective countries the right to use the red flame and the red sun. Thereupon the American delegate proposed the adoption, in place of the red cross, of an emblem acceptable to all. The Hague Conference was not competent to amend the Geneva Convention and merely noted the reservations and recommendations made. The International Committee have ever since deplored this infringement of the universality of the emblem.

The 1906 Conference which revised the Geneva Convention confirmed the use of the red cross emblem, admitting no exception to its universality, and it was stressed in debate that it had no religious significance. Turkey, however, who had not been represented at this Conference, adhered to the Convention the following year only on condition that she might use the red crescent.

The 1929 Conference, which produced the present text of the Geneva Convention, recognized, in face of claims by Turkey, Persia and Egypt, the use of the red crescent and of the red lion and sun in countries which already employed them, that is

to say, in the three countries just mentioned. The intention was thus to obviate any extension of the use of special emblems. Several States with Muslim populations however adopted the red crescent after 1929, and the International Committee felt itself obliged to recognize their Relief Societies. But the Committee strongly and successfully opposed the introduction of other special emblems that were suggested, such as the flame, shrine, bow, palm, wheel, trident, cedar, shield, and others. The International Red Cross Conferences which discussed the revision of the Geneva Convention of 1929 again examined the possibility of a return to a single emblem, as will be later described [1].

3. Nature of the Sign

The red cross on a white ground was intended by the authors of the Geneva Convention to be an international sign, the symbol of aid to the suffering, whether friend or foe.

In the same way, it was intended as a sign devoid of all religious significance, so that it might be honoured by men of all creeds ; this has been stressed at the Diplomatic Conferences held in Geneva. The sign is not the Swiss coat of arms, adapted for use, even though its choice was a tribute to the country which gave birth to the Red Cross. The reversal of the Federal colours created a new emblem bereft of any significance attaching to the national emblem which inspired it.

Furthermore, and the fact deserves a moment's attention, the Swiss flag itself has no religious significance ; at the most it derives historically from a remote and indirect Christian source. The bearing, moreover, is a Greek cross, with equal arms, not the Christian or Latin cross, which is different in shape, the lower vertical member being much longer than the other three. The view that the Swiss cross represents the Christian cross is entirely permissible, since the emblem is that of a country of Christian faith, but this interpretation is a purely personal one.

---

[1] See below p. 167.

In 1841 the Swiss Federal Diet decided, at the proposal of General (then Colonel) Dufour, to adopt as the national emblem: "Gules, a cross argent humetty"[1]. This emblem was chosen because it had already appeared, in 1815, on the armlet worn by trops carrying out Federal duties and because its use had already become general in the Cantons. The armlet in its turn was based on the white cross uncouped on a red ground which had, since 1540, been the banner of troops dispatched as Federal aid and which was the rallying signal for the Confederates. This rallying signal itself originated in the red banner — carrying inset in the upper left hand corner a small white cross — of Schwyz, a mountain community which gave its name and flag to Switzerland. It was a war standard, and had no religious sanction. The Schwyz flag again, almost certainly dates from the year 1289, when the Schwyzers, having lent assistance to Rudolph of Habsburg, received from him as a token of gratitude rather than of piety, the privilege of adding to their standard, at that time plain red, the emblem of the Holy Roman Empire, which was a crucifix. With the passing of years this emblem was reduced to a small Greek cross in the corner of the flag. It has been established that the emblem of the Holy Roman Empire was created by the Emperor Constantine, and one must therefore go back to him to find an authentic Christian origin for the emblem.

It may be added that recent study of prehistoric times shows that the cross in all its forms (Greek, Latin, swastika, ansate, and so on) is one of the most ancient symbols known to man. Excavations in Europe and in Egypt have brought to light articles bearing the so-called Greek cross, dating from many thousands of years before Christ. This sign has often been regarded as a protective talisman.

In 1889 the Swiss Federal Assembly declared that the "arms of the Confederation consist of a white cross, upright and humetty, placed on a red ground, having arms equal to each other and a length exceeding their thickness by one-sixth.

It has been asked whether the statement in the Geneva Convention that the emblem of the red cross on a white ground is formed "by reversing the Federal colours" may not be interpreted to mean that the red cross should have the same shape as the Swiss cross. This is an obvious error. The word

[1] In ordinary parlance: "On a red ground, a white Greek cross, the members of which do not touch the borders of the escutcheon."

"colours" should be taken literally to mean merely "red" and "white". If the allusion was to the flag itself the word "reversing" could not have been used. The minutes of the 1906 Diplomatic Conference are moreover very explicit on this point: the shape of the cross was left undefined as a deliberate precaution. Had any hard-and-fast rule, been established, some belligerents might very well have sought to justify attacks on buildings protected under the Convention, on the pretext that the distinctive emblems shown were not of regulation shape. Similarly, unscrupulous advantage might have been taken of a rigid definition to justify the use of a slightly larger or smaller red cross for commercial ends.

For the same reasons, the Geneva Convention does not define the shape of the white ground or the shade of red of the cross, whereas Switzerland has so defined its armorial bearings.

Certain National Red Cross Societies have defined, for their own use—and as is their right—the dimensions of the red cross. The majority seem to have chosen the cross consisting of five equal squares, which is the easiest to cut out of material, as the sides of the squares exactly coincide.

II. THE USE OF THE SIGN IN PRESENT DAY LAW

1. The Two Aspects of the Sign

If the full significance of the Red Cross emblem is to be grasped and the complex problems of its use are to be solved, a fundamental distinction must first be observed. This distinction, obvious as it seems, was not drawn until 1943 [1]; its neglect, indeed, long obscured the question and led many astray, particularly during the 1929 Diplomatic Conference.

There are two wholly distinct uses of the Red Cross emblem, having nothing in common beyond the mere outward form of

[1] Credit for this is due to M. Auguste-Raynald Werner, in his book *La Croix-Rouge et les Conventions de Genève*, Geneva 1943 (see in particular pp. 125 and 130). Cf. also *Revue internationale*, May 1944, p. 359.

the sign. The first use—whence derives the essential significance of the emblem—is as *a virtually constitutive element of protection* under the Convention. This we shall refer to, briefly, as the *protective* sign. In its second use the sign is *purely indicatory.*

(1). The object of the Geneva Convention [1] is to protect the wounded and sick of the armed forces. In the case of an individual therefore, the two constituent elements of protection are *(a)* a wound or sickness; *(b)* membership of the armed forces. Here the distinctive sign is not directly involved.

The Convention goes on to establish other immunities, all of course related to the fundamental protection of the wounded and sick of the armed forces. These affect the personnel tending the wounded, the buildings sheltering them and the material used for their benefit, including means of transport. Constitutive elements of protection, such as membership of the military or naval medical corps, and duties solely concerning the sick, wounded and so on, are laid down at different points in the Convention. However, a further element comes into play: the protected personnel, buildings and material in question must be identifiable as such to the enemy; they must clearly display the distinctive emblem described in the Convention—a red cross on a white ground.

The statement that the emblem is a virtually constitutive element of protection, was made for the sake of exactness; display of the emblem is not always a prerequisite of immunity. For instance, a camouflaged medical unit, not overtly showing the distinctive emblem—a frequent practice of present-day forward units—would still in theory be under protection. Protection could, however, not be given in fact unless the enemy was aware of the presence of a medical formation in the area. The unit would indeed lose the greater part of its protection through being exposed to long distance shelling. But should the area be occupied, then the enemy, once aware

[1] In the present paper, the customary term "Geneva Convention" refers to the first Geneva Convention of 1864, 1906 and 1929 (especially the last text) for the Relief of the Wounded and Sick of Armed Forces in the Field. This Convention gives the basic ruling for the use of the red cross emblem.

of its character, would be bound to respect the formation and the wounded, personnel and material it contained.

The Geneva Convention makes no terminological distinction. The wording in Article 24 referring to the use of the emblem for buildings, personnel or material, is "to protect or to indicate".

In short, the sign which is a virtually constitutive element of protection, or more simply, the protective emblem, is therefore that symbol which everywhere designates an object of the protection conferred by the Convention. This use has practical importance in war-time, particularly in the fighting zones, and the emblem should then be large in proportion to the object concerned.

(2). The second use of the sign is purely indicatory; in other words, it shows that a person or object is connected with the Red Cross, without being placed under the protection of the Geneva Convention. This use is customary, for instance, when drawing public attention to buildings or publications. The sign must then be, as a rule, of small size and so used as to exclude all risk of confusion with the protective emblem.

2. The Protective Sign

The red cross on a white ground is primarily the emblem of the Geneva Convention [1]. This Convention, in 1864, introduced it into written international law and invested it with its great significance as a symbol of immunity for the wounded and sick of the armed forces.

The Geneva Convention of 1929 carefully and distinctly delimits the use of the protective emblem: it may only designate medical units and establishments (Art. 22), equipment (Art. 20) and personnel (Art. 21). By far its most important function is to mark buildings, in view of their capacity for accommodation and the danger of aerial bombardment. Here it should be noted that, to be effective, the emblem should

[1] In all cases this term also covers (for the States which employ them) the emblems of the red crescent, or red lion and sun on a white ground.

be as large as possible and visible from all sides. Trial markings carried out by one Government at the Committee's request showed that a red cross on a white surface five metres square, placed on the roof of a building, can hardly be seen at any height above 2,500 metres [1].

The Geneva Convention of 1929 also regulates the use of the emblem on hospital aircraft ; these must be painted white and bear, clearly marked, the distinctive emblem on their lower and upper surfaces. (Art. 18).

Only one other international convention besides the Geneva Convention, namely, the Tenth Hague Convention of 1907, provides for the use of the red cross on a white ground. This is natural, since the express purpose of the Hague Convention is to adapt to maritime warfare the principles of the Geneva Convention of 1906. Thus, the use of the emblem as governed by the Tenth Hague Convention, itself derives its authority only from the Geneva Convention; the Hague text makes explicit reference to that Convention in its single provision relating to the emblem (Art. 5) ; according to this, hospital ships shall make themselves known by hoisting, with their national flag, the white flag with a red cross required under the Geneva Convention.

Of the bodies entitled to use the protective symbol, the most important are the military and naval Medical Services. Before it became the emblem of the Red Cross organization, the red cross on a white ground was, under the Convention, the international emblem for these Services. Secondly, the Voluntary Aid Societies duly recognised by their Government and acting as auxiliaries to the Medical Corps may use the emblem. These Societies may only use the protective sign, however, for that part of their personnel and material which is in wartime placed in the service of the regular Medical Corps, which is employed on the same duties and on no others, and which is, for practical purposes, merged with the regular Services. Even in this case, the sign may not be used without the permission of the competent military authorities.

The Convention speaks only of recognised Voluntary Aid Societies ; however, the National Red Cross Societies are

[1] See *Revue internationale*, May 1936, p. 409.

certainly included in this category, and in fact are chiefly implied by this wording. These Societies are, as one of the essential conditions of their recognition, authorised by their Governments to lend their services to the Medical Corps. They are by far the most important societies for the relief of the wounded, although certain other organizations do exist. With the Medical Corps, the National Red Cross Societies do not have sole use of the emblem, at least in countries where other organizations have been authorized by the State to co-operate with the Medical Services; amongst these are the Order of St. John of Jerusalem and the Order of Malta.

No organisation other than the regular Medical Services, National Red Cross Societies and certain other recognised societies may use the protective sign.

Civilian hospitals or other medical establishments, even if they belong to a Red Cross Society, may not under contemporary law use the emblem for protective purposes. These buildings in fact come within the purview, not of the Geneva Convention, but of Article 27 of the Regulations annexed to the Fourth Hague Convention (1907) and of Article 5 of the Ninth Hague Convention (1907). According to these Articles, hospital establishments shall be designated "by particular and visible signs which shall previously be notified to the assailants". When within range of naval artillery, they shall display large rectangular screens, divided diagonally into two triangular portions, the upper portion black, the lower white. During the second World War, some belligerent States used a red square on a white ground as a distinctive mark for civilian hospitals.

Other countries adopted the practice of militarizing civilian hospitals in order to place them under the protection of the Geneva Convention and thus to be able to mark them with the red cross. It is evident, however, that if this practice is to be accepted by the adversary, a second condition must be observed, namely, that all hospitals that have been militarized should, in fact, be at least partially reserved for wounded and sick combatants. If these two conditions are fulfilled, it may be considered that the presence of civilian patients in

these hospitals does not render the buildings ineligible for protection, although this would be a wide interpretation of the Convention.

There remains the question of sanctions. The vital significance of the red cross emblem demands that its use should be subject to strict regulations in all countries, and that all abuses should be prosecuted and severely punished. Article 29 of the Convention makes it compulsory for States to take the necessary measures to repress, in war-time, any act contrary to the provisions of the Convention. Further, Article 28 states that misuse or imitation of the red cross on a white ground shall be prevented at all times.

This prohibition applies *a fortiori* to the use of any red cross, whatever the colour of the background, or even without a background at all, since this would constitute more than a mere imitation.

This last Article, although general in effect, makes no distinction between misuse of the protective emblem in wartime, which is a grave offence, and misuse of the purely indicatory emblem for, perhaps, commercial purposes. Revision of the Geneva Convention is desirable in this regard ; further mention of the subject will be made in the next chapter.

Extension of Use. — Under the strict law of the two Conventions mentioned above, any use of the protective sign other than those already enumerated is inadmissible. During the last World War, however, the International Committee considered that it should, in the immediate interest of war victims, suggest that in certain exceptional cases, and with the formal consent of Governments, the use of the emblem should be extended to some means of transport used for conveying relief supplies to starving prisoners of war and civilians.

There could be no thought, during hostilities, of consulting all the signatories to the Geneva and Hague Conventions on the solution of such urgent humanitarian problems. Nevertheless, as this question involved an infringement of the basic Conventions, the International Committee thought it should obtain the assent of the belligerent Powers directly concerned,

that is to say, those whose armed forces might, in particular cases and in certain areas, encounter the convoys, the protection of which was contemplated. The Committee adhered to this principle throughout, both to vindicate the generous faith placed in them by the Powers and to ensure the vehicles' safety.

The means of transport chiefly involved were the vessels exclusively employed for the transport of relief supplies for war victims and sailing under the orders of the International Committee, or of National Red Cross Societies. The agreement reached between the various belligerents and the Committee laid down certain conditions, such as the presence on board of the Committee's agents, notification of sailing, courses followed and arrivals, inspection of cargoes, etc., in return for which the belligerents issued the safe-conducts required by each vessel. The ships bore the sign "C. International" and the red cross emblem on a white ground was displayed on both sides of the hull, fore and aft, and on the decks and superstructure. These signs were lit up at night. Similar agreements were made between the belligerent Powers and the Swedish authorities in respect of the vessels carrying relief to Greece.

In the final stages of the war, when the chaos reigning in Germany obliged the Committee to improvise rail and road transport, in order to relieve prisoners and deportees, the red cross emblem was, as an imperative humanitarian necessity, also depicted on the vehicles. The urgent nature of the circumstances precluded any detailed agreement in writing between the belligerents concerned; nevertheless, these were advised of the fact and then gave their consent, although they were unable to guarantee the safety of the convoys. Railway trucks were painted white and bore both the red cross and the emblem of the Swiss Confederation. The motor lorries were also painted white and bore the red cross with the initials "C.I.C.R." between the four members, together with the Swiss Federal Cross.

Mention should be made of a third instance—the large red cross emblem placed on the roof of the Central Prisoners of War Agency in Geneva. This measure was necessary in view of the fact that on several occasions belligerent aircraft attacked

Swiss territory in error, and it was important to mark a building which contained irreplaceable documents. This use did not call for an agreement or notification, as the building was situated in a neutral country.

3. The Purely Indicatory Sign

As already mentioned, the red cross emblem is a purely indicatory sign when used to designate persons or objects connected with the Red Cross. This use does not and cannot imply the protection of the Geneva Convention. The emblem should then be of small size in proportion to the wearer or to the object bearing it ; it should be used in such a manner as to avoid all risk of confusion with the protective emblem. It should also, where possible, be accompanied by the name of the institution employing it.

The two purposes of the emblem are so widely divergent that it might well be wondered why, at the outset, the Red Cross did not adopt two different emblems—one as a visible symbol of the protection conferred by the Geneva Convention, and another for use as the flag of the National Red Cross Societies in all their activities.

The difficulties resulting from the dual significance of the emblem have been shown and will be further exemplified in the course of this paper. The advantages should however also be stressed ; to the public in general the red cross has become a unique symbol of impartial aid to all those in suffering, just as an arrow is, in all countries, a means of indicating direction. The prestige acquired by the emblem in its protective capacity reflects with advantage upon the public welfare activities of the Red Cross, and vice versa. The red cross sign has acquired its mystic ; and, though the indicatory emblem confers no protection in law, if the authorities on occasion allow Red Cross organizations the benefit of the doubt, more good is probably done than harm.

At all events, it is now almost certainly too late to contemplate a change.

The Geneva Convention (Art. 24) authorises the use of the emblem outside its primary function only in two instances: firstly, for the humanitarian activities in peace-time of the recognized Voluntary Aid Societies, of which the principal are the National Red Cross Societies; secondly, as a concession subject to consent of a National Red Cross Society, to mark in peace-time the position of first aid posts established solely to give free treatment to the injured or the sick.

It should be noted that, in strict law, these two forms of use are permissible only in peace-time. In other words, at the outset of a conflict, the National Red Cross Societies should suspend, without exception, the use of the emblem by all persons and on all buildings or objects not connected with the care of service men, or with the Medical Services of the armed forces. This rule, as may well be imagined, has always been a dead letter. It can be seen from the records of the Diplomatic Conference of 1929, that the delegates had no intention of preventing National Red Cross Societies from using the emblem for their "peace-time" activities, when these were pursued during war. None the less, the wording of the Convention is quite definite on this point.

If the Convention had drawn a distinction between the protective and the merely indicatory symbol, a satisfactory solution would have ensued: the first would have been employed in war-time only, for activities within the specific scope of the Convention, whilst the National Red Cross Societies would have been left free at all times to make use of the second.

According to the Convention, neither the International Committee nor the League of Red Cross Societies are, strictly speaking, entitled to employ the emblem. In Switzerland, however, a municipal law, applying the spirit rather than the letter of the Convention, authorizes them to do so. It has been claimed that the International Committee might be regarded as a recognised Aid Society, under the terms of Article 10, but this is incorrect. The Article deals only with personnel employed exclusively on the same duties as the regular medical personnel of the armed forces. At the most, the spirit of the Geneva Convention may here be invoked. In any case, the

International Committee's right to use the emblem, which they devised and were the first to employ, has never been challenged.

It may be asked, which are the purely indicatory uses of the symbol? A distinction should be made here between what may be classified as the *appertinent*, the *decorative* and the *associative* emblems.

(1). *The appertinent emblem.* — This shows that persons are members of, or that objects belong to, a National Red Cross Society. Reproduced on flags or name-plates, it indicates Red Cross buildings or vehicles. As a badge affixed on nurses' veils or worn in buttonholes, it distinguishes the Society's staff. As a stamp it marks publications, writing paper and parcels. The emblem is, as a rule, accompanied by the name of the organization which uses it.

Whilst active members of National Societies must wear the badge, it may be asked whether it should also be worn by the numerous members or supporters of a Society who merely pay a small yearly subscription, without giving any actual service.

It should be recalled that Art. 24, Par. 3 of the Geneva Convention provides that Red Cross Societies may use the sign in connection with their humanitarian activities in time of peace.

The use of the word "humanitarian" caused lengthy debate during the Diplomatic Conference of 1929. At that time, indeed, the principal aim was to exclude certain activities which were not clearly of a humanitarian character, and the question of the wearing of badges by supporters of Red Cross Societies was not raised in any form. Nevertheless, whatever the intention of its author, a legal text stands by itself, and it would seem that, in the circumstances, the term "humanitarian activities" suffices to preclude the wearing of badges by members who take no active part in humanitarian work.

On the other hand, the use of the emblem by Red Cross Societies is subject to municipal legislation, although this in no way detracts from the restriction imposed by the Convention itself; only very rarely, however, does such legislation deal

with the wearing of the emblem by the Society's members. National laws in most cases merely grant the use of the emblem to a Red Cross Society. Sometimes they state that it is to be reserved "for the members"; in other cases the context makes it clear that members engaged on humanitarian activities only are intended. In some countries, however, legislation is more precise; for instance, the New Zealand law provides that buttons and brooches may only be worn by members in uniform. In Germany, members of the Society are forbidden by law to use the emblem for personal ends.

In most cases the question is left to the judgment of the Red Cross. Reference to the documents will show that the XIIth International Red Cross Conference, held at Geneva in 1925, passed a resolution, reaffirmed at Brussels in 1930, in which it was recommended "that National Red Cross Societies should authorize their members to wear a Red Cross badge only when engaged in their duties; this measure should, in particular, be very strictly enforced in regard to members of the Junior Red Cross".

Enquiry will show that the present-day practices of the National Red Cross Societies vary considerably from one country to another. Some Societies do not allow their members to wear the emblem; others only allow them to display it in certain circumstances, such as during Red Cross assemblies. In contrast, other Societies allow their members to wear it as they think fit: some Societies even sell it in the streets in return for subscriptions.

The question should be further examined in the light of broad Red Cross principles. There is no doubt that all regulations of the emblem were in spirit intended to reserve its use to circumstances in which its essential significance, as a symbol of impartial charitable aid, is involved. In his *Commentaire de la Convention de Genève*, the late Paul Des Gouttes, legal adviser to the International Committee, stated: "The emblem belongs to the Society and not to individual members... Its use by these should not be countenanced except when they are engaged in their duties." The International Committee can only endorse this view, and recommend National Red

Cross Societies not to allow the wearing of the Red Cross emblem by their non-active members, except during mass meetings of the Society.

(2) — *The decorative emblem* — Red Cross Societies use the decorative emblem on their medals and other awards, on propaganda posters or publications, and for the interior embellishment of their premises. In the last instance, the emblem may be large in size, despite the usual rule. At conferences an immense Red Cross flag invariably hangs above the speakers' platform ; as in these cases the emblem is displayed inside a building, no one is likely to imagine that protection against aircraft or artillery is being sought.

(3) — *The associative emblem* — In the two instances already mentioned, the emblem is displayed by a National Red Cross Society. As already stated, the Geneva Convention provides for the use of the emblem with the authority of a Society, but not under its auspices, to mark the position of first aid posts established solely to give free treatment to the injured or the sick. First aid posts at crowded public meetings are marked in this manner. Similarly, first aid posts for automobile accidents are a familiar sight on main roads ; here, the red cross on white ground with its vivid associations and its immediate connotation of help for all, became the natural marking. This may be called the associative use of the emblem.

One National Red Cross Society recently enquired whether the red cross emblem could be conferred upon members of such bodies as the police force, fire brigades, Alpine rescue associations, railwaymen, and others who have received first aid training. No such authority can possibly be given, since these bodies are not affiliated to the National Red Cross, and because also their first aid work is merely incidental. A relief society cannot expect to be granted the use of the Red Cross emblem unless it engages solely in relief activities and is affiliated to a National Red Cross Society.

The *protective* sign, consisting of a red cross on a white ground as prescribed by the Geneva Convention, should always be displayed in its original form, without alteration or addition.

It is highly desirable that this should also apply to the *appertinent* emblem, as it represents besides the institution, the unique character and the dignity of the Red Cross. Further, to preserve its full significance in the public mind and to prevent misconception, the emblem should not be coupled with that of any institution not connected with the Red Cross.

The *associative* emblem, if it is to retain its full power of suggestion, should be as distinct as possible.

The artist's imagination has, on the other hand, in most countries been allowed free rein in the treatment of the *decorative* emblem; amongst other devices the red cross has been thrown into relief, framed in a gilt edging, set against coloured grounds, or surcharged with lettering or mottoes. Such practices need cause no anxiety, provided that restraint and good taste are observed, and that the decorative emblem alone is used.

On the other hand, abuse of the emblem, even when applied to purely indicatory ends, should be energetically repressed. For instance, the lamentable and only too widespread use of the red cross, or Swiss cross as a chemist's sign or a trademark for pharmaceutical, or even pseudo-pharmaceutical products, should be thoroughly eradicated [1].

Other practices, whilst not constituting actual abuses, should be discouraged. For instance, National Red Cross Societies, and even the International Committee, have on occasion raised funds essential for their work by the sale of objects or badges bearing the red cross. All these actions are, in varying degrees, likely to impair the prestige of the emblem as such, and to compromise the good name of the Red Cross. Worse still, they may indirectly diminish the value of the protective symbol: it should always be remembered that the emblem, despite the varying legal significance of its use, remains in all cases a red cross on a white ground. Thus every portrayal

[1] Medical practitioners and chemists might in justice lay claim to a distinctive emblem for their houses, cars, or indeed their own persons. But instead of seeking to acquire the red cross as that emblem, which is quite impossible, they should adopt the staff of Aesculapius (which has often been confused with the caduceus, symbol of commerce), as has been suggested by French and German medical authorities. Pharmacists could display the ancient symbol of their profession, the serpent coiled round the cup of Hygeia, the daughter of Aesculapius.

of the red cross reinforces or weakens, to a certain extent, the mystic associations of the sign in its highest connotation. The emblem at all times bears within itself a lofty significance, that of Samaritan brotherliness. If members of Red Cross Societies are not allowed to wear their badges except when engaged in their duties, still less should the emblem be reduced to the level of a mere label for commercial houses —otherwise, its presence on articles that have no relation to charitable work will dull men's realisation of the sanctity of its use in other, crucial circumstances.

III. THE USE OF THE SIGN UNDER FUTURE LEGISLATION

The International Committee, it is well known, is continually engaged in the task of perfecting the humanitarian Conventions. A draft revision of the Geneva Convention was to have been submitted to the Diplomatic Conference that was convened for 1940, but adjourned on account of the war. In 1945, the Committee resumed their work and elaborated four revised or new Conventions with the active help of Government experts, National Red Cross Societies and other humanitarian organizations. The principal stages of the work were marked by the Preliminary Red Cross Conference in 1946, the Conference of Government Experts in 1947, and the XVIIth International Red Cross Conference held at Stockholm in August 1948. This last meeting approved the drafts presented by the Committee, after making certain amendments, and recommended that the States should meet in Diplomatic Conference, at the earliest possible date, in order to give these Conventions their final form. The Swiss Government, in its capacity of depositary State for the Geneva Conventions, has convened the Diplomatic Conference for April 21, 1949.

The provisions of these Draft Conventions which relate to the red cross emblem, and the suggestions that can still be usefully be made should now be considered.

The general question of the *plurality* of emblems must here be reviewed [1]. The Commission which, in 1937, drew up the first Draft Revision of the Geneva Convention, unanimously deplored the abandonment of a single emblem by the introduction, in 1929, of other exceptional emblems in addition to the red cross, namely the red crescent, and the red lion and sun. The Commission thought that it would be desirable to return to earlier practice and pointed out that the red cross is an international symbol, that it is devoid of any religious signifiance, and that it was illogical to replace it by other symbols. Furthermore, such a course would create the risk of confusion with national flags, particularly in the case of States whose national emblem is a red symbol on a white ground. The Commission recommended that, in any case, the text of the Convention should permit no exceptions whatever to the unity of the emblem, other than those which are now accepted.

The Preliminary Red Cross Conference (1946) discussed the question once more. Some Delegations spoke emphatically in favour of restoring the universal character of the emblem. They also recommended that the real meaning of the red cross emblem be brought home to the populations of Eastern countries One delegate pointed out that no country had ever objected to the use of a cross as an arithmetical sign denoting addition.

The representative of a country using the red crescent, supported by other Delegations, however stressed that it would be impossible for the time being to introduce the red cross emblem in Muslim countries, as this would deeply offend the religious sentiments of the population. He fully appreciated the advantages of reverting to the former practice and did not believe it impossible that unity, although impracticable at the present, might be restored at some future time.

The Conference thereupon refrained from suggesting any amendment in this connexion.

The subject was again discussed by the Government Experts (1947) and, quite recently, by the XVIIth International Red Cross Conference. The latter meeting abstained from amending

[1] See p. 151.

the present wording, but recommended that the Governments and National Societies concerned should endeavour to return as soon as possible to the unity of the red cross emblem.

As possible solutions of this delicate problem the following may be considered worthy of study.

(a) — The Geneva Convention might henceforth refuse to countenance the use of exceptional emblems, save as a provisional measure ; it might fix a period—for instance, ten years—during which all such symbols must disappear. The countries using extraneous emblems could thus start educating public opinion at once and gradually substitute the red cross for any foreign emblems.

(b) — The emblem of the red cross on a white ground might be employed in all countries. In certain exceptional cases, countries would have authority to add, in one corner of the flag, a particular symbol of small dimensions [1]. This additional sign would hardly impair visibility, and would relieve the principal emblem of the peculiarity which is a stumbling-block to certain populations.

The above course might also provide the solution of a difficult problem which has recently arisen. The Society of the " Magen David Adom " (Red Shield of David), which acts as the Israeli Relief Society, is anxious to obtain recognition as a member of the International Red Cross, while retaining the right to use as emblem the red shield—a red six-pointed star in the form of two intersecting triangles—on a white ground. This request certainly is not admissible in the present state of international legislation. It is, further, impossible to entertain the proposal to introduce a third exceptional emblem as a permanent measure, as this would open the door to such a host of further applications that the Red Cross and the Geneva Convention would both be seriously imperilled. It must, however, be admitted that the above Society would be entitled, possibly as much as the corresponding society of Iran, to claim a symbol which is neither the cross, nor the crescent. The above solution would allow the red shield to be inscribed in the corner of the flag.

[1] See inset Fig. I.

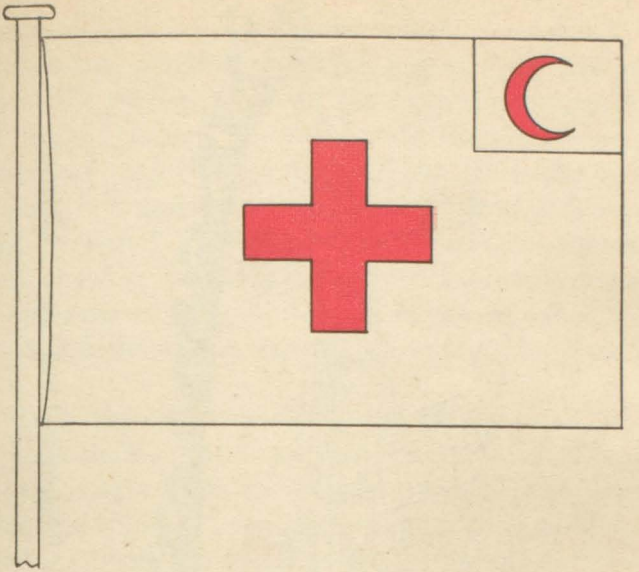


Fig. I. Red Cross Emblem with particular sign of small dimensions inset.

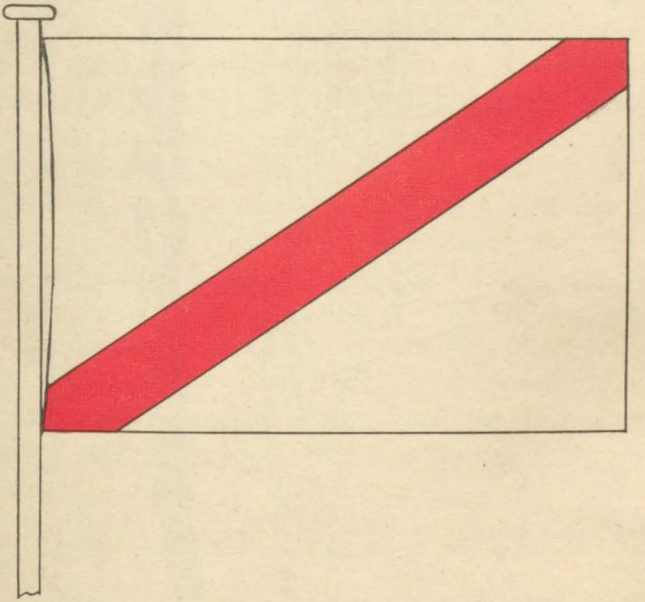


Fig. II. Example of an emblem, for use as the sole exception to the universal Red Cross Emblem.

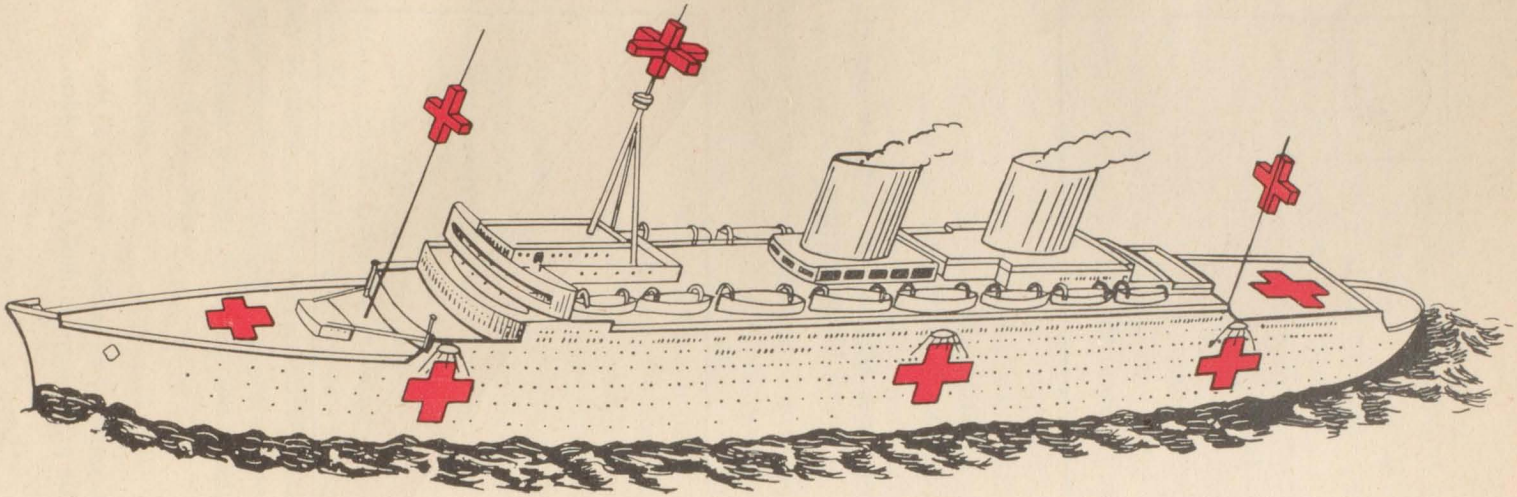


Fig. III. Markings of Hospital Ships, as recommended by the XVIIth International Red Cross Conference.

(c) — The Geneva Convention might recognize, besides the red cross, one single exceptional and entirely new emblem, which would be employed by all the countries unable to adopt the red cross. This new emblem would therefore replace both the red crescent, and the red lion and sun ; it would be strictly neutral, easily recognizable from a distance and bear a name acceptable to Relief Societies in the countries concerned. A white flag showing an oblique, vertical or horizontal band might be considered for adoption ; it might be called the " red flame "[1]. A red chevron or red square on a white ground might also serve.

(d) — Iran, the only State using the red lion and sun, might abandon that emblem and use the red cross or red crescent. The crescent would then be the only special emblem in use, and a firm and constant resolve never to recognize any other exceptional emblem would thereby be signified.

2. The Protective Sign

Article 36 (new) of the Draft Revised Geneva Convention [2], as adopted and amended by the XVIIth International Red Cross Conference, delimits the use of the protective emblem as strictly as did the 1929 text, but the new wording is clearer in that it draws, at long last, a distinction between the protective and the purely indicatory uses of the emblem.

Article 40 (new), of the Revised Draft of the Tenth Hague Convention [3] provides, as hitherto, for the use of the emblem by hospital ships. It had been long since recognized that merely to hoist a flag, as prescribed in 1907 when aerial warfare was unknown, was totally inadequate. The experts who met in 1937 recommended that the deck, funnels and superstructure of hospital ships should display large red crosses on a white ground. During the second World War, the belligerents did in fact adopt such markings. There is documentary evidence

---

[1] See inset Fig. II.

[2] See the English supplement to the *Revue internationale*, Dec. 1948, pp. 214-15.

[3] *Loc. cit.*, Feb. 1949, pp. 105-06.

to show that attacks on, or the destruction of, hospital ships resulted in most cases from a lack of modern markings.

On the suggestion of the American experts, the XVIIth International Red Cross Conference adopted full and exact prescriptions for the marking of hospital ships. Large red crosses must be displayed in prominent positions, and be supplemented by an ingenious, if somewhat complicated, system for illumination by night; this consists of a three-dimensional luminous cross having three parallelepipedal [1] limbs, one vertical and two horizontal; of these horizontal limbs one would be placed lengthwise to the ship and the other at right angles. An automatic interrupter (optional) would provide flashing and alternating illumination of the two horizontal members. Thus from any side a cross, and one cross only, will be visible [2]. Other Governments will probably advise a totally different system, that of painting the whole ship orange, or orange and black.

Besides the Geneva and the Maritime Conventions, the new Draft Convention for the Protection of Civilian Persons in Time of War contains provisions on the use of the red cross emblem.

The Draft submitted by the International Committee to the XVIIth International Red Cross Conference provided that civilian hospitals, recognized as such by the State and organized to give permanent care to the wounded and sick, the infirm and maternity cases, should be distinguished by means of the red cross emblem. This was the only extension of its use admitted, and that only after serious misgivings.

The XVIIth Conference went still further and proposed that the use of the red cross emblem be extended to all transports conveying wounded and sick civilians and to all personnel in charge of them, provided they wore armlets. (Art. 18 and 10 (a). [3]

---

[1] That is, with a rectangular cross-section — *Ed.*

[2] See inset Fig. III.

[3] For text of these Articles, see English supplement to the *Revue*, Jan. 1949, p. 10.

No doubt the XVIIth Conference was prevented by want of time from studying all the aspects of the problem and from assessing the full effect of the proposed extension. At all events, this seems to the International Committee to be a most dangerous innovation, since any widening of the applicability of the red cross emblem will inevitably entail a far greater risk of misuse and violation ; this in turn might compromise the repute attaching to the emblem and undermine its very great significance and good name. Hitherto, the use of the emblem has been confined to the clearly defined category of persons who are subject to military discipline. Even in these circumstances, the prevention of misuse has met with no small difficulties. Towards the end of the last world War, misuse of the emblem was so persistent in certain battle areas, where fighting was particularly heavy, that the emblem was abandoned by units entitled to use it. If, therefore, the use of the emblem is extended to ill-defined categories of civilians, scattered over the country, who are not subject to discipline, proper registrations or strict supervision, the combating of abuse would become impracticable, and the consequences would be borne by those who are legally entitled to protection.

Members of the army medical service were authorized to wear the emblem solely because they belong to the category of military personnel, that is to say, those who may lawfully be attacked, those whom soldiers through the centuries have been trained to fire on.

The law of nations, however, rests on the principle that hostilities should be confined to armed forces, and that civil populations should be generally immune. The whole economy of the new Civilian Convention derives from this acceptance. Since it is illegal to fire upon any civilian, clearly it is illegal to fire upon civilians in charge of the sick. Article 13 of the new Convention [1] expressly states, in fact, that the parties to the conflict shall allow medical personnel of all categories to carry out their duties. To seek protection for certain categories of civilians would be an admission, at the outset, that the new

[1] *Loc. cit.*, p. 148.

Convention would not be respected in the case of other civilians; this would be a confession of poor faith in the new treaty, and would weaken its authority.

We therefore hope that this extension of the use of the emblem will not appear in the final text. An exception might perhaps still be made for the use of the emblem by the regular staffs of civilian hospitals, who are a well-defined category of persons, duly registered by the State and holding identity documents to that effect. On the other hand, if a protective emblem for all civilian medical personnel is still desired, it would be better to abandon altogether the use of the red cross emblem for civilians, and even for civilian hospitals, and re-open the question of creating a special sign for them [1].

It will further be observed that the Draft Agreement for Hospital and Safety Zones, annexed to the Revised Geneva Convention and the new Civilian Convention, provides for the special marking of these zones by means of oblique red bands on a white ground; however, zones reserved exclusively for the wounded and sick may display the Red Cross emblem. This clause is a direct consequence of the text of the Geneva Convention and the extension of the emblem to recognized civilian hospitals.

A final word on the *repression of abuses*. It has already been shown that Article 28 of the 1929 Convention, requiring the Parties to prevent misuse of the Red Cross emblem, makes no distinction between abuse of the protective sign in war-time —which is a grave offence—and misuse, perhaps by commercial undertakings, of the purely indicatory emblem. This confusion is in fact reflected in the municipal laws giving effect to the said treaty provision.

This unfortunate state of affairs doubtless arises from the longstanding misconception over the fundamental distinction that we have drawn between the two types of sign. There are, as we have shown, two kinds of misuse, widely different in nature. This distinction should certainly entail two separate provisions.

[1] See above p. 165, note 1, remarks on a special sign for medical practitioners.

Misuse of the protective emblem in war-time should be liable to extremely severe penalties. The improper use of the red cross on buildings in a zone of military operations is likely to compromise the security of buildings lawfully entitled to display it. It should be noted that the Geneva Convention of 1906 stipulates in Article 28 that misuse of the emblem should be "punished as an unjustifiable adoption of military markings". The same phrase appears in the Tenth Hague Convention of 1907; it thus still applies to vessels.

3. The Purely Indicatory Sign

Article 36 of the Draft Revised Geneva Convention [1], which deals with the indicatory emblem, in our opinion successfully reconciles anxiety to prevent ill-considered extensions of the emblem's use, with the need to adapt the law to regular practice. Since the distinction between the two uses is clearly drawn in the text of the Convention itself, the extended use of the indicatory emblem authorized by the Convention, as compared with the strict 1929 text, may safely take place.

National Red Cross Societies may at all times, in accordance with their municipal legislation, make use of the emblem for their other activities, i.e. those outside their service with the military or naval Medical Corps, provided these activities are in conformity with the principles laid down by the International Red Cross Conferences. One vital provision precludes abuse: only the purely indicatory emblem may be employed. To this effect the Draft Revised Convention forbids the use of this emblem in fighting areas. Further, the conditions for the use of the emblem shall be such that it cannot in war-time be taken as conferring the protection of the Convention; the emblem must be of small size, and may not be worn as an armlet.

The clause to the effect that National Red Cross Societies might, even in time of war, make use of the emblem for their other activities "which are in conformity with the principles

[1] See English supplement to the *Revue*, Dec. 1948, p. 214-15.

laid down by the International Red Cross Conferences", was adopted for a definite purpose and solves a problem which has long been a subject of debate.

The activities of the National Red Cross Societies which were first limited to the care of the wounded and sick of armed forces [1] have, from the outset, been steadily extended, so that they now include all, or nearly all, forms of human distress; nevertheless, their relief efforts had always been devoted to direct victims of war or social upheavals. During the last World War, the Red Cross Societies of some countries opened up a new field of work. This consisted of social or patriotic activities, such as sending parcels to men at the front, organizing welfare and recreation for fighting troops, giving them swimming instruction, assisting their families, and so on. Thus for the first time, the Red Cross was concerned with those who were not actual war victims.

During the 1946 Preliminary Conference, the International Committee, whilst not wishing to deprecate in any way the extremely valuable activities mentioned above, drew attention to this new development. They stressed the fact that it might, by a gradual process of extension, cause the Red Cross eventually to lend its name and emblem to activities only remotely related to its real character and essential aims.

It quickly became apparent that the scope of the Red Cross activities could not be defined by drawing up a list of permitted and forbidden tasks. It was seen that a " yardstick " by which each individual case could be measured, would have to be applied: that each individual project would have to be appraised in relation to a standing criterion. This yardstick must of course be the body of fundamental principles laid down by the International Red Cross Conferences.

To conclude the study of the new Article 36 of the Geneva Convention which has been included in the latest revised

[1] In 1870, the International Committee refused to allow the use of the red cross by the Prisoners of War Agency set up in Basle, on the grounds that its services were given to men who were not wounded. The said Agency flew a flag showing a green cross.

draft, it may be observed that the international organizations of the Red Cross (the International Committee and the League) are expressly authorised to make use of the emblem.

Moreover, the sign we have described as *associative*, hitherto reserved for first aid stations, may now be extended, with the consent of the National Red Cross, to motor ambulances. As under the laws of many countries these ambulances have the right of way, in common with fire-brigade vehicles, they should bear visible and uniform markings. Such is, in fact, the usual practice.

* * *

It seems therefore likely that the future ruling will strike a satisfactory balance between the widespread use of a justly famous emblem, and the need to protect that sign against any loss of its essential authority and good repute. Nevertheless, the Red Cross must now more than before be vigilant in the defence of this symbol, which it holds in sacred trust and must keep unsullied.

REVUE INTERNATIONALE
DE LA CROIX-ROUGE

ET

BULLETIN INTERNATIONAL DES SOCIÉTÉS
DE LA CROIX-ROUGE

SUPPLEMENT

May 1949 Vol. II, No. 5

CONTENTS

	Page
Aid given by the International Committee to the Palestine Refugees	178
The Red Cross and the International Declaration of Human Rights, by Jean G. Lossier . .	184
Red Cross Message	190

Published by
Comité international de la Croix-Rouge, Genève
Editor : Louis Demolis

AID GIVEN BY THE INTERNATIONAL COMMITTEE TO THE PALESTINE REFUGEES

Readers of the " Revue internationale " will already have learnt of the agreements reached between the International Committee of the Red Cross and the United Nations, under which the International Committee distributes aid to Palestine refugees. They will also know that the area allotted for the Committee's activities comprise Northern and Central Palestine, whilst the League of Red Cross Societies is responsible for refugees in the contiguous countries of Syria, Transjordan and the Lebanon, and the American Friends Service Committee concerns itself with refugees in the Gaza region.

The International Committee has entrusted a " Commissariat for Aid to Palestine Refugees ", under the direction of M. Alfred Escher, with this new task. M. Escher has under him 29 delegates, twelve doctors, 24 nurses and five secretaries, making a total of 71 persons in all. There are two principal centres of action. One is at Beirut and controls all the regional offices in the Arab area—in other words, the delegations at Jericho, Hebron, Bethlehem, Jerusalem, Ramallah and Nablus. The Haifa centre deals with refugees in the territories under the Israeli Government. Each of these offices is directed by a regional Chief, who is himself assisted by one or several delegates and nurses, and sometimes by a doctor-delegate.

Such is the geographical outline of the new relief scheme. The issue of supplies is not, however, the sole duty of the Commissariat : it must, in addition, ensure a proper level of hygiene amongst the refugees, maintain order in the camps, with the assistance of the local authorities, and, as a prerequisite to effective aid, determine as accurately as possible the total number of those entitled to benefit under the United Nations scheme.

This last requirement presented the Commissariat with serious difficulties. The total number of Palestine refugees was originally computed at about 600,000 and this figure was divided equally between the International Committee, the League of Red Cross Societies and the Americain Friends Service Committee. Practical experience, however, showed this "allocation" to be quite arbitrary, and that the total number of refugees was greater than the initial estimate suggested.

After exchanges of view with the representatives of the three organizations, the United Nations Director of Relief decided to accept an estimated total of 855,000, and to entrust 40% of the supplies at his disposal to the International Committee's Commissariat, 32% to the League of Red Cross Societies, and 28% to the Friends. There is no doubt, however, that the above total is too high and that it includes persons who should not, properly speaking, be classified as refugees, such as the poor inhabitants of townships containing refugees or Bedouin Arabs.

The Commissariat therefore decided to distribute its available supplies in accordance with the following estimates:

Jericho region	60,000	refugees	
Ramallah region	65,000	,,	
Nablus region	120,000	,,	
Jerusalem region	20,000	,,	
Bethlehem region	30,000	,,	
Hebron region	70,000	,,	
State of Israel	45,000	,,	(including 17,000 Jews)
Total	410,000	refugees	

The above total thus exceeds the estimates made in the agreements already mentioned, but the Commissariat decided, at least during the month of April, to abide by the figures obtained from the delegates in the regions assigned to it. The difficulties of an exact census should, furthermore, not be overlooked. The most exact possible total not only of those genuinely entitled to relief as refugees, but also of the categories into which they fall (that is, babies in arms, infants from one

to five years, children from five to ten years, children from 10 to 15, expectant mothers, nursing mothers, adults) must be obtained. A census is at the moment being taken, despite the extremely arduous nature of such an operation in regions where government has broken down and where the number of refugees fluctuates in accordance with daily migrations. More or less accurate figures have been obtained for the Nablus and Ramallah areas comprising 200 and 97 villages respectively. The census is going on in the other distribution areas and will no doubt be greatly simplified by the recent introduction of a food ration card.

UNRPR [1] SUPPLIES ALLOTTED TO THE COMMISSARIAT OF THE INTERNATIONAL COMMITTEE

The figures already quoted for the total number of refugees may usefully be compared with those given below for tonnages of relief assigned to the Commissariat during the early months of its work in 1949:

UNRPR Supplies	*Jan.*	*Feb.*	*March*	*Estimate April*
Flour	2,156	2,255	2,900	3,684
Dried vegetables	240	250	225	332
Oil	140	150	58,5	79
Sugar	—	100	64,5	87
Dates	425	200	200	267
Animal proteins or substitutes	—	—	112	146
Total in tons	2,790	2,955	3,560	4,595
UNICEF [2] flour delivered direct to Israel (tons)	144	144	144	144

Over and above these staple commodities, the Commissariat has received and forwarded the following quantities (in tons):

[1] United Nations Relief for Palestine Refugees.

[2] United Nations International Children's Emergency Fund.

Article	*Origin*	*Jan.*	*Feb.*	*March*
Tents	UNRPR	—	150	—
"	Turkish Red Crescent	—	500	—
"	Swedish Red Cross	—	—	250
Blankets	UNICEF	—	29,600	—
"	Irak Petroleum Company . .	48,500	—	—
"	American Red Cross	—	1,500	—
Dried vegetables	UNRPR	—	15 t.	8 t.
Sweetmeats	American Red Cross	3,3 t.	—	—
Salted fish	Danish Red Cross	—	27,6 t.	—
Dates	UNRPR	—	—	100 t.
Dried figs	UNRPR	—	—	26,5
Sundry supplies	Various Red Cross Societies .	—	—	27 t.
Medicaments and hospital equipment	Local purchases, World Health Organization	—	—	25 t.
Children's underwear	American Red Cross	—	0,55 t.	—
Educational equipment	American Red Cross	—	1,19 t.	—
Used clothing	Canadian Red Cross	—	—	15 t.

Under a special agreement, the Commissariat also distributes supplies given by UNICEF for the relief, in particular, of children, and expectant or nursing mothers. During February and March 1949, UNICEF has each month consigned the following foodstuffs direct to the distribution centres in Arab Palestine :

	Feb.	*March*
Powdered whole milk	22,5	22,5
Powdered skimmed milk . .	192	192
Sugar	48	48
Margarine	50	50
Meat	50	50
Total in tons	362,5	312,5

These quantities provided the following daily ration :

Infants, up to one year	skimmed milk	50 grams
	sugar	10 ,,
Children aged 1-15, expectant and nursing mothers	skimmed milk	40 ,,
	sugar	10 ,,
	margarine	10 ,,
	meat	10 ,,

In addition to these, varying amounts of supplementary foods, such as rice, raisins and cheese were sent.

For the transport of these goods throughout the six regions in Arab Palestine and in the Israeli territory, the Commissariat has a park of 69 vehicles, consisting of the following : 24 lorries (two for use in Israeli territory), 12 vans (two for Israeli territory) 31 motor cars (two for Israeli territory), two motorcycles. These do not include four ambulances presented by the American Red Cross, and of which two were assigned to the delegates in Israeli territory and two to those in Arab territory. In this way one or several vehicles are available for extended or local travel in each region, to isolated doctors and to hospital physicians.

There are several transport problems. In January, half of the deliveries were taken at Beirut, and half at Damascus. In February, the flour and dried vegetables arrived at Damascus ; the dates from Bagdad, as well as the oil from Nablus were forwarded direct to the distribution centres, whilst all other foodstuffs and relief supplies were received at Beirut. In March, the flour, oil, sugar and 100 tons of dates were delivered in Beirut, whilst some of the dried vegetables arrived in Damascus, and 200 tons of dates were sent direct from Bagdad to the distribution centres. All heavy transport is handled by a shipping firm : the actual work of distribution is done by the Commissariat, often by difficult and hazardous roads. The following are the distances covered : Beirut to Jericho (nearest centre) : 415 kilometers ; Beirut to Nablus (farthest centre) : 527 kilometers.

* * *

In carrying out this distribution, the Commissariat has had to solve a number of very delicate administrative and organising problems. It took up its work almost at a day's notice, before the end of December, 1948, and before it had the full expert staff required. The most urgent needs awaited its attention, and it had to move to the distribution centres a large volume of goods warehoused at Beirut by the first United Nations relief mission. Extempore measures of various kinds had to be

devised to provide for the urgent needs of the refugees. Transport was impeded by the exceptionally heavy rains of last winter, which for days at a time rendered impassable the roads from Beirut to Arab Palestine. At the same time, the Commissariat has had to contend with ill-will from certain groups of refugees who tended to saddle it with misplaced blame for all difficulties, particularly those in transport. In spite of these obstacles, the Commissariat staff has made, with most noteworthy goodwill, every effort to carry out its duties, and to give the refugees the utmost assistance in their present critical situation.

THE RED CROSS AND THE INTERNATIONAL DECLARATION OF HUMAN RIGHTS

On December 10, 1948, the General Assembly of the United Nations at Paris approved the text of the " International Declaration of Human Rights ", framed by a United Nations Commission at the request of the Economic and Social Council; and resolved to give its contents the widest possible circulation. In his letter of January 28, the Secretary-General of the United Nations requested the International Committee of the Red Cross, together with other non-governmental organizations, to publish this Declaration and to acquaint their members with its contents.

The French text of the document was accordingly published in the April edition of the " Revue internationale ". It has not been found possible to include the English text in the present Supplement. Nevertheless, we feel we may usefully publish the following essay which stresses the profound significance of the Declaration for the whole Red Cross movement.

(Ed.)

* * *

The International Declaration of Human Rights which was approved at the last General Assembly of the United Nations, is no more than the initial phase of an international effort to secure effective guarantees for the fundamental rights of each human being. Whereas the Human Rights Commission, in fact, chose to prepare both a Declaration and a formal Convention, it is none the less intended that the latter instrument, drawn up no doubt in the form of a multilateral pact, shall be ratified by the States shortly after the Declaration itself is adopted.

It is therefore difficult at present to visualize the full ethical benefit of this dual enterprise and its repercussions in inter-

national law[1]. Nevertheless, as was rightly observed by the late Nicholas Murray Butler, it is clearly in the natural line of development, from Magna Carta in the thirteenth century, to the American Declaration of Independence and the French Declaration of the Rights of Man.

Mention might also be made of the international Humanitarian Conventions, which show the immense expansion of the aims of the Red Cross since its early defence of fundamental human rights on the battle-field. It has in peace-time taken up entirely novel duties and has become increasingly an agent of social reform.

In the disordered world of today the Red Cross indeed represents one of the few sources of aid to which the unprotected may turn. The concepts of individual dignity and freedom which its moral influence and practical achievements have helped to impress upon the public mind now find their overt expression in the International Declaration adopted by the United Nations.

The emergence of the international Humanitarian Conventions, of which the International Committee of the Red Cross is the author, together with the manifold and ever widening social activities of the National Societies, exemplify the Red Cross as one of the founders of the better world for which we hope. Created in the middle of the last century, the Red Cross is, historically, one of the most striking manifestations of the great moral movement which, during the last two centuries, taught men to respect their fellows as human beings, regardless of their nationality, or political, religious or other beliefs.

Hence the Red Cross welcomes the United Nations' success in giving international sanction, through the medium of a Declaration acknowledged by the majority of States, to the principle of Human Rights. This Declaration is doubly impor-

---

[1] With this should be associated, in particular, the work of the United Nations Economic and Social Council for the prevention and repression of "genocide". (Cf. "The International Protection of Human Rights" — United Nations Information Department.

tant : primarily, because it is the first essay of this nature in the international field ; and secondly, because the more firmly these rights are joined with the moral and legal heritage of men, the less is the risk of their being cast away in times of stress and conflict.

The compilation of this text and its approval by the General Assembly of the United Nations therefore mark an important stage in the evolution of international law—important as much for the world community as for its member nations. This Declaration has perpetual and universal validity ; therefore, in time of war or domestic conflict, the rights acknowledged today will in principle remain effective, at least insofar as they ensure respect for the human person and aid for the maltreated, no matter who they may be.

Those who in the future render aid and seek to reduce the effects of violence and adversity will thus find their efforts strengthened and ordained by law. Moreover, the nations which adhere to the Declaration will give greater heed than before to the Conventions for the moral and physical protection of the individual in war, and greater support to those institutions which, like the Red Cross, uphold the dignity and responsibility of man in the midst of turmoil.

Countless privations and horrors in our own experience have demonstrated the indifference of unnumbered individuals to the fundamental rights of man ; and the many appeals made to the Red Cross have shown, and still show, the constant need for institutions which can, in all impartiality, affirm and act upon the ultimate fellowship of human beings, in a world which technical ingenuity has too often made inhuman. The Red Cross therefore, to which this role has many times fallen, will devote its full energies to the ever plainer recognition in international law of those Rights of Man that it has steadfastly upheld in compliance with the moral law which inspired Henry Dunant.

* * *

The Red Cross is bound, by the very principles it avows, to lend its support to any policy for peace, justice and human

brotherhood [1]; yet it does not itself seek a political end; it serves no national interests; it is actuated by no image save that of dispossessed, suffering and defenceless mankind. Regardless of belligerent responsibility, the Red Cross is bound to go to the relief of the victims of violence and to treat with the authority concerned.

It is precisely when the Rights of Man are most gravely imperilled that action by the Red Cross is most required. In the recent war, even the most civilised and humane States placed the Rights of Man under many and weighty disabilities —adding to these, indeed, in the same measure in which the public conscience was indifferent to the claims of human dignity and personal responsibility. Nevertheless, these claims must at all costs be satisfied, for on their efficacy depends the building of a better society.

The Red Cross attaches supreme value to its task of preserving respect for the human person, the victim of conflicts between nation and nation, and between man and man—that is to say, at a juncture when an appeal to humanity is beset by particular psychological difficulties. The Red Cross alone is capable, at such a time, of acting as a neutral intermediary, of aiding the stricken of both sides and of linking those who are separated by a battlefront; for it has accepted the fullest implications of the principles which animate it, and the Geneva Convention, the first of the humanitarian agreements, provides for equal treatment of the sick and wounded, whether friend or foe.

The prime duty of the Red Cross is not to protest against illegal, unjust or disputable acts, but to assist the victims of such acts, and to affirm the unconditional immunity of a fallen enemy. It believes that its limited achievements are a token of what mankind must eventually establish—unvarying respect for essential human values. All those who work under the Red Cross emblem chafe at the limitations placed on their

---

[1] Reference need only be made to the Resolutions passed by International Red Cross Conferences, particularly by the XVIIth Conference held last year in Stockholm.

efforts, and accordingly demand, more insistently than others, the attribution of the broadest rights to each individual.

* * *

The Red Cross indeed works for peace, since, by its moral and practical efforts, it contributes to greater understanding amongst men: it is a medium through which they perceive their intellectual and spiritual affinity. But—and here the whole difference between the Red Cross and international social and political institutions is seen—the Red Cross is only concerned with this reconciliation in its moral aspect. Thus, having adopted this standpoint, the Red Cross must vehemently proclaim the horror of war: for war is the utter negation and destruction of that noble and fraternal humanity which the whole economy of the Red Cross is designed to protect and restore.

And so it is seen that the Red Cross Conventions are not, as some have thought, the concurrence of the human conscience in the rule of force. They are the rebuttal of that rule of force, since it was the purpose of their authors to set a limit to the fearful consequences of war and to take issue with fate, under the guise of a legal text.

The humanitarian Conventions are not letters-patent for war: they are its denunciation. It was because he cherished an ideal of wise and noble humanity, inviolate in war and peace, that Dunant called into being the institution of the Red Cross. Whenever a human being falls helpless, or becomes the victim of others, the mission of the Red Cross is to aid him to his feet, and to renewed life. Always, and in all circumstances, a call for help, no matter who utters it, must be answered.

In reminding men of their fellows in distress, and enjoining them to give aid, the Red Cross clearly helps in the creation of that spirit of human unity which is radically opposed to war. For unity brings a sense of collective responsibility—a moral concept above all law and polity which can only serve cooperation and peace.

The principles which guide and inspire any charitable act cannot be too often reaffirmed, for man must be taught to respect the humanity in each of his fellows. Hence the individual must be invested with certain essential rights, not merely by reason of his nationality, his religious faith, or his political belief, but by reason of his intrinsic humanity.

It is to be hoped that the International Declaration of Human Rights, approved by the United Nations General Assembly, will be widely disseminated, since it is a further undoubted step in the direction of that just and peaceable world to which the Red Cross, together with the eighty millions of its members, aspires. It is a profession of good intention. Even though today it may seem too large a claim to be speedily fulfilled, too fragmentary to be fully effective, it remains an ideal towards which the forces stubbornly working for a new-built world, must strive.

Jean G. Lossier.

RED CROSS MESSAGE

On May 8, 1949, the 121st anniversary of the birth of Henry Dunant, the Swiss Red Cross published the following message:

* * *

The Red Cross is one of the few institutions which inspire the peoples of the world with new hope. More than any other, perhaps, it can guide into the ways of peace a humanity whose sense of kinship has increasingly dulled.

The Red Cross personifies a lofty moral concept—that of the sacred worth of each human being. Those in distress may, regardless of the camp or country to which they owe allegiance, confidently turn to the Red Cross for assistance, simply because they are in distress and because they are human beings. This perception of human brotherhood, to which the people of Solferino, aiding Dunant to save their wounded enemies, gave utterance in the words "*Siamo tutti fratelli*", is at the very heart of the Red Cross movement.

Our estranged world needs this doctrine of brotherhood, now more than before. The mental, moral and material devastations of the last war stand witness to the fearsome unity of man as a destroyer. It has yet to be realised that, if he is to survive, man must unite to do good.

Today we are celebrating the 121st anniversary of the birth of Henry Dunant, and, at the same time, the fourth anniversary of the last armistice in Europe. Let us hope that this double occasion will foretell a better world, and that it will, in these divided times, hasten understanding between men of good will. That is today the earnest prayer of the Swiss Red Cross.

REVUE INTERNATIONALE
DE LA CROIX-ROUGE

ET

BULLETIN INTERNATIONAL DES SOCIÉTÉS
DE LA CROIX-ROUGE

SUPPLEMENT

June 1949 Vol. II, No. 6

CONTENTS

	Page
The Geneva Diplomatic Conference	192
Work of the Central Agency for Prisoners of War	195
The International Committee's Aid to the Indigenous Poor of Jerusalem	200
The International Committee's Work in India and Pakistan	204

Published by
Comité international de la Croix-Rouge, Genève
Editor: Louis Demolis

THE GENEVA DIPLOMATIC CONFERENCE

The Diplomatic Conference convened at Geneva by the Swiss Federal Council, for the establishment of international Conventions for the protection of war victims, held its opening meeting on April 21, 1949, under the chairmanship of M. Max Petitpierre, *Conseiller fédéral* and head of the Swiss Political Department.

The purpose of the Conference is the revision of two Red Cross Conventions, the first for the relief of sick and wounded combatants, the other relative to the treatment of prisoners of war. A further item on the agenda is the conclusion of a Convention for the protection of civilian persons in time of war. This is an entirely new field and involves the framing of a new diplomatic instrument.

In this respect the present Conference bears some analogy to that of 1864, which was also confronted by entirely novel problems. The adoption of a Convention for the protection of civilians in war time would mark an advance in international law as notable as the step taken 85 years ago, when the States agreed to a substantial limitation of their sovereign rights by accepting the neutralization of sick and wounded military personnel and of hospital staffs.

With the exception of a few countries unable to attend owing to their great distance from Geneva, almost all the States in the world are represented at the present Conference. Of the chief parties to the recent war, Germany alone is absent; this is due to the fact that there is no sovereign German State and that Germany has no government capable of speaking, or taking written engagements in her name.

Japan is attending the Conference in the capacity of an observer.

The Conference is of far-reaching importance for the entire Red Cross movement, since the decisions it is called upon to make will confirm the humanitarian principles on which the Red Cross has been built.

It should be noted that the Draft Conventions adopted at Stockholm serve as a basis for the discussions of the assembly.

Although the Red Cross, and more particularly the International Committee, have traditionally taken the lead in preparing the Drafts, it is the responsibility of the Governments to sign and ratify these Conventions and to ensure their enforcement. Thus, if its Drafts are to have some prospect of acceptance, the Red Cross must, whilst enunciating the demands of humanity as clearly as possible, pay due regard to the principle of State sovereignty.

Therefore, in preparing the Drafts now under discussion, the Committee did not draw solely upon its experience in nearly all the battle zones (except the Russo-German front) during the last world war. It also took account of the experience of the national Red Cross Societies, whom it convened, for this purpose, at a Preliminary Conference held in the months of July and August, 1946. Besides this, the Committee armed itself with the advice of Government experts representing the principal belligerent powers of the last war, who met at Geneva in 1947. Lastly, the Government representatives assisted in the preparation of the final Drafts on the same terms as the delegates of the national Red Cross Societies.

Although the present meeting is a diplomatic Conference, the International Committee has been invited to attend in an expert capacity. In view of the preponderating role it played in the framing of the Drafts, the Committee is in a position, through its delegates, to elucidate the topics brought under discussion, to comment on the texts approved at Stockholm and to dwell upon the humanitarian principles of which it has been made the trustee.

The Conference divided into three Commissions: the first of these is considering the Draft Revision of the Convention of 1864—already revised in 1906 and 1929—for the Relief of the Wounded and Sick, and the draft revision of the Tenth

Hague Convention (1907) for the adaptation of the Geneva Convention to maritime warfare. The second Commission is considering the Revised Draft Convention on the treatment of prisoners of war: whilst the third is engaged upon the new Draft Convention for the protection of Civilian Persons in time of war.

Moreover, a Joint Commission composed of representatives of the three Commissions is studying the Articles common to all the Conventions; these Articles deal in particular with the principle itself of protection for war victims, with the scope of the Conventions and with the repression of violations.

With regard to current work in general, the most important points before the Conference, apart from provisions on the detailed measures for the protection of war victims, are the following:

(a) The Preamble to the Conventions, setting forth the humanitarian principles on which the States will base their commitments to each other;

(b) Application of the Conventions not only in the event, as hitherto, of a duly declared international war, but also in the case of other conflicts;

(c) Extension of the provisions of the Convention to new classes of combatants (such as partisans, members of resistance movements, etc.);

(d) Repression of violations of the Conventions;

(e) Regulation of the use of the emblem: red cross, red crescent and red lion and sun.

WORK OF THE CENTRAL AGENCY FOR PRISONERS OF WAR

At the beginning of this year the Central Prisoners of War Agency, which had been in possession of the *Palais du Conseil Général* since September 1939, was moved to the headquarters of the International Committee of the Red Cross. The archives of the national and technical services are now installed in four wooden hutments, together some hundred and fifty yards in length.

Of the thousand full-time Agency workers in 1944-45, about fifty remain.[1])

Certain well-defined tasks still demand this organization's attention. Firstly, it will be realised that whilst the second World War may be formally ended, peace has neither been fully restored nor diplomatically concluded. Numbers of prisoners of war remain in captivity, and many civil and military victims of tne war cannot or will not, for various reasons, return to their native country. The International Refugees Organization has been created to provide for the hundreds of thousands of "Displaced Persons" and to aid their resettlement in other countries. However, in many cases, the Agency remains the only possible intermediary between these "exiles" and their families, where it has been able to establish such a contact.

The Agency's services have been maintained, however, largely to continue the search for, and identification of, those who died in the War. Several hundred enquiries a day do, in fact, still reach the Agency, and the latter does its best to make prompt replies.

---

[1] From 1939 to 1947, monthly reports on the Agency's work appeared in the *Revue internationale de la Croix-Rouge*.

Finally, it should be remembered that in the period since 1945, existing conflicts have been prolonged, or new ones have developed: to mention only the most important, there have been wars and armed conflicts in China, Indochina, Malaya, Greece and Palestine, in all of which the good offices of the International Committee have been sought. This has given rise to an extensive correspondence. The following brief and incomplete review of the subjects of this correspondence shows their very wide range and complexity:

(1) — Missing combatants, presumed captured or dead.

(2) — Prisoners of war, not yet released.

(3) — Prisoners eligible for release, or already released and not yet in their homes.

(4) — Inventory and transmission to next of kin of deceased combatants' or prisoners' personal possessions.

(5) — Requests for, and despatch of, death certificates of prisoners of war, civilian internees or deportees.

(6) — Search for "Displaced Persons" who do not come under the jurisdiction of the International Refugees Organization, such as Central and Eastern European nationals who have left their native country, either voluntarily or under duress, and who cannot correspond with their families.

(7) — Nationals of occupied countries voluntarily or forcibly incorporated in the *Wehrmacht* and thereafter posted missing, either during, or since the end of the hostilities.

(8) — German civilians residing or having resided in territories detached from the former German Reich in 1945.

(9) — Transmission of family messages between countries deprived of postal inter-communication, i.e. between Russian-occupied Germany, and Japan, and between Greece and the other Balkan States.

(10) — Search for foreigners in Switzerland, the International Committee acting as a National Tracing Bureau.

(11) — Extraction from the archives of information requested by National Societies [1].

(12) — Identification of members of the armed forces whose burial place shows only their name, and service or prisoner of war number.

One of the special duties of the Agency is the preparation of "captivity certificates". A very large number of former prisoners of war are, in fact, without material evidence of their confinement, and proof of some sort is required by the International Refugee Organization and often, on emigration, by the authorities of the reception country, or its consular representative. The Agency is the sole possessor of full documentation on prisoners of war and can, on demand, give full particulars about any individual's captivity, such as date of capture, prisoner number, name of camp, etc. Up to the present, 16,000 captivity certificates have been issued.

During the war years, personal relations and friendships sprang up between civilians and prisoners of war, and the Agency is often requested by civilians to supply former prisoners' addresses, so that, for instance, a recent birth can be announced, or the ex-PW can be asked for written testimony of his good treatment at the hands of the civilian. Other requests come from the ex-prisoners themselves, anxious to trace and thank friendly civilians.

Several hundred thousand Italians, mostly in the armed forces, were deported to Germany after the events of 1943. Their names were not forwarded to the Agency, but the latter nevertheless received their family messages, which it delivered after recording the essential data they contained. It was owing

[1] The Agency's card index contains 40 million separate cards, whilst the personal files occupy some 1,600 yards of shelving.

to this precaution that the Italian Service of the Agency has, at the request of the *Ufficio Prigionieri di Guerra* in Rome, been able to identify Italian internees who died in captivity. In most cases the date and place of birth and the family address are not given, or the name is disfigured. Nevertheless, according to the competent authorities, the Agency has, in 85% of the cases, succeeded in establishing the identity of the dead man, or at least in gathering details which have enabled local provincial or communal investigations to be made. The number of meticulous tracing operations and the insight required by such problems can well be imagined.

Other problems have arisen through the disappearance of servicemen, and particularly civilians, in Eastern Europe and the Far East. These the Committee is not able to solve: none the less the Agency has to inform enquirers accordingly, and this gives rise to extensive correspondence, particularly with Germany and Austria.

The Agency has received a very large number of requests for enquiry into the fate of soldiers and civilian who disappeared during the fighting in Epirus and Macedonia. It should also be noted in this connection that claims for the repatriation of Greek children are all directed to the Agency, in accordance with a request by Mr. Trygve Lie, Secretary-General of the United Nations, to the International Committee and the League of Red Cross Societies, which in its turn was dictated by a Resolution adopted by the General Assembly of the United Nations on November 27, 1948.

The Iberian Service of the Agency receives requests to aid Spanish children joining their parents abroad. After forwarding all the documents required by both sides, such as the parental authorisation and administrative permits, the Service is informed of the time and place at which the children will cross the frontier, which it then telegraphs to the parents.

A Palestine Service was set up on the outbreak of war in that country, and requests for information were not slow in coming in: various enquiries have been made and messages have been forwarded. However, these are normal Red Cross

duties and fall largely to the International Committee's delegations in the Near East.

Lastly, it should be remembered that, almost every day, the Committee receives requests for extracts from the records it compiled during the first World War (1914-1918). These archives, though greatly reduced by the removal of obsolete documents, are still voluminous. All the card-indexes and lists of prisoners of war and civilians under the care of the International Committee in the period from 1914 to 1922 have been preserved and systematically classified.

THE INTERNATIONAL COMMITTEE'S AID TO THE INDIGENOUS POOR OF JERUSALEM

During his tour of the Near East last February, M. Paul Ruegger, President of the International Committee, was deeply impressed by the tragic and at the same time paradoxical situation of the 15,000 indigenous poor of Jerusalem, whose normal livelihood had been brought to an end by the turbulent conditions of the war and who had in consequence been reduced to a state of utter destitution.

Despite these circumstances, they had been given no assistance whatever; at the same time others, who had come to Jerusalem in the capacity of refugees, were beneficiaries under the scheme administered by the International Committee's Commissariat for Aid to Palestine Refugees, and initiated by the United Nations. Supplies under this scheme could only be given to those who were *bona fide* refugees, that is to say, persons who had been driven from their homes by the war. Jerusalem thus harboured two classes of destitute—one as badly off as the other—the refugees and the " poor inhabitants ". But, whilst the first were being helped, the conditions of the second became increasingly wretched: the Committee's delegates, bound by the United Nations' instructions, had no authority to make over any of their supplies to these people.

The situation held a certain danger of unrest, particularly as it was difficult to convince those who were receiving nothing from the United Nations that they were not entitled to such relief, while from the point of view of humanity, it was equally difficult to deny that their position was patently unjust.

Accordingly, on his arrival in Geneva, M. Ruegger sought to devise a remedy for the situation. The Committee itself had no funds with which to purchase supplies, and its entire food stocks in the Near East amounted only to some 150 tons of goods. None the less, it was decided that a very limited relief operation could be begun with these meagre reserves,

whilst an appeal was being made to a number of Red Cross Societies and private donors for the means of undertaking a systematic relief scheme. On February 27 the first distribution of food rations to the " poor inhabitants " took place ; on that day, 2700 persons received a fortnight's ration consisting of flour, sugar, fats, dried vegetables and raisins. Distributions followed on the ensuing days, until 11,000 people in all had been supplied

Nevertheless, if it was to be really effective, the scheme had to rest on a permanent basis, the fortnightly rations to be standardised as follows :

Flour : 3 kilos. Rice : 500 grams. Oil : 200 grams. Raisins : 250 grams. Preserved meat : 1-2 tins.

Early in May, ration issues were going on regularly : with the donations it had received, in particular from Canada and Great Britain, the Committee would be able to continue them until July. The food had been distributed by one of the Committee's nurses, who had to cope with many organising difficulties. The first of these was the danger of placing the rations in the wrong hands : a list of the legitimate recipients had therefore to be drawn up. This was done in cooperation with the local authorities and the Military Government of the Old City. Individual ration cards were then issued. The aid given by the " muktars " (the local mayors) and the military authorities was invaluable. The actual circumstances of the applicants were investigated by a team of local volunteer nurses, and every precaution was taken to ensure that the food went to those most in need of it.

In all 2617 families, comprising 12,403 persons, were fed. After the first issue, a new class of destitutes appealed to the Committee ; these were the members of the Armenian community and destitute people who had until then been aided by the religious foundations in Jerusalem, such as the Algerian, Indian, Bokharian and Afghan Hostels. The people supported by these hostels and the members of the Armenian community were not, of course, native to the country, but they had nearly all resided in Palestine for a great length of time : some had been born there. It was reasonable therefore to admit their

claim since, having stayed in Jerusalem, they could be placed in the same category as the "poor inhabitants". Relief is in this way now being extended to a total of nearly 13,000 people.

In addition to the fortnightly ration allowance, milk is needed for infants and nursing or expectant mothers, and a soup kitchen is required for cases of extreme impoverishment. The Committee is also about to set up a dispensary, where the poor can have first aid and essential treatment.

For this, the Committee relies upon the generous response of those to whom it has appealed. The aid it is administering with all urgency serves to pacify emotions and to restore a degree of calm to the Holy City.

Jerusalem has been in a constant state of tension since the opening of the Palestine conflict, owing to the geographical situation of the town and the factions which developed within it on the first day of war. It would certainly have been dangerous in the end to continue aid to the refugees, whilst neglecting the "indigenous poor". The Committee's relief action has thus had moral and psychological benefits that are by no means the least significant of its effects.

* * *

GIFTS IN CASH AND IN KIND FOR THE RELIEF OF THE INDIGENOUS POOR OF JERUSALEM

Donors	*Gift*
International Committee's reserve in Palestine, provided chiefly by the Government and Red Cross Society of the Netherlands East Indies, the Turkish Government and Red Crescent Society, and the American Red Cross	150 tons (about)
Canadian Red Cross	$5000
Private donor in Great Britain	£50
The Belgian Mission to Palestine	9½ tons of clothes
The Jewish Society for Human Service (through the British Red Cross)	£4000
The Red Lion and Sun of Iran	7880.45 Lebanese pounds
International Committee of the Red Cross	50,000 Swiss Fr.
Canadian Red Cross	100 cases of fish

THE INTERNATIONAL COMMITTEE'S WORK IN INDIA AND PAKISTAN

It will be remembered that on the proclamation of the independence of India, civil disturbances broke out over the division of the country into two principal States, and that mass migrations between India and Pakistan took place. No other result was to be expected in an area where geographical boundaries rarely corresponded with ethnic and religious divisions. The population movements caused by those differences was so large that at one time there were as many as four million refugees on Indian soil and six million in Pakistan. In addition to this, armed fighting soon began, with serious consequences, particularly in Kashmir : this conflict resulted from a dispute between the Maharajah of Kashmir, who was anxious for the State's incorporation with the Indian Union, and a large section of his subjects, who were Muslims and consequently desired to be placed under Pakistani control. On the Maharajah's appeal, troops of the Indian Union occupied the territory, opposed by the adverse faction, known as Azad Kashmir. The United Nations lent its good offices and was eventually able to arrange an armistice. Although the situation was thus restored, the country remains, after the prolonged fighting, in a state of disorder and division. Both sides continue to hold prisoners of war and political captives, whilst several thousand women and children were carried off by the armies during hostilities.

In 1947 the Committee's delegate to India and Pakistan was already actively seizing every opportunity, as a neutral intermediary, to aid the return of refugees and to secure exchanges of prisoners. He also obtained relief for Indian internees in Kashmir and his conciliatory influence was instrumental in the negotiation of several repatriation agreements.

The scope of this work was such that the International Committee sent a new mission to the area at the end of 1948, with the approval of the Indian and Pakistani authorities. This mission has, during recent months, visited several prisoner of war camps; it has repeatedly been to Yol (India), where 75 Pakistani prisoners are held, and to Attock (Pakistan), where there are 600 Indian prisoners. One delegate went to Gilgit, in Northern Kashmir, where there are 54 Indian prisoners.

The question of an exchange of able-bodied prisoners has been broached, and has in the main been discussed directly by the General Staff of each country. In this particular case it is the function of the Committee's delegates rather to assist in the practical execution of repatriation schemes, but they have also offered their services to the negotiators, in the interest of a fruitful outcome of the talks. As is often the case in these questions, both parties had some difficulty in agreeing on the form of repatriation. Should there be a general exchange of all prisoners, or merely a *per capita* barter? In the present case, Pakistan holds 600 Indians, whilst the Indian Union has taken only 75 Pakistani [1]. The International Committee cannot lend itself to any sort of bargaining, and when its mediation is required by the two parties, it always recommends a general exchange, by categories where necessary.

An exchange of sick and wounded prisoners also took place. Last February the Pakistan Government unconditionally returned 15 wounded men, followed later by seven more. The Indian Government returned eight sick and wounded prisoners.

The Committee's delegates also concerned themselves with the relief of prisoners of war. One delegate went to the Yol and Attock camps with supplies for the Pakistani PW, given by the Pakistan Red Cross, and for the Indian PW, given by the Indian Red Cross.

---

[1] The number of Pakistani prisoners should be somewhat higher than the figure given, and the Committee's delegates asked the Indian and Jammu Kashmir Governments to undertake an active search for these men. This was done, and 60 new prisoners were discovered and immediately visited by a delegate of the Committee.

Two exchanges of political prisoners were carried out under the supervision of the Committee's delegates, who also secured an intensification of the search for the women and children abducted during military operations. Whereas the Indian and Pakistan Governments were already actively engaged in these searches, the two Governments set up in Kashmir accepted the delegates' cooperation. A hundred and fifty women and children were returned to Pakistan, whilst 140 women and children from Batyal Camp were exchanged for 250 women and children from the camp at Muhallah Ustad. These achievements by the Committee's delegates were particularly appreciated by the Indian Government, which then officially asked for their cooperation so as to speed up similar repatriation schemes.

The delegates also took up the problem of the refugees. This is, of course, a particularly difficult question: there are at present in this area nearly 600,000 homeless people, living in the most wretched moral and material conditions. The Committee itself has no means to aid them, and may only draw attention to their circumstances and give them moral aid. The delegates have visited several camps, including that at Wah (Pakistan) containing 20,000 refugees, that at Darhal (Kashmir) holding the same number, and the camp at Alibeg (Azad Kashmir) where over 1,200 people are housed.

The International Committee's mission to India and Pakistan will continue for some time. It will do its utmost to secure the general repatriation of prisoners of war, to hasten the search for abducted women and children and, as far as its means allow, to improve the lot of the refugees. The Indian and Pakistan authorities have on several occasions expressed their appreciation of the delegates' work in those two countries.

REVUE INTERNATIONALE
DE LA CROIX-ROUGE

ET

BULLETIN INTERNATIONAL DES SOCIÉTÉS
DE LA CROIX-ROUGE

SUPPLEMENT

July 1949 Vol. II, No. 7

CONTENTS

	Page
Visit of the President of the International Committee to Rome	208
The International Committee honours the memory of Henry Dunant at Castiglione and Solferino	211
Aid to German and Austrian Prisoners of War	218

Published by
Comité International de la Croix-Rouge, Genève
Editor: Louis Demolis

VISIT OF THE PRESIDENT OF THE INTERNATIONAL COMMITTEE TO ROME

M. Paul Ruegger, President of the International Committee of the Red Cross, has visited Rome, in company with two of his assistants.

The object of his visit was to discuss a number of current problems, on the one hand with members of the Italian Government and the Italian Red Cross and on the other, with the Vatican. M. Ruegger also took advantage of his stay in Rome to renew his acquaintance with the Swiss colony in that city, whose interests he had represented during his term as Swiss Minister plenipotentiary in the period from 1936 to 1942.

On this occasion he delivered a lecture at the Palazzetto Venezia to the Italo-Swiss Cultural Association, presided over by Count Sforza, Minister for Foreign Affairs ; his subject was " The Red Cross and its Relations to Switzerland and Italy ".

In the course of his remarks, M. Paul Ruegger made a point of stressing the spontaneous support given by the city of Rome to the Red Cross idea. " In no other city, in no other world centre, could a principle of universal application take root and flourish as that of the Red Cross did in Rome ", he said. ' The wide and lofty range of international activities which the Red Cross performs, under its device " Inter Arma Caritas "—although not only in time of war—will always draw greater strength from the spiritual support of Rome, and the ideas which radiate from that city ".

After the address, which was much applauded, a reception was given by the present Swiss Minister in Rome, M. René de Weck.

A current subject of concern for the International Committee is, it will be remembered, the position of the indigenous poor of Jerusalem.

His Holiness Pope Pius XII was pleased to admit the President of the International Committee to a lengthy private audience. M. Paul Ruegger was thus able to deliver a memorandum on the subject to His Holiness, who took a lively interest in the problem and promised to recommend the greatest possible attention in the matter to the Vatican Secretariat of State.

M. Ruegger later had an interview with Mgr. Montini, Secretary of State substitute. The Committee's programme of aid, now of several months standing, in Jerusalem, thus enjoys the active support of the authorities of the Holy See.

M. Ruegger was glad to note the excellent relations existing between the International Committee of the Red Cross and the Vatican.

The President was also invited to a luncheon given by M. Einaudi, President of the Italian Republic, at the Quirinal, and to a dinner given by the Italian Red Cross Committee.

In the course of his discussions with the Italian authorities, and in particular with Count Sforza and M. Zanotti-Bianco, the President of the Italian Red Cross, M. Ruegger dealt with the allocation of travel permits by the Committee's delegate at Rome: these permits are required for emigration overseas by certain classes of displaced persons.

An agreement was concluded on this subject under the terms of which the International Committee's delegate at Rome will continue for a time to issue these permits, although he will seek to restrict their number as far as possible. It was understood that subsequent measures would be taken to protect such displaced persons who continue now, as much as before, to apply for these papers.

The delegation at Rome has in other respects wound up its operations, and when the liaison bureau remaining for the final settlement of the travel permit question is closed, its activities will cease altogether.

During his brief stay the President also consulted with the Italian authorities on a number of financial matters. The authorities gave most generous recognition to the services rendered by the Committee to Italy during the war.

Thus the bonds uniting the Italian Red Cross and the International Committee were strengthened, whilst relations with the Italian government were placed on a yet more cordial footing.

On his return to Geneva, M. Paul Ruegger stressed the warm-hearted welcome he had received in the Italian capital.

THE INTERNATIONAL COMMITTEE HONOURS THE MEMORY OF HENRY DUNANT AT CASTIGLIONE AND SOLFERINO

Nearly a century has passed since, shocked by the spectacle of thousands of wounded men lying unattended on the battle-field of Solferino, Henry Dunant conceived the idea of the Red Cross. Solferino and its surroundings are doubly famous, since it was this battle which decided the fate of Italy's unity and this battle-field which contained the seed of the world-wide international Red Cross movement. Yet until this year, it bore no tangible tribute to Henry Dunant's memory.

In March of last year, one hundred and twenty members of the International Committee's staff, together with a contingent of fifty representatives of other international organizations in Geneva, amongst them the League of Red Cross Societies, made a pilgrimage to Castiglione and Solferino. During this visit, it was resolved to set up two marble tablets in these localities, in commemoration of the fact that Dunant was here first seized with the ideas which later gave rise to the Red Cross and the Geneva Conventions.

The Committee made its suggestion known to the civil and ecclesiastical authorities of the province of Mantua and received their whole-hearted support. The Committee was also fortunate in finding a most devoted collaboration in the person of Count Magnaguti, President of the Mantua Branch of the Italian Red Cross ; the Count took upon himself the work of obtaining the necessary official permits and of engraving the commemorative tablets.

It will be remembered that the wounded of Solferino were gathered in the churches of Castiglione, particularly in the

Church of Famedio, also known as Madonna of the Rosary. One of the tablets therefore has its natural place in this Church. The necessary ecclesiastical authority was most kindly given by the Bishop of Mantua. A further permit was required from the Custodian of Monuments for the provinces of Cremona and Verona, since the churches both of Solferino and Castiglione fall under the heading of historical monuments. In giving his consent the Custodian also agreed that the tablets should be engraved by his own technicians.

The Communal authorities of Castiglione themselves were delighted with the Committee's scheme ; no less pleasure was shown by the President of the Solferino and San Martino Society, which is responsible for the Ossuary-Church and the historical museum. With this willing support the Committee was therefore able to carry out its plan this year. Two tablets bearing the following inscriptions in French were placed in position.

DANS CETTE ÉGLISE
COMME DANS TOUTES LES ÉGLISES DE CASTIGLIONE
AU LENDEMAIN DE LA SANGLANTE
BATAILLE DE SOLFÉRINO

HENRY DUNANT

Citoyen de Genève
(1828 à 1910)

SECOURUT LES BLESSÉS DES ARMÉES ADVERSES
AVEC UNE MÊME COMPASSION FRATERNELLE.
DE CELA EST NÉE L'ŒUVRE UNIVERSELLE
DE LA CROIX-ROUGE

25 juin 1859 25 juin 1949

« TUTTI FRATELLI »

SUR LE CHAMP DE BATAILLE DE SOLFÉRINO

HENRY DUNANT

Citoyen de Genève
(1828 à 1910)

CONÇUT L'IDÉE DE LA CROIX-ROUGE QUI A DÉPLOYÉ SON ACTION SECOURABLE DANS LE MONDE ENTIER

25 juin 1859 25 juin 1949

« INTER ARMA CARITAS »

The translation of these two inscriptions runs as follows:

I

In this Church and in the other churches of Castiglione, Henry Dunant, a citizen of Geneva (1828-1910) gave his aid, with impartial humanity, to the wounded of both armies on the morrow of the murderous Battle of Solferino. From this deed has sprung the international Red Cross movement.

June 25, 1859 June 25, 1949

" Tutti fratelli "

II

On the battle field of Solferino Henry Dunant a citizen of Geneva (1828-1910) first conceived the idea of the Red Cross which has extended its benefits to the entire world.

June 25, 1859 June 25, 1949

" Inter Arma Caritas "

On the 25th of June this year the tablets were unveiled. This was the ninetieth anniversary exactly of the day of which Henry Dunant himself called upon the goodwill of the population of Castiglione and set an example by giving to the wounded and dying the help they so tragically needed.

A delegation from the Committee, headed by Professor Paul Carry, therefore went to Castiglione, accompanied by M. Ledermann, head of the International Relations Bureau of the League of Red Cross Societies, and by two members of the Dunant family — M. Adolphe Dunant and Pasteur Robert Dunant, the nephew and grandnephew respectively of Henry Dunant.

The little Italian town, under warm and sunny skies, was decked for the occasion, and the inhabitants had gathered under the walls of the Famedio Church. The Vice-Prefect of Mantua represented the Italian Government and with him were the Mayor of Castiglione, the Archpriest of the Chiesa Maggiore, and the Presidents of the Milan, Mantua, Brescia and Verona Branches of the Italian Red Cross.

Whilst the Italian Red Cross Society (itself one of the oldest, since it was founded in 1864) had sent its Honorary President, Senator Ciraolo, Madame Menada, Inspector-General of the Italian Nursing Corps and the Deputy Inspector-General, Madame Maria Franca Anselmi, and the regional inspectors of Milan were also present, accompanied by a party of nurses from Mantua and Milan.

The ceremony was presided over by Count Magnaguti; Professor Carry unveiled the tablet in the Famedio Church and, after the blessing had been pronounced, delivered an address, the substance of which was as follows:

The name Castiglione recalls a resounding date in the history of human goodwill and justice. In and about that town, after the murderous battle of Solferino, churches and dwellings were all without exception transformed into hospitals; the entire population gave blankets, beds, mattresses, straw and the care of their hands to the wounded. And amongst them all, whether clergy or laymen, who ministered to the bodily need of the suffering, and recorded the last wishes of the dying, there was one who spent himself in good-doing

and whose white clothing distinguished him from the uniforms of the soldiers and the black dresses of the women, as a figure which has since grown to legendary stature.

Henry Dunant, minister to the sick by force of circumstances, could do no more than the others ; he supplied wants, gave food and drink, comforted the wounded, prayed with the dying. He organized his fellow helpers. But above all he sensed the true significance of the phrase upon the lips of the women of Castiglione : " All men are brothers ."

For three years, these words haunted Dunant's memory, together with the image of the dreadful scenes he had witnessed. Obsessed with the idea of reform, he set to work with feverish energy on his book " Un Souvenir de Solferino ", in which he appealed to the goodwill of his contemporaries. Beginning with an account of the suffering he had witnessed, he went on to describe the acts of devotion he had seen. He called urgently for the help of men of all nationalities. As the women of Castiglione had said : " All men are brothers ."

Hence the Voluntary Aid Societies he advocated had to be international bodies in the highest sense of that term ; their task would be to minister to all, without distinction.

After this, event followed close on event. In 1862 " Un Souvenir de Solferino " appeared, in 1863 the International Committee of Geneva was formed and the first Red Cross Conference was convened, in 1864 the Geneva Convention came into being. And each year thereafter, national Red Cross Societies were to spring up—and among the first the Italian Red Cross, in 1864.

Thus it is that in this town of Castiglione, with which we associate all the neighbouring cities, Brescia, Mantua, Verona, and many others, a tablet bearing the name of Henry Dunant has now been set up.

His appeal, those many years ago, to men of goodwill has been heard by all, and the movement he foresaw, that of the Red Cross, has spread across the entire world.

After Professor Carry, speeches by the Mayor of Castiglione, Mr. Walter Gnutti, representing the League of Red Cross Societies, Count Magnaguti, and MM. Adolphe and Robert Dunant were delivered.

At a particularly impressive point in the ceremony M. Adolphe Dunant presented a bouquet to the nurses attending the ceremony, as a symbolic tribute to the women of Castiglione. Before doing so, he made the following remarks :

At this ceremony in honour of my uncle Henry Dunant, before the church of Castiglione which after the Battle of Solferino was the scene of such great suffering and grief, I hasten to express my thanks to the International Committee of the Red Cross for its kindness in inviting me to be present. It was in this Church that my uncle, filled with compassion for the suffering men about him, spent three days and three nights at their side ; he staunched their wounds, quenched their thirst, instilled hope into the dying and took messages and farewells for their relatives. However, that was not all. For although it was here that he grieved at the spectacle of so many suffering men, bereft both of doctors and of ambulances, it was here also that, to his great joy, his own feelings were re-echoed—the women of Castiglione, young and old, instantly responded to his appeal and comforted the wounded of both nationalities, who were, in their own words : " Tutti fratelli ".

We should pay a tribute to the kindness and mercy of these women who aided Dunant so devotedly. They may be called " the first Red Cross nurses " ; their memory was a comfort and a source of pride in after years to the founder of the Red Cross movement.

After the ceremony the party moved to Solferino, where the tablet set up in the Ossuary-Church was unveiled. Mr. Carry then spoke as follows :

On June 24, 1859, ninety years ago exactly yesterday, one of the bloodiest battles of history took place on this hillside, and ninety years ago exactly today Henry Dunant, terribly moved by the sight of forty thousand men left dead or dying on the field, became the great humanitarian and reformer, the founder of the Red Cross.

A witness of the courage shown by these 320,000 men, locked in a murderous encounter, and of the dreadful sufferings and toll of death which was the price for one in every eight of them, Dunant changed in every fibre ; once a business man and a banker, he became the champion and the first practical exponent of reform.

Thus the International Red Cross Committee must on this spot honour and perpetuate his memory. But at the same time the Committee must salute the nameless victims of the battle, the dead in their thousands, who in giving their lives did more than fall for their country ; unwittingly they died for the formation of one of the great humanitarian movements of the world.

" Inter Arma Caritas " : the motto should remind us of the dead whose bones are gathered in this church ; for many of them, as Dunant described in his " Souvenir de Solferino ", set an example of chivalrous aid to their enemies, mortally wounded like themselves.

It was on these fields, on this hillside, that towards evening on the 24th of June 1859, the black flags, then the sign of the military ambulances, were seen fluttering weakly. But the ambulances proved too few, and even when overloaded, could not carry all those who needed their services ; and so, as at Castiglione on the ensuing days, it was the lack of medical aid which prompted Henry Dunant to action. And it was thanks to him that these sinister black flags were, five years later, to be replaced by the white flag with the red cross. In the words of the first Geneva Convention adopted on August 22, 1864 : " The flag shall be white and in its centre a red cross ."

This Convention, the product of Dunant's efforts and at that time ratified by twenty-four States, has since been repeatedly amended and enlarged. At this very moment delegates from all the nations of the world are in session at Geneva to discuss and revise that same Convention. In the course of their patient debates, the name and ideas of Henry Dunant are quoted time and again.

Moreover, there now exist in all the countries of the world national Red Cross Societies, which look to Dunant as their spiritual head.

This green and fertile country, the roofs we glimpse in the distance, the relics in this Ossuary remind us of so many humanitarian achievements and so many hopes for a world of peace and good-will. In homage to these ancient dead and in memory of him who drew a living idea from their sacrifice, the International Committee of the Red Cross offers to you this tablet, dedicated to the memory of Henry Dunant.

The tablet was then taken over by the President of the Solferino and San Martino Society. Finally, Senator Ciraolo spoke in moving terms on behalf of the Italian Red Cross. He described the present-day importance of the movement of which Dunant was the forerunner, and stressed the fact that Dunant was fortunate enough to find, on his return, a number of citizens in his own town, large-hearted and wise enough to lend practical effect to his convictions, and to give them concrete form in the Conventions, the first of which was signed five years after the battle. These Conventions were themselves a great testimony, on the part of the signatory nations, to the work of the " Committee of Five ", soon to become the International Committee of the Red Cross, which has never ceased continuing and extending the same work.

In passing, it may be remarked that the Italian speakers associated the name of Geneva and Switzerland with their tribute to Henry Dunant. The Committee's delegation was deeply appreciative of this courtesy, as it was also of the spontaneous and kindly welcome extended by the civil and ecclesiastical authorities and by the people of Castiglione and Solferino, who took a most warmhearted share in the two ceremonies.

The events of this day will live long in the memory of those who were privileged to be present. From now on the two towns of Castiglione and Solferino, enriched by a doubly historic past, will offer the visitor a reminder, in these marble tablets, of what was done here by the founder of the Red Cross.

AID TO GERMAN AND AUSTRIAN PRISONERS OF WAR

During the past year the International Committee of the Red Cross, although preoccupied by new and onerous tasks in China, Indonesia, Palestine, India and Pakistan, has still been able to provide extensive aid for the prisoners of the recent war who are still in captivity.

Some of the detaining Powers, and among them France, Czechoslovakia, Jugoslavia and Poland, have, despite the best of intentions, not been able to meet all the requirements of these men, and the ICRC has therefore done what it could to fill the deficiencies. None the less, as Germany emerged from the war devoid both of a Government and a Red Cross Society, the ICRC was thrown on its own resources for the work of aiding German prisoners, and it was not always able to muster sufficient funds for the purpose. However, it did bring about a perceptible improvement in the circumstances of most of these men.

The repatriation of prisoners of war began, in France, in 1947, and in Czechoslovakia, Jugoslavia and finally Poland in 1948. The operation was spread over a number of months, and the numbers of prisoners thus began to fall with increasing rapidity. Nevertheless, it was the Committee's duty to continue its aid until the last man had returned to his home. The effect was that, after the beginning of repatriation, the quantity of relief goods available to the PW increased in inverse proportion to their numbers, since as the PW camps in France were disbanded, the outgoing occupants handed over to the Committee a large amount of new or used material that they could not, or did not wish to take with them.

Thus, the remaining and less well-supplied prisoners received quantities of medicaments, dental equipment, books,

wireless sets, and sleeping bags. Some of the proceeds from PW camps were sent to repatriates and war-disabled in Germany and Austria.

At the beginning of July 1948, repatriation from France was nearing completion. The ICRC therefore decided to devote itself, in the period from July, 1, 1948 to July 1, 1949, to the prisoners of war in Czechoslovakia, Jugoslavia and Poland.

Relief supplies were due for dispatch in the late autumn when the situation suddenly changed. Firstly, the Committee's delegation in Prague was informed that all PW in Czechoslovakia were due to return to Germany by the end of December: secondly, the Jugoslav Red Cross which, in the absence of an ICRC delegate in that country, had been charged with the distribution of aid to German prisoners, informed Geneva that repatriation would begin on November 1, and would be completed by the end of the year. For these reasons, all available relief supplies at Geneva were sent to Poland, except for certain goods reserved for Germany and France, and about a ton of medical supplies which could be delivered in good time to the Jugoslav Red Cross.

As a result, the Committee's delegation in Warsaw received 12 wagons of goods for a total of 25-30,000 men ; they comprised 11,850 undergarments (underpants and vests), 10,758 pairs of socks, 50,020 bars of soap and a quantity of toilet requisites.

The prisoners in Poland were also short of footwear, but Geneva could only find 6320 pairs, which though used, were in good condition. A shipment was therefore made of material for repair and maintenance, including glue for use in re-soling with disused tyres, grease for treating the leather, and various cobbler's items.

Funds for clothing supplies were also inadequate ; the Committee therefore sent to Poland more than 30,000 sleeping bags retrieved in France. These bags were still in quite good condition and had been disinfected by the French Red Cross. They were accompanied by needles, thread, buttons and lining material, so that the men would be able to use the material to make themselves garments.

Four months later, a further and last consignment of three wagonloads left Geneva for Poland, destined for the men who were still in the camps on the delegate's most recent visits. For about 12,000 men, there were 12,040 underpants, 12,040 vests, 12,320 pairs of socks, 1002 dozen toothbrushes, 24,000 razor-blades, 50,080 bars of soap, a quantity of cigarettes and a final consignment of sleeping bags from the camps in France.

Besides the above supplies, the Committee's delegate in Warsaw received more than 17 tons of medicaments, restoratives, vitamin products and bandages. Special selections were made up for the prisoners working in the mines, whilst medical kits were issued to small, isolated working parties.

More than two tons of dental material were also sent off. Among them where 17 sets of equipment for the dental surgeries installed in the various camps, and six sets of equipment for workshops where dentures could be made and repaired. This equipment, together with the necessary instruments and apparatus, comprised all the usual items and was replenished whenever required from Geneva. The equipment was used by German dentists, supervised by doctors of the Detaining Power.

Many PW were given spectacles, and camp doctors, dentists and pharmacists were supplied with scientific text-books and medical reviews.

An idea of the magnitude of these relief operations may be gained from the fact that the value of the supplies sent to German PW in Poland is estimated at 250,000 Swiss francs.

Material was also recently sent to the Paris delegation for distribution during 1949, both by the delegate and by Red Cross Societies, to German PW confined in French, Belgian, Dutch and Luxemburg prisons. Each of these men received a toothbrush, two undergarments, two pairs of socks and ten tablets of soap; spectacles, dentures, special medicines and restoratives were also supplied.

Besides such material supplies, intellectual relief was also provided. Owing to lack of funds, the ICRC confined itself to subscribing to some dozen reviews for the PW camps in France, Poland, Czechoslovakia, Egypt and Germany: 443 subscriptions were paid, so that more than 16,000 copies of

scientific, literary, artistic and general reviews circulated in the camps. In addition, more than 20,000 volumes, presented to or bought by the Committee's Book Department, were sent. To simplify the delegates' work, particularly in Poland, small parcels were made up containing a selection of light reading matter, which the delegates deposited with the spokesmen on their visits to the camps.

The ICRC answered individual applications only in cases where prisoners wished to conduct classes. A total of 143 applications were met in this way. Apart from this, 1020 games and more than 12,000 stationery items were distributed to the camps in Jugoslavia.

In the same way, the ICRC reclaimed books, musical instruments and games from the German PW repatriated from French camps: these, when in good condition, were sent to the prisoners in Poland. Intellectual relief despatched to that country comprised in all 6210 books, 981 gramophone records, 1075 musical instruments, 275 games and 59 other items.

Intellectual relief recovered from PW camps in France was so abundant that Geneva could not undertake to distribute it, and accordingly presented the German Red Cross with about 21,000 books, 1304 gramophone records, 100 musical instruments and 300 assorted articles, for issue to repatriates' camps and invalid homes.

It may be of interest to note that the cost of handling, sorting and despatching the goods recovered was met almost entirely with the proceeds from the sale of valueless printed matter as waste paper.

The repatriates from France, Russia and other Eastern European countries are often, on arrival in Germany, in need of immediate assistance: however, although able to give initial aid, the authorities and the national Red Cross were sometimes unable to replace ragged clothing, furnish essential necessities or treat certain ailments.

The Committee is not, under its statutes, required to aid liberated prisoners. The German Red Cross, on being consulted as to the disposal of part of the funds collected by Geneva, had asked the ICRC to devote itself primarily to the prisoners of

war. As has already been seen, the ICRC has found itself in possession of substantial quantities of relief supplies, at a time when the number of PW was only some thirty thousand. The ICRC was therefore able, without detriment to these men, to divert to the repatriation camps, hospitals and sanatoria in Germany (mainly in the French Zone, in Berlin and in the Soviet Zone) a little over fifteen tons of medical supplies, comprising bandages, restoratives and other material. Shortly afterwards, it furnished the Red Cross Coordination Committees in Germany with 15,000 articles of warm clothing, 3800 pairs of socks, 30,000 cakes of soap and a quantity of cigarettes. Prisoners of war repatriated to Austria were not left out of account, and three tons of medical supplies, as well as toilet requisites, were sent to the Austrian Ministry of the Interior through the delegation in Vienna.

If the German prisoners of war held in Russia are disregarded, it may be estimated that all those taken during the War will have returned to their homes within a few months. The task of aiding them has throughout fallen solely upon the ICRC—a task rendered the more difficult by the absence of donors after the end of the war. Every sort of expedient had to be used to obtain funds: collections among well-off prisoners, particularly those in the United States, collections in the German colonies abroad, and used or excess supplies. Nevertheless, the aid given remained inadequate, so long as the number of prisoners was in any way considerable, and it was not until the past year, when there were merely thousands, instead of hundreds of thousands of Germans in captivity, that a relief programme of real efficacy could be set in motion. This at least meant that the relief given was in proportion to length of captivity.

REVUE INTERNATIONALE
DE LA CROIX-ROUGE

ET

BULLETIN INTERNATIONAL DES SOCIÉTÉS
DE LA CROIX-ROUGE

SUPPLEMENT

August 1949 Vol. II, No. 8

CONTENTS

Page

The Geneva Conventions for the Protection of Victims of the War :

Geneva Convention relative to the Protection of Civilian Persons in Time of War . 225

Published by
Comité international de la Croix-Rouge, Genève
Editor : Louis Demolis

THE GENEVA CONVENTIONS FOR THE PROTECTION OF VICTIMS OF THE WAR [1]

In its present issue, the Revue *begins the publication of the text of the four Red Cross Conventions, as adopted in plenary assembly by the Diplomatic Conference which concluded its sessions at Geneva on August 12, 1949. In view of the fact that the fourth Convention, entitled " Geneva Convention relative to the Protection of Civilian Persons in Time of War " is a wholly new instrument, it has been thought useful to give it precedence.*

Our next issues will reproduce the text of the three older Conventions, as now revised, under their new titles:

(1) Geneva Convention for the Amelioration of the Condition of the Wounded and Sick of Armed Forces in the Field, of August 12, 1949.

(2) Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked of Armed Forces at Sea, of August 12, 1949. (Revision of the Tenth Hague Convention for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of 1906.)

(3) Geneva Convention relative to the Treatment of Prisoners of War, of August 12, 1949.

* * *

[1] *The marginal notes published with this text are not official, and were not adopted by the Diplomatic Conference. They were drawn up by the Conference Secretariat and the Committee has decided to reproduce them here, as they will facilitate the perusal of the Conventions.*

GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR

The undersigned, Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of establishing a Convention for the Protection of Civilians in Time of War, have agreed as follows:

PART I

GENERAL PROVISIONS

ARTICLE 1

Respect of the Convention

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

ARTICLE 2

Application of the Convention

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.

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

Conflict of a non-international character

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

(1) Persons taking no active part in the hostilities, including members of armed forces, who have laid down their

arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

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

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

(b) taking of hostages;

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

(d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are 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

Definition of protected persons

Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.

Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are.

The provisions of Part II are, however, wider in application, as defined in Article 13.

Persons protected by the Geneva Convention of August 12, 1949 for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, or by the Geneva Convention of August 12, 1949 for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, or by the Geneva Convention of August 12, 1949 relative to the Treatment of Prisoners of War, shall not be considered as protected persons within the meaning of the present Convention.

ARTICLE 5

Derogations

Where in the territory of a Party to the conflict, the latter is satisfied that an individual protected person is definitely suspected of or engaged in activities hostile to the security of the State, such individual person shall not be entitled to claim such rights and privileges under the present Convention as would, if exercised in the favour of such individual person, be prejudicial to the security of such State.

Where in occupied territory an individual protected person is detained as a spy or saboteur, or as a person under definite suspicion of activity hostile to the security of the Occupying Power, such person shall, in those cases where absolute military security so requires, be regarded as having forfeited rights of communication under the present Convention.

In each case such persons shall nevertheless be treated with humanity and in case of trial shall not be deprived of the rights of fair and regular trial prescribed by the present Convention. They shall also be granted the full rights and privileges of a protected person under the present Convention at the earliest date consistent with the security of the State or Occupying Power, as the case may be.

ARTICLE 6

Beginning and end of application

The present Convention shall apply from the outset of any conflict or occupation mentioned in Article 2.

In the territory of Parties to the conflict, the application of the present Convention shall cease on the general close of military operations.

In the case of occupied territory, the application of the present Convention shall cease one year after the general close of military operations; however, the Occupying Power shall be bound, for the duration of the occupation, to the extent that such Power exercises the functions of government in such territory, by the provisions of the following Articles of the

present Convention: 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77, 143.

Protected persons whose release, repatriation or re-establishment may take place after such dates shall meanwhile continue to benefit by the present Convention.

ARTICLE 7

Special agreements

In addition to the agreements expressly provided for in Articles 11, 14, 15, 17, 36, 108, 109, 132, 133 and 149 the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of protected persons, as defined by the present Convention, nor restrict the rights which it confers upon them.

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

ARTICLE 8

Acquired rights

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

ARTICLE 9

Protecting Powers

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. To this effect, 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 they are to carry out their duties.

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

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

ARTICLE 10

Activities of International Committee of the Red Cross

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 civilian persons and for their relief.

ARTICLE 11

Substitutes for Protecting Powers

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

When persons protected by the present Convention do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an 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.

The provisions of this Article shall extend and be adapted to cases of nationals of a neutral State who are in occupied

territory or who find themselves in the territory of a belligerent State in which the State of which they are nationals has no normal diplomatic representation.

ARTICLE 12

Procedure of conciliation

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.

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

PART II

GENERAL PROTECTION OF POPULATIONS AGAINST CERTAIN CONSEQUENCES OF WAR

ARTICLE 13

Field of application of Part II

The provisions of Part II cover the whole of the populations of the countries in conflict, without any adverse distinction based, in particular, on race, nationality, religion or political opinion, and are intended to alleviate the sufferings caused by war.

ARTICLE 14

Hospitals and safety zones and localities

In time of peace, the Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own territory and, if the need arises, in occupied areas, hospital and safety zones and localities so organised as to protect from the effects of war, wounded, sick and aged persons, children under fifteen, expectant mothers and mothers of children under seven.

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

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

ARTICLE 15

Neutralized zones

Any Party to the conflict may, either direct or through a neutral State or some humanitarian organisation, propose to the adverse Party to establish, in the regions where fighting is taking place, neutralised zones intended to shelter from the effects of war the following persons, without distinction:

(a) wounded and sick combatants or non-combatants;

(b) civilian persons who take no part in hostilities, and who, while they reside in the zones, perform no work of a military character.

When the Parties concerned have agreed upon the geographical position, administration, food supply and supervision of the proposed neutralised zone, a written agreement shall be concluded and signed by the representatives of the Parties to the conflict. The agreement shall fix the beginning and the duration of the neutralisation of the zone.

ARTICLE 16

Wounded and sick

I. General protection

The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect.

As far as military considerations allow, each Party to the conflict shall facilitate the steps taken to search for the killed and wounded, to assist the shipwrecked and other persons exposed to grave danger, and to protect them against pillage and ill-treatment.

ARTICLE 17

II. Evacuation

The Parties to the conflict shall endeavour to conclude local agreements for the removal from besieged or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases, and for the passage of ministers of all religions, medical personnel and medical equipment on their way to such areas.

ARTICLE 18

III. Protection of Hospitals

Civilian hospitals organised to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack but shall at all times be respected and protected by the Parties to the conflict.

States which are Parties to a conflict shall provide all civilian hospitals with certificates showing that they are civilian hospitals and that the buildings which they occupy are not used for any purpose which would deprive these hospitals of protection in accordance with Article 19.

Civilian hospitals shall be marked by means of the emblem provided for in Article 38 of the Geneva Convention of August 12, 1949, for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, but only if so authorised by the State.

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

In view of the dangers to which hospitals may be exposed by being close to military objectives, it is recommended that such hospitals be situated as far as possible from such objectives.

ARTICLE 19

IV. Cessation of protection of Hospitals

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

The fact that sick or wounded members of the armed forces are nursed in these hospitals, or the presence of small arms and anmunition taken from such combatants which have not yet been handed to the proper service, shall not be considered to be acts harmful to the enemy.

ARTICLE 20

V. Hospital personnel

Persons regularly and solely engaged in the operation and administration of civilian hospitals, including the personnel engaged in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases shall be respected and protected.

In occupied territory and in zones of military operations, the above personnel shall be recognisable by means of an identity card certifying their status, bearing the photograph of the holder and embossed with the stamp of the responsible authority, and also by means of a stamped, water-resistant armlet which they shall wear on the left arm while carrying out their duties. This armlet shall be issued by the State and shall bear the emblem provided for in Article 38 of the Geneva Convention of August 12, 1949 for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

Other personnel who are engaged in the operation and administration of civilian hospitals shall be entitled to respect and protection and to wear the armlet, as provided in and under the conditions prescribed in this Article, while they are employed on such duties. The identity card shall state the duties on which they are employed.

The management of each hospital shall at all times hold at the disposal of the competent national or authorities an up-to-date list of such personnel.

ARTICLE 21

VI. Transports on land and by sea

Convoys of vehicles or hospital trains on land, or specially provided vessels on sea conveying wounded and sick civilians, the infirm and maternity cases shall be respected and protected in the same manner as the hospitals provided for in Article 18, and shall be marked, with the consent of the State, by the display of the distinctive emblem provided for in Article 38 of the Geneva Convention of August 12, 1949 for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

ARTICLE 22

VII. Transports by air

Aircraft exclusively employed for the removal of wounded and sick civilians, the infirm and maternity cases or for the transport of medical personnel and equipment shall not be attacked, but shall be respected while flying at heights, times and on routes specifically agreed upon between all the Parties to the conflict concerned.

They may be marked with the distinctive emblem provided for in Article 38 of the Geneva Convention of August 12, 1949 for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

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

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

ARTICLE 23

Dispatch of medicaments, foodstuffs and tonics

Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases.

The obligation of a High Contracting Party to allow the free passage of the consignments indicated in the preceding paragraph is subject to the condition that this Party is satisfied that there are no serious reasons for fearing:

(a) that the consignments may be diverted from their destination, or

(b) that the control may not be effective, or

(c) that a definite advantage may accrue to the military efforts or economy of the enemy through the substitution of the above-mentioned consignments for goods which would otherwise be provided or produced by the enemy or through the release of such material, services or facilities as would otherwise be required for the production of such goods.

The Power which allows the passage of the consignments indicated in the first paragraph of this Article may make such permission conditional on the distribution to the persons benefited thereby being made under the local supervision of the Protecting Powers.

Such consignments shall be forwarded as rapidly as possible, and the Power which permits their free passage shall have the right to prescribe the technical arrangements under which such passage is allowed.

ARTICLE 24

Special measures on behalf of children

The Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the

exercise of their religion and their education are facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition.

The Parties to the conflict shall facilitate the reception of such children in a neutral country for the duration of the conflict with the consent of the Protecting Power, if any, and under due safeguards for the observance of the principles stated in the first paragraph.

They shall, furthermore, endeavour to arrange for all children under twelve to be identified by the wearing of identity discs, or by some other means.

ARTICLE 25

Right to family news

All persons in the territory of a Party to the conflict, or in a territory occupied by it, shall be enabled to give news of a strictly personal nature to members of their families, wherever they may be, and to receive news from them. This correspondence shall be forwarded speedily and without undue delay.

If, as a result of circumstances, it becomes difficult or impossible to exchange family correspondence by the ordinary post, the Parties to the conflict concerned shall apply to a neutral intermediary, such as the Central Agency provided for in Article 140, and shall decide in consultation with it how to ensure the fulfilment of their obligations under the best possible conditions, in particular with the cooperation of the National Red Cross (Red Crescent, Red Lion and Sun) Societies.

If the Parties to the conflict deem it necessary to restrict family correspondence, such restrictions shall be confined to the compulsory use of standard forms containing twenty-five freely chosen words, and to the limitation of the number of these forms despatched to one each month.

ARTICLE 26

Dispersed families

Each Party to the conflict shall facilitate enquiries made by members of families dispersed, owing to the war, with the object of renewing contact with one another and of meeting, if possible. It shall encourage, in particular, the work of organisations engaged on this task provided they are acceptable to it and conform to its security regulations.

PART III

STATUS AND TREATMENT OF PROTECTED PERSONS

SECTION I

PROVISIONS COMMON TO THE TERRITORIES OF THE PARTIES TO THE CONFLICT AND TO OCCUPIED TERRITORIES

ARTICLE 27

Treatment
I.
General
remarks

Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction, based, in particular, on race, religion or political opinion.

However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war.

ARTICLE 28

II.
Dangerous
zones

The presence of a protected person may not be used to render certain points or areas immune from military operations.

ARTICLE 29

III.
Respon-
sibilities

The Party to the conflict in whose hands protected persons may be is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.

ARTICLE 30

Application to Protecting Powers and relief organisations

Protected persons shall have every facility for making application to the Protecting Powers, the International Committee of the Red Cross, the National Red Cross (Red Crescent, Red Lion and Sun) Society of the country where they may be, as well as to any organisation that might assist them.

These several organisations shall be granted all facilities for that purpose by the authorities, within the bounds set by military or security considerations.

Apart from the visits of the delegates of the Protecting Powers and of the International Committee of the Red Cross, provided for by Article 143, the Detaining or Occupying Powers shall facilitate as much as possible visits to protected persons by the representatives of other organisations whose object is to give spiritual aid or material relief to such persons.

ARTICLE 31

Interdiction of constraint

No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

ARTICLE 32

Interdiction of corporal punishments, torture, etc.

The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishments, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents.

ARTICLE 33

Individual responsibility, collective penalties, reprisals, pillage

No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.

Pillage is prohibited.

Reprisals against protected persons and their property are prohibited.

ARTICLE 34

Hostages

The taking of hostages is prohibited.

SECTION II

ALIENS IN THE TERRITORY OF A PARTY TO THE CONFLICT

ARTICLE 35

Right to leave the territory

All protected persons who may desire to leave the territory at the outset of, or during a conflict, shall be entitled to do so, unless their departure is contrary to the national interests of the State. The applications of such persons to leave shall be determined in accordance with regularly established procedures and the decision shall be taken as rapidly as possible. Those persons permitted to leave may provide themselves with the necessary funds for their journey and take with them a reasonable amount of their effects and articles of personal use.

If any such person is refused permission to leave the territory, he shall be entitled to have such refusal reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose.

Upon request, representatives of the Protecting Power shall, unless reasons of security prevent it, or the persons concerned object, be furnished with the reasons for refusal of any request for permission to leave the territory and be given, as expeditiously as possible, the names of all persons who have been denied permission to leave.

ARTICLE 36

Methods of repatriation

Departures permitted under the foregoing Article shall be carried out in satisfactory conditions as regards safety, hygiene, sanitation and food. All costs in connection therewith, from the point of exit in the territory of the Detaining Power, shall be borne by the country of destination, or, in the case of accommodation in a neutral country, by the Power whose nationals are benefited. The practical details of such movements may, if necessary, be settled by special agreements between the Powers concerned.

The foregoing shall not prejudice such special agreements as may be concluded between Parties to the conflict concerning the exchange and repatriation of their nationals in enemy hands.

ARTICLE 37

Detained persons

Protected persons who are confined pending proceedings or subject to a sentence involving loss of liberty, shall during their confinement be humanely treated.

As soon as they are released, they may ask to leave the territory in conformity with the foregoing Articles.

ARTICLE 38

Persons not repatriated

I. General remarks

With the exception of special measures authorised by the present Convention, in particular by Articles 27 and 41 thereof, the situation of protected persons shall continue to be regulated, in principle, by the provisions concerning aliens in time of peace. In any case, the following rights shall be granted to them:

(1) they shall be enabled to receive the individual or collective relief that may be sent to them;

(2) they shall, if their state of health so requires, receive medical attention and hospital treatment to the same extent as the nationals of the State concerned;

(3) they shall be allowed to practise their religion and to receive spiritual assistance from ministers of their faith;

(4) if they reside in an area particularly exposed to the dangers of war, they shall be authorised to move from that area to the same extent as the nationals of the State concerned;

(5) children under fifteen years, pregnant women and mothers of children under seven years shall benefit from any preferential treatment to the same extent as the nationals of the State concerned.

ARTICLE 39

II. Means of existence

Protected persons who, as a result of the war, have lost their gainful employment, shall be granted the opportunity to find paid employment. That opportunity shall, subject to security considerations and to the provisions of Article 40, be equal to that enjoyed by the nationals of the Power in whose territory they are.

Where a Party to the conflict applies to a protected person methods of control which result in his being unable to support himself, and especially if such a person is prevented for reasons of security from finding paid employment on reasonable conditions, the said Party shall ensure his support and that of his dependents.

Protected persons may in any case receive allowances from their home country, the Protecting Power, or the relief societies referred to in Article 30.

ARTICLE 40

III. Employment

Protected persons may be compelled to work only to the same extent as nationals of the Party to the conflict in whose territory they are.

If protected persons are of enemy nationality, they may only be compelled to do work which is normally necessary to ensure the feeding, sheltering, clothing, transport and health of human beings and which is not directly related to the conduct of military operations.

In the cases mentioned in the two preceding paragraphs, protected persons compelled to work shall have the benefit of the same working conditions and of the same safeguards as national workers, in particular as regards wages, hours of labour, clothing and equipment, previous training and compensation for occupational accidents and diseases.

If the above provisions are infringed, protected persons shall be allowed to exercise their right of complaint in accordance with Article 30.

ARTICLE 41

IV. Assigned residence, internment

Should the Power in whose hands protected persons may be consider the measures of control mentioned in the present Convention to be inadequate, it may not have recourse to any other measure of control more severe than that of assigned residence or internment, in accordance with the provisions of Articles 42 and 43.

In applying the provisions of Article 39, second paragraph, to the cases of persons required to leave their usual places of residence by virtue of a decision placing them in assigned residence elsewhere, the Detaining Power shall be guided as closely as possible by the standards of welfare set forth in Part III, Section IV of this Convention.

ARTICLE 42

V. Reasons for internment or assigned residence. Voluntary internment

The internment or placing in assigned residence of protected persons may be ordered only if the security of the Detaining Power makes it absolutely necessary.

If any person, acting through the representatives of the Protecting Power, voluntarily demands internment, and if his situation renders this step necessary, he shall be interned by the Power in whose hands he may be.

ARTICLE 43

VI. Procedure

Any protected person who has been interned or placed in assigned residence shall be entitled to have such action reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose. If the internment or placing in assigned residence is maintained, the court or administrative board shall periodically, and at least twice yearly, give consideration to his or her case, with a view to the favourable amendment of the initial decision, if circumstances permit.

Unless the protected persons concerned object, the Detaining Power shall, as rapidly as possible, give the Protecting Power the names of any protected persons who have been interned or subjected to assigned residence, or who have been released from internment or assigned residence. The decisions of the courts or boards mentioned in the first paragraph of the present Article shall also, subject to the same conditions, be notified as rapidly as possible to the Protecting Power.

ARTICLE 44

VII. Refugees

In applying the measures of control mentioned in the present Convention, the Detaining Power shall not treat as enemy aliens exclusively on the basis of their nationality *de jure* of an enemy State, refugees who do not, in fact, enjoy the protection of any government.

ARTICLE 45

VIII. Transfer to another Power

Protected persons shall not be transferred to a Power which is not a party to the Convention.

This provision shall in no way constitute an obstacle to the repatriation of protected persons, or to their return to their country of residence after the cessation of hostilities.

Protected persons may be transferred by the Detaining Power only to a Power which is a party to the present Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the present Convention. If protected persons are transferred under such circumstances, responsibility for the application of the present Convention rests on the Power accepting them, while they are in its custody. Nevertheless, if that Power fails to carry out the provisions of the present Convention in any important respect, the Power by which the protected persons were transferred shall, upon being so notified by the Protect-

ing Power, take effective measures to correct the situation or shall request the return of the protected persons. Such request must be complied with.

In no circumstances shall a protected person be transferred to a country where he or she may have reason to fear persecution for his or her political opinions or religious beliefs.

The provisions of this Article do not constitute an obstacle to the extradition, in pursuance of extradition treaties concluded before the outbreak of hostilities, of protected persons accused of offences against ordinary criminal law.

ARTICLE 46

End of restrictive measures

In so far as they have not been previously withdrawn, restrictive measures taken regarding protected persons shall be cancelled as soon as possible after the close of hostilities.

Restrictive measures affecting their property shall be cancelled, in accordance with the law of the Detaining Power, as soon as possible after the close of hostilities.

SECTION III

OCCUPIED TERRITORIES

ARTICLE 47

Intangibility of rights

Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.

ARTICLE 48

Special cases of repatriation

Protected persons who are not nationals of the Power whose territory is occupied, may avail themselves of the right to leave the territory subject to the provisions of Article 35, and decisions thereon shall be taken in accordance with the procedure which the Occupying Power shall establish in accordance with the said Article.

ARTICLE 49

Deportations, Transfers, evacuations

Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.

The Occupying Pover undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.

The Protecting Power shall be informed of any transfers and evacuations as soon as they have taken place.

The Occupying Power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand.

The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

ARTICLE 50

Children

The Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children.

The Occupying Power shall take all necessary steps to facilitate the identification of children and the registration of their parentage. It may not, in any case, change their personal status, nor enlist them in formations or organisations subordinate to it.

Should the local institutions be inadequate for the purpose, the Occupying Power shall make arrangements for the maintenance and education, if possible by persons of their own nationality, language and religion, of children who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend.

A special section of the Bureau set up in accordance with Article 136 shall be responsible for taking all necessary steps to identify children whose identity is in doubt. Particulars of their parents or other near relatives should always be recorded if available.

The Occupying Power shall not hinder the application of any preferential measures in regard to food, medical care and protection against the effects of war which may have been adopted prior to the occupation in favour of children under fifteen years, expectant mothers, and mothers of children under seven years.

ARTICLE 51

Enlistment Labour

The Occupying Power may not compel protected persons to serve in its armed or auxiliary forces. No pressure or propaganda which aims at securing voluntary enlistment is permitted.

The Occupying Power may not compel protected persons to work unless they are over eighteen years of age, and then only on work which is necessary either for the needs of the army of occupation, or for the public utility services, or for the feeding, sheltering, clothing, transportation or health of the population of the occupied country. Protected persons may not be compelled to undertake any work which would involve them in the obligation of taking part in military operations. The Occupying Power may not compel protected persons to employ forcible means to ensure the security of the installations where they are performing compulsory labour.

The work shall be carried out only in the occupied territory where the persons whose services have been requisitioned are. Every such person shall, so far as possible, be kept in his usual place of employment. Workers shall be paid a fair wage and the work shall be proportionate to their physical and intellectual capacities. The legislation in force in the occupied country concerning working conditions, and safeguards as regards, in particular, such matters as wages, hours of work, equipment, preliminary training and compensation for occupational accidents and diseases, shall be applicable to the protected persons assigned to the work referred to in this Article.

In no case shall requisition of labour lead to a mobilisation of workers in an organisation of a military or semi-military character.

ARTICLE 52

Protection of workers

No contract, agreement or regulation shall impair the right of any worker, whether voluntary or not and wherever he may

be, to apply to the representatives of the Protecting Power in order to request the said Power's intervention.

All measures aiming at creating unemployment or at restricting the opportunities offered to workers in an occupied territory, in order to induce them to work for the Occupying Power, are prohibited.

ARTICLE 53

Prohibited destructions

Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organisations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.

ARTICLE 54

Judges and public officials

The Occupying Power may not alter the status of public officials or judges in the occupied territories, or in any way apply sanctions to or take any measures of coercion or discrimination against them, should they abstain from fulfilling their functions for reasons of conscience.

This prohibition does not prejudice the application of the second paragraph of Article 51. It does not affect the right of the Occupying Power to remove public officials from their posts.

ARTICLE 55

Food and medical supplies for the population

To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population ; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate.

The Occupying Power may not requisition foodstuffs, articles or medical supplies available in the occupied territory, except for use by the occupation forces and administration personnel, and then only if the requirements of the civilian population have been taken into account. Subject to the provisions of other international Conventions, the Occupying Power shall make arrangements to ensure that fair value is paid for any requisitioned goods.

The Protecting Power shall, at any time, be at liberty to verify the state of the food and medical supplies in occupied territories, except where temporary restrictions are made necessary by imperative military requirements.

ARTICLE 56

Hygiene and public health

To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the cooperation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics. Medical personnel of all categories shall be allowed to carry out their duties.

If new hospitals are set up in occupied territory and if the competent organs of the occupied State are not operating there, the occupying authorities shall, if necessary, grant them the recognition provided for in Article 18. In similar circumstances, the occupying authorities shall also grant recognition to hospital personnel and transport vehicles under the provisions of Articles 20 and 21.

In adopting measures of health and hygiene and in their implementation, the Occupying Power shall take into consideration the moral and ethical susceptibilities of the population of the occupied territory.

ARTICLE 57

Requisition of hospitals

The Occupying Power may requisition civilian hospitals only temporarily and only in cases of urgent necessity for the care of military wounded and sick, and then on condition that suitable arrangements are made in due time for the care and treatment of the patients and for the needs of the civilian population for hospital accommodation.

The material and stores of civilian hospitals cannot be requisitioned so long as they are necessary for the needs of the civilian population.

ARTICLE 58

Spiritual assistance

The Occupying Power shall permit ministers of religion to give spiritual assistance to the members of their religious communities.

The Occupying Power shall also accept consignments of books and articles required for religious needs and shall facilitate their distribution in occupied territory.

ARTICLE 59

Relief
I. Collective relief

If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal.

Such schemes, which may be undertaken either by States or by impartial humanitarian organisations such as the International Committee of the Red Cross, shall consist, in particular, of the provision of consignments of foodstuffs, medical supplies and clothing.

All Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection.

A Power granting free passage to consignments on their way to territory occupied by an adverse Party to the conflict shall, however, have the right to search the consignments, to regulate their passage according to prescribed times and routes, and to be reasonably satisfied through the Protecting Power that these consignments are to be used for the relief of the needy population and are not to be used for the benefit of the Occupying Power.

ARTICLE 60

II. Obligations of the Occupying Power

Relief consignments shall in no way relieve the Occupying Power of any of its responsibilities under Articles 55, 56 and 59. The Occupying Power shall in no way whatsoever divert relief consignments from the purpose for which they are intended, except in cases of urgent necessity, in the interests of the population of the occupied territory and with the consent of the Protecting Power.

ARTICLE 61

III. Distribution

The distribution of the relief consignments referred to in the foregoing Articles shall be carried out with the cooperation and under the supervision of the Protecting Power. This duty may also be delegated, by agreement between the Occupying Power and the Protecting Power, to a neutral Power, to the International Committee of the Red Cross or to any other impartial humanitarian body.

Such consignments shall be exempt in occupied territory from all charges, taxes or customs duties unless these are necessary in the interests of the economy of the territory. The Occupying Power shall facilitate the rapid distribution of these consignments.

All Contracting Parties shall endeavour to permit the transit and transport, free of charge, of such relief consignments on their way to occupied territories.

ARTICLE 62

IV. Individual relief

Subject to imperative reasons of security, protected persons in occupied territories shall be permitted to receive the individual relief consignments sent to them.

ARTICLE 63

National Red Cross and other relief societies

Subject to temporary and exceptional measures imposed for urgent reasons of security by the Occupying Power:

(a) recognised National Red Cross (Red Crescent, Red Lion and Sun) Societies shall be able to pursue their activities in accordance with Red Cross principles, as defined by the International Red Cross Conferences. Other relief societies shall be permitted to continue their humanitarian activities under similar conditions;

(b) the Occupying Power may not require any changes in the personnel or structure of these societies, which would prejudice the aforesaid activities.

The same principles shall apply to the activities and personnel of special organisations of a non-military character, which already exist or which may be established, for the purpose of ensuring the living conditions of the civilian population by the maintenance of the essential public utility services, by the distribution of relief and by the organisation of rescues.

ARTICLE 64

Penal legislation. I. General remarks

The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention. Subject to the latter consideration and to the necessity for ensuring the effective administration of justice, the tribunals of the occupied territory shall continue to function in respect of all offences covered by the said laws.

The Occupying Power may, however, subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfil its obligations under the present Convention, to maintain the orderly government

of the territory, and to ensure the security of the Occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them.

ARTICLE 65

II. Publication

The penal provisions enacted by the Occupying Power shall not come into force before they have been published and brought to the knowledge of the inhabitants in their own language. The effect of these penal provisions shall not be retroactive.

ARTICLE 66

III. Competent courts

In case of a breach of the penal provisions promulgated by it by virtue of the second paragraph of Article 64, the Occupying Power may hand over the accused to its properly constituted, non-political military courts, on condition that the said courts sit in the occupied country. Courts of appeal shall preferably sit in the occupied country.

ARTICLE 67

IV. Applicable provisions

The courts shall apply only those provisions of law which were applicable prior to the offence, and which are in accordance with general principles of law, in particular the principle that the penalty shall be proportionate to the offence. They shall take into consideration the fact that the accused is not a national of the Occupying Power.

ARTICLE 68

V. Penalties. Death penalty

Protected persons who commit an offence which is solely intended to harm the Occupying Power, but which does not constitute an attempt on the life or limb of members of the occupying forces or administration, nor a grave collective danger, nor seriously damage the property of the occupying forces or administration or the installations used by them, shall be liable to internment or simple imprisonment, provided the duration of such internment or imprisonment is proportionate to the offence committed. Furthermore, internment or imprisonment for such offences shall be the only measure adopted for depriving protected persons of liberty. The courts provided for under Article 66 of the present Convention may at their discretion convert a sentence of imprisonment to one of internment for the same period.

The penal provisions promulgated by the Occupying Power in accordance with Articles 64 and 65 may impose the death penalty on a protected person only in cases where the person is guilty of espionage, of serious acts of sabotage against the military installations of the Occupying Power or of intentional offences which have caused the death of one or more persons, provided that such offences were punishable by death under the law of the occupied territory in force before the occupation began.

The death penalty may not be pronounced against a protected person unless the attention of the court has been particularly called to the fact that since the accused is not a national of the Occupying Power, he is not bound to it by any duty of allegiance.

In any case, the death penalty may not be pronounced against a protected person who was under 18 years of age at the time of the offence.

ARTICLE 69

Deduction from sentence of period spent under arrest

In all cases the duration of the period during which a protected person accused of an offence is under arrest awaiting trial or punishment shall be deducted from any period of imprisonment awarded.

ARTICLE 70

VII. Breaches committed before occupation

Protected persons shall not be arrested, prosecuted or convicted by the Occupying Power for acts committed or for opinions expressed before the occupation, or during a temporary interruption thereof, with the exception of breaches of the laws and customs of war.

Nationals of the occupying Power who, before the outbreak of hostilities, have sought refuge in the territory of the occupied State, shall not be arrested, prosecuted, convicted or deported from the occupied territory, except for offences committed after the outbreak of hostilities, or for offences under common law committed before the outbreak of hostilities which, according to the law of the occupied State, would have justified extradition in time of peace.

ARTICLE 71

Penal procedure I. General remarks

No sentence shall be pronounced by the competent courts of the Occupying Power except after a regular trial.

Accused persons who are prosecuted by the Occupying Power shall be promptly informed, in writing, in a language which they understand, of the particulars of the charges preferred against them, and shall be brought to trial as rapidly

as possible. The Protecting Power shall be informed of all proceedings instituted by the Occupying Power against protected persons in respect of charges involving the death penalty or imprisonment for two years or more; it shall be enabled, at any time, to obtain information regarding the state of such proceedings. Furthermore, the Protecting Power shall be entitled, on request, to be furnished with all particulars of these and of any other proceedings instituted by the Occupying Power against protected persons.

The notification to the Protecting Power, as provided for in the second paragraph above, shall be sent immediately, and shall in any case reach the Protecting Power three weeks before the date of the first hearing. Unless, at the opening of the trial, evidence is submitted that the provisions of this Article are fully complied with, the trial shall not proceed. The notification shall include the following particulars:

(a) description of the accused;

(b) place of residence or detention;

(c) specification of the charge or charges (with mention of the penal provisions under which it is brought);

(d) designation of the court which will hear the case;

(e) place and date of the first hearing.

ARTICLE 72

II. Right of defence

Accused persons shall have the right to present evidence necessary to their defence and may, in particular, call witnesses. They shall have the right to be assisted by a qualified advocate or counsel of their own choice, who shall be able to visit them freely and shall enjoy the necessary facilities for preparing the defence.

Failing a choice by the accused, the Protecting Power may provide him with an advocate or counsel. When an accused person has to meet a serious charge and the Protecting Power is not functioning, the Occupying Power, subject to the consent of the accused, shall provide an advocate or counsel.

Accused persons shall, unless they freely waive such assistance, be aided by an interpreter, both during preliminary investigation and during the hearing in court. They shall have at any time the right to object to the interpreter and to ask for his replacement.

ARTICLE 73

III. Right of appeal

A convicted person shall have the right of appeal provided for by the laws applied by the court. He shall be fully informed of his right to appeal or petition and of the time limit within which he may do so.

The penal procedure provided in the present Section shall apply, as far as it is applicable, to appeals. Where the laws applied by the Court make no provision for appeals, the convicted person shall have the right to petition against the finding and sentence to the competent authority of the Occupying Power.

ARTICLE 74

IV. Assistance by the Protecting Power

Representatives of the Protecting Power shall have the right to attend the trial of any protected person, unless the hearing has, as an exceptional measure, to be held in camera in the interests of the security of the Occupying Power, which shall then notify the Protecting Power. A notification in respect of the date and place of trial shall be sent to the Protecting Power.

Any judgment involving a sentence of death, or imprisonment for two years or more, shall be communicated, with the relevant grounds, as rapidly as possible to the Protecting Power. The notification shall contain a reference to the notification made under Article 71 and, in the case of sentences of imprisonment, the name of the place where the sentence is to be served. A record of judgments other than those referred to above shall be kept by the court and shall be open to inspection by representatives of the Protecting Power. Any period allowed for appeal in the case of sentences involving the death penalty or imprisonment of two years or more shall not run until notification of judgment has been received by the Protecting Power.

ARTICLE 75

V. Death sentence

In no case shall persons condemned to death be deprived of the right of petition for pardon or reprieve.

No death sentence shall be carried out before the expiration of a period of a least six months from the date of receipt by the Protecting Power of the notification of the final judgment confirming such death sentence, or of an order denying pardon or reprieve.

The six months period of suspension of the death sentence herein prescribed may be reduced in individual cases in circumstances of grave emergency involving an organised threat to

the security of the Occupying Power or its forces, provided always that the Protecting Power is notified of such reduction and is given reasonable time and opportunity to make representations to the competent occupying authorities in respect of such death sentences.

ARTICLE 76

Treatment of detainees

Protected persons accused of offences shall be detained in the occupied country and if convicted they shall serve their sentences therein. They shall, if possible, be separated from other detainees and shall enjoy conditions of food and hygiene which will be sufficient to keep them in good health, and which will be at least equal to those obtaining in prisons in the occupied country.

They shall receive the medical attention required by their state of health.

They shall also have the right to receive any spiritual assistance which they may require.

Women shall be confined in separate quarters and shall be under the direct supervision of women.

Proper regard shall be paid to the special treatment due to minors.

Protected persons who are detained shall have the right to be visited by delegates of the Protecting Power and of the International Committee of the Red Cross, in accordance with the provisions of Article 143.

Such persons shall have the right to receive at least one relief parcel monthly.

ARTICLE 77

Handing over of detainees at the close of occupation

Protected persons who have been accused of offences or convicted by the courts in occupied territory, shall be handed over at the close of occupation, with the relevant records, to the authorities of the liberated territory.

ARTICLE 78

Security measures

If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment.

Decisions regarding such assigned residence or internment shall be made according to a regular procedure to be prescribed by the Occupying Power in accordance with the provisions of

the present Convention. This procedure shall include the right of appeal for the parties concerned. Appeals shall be decided with the least possible delay. In the event of the decision being upheld, it shall be subject to periodical review, if possible every six months, by a competent body set up by the said Power.

Protected persons made subject to assigned residence and thus required to leave their homes shall enjoy the full benefit of Article 39 of the present Convention.

SECTION IV

REGULATIONS FOR THE TREATMENT OF INTERNEES

CHAPTER I

GENERAL PROVISIONS

ARTICLE 79

Cases of internment and applicable regulations

The Parties to the conflict shall not intern protected persons, except in accordance with the provisions of Articles 41, 42, 43, 68 and 78.

ARTICLE 80

Civil capacity

Internees shall retain their full civil capacity and shall exercise such attendant rights as may be compatible with their status.

ARTICLE 81

Maintenance

Parties to the conflict who intern protected persons shall be bound to provide free of charge for their maintenance, and to grant them also the medical attention required by their state of health.

No deduction from the allowances, salaries or credits due to the internees shall be made for the repayment of these costs.

The Detaining Power shall provide for the support of those dependent on the internees, if such dependents are without adequate means of support or are unable to earn a living.

ARTICLE 82

Assembling of internees

The Detaining Power shall, as far as possible, accommodate the internees according to their nationality, language and customs. Internees who are nationals of the same country shall not be separated merely because they have different languages.

Throughout the duration of their internment, members of the same family, and in particular parents and children, shall be lodged together in the same place of internment, except when separation of a temporary nature is necessitated for reasons of employment, health or for the purposes of enforcement of the provisions of Chapter IX of the present Section. Internees may request that their children who are left at liberty without parental care shall be interned with them.

Wherever possible, interned members of the same family shall be housed in the same premises and given separate accommodation from other internees, together with facilities for leading a proper family life.

CHAPTER II

PLACES OF INTERNMENT

ARTICLE 83

Location of camps

The Detaining Power shall not set up places of internment in areas particularly exposed to the dangers of war.

The Detaining Power shall give the enemy Powers, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of places of internment.

Whenever military considerations permit, internment camps shall be indicated by the letters IC, placed so as to be clearly visible in the daytime from the air. The Powers concerned may, however, agree upon any other system of marking. No place other than an internment camp shall be marked as such.

ARTICLE 84

Separate places of internment

Internees shall be accommodated and administered separately from prisoners of war and from persons deprived of liberty for any other reason.

ARTICLE 85

Quarters, hygiene

The Detaining Power is bound to take all necessary and possible measures to ensure that protected persons shall, from the outset of their internment, be accommodated in buildings or quarters which afford every possible safeguard as regards hygiene and health, and provide efficient protection against the rigours of the climate and the effects of the war. In no case shall permanent places of internment be situated in unhealthy area or in districts the climate of which is injurious to the internees. In all cases where the district in which a protected person is temporarily interned is unhealthy or has a climate which is harmful to his health, he shall be removed to a more suitable place of internment as rapidly as circumstances permit.

The premises shall be fully protected from dampness, adequately heated and lighted, in particular between dusk and lights out. The sleeping quarters shall be sufficiently spacious and well ventilated, and the internees shall have suitable bedding and sufficient blankets, account being taken of the climate, and the age, sex, and state of health of the internees.

Internees shall have for their use, day and night, sanitary conveniences which conform to the rules of hygiene, and are constantly maintained in a state of cleanliness. They shall be provided with sufficient water and soap for their daily personal toilet and for washing their personal laundry; installations and facilities necessary for this purpose shall be granted to them. Showers or baths shall also be available. The necessary time shall be set aside for washing and for cleaning.

Whenever it is necessary, as an exceptional and temporary measure, to accommodate women internees who are not members of a family unit in the same place of internment as men, the provision of separate sleeping quarters and sanitary conveniences for the use of such women internees shall be obligatory.

ARTICLE 86

Premises for religious services

The Detaining Power shall place at the disposal of interned persons, of whatever denomination, premises suitable for the holding of their religious services.

ARTICLE 87

Canteens

Canteens shall be installed in every place of internment, except where other suitable facilities are available. Their purpose shall be to enable internees to make purchases, at prices not higher than local market prices, of foodstuffs and

articles of everyday use, including soap and tobacco, such as would increase their personal well-being and comfort.

Profits made by canteens shall be credited to a welfare fund to be set up for each place of internment, and administered for the benefit of the internees attached to such place of internment. The Internee Committee provided for in Article 102 shall have the right to check the management of the canteen and of the said fund.

When a place of internment is closed down, the balance of the welfare fund shall be transferred to the welfare fund of a place of internment for internees of the same nationality, or, if such a place does not exist, to a central welfare fund which shall be administered for the benefit of all internees remaining in the custody of the Detaining Power. In case of a general release, the said profits shall be kept by the Detaining Power, subject to any agreement to the contrary between the Powers concerned.

ARTICLE 88

Shelters, measures of protection

In all places of internment exposed to air raids and other hazards of war, shelters adequate in number and structure to ensure the necessary protection shall be installed. In case of alarms, the internees shall be free to enter such shelters as quickly as possible, excepting those who remain for the protection of their quarters against the aforesaid hazards. Any protective measures taken in favour of the population shall also apply to them.

All due precautions must be taken in places of internments against the danger of fire.

CHAPTER III

FOOD AND CLOTHING

ARTICLE 89

Food

Daily food rations for internees shall be sufficient in quantity, quality and variety to keep internees in a good state of health and prevent the development of nutritional deficiencies. Account shall also be taken of the customary diet of the internees.

Internees shall also be given the means by which they can prepare for themselves any additional food in their possession.

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

Internees who work shall receive additional rations in proportion to the kind of labour which they perform.

Expectant and nursing mothers and children under fifteen years of age shall be given additional food, in proportion to their physiological needs.

ARTICLE 90

Clothing

When taken into custody, internees shall be given all facilities to provide themselves with the necessary clothing, footwear and change of underwear, and later on, to procure further supplies if required. Should any internees not have sufficient clothing, account being taken of the climate, and be unable to procure any, it shall be provided free of charge to them by the Detaining Power.

The clothing supplied by the Detaining Power to internees and the outward markings placed on their own clothes shall not be ignominious nor expose them to ridicule.

Workers shall receive suitable working outfits, including protective clothing, whenever the nature of their work so requires.

CHAPTER IV

HYGIENE AND MEDICAL ATTENTION

ARTICLE 91

Medical attention

Every place of internment shall have an adequate infirmary, under the direction of a qualified doctor, where internees may have the attention they require, as well as appropriate diet. Isolation wards shall be set aside for cases of contagious or mental diseases.

Maternity cases and internees suffering from serious diseases, or whose condition requires special treatment, a surgical operation or hospital care, must be admitted to any institution where adequate treatment can be given and shall receive care not inferior to that provided for the general population.

Internees shall, for preference, have the attention of medical personnel of their own nationality.

Internees may not be prevented from presenting themselves to the medical authorities for examination. The medical authorities of the Detaining Power shall, upon request, issue to every

internee who has undergone treatment an official certificate showing the nature of his illness or injury, and the duration and nature of the treatment given. A duplicate of this certificate shall be forwarded to the Central Agency provided for in Article 140.

Treatment, including the provision of any apparatus necessary for the maintenance of internees in good health, particularly dentures and other artificial appliances and spectacles, shall be free of charge to the internee.

ARTICLE 92

Medical inspection

Medical inspections of internees shall be made at least once a month. Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of internees, and to detect contagious diseases, especially tuberculosis, malaria, and venereal diseases. Such inspections shall include, in particular, the checking of weight of each internee and, at least once a year, radioscopic examination.

CHAPTER V

RELIGIOUS, INTELLECTUAL AND PHYSICAL ACTIVITIES

ARTICLE 93

Religious duties

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

Ministers of religion who are interned shall be allowed to minister freely to the members of their community. For this purpose the Detaining Power shall ensure their equitable allocation amongst the various places of internment in which there are internees speaking the same language and belonging to the same religion. Should such ministers be too few in number, the Detaining Power shall provide them with the necessary facilities, including means of transport, for moving from one place to another, and they shall be authorised to visit the internees who are in hospital. Ministers of religion shall be at

liberty to correspond on matters concerning their ministry with the religious authorities in the country of detention and, as far as possible, with the international religious organisations of their faith. Such correspondence shall not be considered as forming a part of the quota mentioned in Article 107. It shall, however, be subject to the provisions of Article 112.

When internees do not have at their disposal the assistance of ministers of their faith, or should these latter be too few in number, the local religious authorities of the same faith may appoint, in agreement with the Detaining Power, a minister of the internees' faith or, if such a course is feasible from a denominational point of view, a minister of similar religion or a qualified layman. The latter shall enjoy the facilities granted to the ministry he has assumed. Persons so appointed shall comply with all regulations laid down by the Detaining Power in the interests of discipline and security.

ARTICLE 94

Recreation, studies, sports and games

The Detaining Power shall encourage intellectual, educational and recreational pursuits, sports and games amongst internees, whilst leaving them free to take part in them or not. It shall take all practicable measures to ensure the exercise thereof, in particular by providing suitable premises.

All possible facilities shall be granted to internees to continue their studies or to take up new subjects. The education of children and young people shall be ensured; they shall be allowed to attend schools either within the place of internment or outside.

Internees shall be given opportunities for physical exercise, sports and outdoor games. For this purpose, sufficient open spaces shall be set aside in all places of internment. Special playgrounds shall be reserved for children and young people.

ARTICLE 95

Labour

The Detaining Power shall not employ internees as workers, unless they so desire. Employment which, if undertaken under compulsion by a protected person not in internment, would involve a breach of Articles 40 or 51 of the present Convention, and employment on work which is of a degrading or humiliating character are in any case prohibited.

After a working period of six weeks, internees shall be free to give up work at any moment, subject to eight days' notice.

These provisions constitute no obstacle to the right of the Detaining Power to employ interned doctors, dentists and other medical personnel in their professional capacity on behalf of their fellow internees, or to employ internees for administrative and maintenance work in places of internment and to detail such persons for work in the kitchens or for other domestic tasks, or to require such persons to undertake duties connected with the protection of internees against aerial bombardment or other war risks. No internee may, however, be required to perform tasks for which he is, in the opinion of a medical officer, physically unsuited.

The Detaining Power shall take entire responsibility for all working conditions, for medical attention, for the payment of wages, and for ensuring that all employed internees receive compensation for occupational accidents and diseases. The standards prescribed for the said working conditions and for compensation shall be in accordance with the national laws and regulations, and with the existing practice; they shall in no case be inferior to those obtaining for work of the same nature in the same district. Wages for work done shall be determined on an equitable basis by special agreements between the internees, the Detaining Power, and, if the case arises, employers other than the Detaining Power, due regard being paid to the obligation of the Detaining Power to provide for free maintenance of internees and for the medical attention which their state of health may require. Internees permanently detailed for categories of work mentioned in the third paragraph of this Article, shall be paid fair wages by the Detaining Power. The working conditions and the scale of compensation for occupational accidents and diseases to internees, thus detailed, shall not be inferior to those applicable to work of the same nature in the same district.

ARTICLE 96

Labour detachments

All labour detachments shall remain part of and dependent upon a place of internment. The competent authorities of the Detaining Power and the commandant of a place of internment shall be responsible for the observance in a labour detachment of the provisions of the present Convention. The commandant shall keep an up-to-date list of the labour detachments subordinate to him and shall communicate it to the delegates of the Protecting Power, of the International Committee of the Red Cross and of other humanitarian organisations who may visit the places of internment.

CHAPTER VI

PERSONAL PROPERTY AND FINANCIAL RESOURCES

ARTICLE 97

Valuables and personal effects

Internees shall be permitted to retain articles of personal use. Monies, cheques, bonds, etc., and valuables in their possession may not be taken from them except in accordance with established procedure. Detailed receipts shall be given therefor.

The amounts shall be paid into the account of every internee as provided for in Article 98. Such amounts may not be converted into any other currency unless legislation in force in the territory in which the owner is interned so requires or the internee gives his consent.

Articles which have above all a personal or sentimental value may not be taken away.

A woman internee shall not be searched except by a woman.

On release or repatriation, internees shall be given all articles, monies or other valuables taken from them during internment and shall receive in currency the balance of any credit to their accounts kept in accordance with Article 98, with the exception of any articles or amounts withheld by the Detaining Power by virtue of its legislation in force. If the property of an internee is so withheld, the owner shall receive a detailed receipt.

Family or identity documents in the possession of internees may not be taken away without a receipt being given. At no time shall internees be left without identity documents. If they have none, they shall be issued with special documents drawn up by the detaining authorities, which will serve as their identity papers until the end of their internment.

Internees may keep on their persons a certain amount of money, in cash or in the shape of purchase coupons, to enable them to make purchases.

ARTICLE 98

Financial resources and individual accounts

All internees shall receive regular allowances, sufficient to enable them to purchase goods and articles, such as tobacco, toilet requisites, etc. Such allowances may take the form of credits or purchase coupons.

Furthermore, internees may receive allowances from the Power to which they owe allegiance, the Protecting Powers, the organisations which may assist them, or their families, as

well as the income on their property in accordance with the law of the Detaining Power. The amount of allowances granted by the Power to which they owe allegiance shall be the same for each category of internees (infirm, sick, pregnant women, etc.) but may not be allocated by that Power or distributed by the Detaining Power on the basis of discriminations between internees which are prohibited by Article 27 of the present Convention.

The Detaining Power shall open a regular account for every internee, to which shall be credited the allowances named in the present Article, the wages earned and the remittances received, together with such sums taken from him as may be available under the legislation in force in the territory in which he is interned. Internees shall be granted all facilities consistent with the legislation in force in such territory to make remittances to their families and to other dependants. They may draw from their accounts the amounts necessary for their personal expenses, within the limits fixed by the Detaining Power. They shall at all times be afforded reasonable facilities for consulting and obtaining copies of their accounts. A statement of accounts shall be furnished to the Protecting Power, on request, and shall accompany the internee in case of transfer.

CHAPTER VII

ADMINISTRATION AND DISCIPLINE

ARTICLE 99

Camp administration

Every place of internment shall be put under the authority of a responsible officer, chosen from the regular military forces or the regular civil administration of the Detaining Power. The officer in charge of the place of internment must have in his possession a copy of the present Convention in the official language, or one of the official languages, of his country and shall be responsible for its application. The staff in control of internees shall be instructed in the provisions of the present Convention and of the administrative measures adopted to ensure its application.

The text of the present Convention and the texts of special agreements concluded under the said Convention shall be posted inside the place of internment, in a language which the internees understand, or shall be in the possession of the Internee Committee.

Regulations, orders, notices and publications of every kind shall be communicated to the internees and posted inside the places of internment, in a language which they understand.

Every order and command addressed to internees individually must likewise be given in a language which they understand.

ARTICLE 100

General discipline

The disciplinary regime in places of internment shall be consistent which humanitarian principles, and shall in no circumstances include regulations imposing on internees any physical exertion dangerous to their health or involving physical or moral victimisation. Identification by tattooing or imprinting signs or markings on the body, is prohibited.

In particular, prolonged standing and roll-calls, punishment drill, military drill and manœuvres, or the reduction of food rations, are prohibited.

ARTICLE 101

Complaints and petitions

Internees shall have the right to present to the authorities in whose power they are, any petition with regard to the conditions of internment to which they are subjected.

They shall also have the right to apply without restriction through the Internee Committee or, if they consider it necessary, direct to the representatives of the Protecting Power, in order to indicate to them any points on which they may have complaints to make with regard to the conditions of internment.

Such petitions and complaints shall be transmitted forthwith and without alteration, and even if the latter are recognised to be unfounded, they may not occasion any punishment.

Periodic reports on the situation in places of internment and as to the needs of the internees may be sent by the Internee Committees to the representatives of the Protecting Powers.

ARTICLE 102

Internee committees
I. Composition

In every place of internment, the internees shall freely elect by secret ballot every six months, the members of a Committee empowered to represent them before the Detaining and the Protecting Powers, the International Committee of the Red Cross and any other organisation which may assist them. The members of the Committee shall be eligible for re-elction.

Internees so elected shall enter upon their duties after their election has been approved by the detaining authorities. The reasons for any refusals or dismissals shall be communicated to the Protecting Powers concerned.

ARTICLE 103

II. Duties

The Internee Committees shall further the physical, spiritual and intellectual well-being of the internees.

In case the internees decide, in particular, to organise a system of mutual assistance amongst themselves, this organisation would be within the competence of the Committees in addition to the special duties entrusted to them under other provisions of the present Convention.

ARTICLE 104

III. Prerogatives

Members of Internee Committees shall not be required to perform any other work, if the accomplishment of their duties is rendered more difficult thereby.

Members of Internee Committees may appoint from amongst the internees such assistants as they may require. All material facilities shall be granted to them, particularly a certain freedom of movement necessary for the accomplishment of their duties (visits to labour detachments, receipt of supplies, etc.).

All facilities shall likewise be accorded to members of Internee Committees for communication by post and telegraph with the detaining authorities, the Protecting Powers, the International Committee of the Red Cross and their delegates, and with the organisations which give assistance to internees. Committee members in labour detachments shall enjoy similar facilities for communication with their Internee Committee in the principal place of internment. Such communications shall not be limited, nor considered as forming a part of the quota mentioned in Article 107.

Members of Internee Committees who are transferred shall be allowed a reasonable time to acquaint their successors with current affairs.

CHAPTER VIII

RELATIONS WITH THE EXTERIOR

ARTICLE 105

Notification of measures taken

Immediately upon interning protected persons, the Detaining Powers shall inform the Power to which they owe allegiance and their Protecting Power of the measures taken for executing the provisions of the present Chapter. The Detaining Powers shall likewise inform the Parties concerned of any subsequent modifications of such measures.

ARTICLE 106

Internment cards

As soon as he is interned, or at the latest not more than one week after his arrival in a place of internment, and likewise in cases of sickness or transfer to another place of internment or to a hospital, every internee shall be enabled to send direct to his family, on the one hand, and to the Central Agency provided for by Article 140, on the other, an internment card similar, if possible, to the model annexed to the present Convention, informing his relatives of his detention, address and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any way.

ARTICLE 107

Correspondence

Internees shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each internee, the said number shall not be less than two letters and four cards monthly; these shall be drawn up so as to conform as closely as possible to the models annexed to the present Convention. If limitations must be placed on the correspondence addressed to internees, they may be ordered only by the Power to which such internees owe allegiance, possibly at the request of the Detaining Power. Such letters and cards must be conveyed with reasonable despatch; they may not be delayed or retained for disciplinary reasons.

Internees who have been a long time without news, or who find it impossible to receive news from their relatives, or to give them news by the ordinary postal route, as well as those who are at a considerable distance from their homes, shall be allowed to send telegrams, the charges being paid by them in the currency at their disposal. They shall likewise benefit by this provision in cases which are recognised to be urgent.

As a rule, internees' mail shall be written in their own language. The Parties to the conflict may authorise correspondence in other languages.

ARTICLE 108

Relief shipments
I. General principles

Internees shall be allowed to receive, by post or by any other means, individual parcels or collective shipments containing in particular foodstuffs, clothing, medical supplies, as well as books and objects of a devotional, educational or recreational character which may meet their needs. Such shipments shall in no way free the Detaining Power from the

obligations imposed upon it by virtue of the present Convention.

Should military necessity require the quantity of such shipments to be limited, due notice thereof shall be given to the Protecting Power and to the International Committee of the Red Cross, or to any other organisation giving assistance to the internees and responsible for the forwarding of such shipments.

The conditions for the sending of individual parcels and collective shipments shall, if necessary, be the subject of special agreements between the Powers concerned, which may in no case delay the receipt by the internees of relief supplies. Parcels of clothing and foodstuffs may not include books. Medical relief supplies shall, as a rule, be sent in collective parcels.

ARTICLE 109

II. Collective relief

In the absence of special agreements between Parties to the conflict regarding the conditions for the receipt and distribution of collective relief shipments, the regulations concerning collective relief which are annexed to the present Convention shall be applied.

The special agreements provided for above shall in no case restrict the right of Internee Committees to take possession of collective relief shipments intended for internees, to undertake their distribution and to dispose of them in the interests of the recipients.

Nor shall such agreements restrict the right of representatives of the Protecting Powers, the International Committee of the Red Cross, or any other organisation giving assistance to internees and responsible for the forwarding of collective shipments, to supervise their distribution to the recipients.

ARTICLE 110

III. Books, devotional articles, etc.

All relief shipments for internees shall be exempt from import, customs and other dues.

All matter sent by mail, including relief parcels sent by parcel post and remittances of money, addressed from other countries to internees or despatched by them through the post office, either direct or through the Information Bureaux provided for in Article 136 and the Central Information Agency provided for in Article 140, shall be exempt from all postal dues both in the countries of origin and destination and in intermediate countries. To this effect, in particular, the exemption provided by the Universal Postal Convention of 1947

and by the agreements of the Universal Postal Union in favour of civilians of enemy nationality detained in camps or civilian prisons, shall be extended to the other interned persons protected by the present Convention. The countries not signatory to the above-mentioned agreements shall be bound to grant freedom from charges in the same circumstances.

The cost of transporting relief shipments which are intended for internees and which, by reason of their weight or any other cause, cannot be sent through the post office, shall be borne by the Detaining Power in all the territories under its control. Other Powers which are Parties to the present Convention shall bear the cost of transport in their respective territories.

Costs connected with the transport of such shipments, which are not covered by the above paragraphs, shall be charged to the senders.

The High Contracting Parties shall endeavour to reduce, so far as possible, the charges for telegrams sent by internees, or addressed to them.

ARTICLE 111

Special transport

Should military operations prevent the Powers concerned from fulfilling their obligation to assure the transport of the mail and relief shipments provided for in Articles 106, 107, 108 and 113, the Protecting Powers concerned, the International Committee of the Red Cross or any other organisation duly approved by the Parties to the conflict may undertake to ensure the conveyance of such shipments by suitable means (rail, motor vehicles, vessels or aircraft, etc.). For this purpose, the High Contracting Parties shall endeavour to supply them with such transport, and to allow its circulation, especially by granting the necessary safe-conducts.

Such transport may also be used to convey:

(a) correspondence, lists and reports exchanged between the Central Information Agency referred to in Article 140 and the National Bureaux referred to in Article 136;

(b) correspondence and reports relating to internees which the Protecting Powers, the International Committee of the Red Cross or any other organisation assisting the internees exchange either with their own delegates or with the Parties to the conflict.

These provisions in no way detract from the right of any Party to the conflict to arrange other means of transport if it should so prefer, nor preclude the granting of safe conducts, under mutually agreed conditions, to such means of transport.

The costs occasioned by the use of such means of transport shall be borne, in proportion to the importance of the shipments, by the Parties to the conflict whose nationals are benefited thereby.

ARTICLE 112

Censorship and control

The censoring of correspondence addressed to internees or despatched by them shall be done as quickly as possible.

The examination of consignments intended for internees shall not be carried out under conditions that will expose the goods contained in them to deterioration. It shall be done in the presence of the addressee, or of a fellow-internee duly delegated by him. The delivery to internees of individual or collective consignments shall not be delayed under the pretext of difficulties of censorship.

Any prohibition of correspondence ordered by the Parties to the conflict either for military or political reasons, shall be only temporary and its duration shall be as short as possible.

ARTICLE 113

Establishment and transmission of legal documents

The Detaining Powers shall provide all reasonable facilities for the transmission, through the Protecting Power or the Central Agency provided for in Article 140, or as otherwise required, of wills, powers of attorney, letters of authority, or any other documents intended for internees or despatched by them.

In all cases the Detaining Powers shall facilitate the execution and authentication in due legal form of such documents on behalf of internees, in particular by allowing them to consult a lawyer.

ARTICLE 114

Management of property

The Detaining Power shall afford internees all facilities to enable them to manage their property, provided this is not incompatible with the conditions of internment and the law which is applicable. For this purpose, the said Power may give them permission to leave the place of internment in urgent cases and if circumstances allow.

ARTICLE 115

Facilities for preparation and conduct of cases

In all cases where an internee is a party to proceedings in any court, the Detaining Power shall, if he so requests, cause the court to be informed of his detention and shall, within legal limits, ensure that all necessary steps are taken to prevent

him from being in any way prejudiced, by reason of his internment, as regards the preparation and conduct of his case or as regards the execution of any judgment of the court.

ARTICLE 116

Visits

Every internee shall be allowed to receive visitors, especially near relatives, at regular intervals and as frequently as possible.

As far as is possible, internees shall be permitted to visit their homes in urgent cases, particularly in cases of death or serious illness of relatives.

CHAPTER IX

PENAL AND DISCIPLINARY SANCTIONS

ARTICLE 117

General provisions. Applicable legislation

Subject to the provisions of the present Chapter, the laws in force in the territory in which they are detained will continue to apply to internees who commit offences during internment.

If general laws, regulations or orders declare acts committed by internees to be punishable, whereas the same acts are not punishable when committed by persons who are not internees, such acts shall entail disciplinary punishments only.

No internee may be punished more than once for the same act, or on the same count.

ARTICLE 118

Penalties

The courts or authorities shall in passing sentence take as far as possible into account the fact that the defendant is not a national of the Detaining Power. They shall be free to reduce the penalty prescribed for the offence with which the internee is charged and shall not be obliged, to this end, to apply the minimum sentence prescribed.

Imprisonment in premises without daylight, and, in general, all forms of cruelty without exception are forbidden.

Internees having served disciplinary or judicial sentences shall not be treated differently from other internees.

The duration of preventive detention undergone by an internee shall be deducted from any disciplinary or judicial penalty involving confinement to which he may be sentenced.

Internee Committees shall be informed of all judicial proceedings instituted against internees whom they represent, and of their result.

ARTICLE 119

Disciplinary sanctions
Nature of penalties

The disciplinary punishments applicable to internees shall be the following:

(1) a fine which shall not exceed 50 per cent of the wages which the internee would otherwise receive under the provisions of Article 95 during a period of not more than thirty days;

(2) discontinuance of privileges granted over and above the treatment provided for by the present Convention;

(3) fatigue duties, not exceeding two hours daily, in connection with the maintenance of the place of internment;

(4) confinement.

In no case shall disciplinary penalties be inhuman, brutal or dangerous for the health of internees. Account shall be taken of the internee's age, sex and state of health.

The duration of any single punishment shall in no case exceed a maximum of thirty consecutive days, even if the internee is answerable for several breaches of discipline when his case is dealt with, whether such breaches are connected or not.

ARTICLE 120

Escapes

Internees who are recaptured after having escaped or when attempting to escape shall be liable only to disciplinary punishment in respect of this act, even if it is a repeated offence.

Article 118, paragraph 3, notwithstanding, internees punished as a result of escape or attempt to escape may be subjected to special surveillance, on condition that such surveillance does not affect the state of their health, that it is exercised in a place of internment and that it does not entail the abolition of any of the safeguards granted by the present Convention.

Internees who aid and abet an escape or attempt to escape, shall be liable on this count to disciplinary punishment only.

ARTICLE 121

Connected offences

Escape, or attempt to escape, even if it is a repeated offence, shall not be deemed an aggravating circumstance, in cases where an internee is prosecuted for offences committed during his escape.

The Parties to the conflict shall ensure that the competent authorities exercise leniency in deciding whether punishment inflicted for an offence shall be of a disciplinary or judicial nature, especially in respect of acts committed in connection with an escape, whether successful or not.

ARTICLE 122

Preventive detention (regime, deduction)

Acts which constitute offences against discipline shall be investigated immediately. This rule shall be applied, in particular, in cases of escape or attempt to escape. Recaptured internees shall be handed over to the competent authorities as soon as possible.

In case of offences against discipline, confinement awaiting trial shall be reduced to an absolute minimum for all internees, and shall not exceed fourteen days. Its duration shall in any case be deducted from any sentence of confinement.

The provisions of Articles 124 and 125 shall apply to internees who are in confinement awaiting trial for offences against discipline.

ARTICLE 123

Competent authorities and procedure

Without prejudice to the competence of courts and higher authorities, disciplinary punishment may be ordered only by the commandant of the place of internment, or by a responsible officer or official who replaces him, or to whom he has delegated his disciplinary powers.

Before any disciplinary punishment is awarded, the accused internee shall be given precise information regarding the offences of which he is accused, and given an opportunity of explaining his conduct and of defending himself. He shall be permitted, in particular, to call witnesses and to have recourse, if necessary, to the services of a qualified interpreter. The decision shall be announced in the presence of the accused and of a member of the Internee Committee.

The period elapsing between the time of award of a disciplinary punishment and its execution shall not exceed one month.

When an internee is awarded a further disciplinary punishment, a period of at least three days shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

A record of disciplinary punishments shall be maintained by the commandant of the place of internment and shall be open to inspection by representatives of the Protecting Power.

ARTICLE 124

Premises for disciplinary punishments

Internees shall not in any case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) to undergo disciplinary punishment therein.

The premises in which disciplinary punishments are undergone shall conform to sanitary requirements; they shall in particular be provided with adequate bedding. Internees undergoing punishment shall be enabled to keep themselves in a state of cleanliness.

Women internees undergoing disciplinary punishment shall be confined in separate quarters from male internees and shall be under the immediate supervision of women.

ARTICLE 125

Essential garantees

Internees awarded disciplinary punishment shall be allowed to exercise and to stay in the open air at least two hours daily.

They shall be allowed, if they so request, to be present at the daily medical inspections. They shall receive the attention which their state of health requires and, if necessary, shall be removed to the infirmary of the place of internment or to a hospital.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money, however, may be withheld from them until the completion of their punishment; such consignments shall meanwhile be entrusted to the Internee Committee, who will hand over to the infirmary the perishable goods contained in the parcels.

No internee given a disciplinary punishment may be deprived of the benefit of the provisions of Articles 107 and 143 of the present Convention.

ARTICLE 126

Judicial proceeding

The provisions of Articles 71 to 76 inclusive shall apply, by analogy, to proceedings against internees who are in the national territory of the Detaining Power.

CHAPTER X

TRANSFERS OF INTERNEES

ARTICLE 127

Conditions

The transfer of internees shall always be effected humanely. As a general rule, it shall be carried out by rail or other means of transport, and under conditions at least equal to those obtain-

ing for the forces of the Detaining Power in their changes of station. If as an exceptional measure such removals have to be effected on foot, they may not take place unless the internees are in a fit state of health, and may not in any case expose them to excessive fatigue.

The Detaining Power shall supply internees during transfer with drinking water and food sufficient in quantity, quality and variety to maintain them in good health, and also with the necessary clothing, adequate shelter and the necessary medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during transfer, and shall establish before their departure a complete list of all internees transferred.

Sick, wounded or infirm internees and maternity cases shall not be transferred if the journey would be seriously detrimental to them, unless their safety imperatively so demands.

If the combat zone draws close to a place of internment, the internees in the said place shall not be transferred, unless their removal can be carried out in adequate conditions of safety, or if they are exposed to greater risks by remaining on the spot than by being transferred.

When making decisions regarding the transfer of internees, the Detaining Power shall take their interests into account and, in particular, shall not do anything to increase the difficulties of repatriating them or returning them to their own homes.

ARTICLE 128

Procedure

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

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight of such baggage may be limited if the conditions of transfer so require, but in no case to less than twenty-five kilograms per internee.

Mail and parcels addressed to their former place of internment shall be forwarded to them without delay.

The commandant of the place of internment shall take, in agreement with the Internee Committee, any measures needed to ensure the transport of the internees' community property and of the luggage the internees are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph.

CHAPTER XI

DEATHS

ARTICLE 129

Wills; death certificates

The wills of internees shall be received for safe-keeping by the responsible authorities; and in the event of the death of an internee his will shall be transmitted without delay to a person whom he has previously designated.

Deaths of internees shall be certified in every case by a doctor, and a death certificate shall be made out, showing the causes of death and the conditions under which it occurred.

An official record of the death, duly registered, shall be drawn up in accordance with the procedure relating thereto in force in the territory where the place of internment is situated, and a duly certified copy of such record shall be transmitted without delay to the Protecting Power as well as to the Central Agency referred to in Article 140.

ARTICLE 130

Burial, cremation

The detaining authorities shall ensure that internees who die while interned are honourably buried, if possible according to the rites of the religion to which they belonged and that their graves are respected, properly maintained, and marked in such a way that they can always be recognised.

Deceased internees shall be buried in individual graves unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, on account of the religion of the deceased or in accordance with his expressed wish to this effect. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased. The ashes shall be retained for safe-keeping by the detaining authorities and shall be transferred as soon as possible to the next of kin on their request.

As soon as circumstances permit, and not later than the close of hostilities, the Detaining Power shall forward lists of graves of deceased internees to the Powers on whom deceased internees depended through the Information Bureaux provided for in Article 136. Such lists shall include all particulars necessary for the identification of the deceased internees as well as the exact location of their graves.

ARTICLE 131

Every death or serious injury of an internee caused or suspected have been caused by a sentry, another internee or any other person, as well as any death the cause of which is unknown, shall be immediately followed by an official enquiry by the Detaining Power.

Internees killed or injured in special circumstances

A communication on this subject shall be sent immediately to the Protecting Power. The evidence of any witnesses shall be taken, and a report including such evidence shall be prepared and forwarded to the said Protecting Power.

If the enquiry indicates the guilt of one or more persons, the Detaining Power shall take all necessary steps to ensure the prosecution of the person or persons responsible.

CHAPTER XII

RELEASE, REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES

ARTICLE 132

Each interned person shall be released by the Detaining Power as soon as the reasons which necessitated his internment no longer exist.

During hostilities or during occupation

The Parties to the conflict shall, moreover, endeavour during the course of hostilities, to conclude agreements for the release, repatriation, return to places of residence or the accommodation in a neutral country of certain classes of internees, in particular children, pregnant women and mothers with infants and young children, wounded and sick, and internees who have been detained for a long time.

ARTICLE 133

Internment shall cease as soon as possible after the close of hostilities.

After the close of hostilities

Internees in the territory of a Party to the conflict against whom penal proceedings are pending for offences not exclusively subject to disciplinary penalties, may be detained until the close of such proceedings and, if circumstances require, until the completion of the penalty. The same shall apply to internees who have been previously sentenced to a punishment depriving them of liberty.

By agreement between the Detaining Power and the Powers concerned, committees may be set up after the close of hostili-

ties, or of the occupation of territories, to search for dispersed internees.

ARTICLE 134

Repatriation and return to last place of residence

The High Contracting Parties shall endeavour, upon the close of hostilities or occupation, to ensure the return of all internees to their last place of residence, or to facilitate their repatriation.

ARTICLE 135

Expenses

The Detaining Power shall bear the expense of returning released internees to the places where they were residing when interned, or, if it took them into custody while they were in transit or on the high seas, the cost of completing their journey or of their return to their point of departure.

Where a Detaining Power refuses permission to reside in its territory to a released internee who previously had his permanent domicile therein, such Detaining Power shall pay the cost of the said internee's repatriation. If, however, the internee elects to return to his country on his own responsibility or in obedience to the Government of the Power to which he owes allegiance, the Detaining Power need not pay the expenses of his journey beyond the point of his departure from its territory. The Detaining Power need not pay the cost of repatriation of an internee who was interned at his own request.

If internees are transferred in accordance with Article 45, the transferring and receiving Powers shall agree on the portion of the above costs to be borne by each.

The foregoing shall not prejudice such special agreements as may be concluded between Parties to the conflict concerning the exchange and repatriation of their nationals in enemy hands.

SECTION V

INFORMATION BUREAUX AND CENTRAL AGENCY

ARTICLE 136

National Bureaux

Upon the outbreak of a conflict and in all cases of occupation, each of the Parties to the conflict shall establish an official Information Bureau responsible for receiving and transmitting information in respect of the protected persons who are in its power.

Each of the Parties to the conflict shall, within the shortest possible period, give its Bureau information of any measure taken by it concerning any protected persons who are kept in custody for more than two weeks, who are subjected to assigned residence or who are interned. It shall, furthermore, require its various departments concerned with such matters to provide the aforesaid Bureau promptly with information concerning all changes pertaining to these protected persons, as, for example, transfers, releases, repatriations, escapes, admittances to hospitals, births and deaths.

ARTICLE 137

Transmission of information

Each national Bureau shall immediately forward information concerning protected persons by the most rapid means to the Powers of whom the aforesaid persons are nationals, or to Powers in whose territory they resided, through the intermediary of the Protecting Powers and likewise through the Central Agency provided for in Article 140. The Bureaux shall also reply to all enquiries which may be received regarding protected persons.

Information Bureaux shall transmit information concerning a protected person unless its transmission might be detrimental to the person concerned or to his or her relatives. Even in such a case, the information may not be withheld from the Central Agency which, upon being notified of the circumstances, will take the necessary precautions indicated in Article 140.

All communications in writing made by any Bureau shall be authenticated by a signature or a seal.

ARTICLE 138

Information particulars required

The information received by the national Bureau and transmitted by it shall be of such a character as to make it possible to identify the protected person exactly and to advise his next of kin quickly. The information in respect of each person shall include at least his surname, first name, place and date of birth, nationality, last residence and distinguishing characteristics, the first name of the father and the maiden name of the mother, the date, place and nature of the action taken with regard to the individual, the address at which correspondence may be sent to him and the name and address of the person to be informed.

Likewise, information regarding the state of health of internees who are seriously ill or seriously wounded shall be supplied regularly and if possible every week.

ARTICLE 139

Forwarding of personal valuables

Each national Information Bureau shall, furthermore, be responsible for collecting all personal valuables left by protected persons mentioned in Article 136, in particular those who have been repatriated or released, or who have escaped or died; it shall forward the said valuables to those concerned, either direct, or, if necessary, through the Central Agency. Such articles shall be sent by the Bureau in sealed packets which shall be accompanied by statements giving clear and full identity particulars of the person to whom the articles belonged, and by a complete list of the contents of the parcel. Detailed records shall be maintained of the receipt and despatch of all such valuables.

ARTICLE 140

Central Agency

A Central Information Agency for protected persons, in particular for internees, shall be created in a neutral country. The International Committee of the Red Cross shall, if it deems necessary, propose to the Powers concerned the organisation of such an Agency, which may be the same as that provided for in Article 123 of the Geneva Convention of August 12, 1949 relative to the Treatment of Prisoners of War.

The function of the Agency shall be to collect all information of the type set forth in Article 136 which it may obtain through official or private channels and to transmit it as rapidly as possible to the countries of origin or of residence of the persons concerned, except in cases where such transmissions might be detrimental to the persons whom the said information concerns, or to their relatives. It shall receive from the Parties to the conflict all reasonable facilities for effecting such transmissions.

The High Contracting Parties, and in particular those whose nationals benefit by the services of the Central Agency, are requested to give the said Agency the financial aid it may require.

The foregoing provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross and of the relief Societies described in Article 142.

ARTICLE 141

Exemption from charges

The national Information Bureaux and the Central Information Agency shall enjoy free postage for all mail, likewise the exemptions provided for in Article 110, and further, so far as possible, exemption from telegraphic charges or, at least, greatly reduced rates.

PART IV

EXECUTION OF THE CONVENTION

SECTION I

GENERAL PROVISIONS

ARTICLE 142

Relief societies and other organisations

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 organisations assisting the protected persons, shall receive from these Powers, for themselves or their duly accredited agents, all facilities for visiting the protected persons, distributing relief supplies and material from any source, intended for educational, recreational or religious purposes, or for assisting them in organising their leisure time within the places of internment. 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.

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 supply of effective and adequate relief to all protected persons.

The special position of the International Committee of the Red Cross in this field shall be recognised and respected at all times.

ARTICLE 143

Supervision

Representatives or delegates of the Protecting Powers shall have permission to go to all places where protected persons are, particularly to places of internment, detention and work.

They shall have access to all premises occupied by protected persons and shall be able to interview the latter without witnesses, personally or through an interpreter.

Such visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure. Their duration and frequency shall not be restricted.

Such representatives and delegates shall have full liberty to select the places they wish to visit. The Detaining or Occupying Power, the Protecting Power and when occasion arises the Power of origin of the persons to be visited, may agree that compatriots of the internees shall be permitted to participate in the visits.

The delegates of the International Committee of the Red Cross shall also enjoy the above prerogatives. The appointment of such delegates shall be submitted to the approval of the Power governing the territories where they will carry out their duties.

ARTICLE 144

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 instruction, so that the principles thereof may become known to the entire population.

Any civilian, military, police or other authorities who, in time of war, assume responsibilities in respect of protected persons must possess the text of the Convention and be specially instructed as to its provisions.

ARTICLE 145

Translations

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

ARTICLE 146

Penal sanctions
I. General remarks

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

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

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

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

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

ARTICLE 147

II. Grave breaches

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

ARTICLE 148

III. Responsibilities of the Contracting Powers

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

ARTICLE 149

Procedure of enquiry

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.

SECTION II

FINAL PROVISIONS

ARTICLE 150

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 151

Signatures

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949.

ARTICLE 152

Ratifications

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

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

ARTICLE 153

Effect

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

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

ARTICLE 154

Relations with previous conventions

In the relations between the Powers who are bound by The Hague Conventions relative to the Laws and Customs of War on Land, whether that of July 29, 1899, or that of October 18, 1907, and who are parties to the present Convention, this last Convention shall be supplementary to Sections II and III of the Regulations annexed to the above mentioned Conventions of The Hague.

ARTICLE 155

Accessions

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

ARTICLE 156

Notification of accessions

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

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

ARTICLE 157

Immediate effect

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

ARTICLE 158

Denunciations

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

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

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

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

ARTICLE 159

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

DRAFT AGREEMENT RELATING TO HOSPITAL AND SAFETY ZONES AND LOCALITIES

ARTICLE 1

Persons benefiting

Hospital and safety zones shall be strictly reserved for the persons mentioned in Article 23 of the Geneva Convention of August 12, 1949 for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, and in Article 14 of the Geneva Convention of August 12, 1949 relative to the Protection of Civilian Persons in Time of War, and for the personnel entrusted with the organisation and administration of these zones and localities, and with the care of the persons therein assembled.

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

ARTICLE 2

Prohibited labour

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

ARTICLE 3

Prohibition of access

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

ARTICLE 4

Conditions

Hospital and safety zones shall fulfil the following conditions:

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

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

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

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

ARTICLE 5

Obligations

Hospital and safety zones shall be subject to the following obligations:

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

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

ARTICLE 6

Marking

Hospital and safety zones shall be marked by means of oblique red bands on a white ground, placed on the buildings and outer precincts.

Zones reserved exclusively for the wounded and sick may be marked by means of the Red Cross (Red Crescent, Red Lion and Sun) emblem on a white ground.

They may be similary marked at night by means of appropriate illumination.

ARTICLE 7

Notification and opposition

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

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

If, however, the adverse party considers that the conditions of the present agreement have not been fulfilled, it may

refuse to recognise the zone by giving immediate notice thereof to the party responsible for the said zone; or may make its recognition of such zone dependent upon the institution of the control provided for in Article 8.

ARTICLE 8

Supervision

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

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

ARTICLE 9

Sanctions

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

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

ARTICLE 10

Constitution of Special Committees

Any Power setting up one or more hospital and safety zones, and the adverse parties to whom their existence has been notified, shall nominate or have nominated by the Protecting Powers or by other neutral Powers, persons eligible to be members of the Special Committees mentioned in Articles 8 and 9.

ARTICLE 11

Respect of zones

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

ARTICLE 12

Occupation

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

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

ARTICLE 13

Localities

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

ANNEX II

DRAFT REGULATIONS CONCERNING COLLECTIVE RELIEF

ARTICLE 1

The Internee Committees shall be allowed to distribute collective relief shipments for which they are responsible to all internees who are dependent for administration on the said Committee's place of internment including those internees who are in hospitals, or in prisons or other penitentiary establishments.

ARTICLE 2

The distribution of collective relief shipments shall be effected in accordance with the instructions of the donors and with a plan drawn up by the Internee Committees. The issue of medical stores shall, however, be made preferably 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 demand. Within the limits thus defined, the distribution shall always be made equitably.

ARTICLE 3

Members of Internee Committees shall be allowed to go to the railway stations or other points of arrival of relief supplies near their places of internment so as to enable them to verify the quantity as well as the quality of the goods received and to make out detailed reports thereon to the donors.

ARTICLE 4

Internee Committees shall be given the facilities necessary for verifying whether the distribution of collective relief in all subdivisions and annexes of their places of internment has been carried out in accordance with their instructions.

ARTICLE 5

Internee Committees shall be allowed to complete, and to cause to be completed by members of the Internee Committees in labour detachments or by the senior medical officers of infirmaries and hospitals, forms or questionnaires intended for the donors, relating to collective relief supplies (distribution, requirements, quantities, etc.). Such forms and questionnaires, duly completed, shall be forwarded to the donors without delay.

ARTICLE 6

In order to secure the regular distribution of collective relief supplies to the internees in their place of internment, and to meet any needs that may arise through the arrival of fresh parties of internees, the Internee Committees shall be allowed to create and maintain sufficient reserve stocks of collective relief. For that purpose, they shall have adequate warehouses; each warehouse shall be provided with two locks, the Internee Committee holding the keys of one lock, and the commandant of the place of internment the keys of the other.

ARTICLE 7

The High Contracting Parties and the Detaining Powers in particular shall, so far as is in any way possible and subject to the regulations governing the food supply of the population, authorise purchases of goods to be made in their territories for the distribution of collective relief to the internees. They shall likewise facilitate the transfer of funds and other financial measures of a technical or administrative nature taken for the purpose of making such purchases.

ARTICLE 8

The foregoing provisions shall not constitute an obstacle to the right of internees to receive collective relief before their arrival in a place of internment or in the course of their transfer, nor to the possibility of representatives of the Protecting Power, or of the International Committee of the Red Cross or any other humanitarian organisation giving assistance to internees and responsible for forwarding such supplies, ensuring the distribution thereof to the recipients by any other means they may deem suitable.

REVUE INTERNATIONALE
DE LA CROIX-ROUGE

ET

BULLETIN INTERNATIONAL DES SOCIÉTÉS
DE LA CROIX-ROUGE

SUPPLEMENT

September 1949 Vol. II, No. 9

CONTENTS

	Page
Resolutions of the Diplomatic Conference of Geneva, 1949	295
Geneva Convention for the Amelioration of the Condition of the Wounded, and Sick in Armed Forces in the Field of August 12, 1949 . . .	299
Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949	327

Published by
Comité International de la Croix-Rouge, Genève
Editor: Louis Demolis

RESOLUTIONS OF THE DIPLOMATIC CONFERENCE OF GENEVA, 1949

RESOLUTION 1

The Conference recommends that, in the case of a dispute relating to the interpretation or application of the present Conventions which cannot be settled by other means, the High Contracting Parties concerned endeavour to agree between themselves to refer such dispute to the International Court of Justice.

RESOLUTION 2

Whereas circumstances may arise in the event of the outbreak of a future international conflict in which there will be no Protecting Power with whose cooperation and under whose scrutiny the Conventions for the Protection of Victims of War can be applied ; and

whereas Article 10 of the Geneva Convention of August 12, 1949 for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Article 10 of the Geneva Convention of August 12, 1949 for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Article 10 of the Geneva Convention of August 12, 1949 relative to the Treatment of Prisoners of War, and Article 11 of the Geneva Convention of August 12, 1949 relative to the Protection of Civilian Persons in Time of War provide that the High Contracting Parties may at any time agree to entrust to a body which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the aforesaid Conventions ;

the Conference recommends that consideration be given as soon as possible to the advisability of setting up an international body, the functions of which shall be, in the absence of a Protecting Power, to fulfil the duties performed by Protecting Powers in regard to the application of the Conventions for the Protection of War Victims.

Resolution 3

Whereas agreements may only with difficulty be concluded during hostilities;

whereas Article 28 of the Geneva Convention of August 12, 1949 for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field provides that the Parties to the conflict shall, during hostilities, make arrangements for relieving where possible retained personnel, and shall settle the procedure of such relief;

whereas Article 31 of the same Convention provides that, as from the outbreak of hostilities, Parties to the conflict may determine by special arrangement the percentage of personnel to be retained, in proportion to the number of prisoners and the distribution of the said personnel in the camps,

the Conference requests the International Committee of the Red Cross to prepare a model agreement on the two questions referred to in the two Articles mentioned above and to submit it to the High Contracting Parties for their approval.

Resolution 4

Whereas Article 33 of the Geneva Convention of July 27, 1929, for the Relief of the Wounded and Sick in Armies in the Field, concerning the identity documents to be carried by medical personnel, was only partially observed during the course of the recent war, thus creating serious difficulties for many members of such personnel,

the Conference recommends that States and National Red Cross Societies take all necessary steps in time of peace to have medical personnel duly provided with the badges and identity cards prescribed in Article 40 of the new Convention.

Resolution 5

Whereas misuse has frequently been made of the Red Cross emblem,

the Conference recommends that States take strict measures to ensure that the said emblem, as well as other emblems referred to in Article 38 of the Geneva Convention of August 12, 1949 for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, is used only within the limits prescribed by the Geneva Conventions, in order to safeguard their authority and protect their high significance.

Resolution 6

Whereas the present Conference has not been able to raise the question of the technical study of means of communication between hospital ships, on the one hand, and warships and military aircraft on the other, since that study went beyond its terms of reference ;

whereas this question is of the greatest importance for the safety and efficient operation of hospital ships,

the Conference recommends that the High Contracting Parties will, in the near future, instruct a Committee of Experts to examine technical improvements of modern means of communication between hospital ships, on the one hand, and warships and military aircraft on the other, and also to study the possibility of drawing up an International Code laying down precise regulations for the use of those means, in order that hospital ships may be assured of the maximum protection and be enabled to operate with the maximum efficiency.

Resolution 7

The Conference, being desirous of securing the maximum protection for hospital ships, expresses the hope that all High Contracting Parties to the Geneva Convention of August 12, 1949 for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces on Sea will arrange that, whenever conveniently practicable, such ships shall frequently and regularly broadcast particulars of their position, route and speed.

Resolution 8

The Conference wishes to affirm before all nations :

that, its work having been inspired solely by humanitarian aims, its earnest hope is that, in the future, Governments may never have to apply the Geneva Conventions for the Protection of War Victims ;

that its strongest desire is that the Powers, great and small, may always reach a friendly settlement of their differences through cooperation and understanding between nations, so that peace shall reign on earth for ever.

Resolution 9

Whereas Article 71 of the Geneva Convention relative to the Treatment of Prisoners of War provides that 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 home, shall be permitted to send telegrams, the fees being charged against the prisoners of war's account with the Detaining Power or paid in the currency at their disposal, and that prisoners of war shall likewise benefit by these facilities in cases of urgency ; and

whereas to reduce the cost, often prohibitive, of such telegrams or cables, it appears necessary that some method of grouping messages should be introduced whereby a series of short specimen messages concerning personal health, health of relatives at home, schooling, finance, etc., could be drawn up and numbered, for use by prisoners of war in the aforesaid circumstances,

the Conference, therefore, requests the International Committee of the Red Cross to prepare a series of specimen messages covering these requirements and to submit them to the High Contracting Parties for their approval.

Resolution 10

The Conference considers that the conditions under which a Party to a conflict can be recognised as a belligerent by Powers not taking part in this conflict, are governed by the general rules of international law on the subject and are in no way modified by the Geneva Conventions.

Resolution 11

Whereas the Geneva Conventions require the International Committee of the Red Cross to be ready at all times and in all circumstances to fulfil the humanitarian tasks entrusted to it by these Conventions,

the Conference recognises the necessity of providing regular financial support for the International Committee of the Red Cross.

GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED AND SICK IN ARMED FORCES IN THE FIELD 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 Geneva Convention for the Relief of the Wounded and Sick in Armies in the Field of July 27, 1929, have agreed as follows :

CHAPTER I

GENERAL PROVISIONS

ARTICLE 1

Respect for the Convention

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

ARTICLE 2

Application of the Convention

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.

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

Conflicts not of an international character

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

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

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

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

(b) taking of hostages ;

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

(d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are 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

Application by neutral Powers

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

ARTICLE 5

Duration of application

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

ARTICLE 6

Special agreements

In addition to the agreements expressly provided for in Articles 10, 15, 23, 28, 31, 36, 37 and 52 the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of the wounded and sick, or members of the medical personnel or of chaplains, as defined by the present Convention, nor restrict the rights which it confers upon them.

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

ARTICLE 7

Non-renunciation of rights

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

ARTICLE 8

Protecting Powers

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

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

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the

imperative necessities of security of the State wherein they carry out their duties. Their activities shall only be restricted as an exceptional and temporary measure when this is rendered necessary by imperative military necessities.

ARTICLE 9

Activities of the International Committee of the Red Cross

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 wounded and sick, medical personnel and chaplains, and for their relief.

ARTICLE 10

Substitutes for Protecting Powers

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.

When wounded and sick or medical personnel and chaplains do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an 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 also is made of a Protecting Power, such mention applies to substitute organisations in the sense of the present Article.

ARTICLE 11

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

CHAPTER II

WOUNDED AND SICK

ARTICLE 12

Protection and care

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

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

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

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

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

ARTICLE 13

Protected persons

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

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

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

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

ARTICLE 14

Status

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

ARTICLE 15

Search for casualties. Evacuation

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

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

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

ARTICLE 16

Recording and forwarding of information

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

These records should if possible include :

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

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

(c) surname ;

(d) first name or names ;

(e) date of birth ;

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

(g) date and place of capture or death ;

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

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

ARTICLE 13

Protected persons

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

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

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

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

ARTICLE 14

Status

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

ARTICLE 15

Search for casualties. Evacuation

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

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

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

ARTICLE 16

Recording and forwarding of information

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

These records should if possible include :

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

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

(c) surname ;

(d) first name or names ;

(e) date of birth ;

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

(g) date and place of capture or death ;

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

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

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

ARTICLE 17

Prescriptions regarding the dead. Graves Registration Service

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

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

They shall further ensure that the dead are honourably interred, if possible according to the rites of the religion to which they belonged, that their graves are respected, grouped if possible according to the nationality of the deceased, properly maintained and marked so that they may always be found. To this effect, they shall organise at the commencement of hostilities an Official Graves Registration Service, to allow subsequent exhumations and to ensure the identification of bodies, whatever the site of the graves, and the possible transportation to the home country. These provisions shall likewise

apply to the ashes, which shall be kept by the Graves Registration Service until proper disposal thereof in accordance with the wishes of the home country.

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

ARTICLE 18

Role of the population

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

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

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

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

CHAPTER III

MEDICAL UNITS AND ESTABLISHMENTS

ARTICLE 19

Protection

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

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

ARTICLE 20

Protection of hospital ships

Hospital ships entitled to the protection of the Geneva Convention of August 12, 1949 for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, shall not be attacked from the land.

ARTICLE 21

Discontinuance of protection of medical establishments and units

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

ARTICLE 22

Conditions not depriving medical units and establishments of protection

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

(1) That the personnel of the unit or establishment are armed, and that they use the arms in their own defence, or in that of the wounded and sick in their charge.

(2) That in the absence of armed orderlies, the unit or establishment is protected by a picket or by sentries or by an escort.

(3) That small arms and ammunition taken from the wounded and sick, and which have not yet been handed to the proper service, are found in the unit or establishment.

(4) That personnel and material of the veterinary service are found in the unit or establishment, without forming an integral part thereof.

(5) That the humanitarian activities of medical units and establishments or of their personnel extend to the care of civilian wounded or sick.

ARTICLE 23

Hospital zones and localities

In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties to the conflict, may establish in their own territory and, if the need arises, in occupied

areas, hospital zones and localities so organised as to protect the wounded and sick from the effects of war, as well as the personnel entrusted with the organisation and administration of these zones and localities and with the care of the persons therein assembled.

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

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

CHAPTER IV

PERSONNEL

ARTICLE 24

Protection of permanent personnel

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

ARTICLE 25

Protection of auxiliary personnel

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

ARTICLE 26

Personnel of aid societies

The staff of National Red Cross Societies and that of other Voluntary Aid Societies, duly recognised and authorised by their Governments, who may be employed on the same duties as the personnel named in Article 24, are placed on the same

footing as the personnel named in the said Article, provided that the staff of such societies are subject to military laws and regulations.

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

ARTICLE 27

Societies of neutral countries

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

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

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

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

ARTICLE 28

Retained personnel

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

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

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

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

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

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

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

ARTICLE 29

Status of auxiliary personnel

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

ARTICLE 30

Return of medical and religious personnel

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

Pending their return, they shall not be deemed prisoners of war. Nevertheless they shall at least benefit by all the provisions

of the Geneva Convention of August 12, 1949, relative to the Treatment of Prisoners of War. They shall continue to fulfil their duties under the orders of the adverse Party and shall preferably be engaged in the care of the wounded and sick of the Party to the conflict to which they themselves belong.

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

ARTICLE 31

Selection of personnel for return

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

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

ARTICLE 32

Return of personnel belonging to neutral countries

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

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

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

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

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

CHAPTER V

BUILDINGS AND MATERIAL

ARTICLE 33

Buildings and stores

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

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

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

ARTICLE 34

Property of aid societies

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

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

CHAPTER VI

MEDICAL TRANSPORTS

ARTICLE 35

Protection

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

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

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

ARTICLE 36

Medical aircraft

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

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

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

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

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

ARTICLE 37

Flight over neutral countries. Landing of wounded

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

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

Unless agreed otherwise between the neutral Power and the Parties to the conflict, the wounded and sick who are disembarked, with the consent of the local authorities, on neutral

territory by medical aircraft, shall be detained by the neutral Power, where so required by international law, in such a manner that they cannot again take part in operations of war. The cost of their accommodation and internment shall be borne by the Power on which they depend.

CHAPTER VII

THE DISTINCTIVE EMBLEM

ARTICLE 38

Emblem of the Convention

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

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

ARTICLE 39

Use of the emblem

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

ARTICLE 40

Identification of medical and religious personnel

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

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

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

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

ARTICLE 41

Identification of auxiliary personnel

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

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

ARTICLE 42

Marking of medical units and establishments

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

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

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

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

ARTICLE 43

Marking of units of neutral countries

The medical units belonging to neutral countries, which may have been authorised to lend their services to a belligerent

under the conditions laid down in Article 27, shall fly along with the flag of the Convention, the national flag of that belligerent, wherever the latter makes use of the faculty conferred on him by Article 42.

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

ARTICLE 44

Restrictions in the use of the emblem. Exceptions

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

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

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

As an exceptional measure, in conformity with national legislation and with the express permission of one of the National Red Cross (Red Crescent, Red Lion and Sun) Societies, the emblem of the Convention may be employed in time of peace to identify vehicles used as ambulances and to mark the position of aid stations exclusively assigned to the purpose of giving free treatment to the wounded or sick.

CHAPTER VIII

EXECUTION OF THE CONVENTION

ARTICLE 45

Detailed execution. Unforeseen cases

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

ARTICLE 46

Prohibition of reprisals

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

ARTICLE 47

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 instruction, so that the principles thereof may become known to the entire population, in particular to the armed fighting forces, the medical personnel and the chaplains.

ARTICLE 48

Translations

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

CHAPTER IX

REPRESSION OF ABUSES AND INFRACTIONS

ARTICLE 49

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 Geneva Convention of August 12, 1949, relative to the Treatment of Prisoners of War.

ARTICLE 50

II. Grave breaches

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

ARTICLE 51

III. Responsibilities of the Contracting Parties

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

ARTICLE 52

Enquiry procedure

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.

ARTICLE 53

Misuse of the emblem

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

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

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

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

ARTICLE 54

Prevention of misuse

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

FINAL PROVISIONS

ARTICLE 55

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 56

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 Geneva Conventions of 1864, 1906 or 1929 for the Relief of the Wounded and Sick in Armies in the Field.

ARTICLE 57

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

ARTICLE 58

Coming into force

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

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

ARTICLE 59

Relation to previous Conventions

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

ARTICLE 60

Accession

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

ARTICLE 61

Notification of accessions

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

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

ARTICLE 62

Immediate effect

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

ARTICLE 63

Denunciation

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

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

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

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

ARTICLE 64

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

DRAFT AGREEMENT RELATING TO HOSPITAL ZONES AND LOCALITIES

ARTICLE 1

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

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

ARTICLE 2

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

ARTICLE 3

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

ARTICLE 4

Hospital zones shall fulfil the following conditions:

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

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

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

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

ARTICLE 5

Hospital zones shall be subject to the following obligations:

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

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

ARTICLE 6

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

ARTICLE 7

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

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

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

ARTICLE 8

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

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

ARTICLE 9

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

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

ARTICLE 10

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

ARTICLE 11

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

ARTICLE 12

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

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

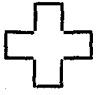
ARTICLE 13

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

ANNEX II

Front

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



IDENTITY CARD

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

---

Surname .....

First names .....

Date of birth .....

Rank .....

Army number .....

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

.....

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

Reverse Side

Photo of bearer

Embossed stamp of military authority issuing card

Signature or Fingerprints or both

Height	Eyes	Hair
.....	.....	.....

Other distinguishing marks

.....

.....

.....

.....

.....

GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF WOUNDED, SICK AND SHIPWRECKED MEMBERS OF ARMED FORCES AT SEA 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 Xth Hague Convention of October 18, 1907, for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of 1906, have agreed as follows:

CHAPTER I

GENERAL PROVISIONS

ARTICLE 1

Respect for the Convention

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

ARTICLE 2

Application of the Convention

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.

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

Conflicts not of an international character

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

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

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

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

(b) taking of hostages;

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

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

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

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

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

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

ARTICLE 4

Field of application

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

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

ARTICLE 5

Application by neutral Powers

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

ARTICLE 6

Special agreements

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

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

ARTICLE 7

Non-renunciation of rights

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

ARTICLE 8

Protecting Powers

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

delegates shall be subject to the approval of the Power with which they are to carry out their duties.

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

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

ARTICLE 9

Activities of the International Committee of the Red Cross

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 wounded, sick and shipwrecked, medical personnel and chaplains, and for their relief.

ARTICLE 10

Substitutes for Protecting Powers

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.

When wounded, sick and shipwrecked, or medical personnel and chaplains do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an 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 also is made of a Protecting Power, such mention applies to substitute organisations in the sense of the present Article.

ARTICLE 11

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

CHAPTER II

WOUNDED, SICK AND SHIPWRECKED

ARTICLE 12

Protection and care

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

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

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

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

ARTICLE 13

Protected persons

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

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

(c) 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 ;

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

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

ARTICLE 14

Handing over to a belligerent

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

ARTICLE 15

Wounded taken on board a neutral warship

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

ARTICLE 16

Wounded falling into enemy hands

Subject to the provisions of Article 12, the wounded, sick and shipwrecked of a belligerent who fall into enemy hands shall be prisoners of war, and the provisions of international law concerning prisoners of war shall apply to them. The captor may decide, according to circumstances, whether it is expedient to hold them, or to convey them to a port in the captor's own country, to a neutral port or even to a port in enemy territory. In the last case, prisoners of war thus returned to their home country may not serve for the duration of the war.

ARTICLE 17

Wounded landed in a neutral port

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

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

ARTICLE 18

Search for casualties after an engagement

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

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

ARTICLE 19

Recording and forwarding of information

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

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

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

(c) surname;

(d) first name or names;

(e) date of birth;

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

(g) date and place of capture or death;

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

As soon as possible the above mentioned information shall be forwarded to the information bureau described in Article 122 of the Geneva Convention of August 12, 1949, relative to the

Treatment of Prisoners of War, which shall transmit this information to the Power on which these persons depend through the intermediary of the Protecting Power and of the Central Prisoners of War Agency.

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

ARTICLE 20

Prescriptions regarding the dead

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

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

ARTICLE 21

Appeals to neutral vessels

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

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

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

CHAPTER III

HOSPITAL SHIPS

ARTICLE 22

Notification and protection of military hospital ships

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

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

ARTICLE 23

Protection of medical establishments ashore

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

ARTICLE 24

Hospital ships utilised by relief societies and private individuals of

I. Parties to the conflict

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

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

ARTICLE 25

II. Neutral countries

Hospital ships utilised by National Red Cross Societies, officially recognised relief societies, or private persons of neutral countries shall have the same protection as military hospital ships and shall be exempt from capture, on condition that they have placed themselves under the control of one of the Parties to the conflict, with the previous consent of their own governments and with the authorisation of the Party

to the conflict concerned, in so far as the provisions of Article 22 concerning notification have been complied with.

ARTICLE 26

Tonnage

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

ARTICLE 27

Coastal rescue craft

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

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

ARTICLE 28

Protection of sick-bays

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

ARTICLE 29

Hospital ships in occupied ports

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

ARTICLE 30

Employment of hospital ships and small craft

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

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

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

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

ARTICLE 31

Right of control and search

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

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

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

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

ARTICLE 32

Stay in a neutral port

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

ARTICLE 33

Converted merchant vessels

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

ARTICLE 34

Discontinuance of protection

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

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

ARTICLE 35

Conditions not depriving hospital ships of protection

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

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

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

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

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

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

CHAPTER IV

PERSONNEL

ARTICLE 36

Protection of the personnel of hospital ships

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

ARTICLE 37

Medical and religious personnel of other ships

The religious, medical and hospital personnel assigned to the medical or spiritual care of the persons designated in Articles 12 and 13 shall, if they fall into the hands of the enemy, be respected and protected; they may continue to carry out their duties as long as this is necessary for the care of wounded and sick. They shall afterwards be sent back as soon as the Commander-in-Chief, under whose authority they are, considers it practicable. They may take with them, on leaving the ship, their personal property.

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

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

CHAPTER V

MEDICAL TRANSPORTS

ARTICLE 38

Ships used for the conveyance of medical equipment

Ships chartered for that purpose shall be authorised to transport equipment exclusively intended for the treatment of wounded and sick members of armed forces or for the prevention of disease, provided that the particulars regarding their voyage have been notified to the adverse Power and approved by the latter. The adverse Power shall preserve the right to board the carrier ships, but not to capture them nor to seize the equipment carried.

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

ARTICLE 39

Medical aircraft

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

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

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

Medical aircraft shall obey every summons to alight on land or water. In the event of having thus to alight, the aircraft

with its occupants may continue its flight after examination, if any.

In the event of alighting involuntarily on land or water in enemy or enemy-occupied territory, the wounded, sick and shipwrecked, as well as the crew of the aircraft shall be prisoners of war. The medical personnel shall be treated according to Articles 36 and 37.

ARTICLE 40

Flight over neutral countries. Landing of wounded

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

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

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

CHAPTER VI

THE DISTINCTIVE EMBLEM

ARTICLE 41

Use of the emblem

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

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

ARTICLE 42

Identification of medical and religious personnel

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

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

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

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

ARTICLE 43

Marking of hospital ships and small craft

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

(a) All exterior surfaces shall be white.

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

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

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

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

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

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

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

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

ARTICLE 44

Limitation in the use of markings

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

ARTICLE 45

Prevention of misuse

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

CHAPTER VII

EXECUTION OF THE CONVENTION

ARTICLE 46

Detailed execution
Unforeseen cases

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

ARTICLE 47

Prohibition of reprisals

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

ARTICLE 48

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 instruction, so that the principles thereof may become known to the entire population, in particular to the armed fighting forces, the medical personnel and the chaplains.

ARTICLE 49

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.

CHAPTER VIII

REPRESSION OF ABUSES AND INFRACTIONS

ARTICLE 50

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 Geneva Convention of August 12, 1949, relative to the Treatment of Prisoners of War.

ARTICLE 51

II. Grave breaches

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

ARTICLE 52

III. Responsibilities of the Contracting Parties

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

ARTICLE 53

Enquiry procedure

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.

FINAL PROVISIONS

ARTICLE 54

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 55

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 Xth Hague Convention of October 18, 1907 for the adaptation to Maritime Warfare of the principles of the Geneva Convention of 1906, or to the Geneva Conventions of 1864, 1906 or 1929 for the Relief of the Wounded and Sick in Armies in the Field.

ARTICLE 56

Ratification

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

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

ARTICLE 57

Coming into force

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

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

ARTICLE 58

Relation to the 1907 Convention

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

ARTICLE 59

Accession

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

ARTICLE 60

Notification of accessions

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

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

ARTICLE 61

Immediate effect

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

ARTICLE 62

Denunciation

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

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

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

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

ARTICLE 63

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

Front

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

IDENTITY CARD

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

Surname .....

First names .....

Date of birth .....

Rank .....

Army number .....

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

.....

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

Reverse Side

Photo of bearer

Embossed stamp of military authority issuing card

Signature or Fingerprints or both

Height	Eyes	Hair
.....	.....	.....

Other distinguishing marks

.....

.....

.....

.....

.....

REVUE INTERNATIONALE
DE LA CROIX-ROUGE

ET

BULLETIN INTERNATIONAL DES SOCIÉTÉS
DE LA CROIX-ROUGE

SUPPLEMENT

October 1949 Vol. II, No. 10

CONTENTS

	Page
Statement made by M. Paul Ruegger at the Diplomatic Conference in Geneva	352
Jean S. Pictet, *Director-Delegate of the International Committee of the Red Cross.* The New Geneva Conventions and the Red Cross . .	356
Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949 . .	371
The International Committee's Aid to the Palestine Refugees	449

Published by
Comité international de la Croix-Rouge, Genève
Editor: Louis Demolis

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 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 Goverment 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 ben 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.

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.

Legal Status of the Societies.

In our particular field, the most important provision in the Fourth Geneva (Civilian) Convention is that contained in Article 63 [1] 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 hospitals [2], 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 142 [1] 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 emblem [2]: 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 grounds [1].

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

Respect for the Convention

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

ARTICLE 2

Application of the Convention

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.

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

Conflicts not of an international character

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

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

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

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

(b) taking of hostages;

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

(d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are 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

Non-renunciation of rights

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

ARTICLE 8

Protecting Powers

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

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

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

ARTICLE 9

Activities of the International Committee of the Red Cross

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.

ARTICLE 10

Substitutes for Protecting Powers

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.

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 11

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

Responsibility for the treatment of prisoners

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

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

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

ARTICLE 13

Humane treatment of prisoners

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.

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

Property of prisoners

All effects and articles of personal use, except arms, horses, military equipment and military documents, shall remain in the possession of prisoners or 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

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

Restriction of liberty of movement

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

Prisoners of war may be partially or wholly released on parole or promise, 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

Places and conditions of internment

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

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

The Detaining Power shall assemble prisoners of war in camps or camp compounds according to their nationality, language and customs, provided that 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

Food

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

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

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

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

Adequate premises shall be provided for messing.

Collective disciplinary measures affecting food are prohibited.

ARTICLE 27

Clothing

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

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

ARTICLE 28

Canteens

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

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.

ARTICLE 32

Prisoners engaged on medical duties

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 contifnue to be prisoners of war but shall receive the same treatment as corresponding medical personnel retained by the Detaining Power. They shall be exempted from any other work under Article 49.

CHAPTER IV

MEDICAL PERSONNEL AND CHAPLAINS RETAINED TO ASSIST PRISONERS OF WAR

ARTICLE 33

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 ministration to prisoners of war.

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

(a) They shall be 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

Religious duties

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

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

ARTICLE 35

Retained chaplains

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.

ARTICLE 36

Prisoners who are ministers of religion

Prisoners of war who are ministers of religion, without having officiated as chaplains to their own forces, shall be at liberty, whatever their denomination, to minister freely to the members of their community. For this purpose, they shall

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

ARTICLE 37

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

Administration. 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

Badges and Decorations

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

ARTICLE 41

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

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.

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

Use of weapons

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

CHAPTER VII

RANK OF PRISONER OF WAR

ARTICLE 43

Notification of ranks

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

The Detaining Power shall 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 facilited 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

Circumstances precluding transfer

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

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

ARTICLE 48

Procedure for transfer

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

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

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

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

SECTION III

LABOUR OF PRISONERS OF WAR

ARTICLE 49

General observations

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.

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 whcih 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

Dangerous or humiliating labour

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

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

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

ARTICLE 53

Duration of labour

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

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

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

ARTICLE 54

Working pay. Occupational accidents and disease

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

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

ARTICLE 55

Medical supervision

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.

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

Amounts in cash taken from prisoners

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

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

ARTICLE 60

Advances of pay

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

Category I:	Prisoners ranking below sergeants: eight Swiss francs.
Category II:	Sergeants and other non-commissioned officers, or prisoners of equivalent rank: twelve Swiss francs.
Category III:	Warrant officers and commissioned officers below the rank of major or prisoners of equivalent rank: fifty Swiss francs.
Category IV:	Majors, lieutenant-colonels, colonels or prisoners of equivalent rank: sixty Swiss francs.
Category V:	General officers or prisoners of war of equivalent rank: seventy-five Swiss francs.

However, the Parties to the conflict concerned may be 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

Supplementary 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

Transfer of funds

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

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

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

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

ARTICLE 64

Prisoners' accounts

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

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

Relief shipments I. General principles

Prisoners of war shall be allowed to receive by post or by any other means individual parcels or collective shipments containing, in particular, foodstuffs, clothing, medical supplies and articles of a religious, educational or recreational character which may meet their needs, including books, devotional articles, scientific equipment, examination papers, musical instruments, sports outfits and materials allowing prisoners of war to pursue their studies or their cultural activities.

Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present Convention.

The only limits which may be placed on these shipments shall be those proposed by the Protecting Power in the interest of the prisoners themselves, or by the International Committee of the Red Cross or any other 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

II. Collective relief

In the absence of special agreements between the Powers concerned on the conditions for the receipt and distribution of collective relief shipments, the rules and regulations concerning collective shipments which are annexed to the present Convention shall be applied.

The special agreements referred to above shall in no case restrict the right of prisoners' representatives to take possession of collective relief shipments intended for prisoners of war, to proceed to their distribution or to dispose of them in the interest of the prisoners.

Nor shall such agreements restrict the right of representatives of the Protecting Power, the International Committee of the

Red Cross or any other 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

Censorship and examination

The censoring of correspondence addressed to prisoners of war or despatched by them shall be done as quickly as possible. Mail shall be censored only by the despatching State and the receiving State, and once only by each.

The examination of consignments intended for prisoners of war shall not be carried out under conditions that will expose the goods contained in them to deterioration; except in the case of written or printed matter, it shall be done in the presence of the addressee, or of a fellow-prisoner duly delegated by him. The delivery to prisoners of individual or collective consignments shall not be delayed under the pretext of difficulties of censorship.

Any prohibition of correspondence ordered by Parties to the conflict, either for military or political reasons, shall be only temporary and its duration shall be as short as possible.

ARTICLE 77

Preparation, execution and transmission of legal documents

The Detaining Powers shall provide all facilities for the transmission, through the Protecting Power or the Central Prisoners of War Agency provided for in Article 123, of instruments, papers or documents intended for prisoners of war or despatched by them, especially powers of attorney and wills.

In all cases they shall facilitate the preparation and execution of such documents on behalf of prisoners of war; in particular, they shall allow them to consult a lawyer and shall take what measures are necessary for the authentication of their signatures.

SECTION VI

RELATIONS BETWEEN PRISONERS OF WAR AND THE AUTHORITIES

CHAPTER I

COMPLAINTS OF PRISONERS OF WAR RESPECTING THE CONDITIONS OF CAPTIVITY

ARTICLE 78

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

Duties

Prisoners' representatives shall further the physical, spiritual and intellectual well-being of prisoners of war.

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

Prerogatives

Prisoners' representatives shall not be required to perform any other work, if the accomplishment of their duties is thereby made more difficult.

Prisoners' representatives may appoint from amongst the prisoners such assistants as they may require. All material facilities shall be 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

Courts

A prisoner of war shall be tried only by a military court, unless the existing laws of the Detaining Power expressly permit the civil courts to try a member of the armed forces of the Detaining Power in respect of the particular offence alleged to have been committed by the prisoner of war.

In no circumstances whatever shall a prisoner of war be tried by a court of any kind which does not offer the essential guarantees of independence and impartiality as generally 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

Offences committed before capture

Prisoners of war prosecuted under the laws of the Detaining Power for acts committed prior to capture shall retain, even if convicted, the benefits of the present Convention.

ARTICLE 86

"Non bis in idem"

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

ARTICLE 87

Penalties

Prisoners of war may not be sentenced by the military authorities and courts of the Detaining Power to any penalties except those provided for in respect of members of the armed forces of the said Power who have committed the same acts.

When fixing the penalty, the courts or authorities of the Detaining Power shall take into consideration, to the widest extent possible, the fact that the accused, not being a national of the Detaining Power, is not bound to it by any duty of allegiance, and that he is in its power as the result of circumstances independent of his own will. The said courts or authorities shall be at liberty to reduce the penalty provided for the violation of which the prisoner of war is accused, and shall therefore not be bound to apply the minimum penalty prescribed.

Collective punishment for individual acts, corporal 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

Escapes
I.
Successful escape

The escape of a prisoner of war shall be deemed to have succeeded when :

(1) he has joined the armed forces of the Power on which he depends, or those of an allied Power ;

(2) he has left the territory under the control of the Detaining Power, or of an ally of the said Power ;

(3) he has joined a ship flying the flag of the Power on which he depends, or of an allied Power, in the territorial waters of the Detaining Power, the said ship not being under the control of the last named Power.

Prisoners of war who have made good their escape in the sense of this Article and who are recaptured, shall not be liable to any punishment in respect of their previous escape.

ARTICLE 92

II.
Unsuccessful escape

A prisoner of war who attempts to escape and is recaptured before having made good his escape in the sense of Article 91 shall be liable only to a disciplinary punishment in respect of this act, even if it is a repeated offence.

A prisoner of war who is recaptured shall be handed over without delay to the competent military authority.

Article 88, fourth paragraph notwithstanding, prisoners of war punished as a result of an unsuccessful escape may be subjected to special surveillance. Such surveillance must not affect the state of their health, must be undergone in a prisoner of war camp, and must not entail the suppression of any of the safeguards granted them by the present Convention.

ARTICLE 93

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 committeed 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

Execution of punishment

I. Premises

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.

ARTICLE 98

II. Essential safeguards

A prisoner of war undergoing confinement as a discplinary punishment, shall continue to enjoy the benefits of the provisions of this Convention except in so far as these are necessarily rendered inapplicable by the mere fact that he is confined. In no case may he be deprived of the benefits of the provisions of Articles 78 and 126.

A prisoner of war awarded disciplinary punishment may not be deprived of the prerogatives attached to his rank.

Prisoners of war awarded disciplinary punishment shall be allowed to exercise and to stay in the open air at least two hours daily.

They shall be allowed, on their request, to be present at the daily medical inspections. They shall receive the attention which their state of health requires and, if necessary, shall be removed to the camp infirmary or to a hospital.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money however, may be withheld from them until the completion of the punishment; they shall meanwhile be entrusted to the prisoners' representative, who will hand over to the infirmary the perishable goods contained in such parcels.

III. Judicial Proceedings

ARTICLE 99

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

Procedure I. Conditions for validity of sentence

A prisoner of war can be validly sentenced only if the sentence has been pronounced by the same courts according to the same procedure as in the case of members of the armed forces of the Detaining Power, and if, furthermore, the provisions of the present Chapter have been observed.

ARTICLE 103

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

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.

ARTICLE 104

III. Notification of prceedings

In any case in which the Detaining Power has decided to institute judicial proceedings against a prisoner of war, it shall notify the Protecting Power as soon as possible and at least three weeks before the opening of the trial. This period of three weeks shall run as from the day on which such notification reaches the Protecting Power at the address previously indicated by the latter to the Detaining Power.

The said notification shall contain the following information :

(1) surname and first names of the prisoner of war, his rank, his army, regimental, personal or serial number, his date of birth, and his profession or trade, if any ;

(2) place of internment or confinement ;

(3) specification of the charge or charges on which the prisoner of war is to be arraigned, giving the legal provisions applicable ;

(4) designation of the court which will try the case, likewise the date and place fixed for the opening of the trial.

The same communication shall be made by the Detaining 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

V. Appeals

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.

ARTICLE 107

VI. Notification of finding and sentence

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.

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

Execution of penalties. Penal regulations

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.

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.

Cases of repatriation and accommodation

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 gravely and permanently diminished.

The following may be accommodated in a neutral country:

(1) Wounded and sick whose recovery may be expected within one year of the date of the wound or the beginning of the illness, if treatment in a neutral country might increase the prospects of a more certain and speedy recovery.

(2) Prisoners of war whose mental or physical health, according to medical opinion, is seriously threatened by continued captivity, but whose accommodation in a neutral country might remove such a threat.

The conditions which prisoners of war accommodated in a neutral country must fulfil in order to permit their repatriation shall be fixed, as shall likewise their status, by agreement between the Powers concerned. In general, prisoners of war who have been accommodated in a neutral country, and who belong to the following categories, should be repatriated:

(1) Those whose state of health has deteriorated so as to fulfil the conditions laid down for direct repatriation;

(2) Those whose mental or physical powers remain, even after treatment, considerably impaired.

If no special agreements are concluded between the Parties to the conflict concerned to determine the cases of disablement or sickness entailing direct repatriation or accommodation in a neutral country, such cases shall be settled in accordance with the principles laid down in the Model Agreement concerning direct repatriation and accommodation in neutral countries of wounded and sick prisoners of war and in the Regulations concerning Mixed Medical Commissions annexed to the present Convention.

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, death certificates, burial, cremation

Wills of prisoners of war shall be drawn up so as to satisfy the conditions of validity required by the legislation of their country of origin, which will take steps to inform the Detaining Power of its requirements in this respect. At the request of the prisoner of war and, in all cases, after death, the will shall be transmitted without delay to the Protecting Power; a certified copy shall be sent to the Central Agency.

Death certificates, in the form annexed to the present Convention, or lists certified by a responsible officer, of all persons who die as prisoners of war shall be forwarded as rapidly as possible to the Prisoner of War Information Bureau established in accordance with Article 122. The death certificates or certified lists shall show particulars of identity as set out in the third paragraph of Article 17, and also the date and place of death, the cause of death, the date and place of burial and all particulars necessary to identify the graves.

The burial or cremation of a prisoner of war shall be preceded by a medical examination of the body with a view to confirming death 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

National Bureaux

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.

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

Relief societies and other organisations

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.

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

Supervision

Representatives or delegates of the Protecting Powers shall have permission to go to all places where prisoners of war may be, particularly to places of internment, imprisonment and

labour, and shall have access to all premises occupied by prisoners of war; they shall also be allowed to go to the places of departure, passage and arrival of prisoners who are being transferred. They shall be able to interview the prisoners, and in particular the prisoners' representatives, without witnesses, either personally or through an interpreter.

Representatives and delegates of the Protecting Powers shall have full liberty to select the places they wish to visit. The duration and frequency of these visits shall not be restricted. Visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure.

The Detaining Power and the Power on which the said prisoners of war depend may agree, if necessary, that compatriots of these prisoners of war be permitted to participate in the visits.

The delegates of the International Committee of the Red Cross shall enjoy the same prerogatives. The appointment of such delegates shall be submitted to the approval of the Power detaining the prisoners of war to be visited.

ARTICLE 127

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

II. Grave breaches

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, compelling a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war of the rights of fair and regular trial prescribed in this Convention.

ARTICLE 131

III. Responsibilities of the Contracting Parties

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

ARTICLE 132

Enquiry procedure

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.

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 to the 1929 Convention

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

ARTICLE 135

Relation to the Hague Convention

In the relations between the Powers which are bound by the Hague Convention relative to the Laws and Customs of War on Land, whether that of July 29, 1899, or that of October 18, 1907, and which are parties to the present Convention, this last Convention shall be complementary to Chapter II of the Regulations annexed to the above-mentioned Conventions of the Hague.

ARTICLE 136

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

ARTICLE 138

Coming into force

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

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

ARTICLE 139

Accession

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

ARTICLE 140

Notification of accessions

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

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

ARTICLE 141

Immediate effect

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

ARTICLE 142

Denunciation

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

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

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict

shall not take effect until peace has been concluded, and until after operations connected with release and repatriation of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among 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 ½ in at least one eye * ; other grave ocular affections, for example: glaucoma, iritis, choroiditis ; trachoma; etc.

(k) auditive disorders, such as total unilateral deafness, if the other ear does not discern the ordinary spoken word at a distance of one metre * ; etc.

(l) serious affections of metabolism, for example: diabetes mellitus requiring insulin treatment ; etc.

(m) serious disorders of the endocrine glands, for example : thyrotoxicosis ; hypothyrosis ; Addison's disease ; 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 whould 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 facililities 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 Commisssion 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)

Photograph of the bearer

(Name of the country and military authority issuing this card)

IDENTITY CARD

FOR A PERSON WHO ACCOMPANIES THE ARMED FORCES

Name .....

First names .....

Date and place of birth .....

Accompanies the Armed Forces as .....

Date of issue ..... Signature of bearer .....

Height	Weight	Eyes	Hair
.....	.....	.....	.....

Any other mark of identification .....

.....

.....

Finger-prints (optional)

(Right forefinger)

(Left forefinger)

Blood type .....

Religion .....

Official seal imprint

NOTICE

This identity card is issued to persons who accompany the Armed Forces of but are not part of them. The card must be carried at all times by the person to whom it is issued. If the bearer is taken prisoner, he shall at once hand the card to the Detaining Authorities, to assist in his identification.

Remarks. — This card should be made out 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

PRISONER OF WAR MAIL

Postage free

CAPTURE CARD FOR PRISONER OF WAR

IMPORTANT

This card must be completed by each prisoner immediately after being taken prisoner and each time his address is changed (by reason of transfer to a hospital or to another camp).

This card is distinct from the special card which each prisoner is allowed to send to his relatives.

CENTRAL PRISONERS OF WAR AGENCY

INTERNATIONAL COMMITTEE OF THE RED CROSS

GENEVA
SWITZERLAND

2. Reverse side

Write legibly and in block letters

1. Power on which the prisoner depends .....

2. Name ..... 3. First names (in full) ..... 4. First name of father .....

5. Date of birth ..... 6. Place of birth .....

7. Rank .....

8. Service number .....

9. Address of next of kin .....

*10. Taken prisoner on: (or)
Coming from (Camp No., hospital, etc.) .....

*11. *(a)* Good health — *(b)* Not wounded — *(c)* Recovered — *(d)* Convalescent — *(e)* Sick — *(f)* Slightly wounded — *(g)* Seriously wounded.

12. My present address: Prisoner No. .....

Name of camp .....

13. Date ..... 14. Signature .....

* Strike out what is not applicable — Do not add any remarks — See explanations overleaf.

Remarks. — This form should be made out in two or three languages, particularly in the prisoner's own language and in that of the Detaining Power. Actual size: 15 by 10.5 centimetres.

ANNEX IV

C. CORRESPONDENCE CARD AND LETTER

(see Article 71)

1. Front — I. CARD.

PRISONER OF WAR MAIL

POST CARD

Postage free

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 1)*; this space can contain about 250 words which the prisoner is free to write. Actual size of the folded form : 29 by 15 centimetres.

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 11)

REPATRIATION CERTIFICATE

Date :

Camp :

Hospital :

Surname :

First Names :

Date of birth :

Rank :

Army Number :

P. W. Number :

Injury-Disease :

Decision of the Commission :

Chairman of the
Mixed Medical Commission :

A = direct repatriation
B = accommodation in a neutral country
NC = re-examination by next Commission

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.

REVUE INTERNATIONALE
DE LA CROIX-ROUGE

ET

BULLETIN INTERNATIONAL DES SOCIÉTÉS
DE LA CROIX-ROUGE

SUPPLEMENT

November 1949 Vol. II, No. 11

CONTENTS

	Page
The Geneva Conventions of August 12, 1949 : Preliminary Remarks	454
Gandhi and the Red Cross	477

Published by
Comité international de la Croix-Rouge, Genève
Editor : Louis Demolis

THE GENEVA CONVENTIONS OF AUGUST 12, 1949

PRELIMINARY REMARKS

The International Committee of the Red Cross has, from the outset, been the sponsor of the Geneva Convention for the protection of wounded military personnel, and of the humanitarian Conventions which supplement it. Each of these fundamental international agreements are inspired by respect for human personality and dignity; together, they establish the principle of disinterested aid to all victims of war without any discrimination—to all those who, whether through wounds, capture or shipwreck, cease to be enemies and become merely suffering and defenceless human beings.

Throughout the years the International Committee has laboured unremittingly for the greater protection in international law of the individual against the hardships of war. In this endeavour, the Committee successively elaborated the humanitarian Conventions and adapted them to current needs, or instituted new instruments. In the period between the two World Wars the Committee's main achievement lay in the establishment of a number of draft Conventions, chief among which was the Convention on the treatment of prisoners of war; this was signed in the summer of 1929 and, during the last conflict, was a safeguard for millions of captive men. Other new or revised draft Conventions were to have been presented for official sanction at a diplomatic conference which the Swiss Federal Council planned to convene early in 1940; unfortunately, hostilities intervened.

The year 1945 marked the close of war waged on an unprecedented scale; there remained the considerable task of developing and perfecting the humanitarian content of international public law in the light of the experience gained. The International Committee's proposals in this regard met with the early approval of Governments and National Red Cross Societies, and it immediately set to work.

The task before it consisted in the revision of the three former Conventions—the Geneva Convention of 1929 for the relief of the wounded and sick in armies in the field, the Xth Hague Convention of 1907 for the adaptation to maritime warfare of the principles of the Geneva Convention, and the 1929 Convention on the treatment of prisoners of war. Furthermore—and most important—there was need for a Convention for the protection of civilians, the lack of which had, during the world conflict, led to such grievous consequences.

The International Committee carried out this task along the lines it had followed after the 1914-1918 War; first, it collected the fullest possible preliminary information on those aspects of international public law that required confirmation, enlargement, or amendment; then, with the help of experts from various countries, it prepared the revised and new draft Conventions which were submitted, first to an International Red Cross Conference, and lastly to a Diplomatic Conference empowered to give these treaties final validity.

The first meeting of experts was held in October 1945 and comprised the neutral members of the "Mixed Medical Commissions" which, during the conflict, had visited wounded or sick prisoners of war and decided on their repatriation.

The second meeting was the "Preliminary Conference of National Red Cross Societies for the study of the Conventions and of various problems relative to the Red Cross", which the International Committee convened at Geneva, in July and August 1946, and before which the first drafts were laid.

Having thus gathered the suggestions of Red Cross agencies on points which were within their particular fields, the Committee made a close study of the subject during the months that followed and collected very full data, bearing this time on all the provisions of the proposed Conventions. Amongst other enquiries, the Committee conferred, in March 1947, with the representatives of the religious and secular bodies which had collaborated with it in giving spiritual and intellectual aid to victims of the war.

From April 14 to 26, 1947, the " Conference of Government Experts for the study of Conventions for the Protection of War Victims " was held in Geneva. This was attended by seventy representatives of fifteen Governments that had detained large numbers of prisoners and civilian internees during the war, and which were therefore particularly experienced in the matters under discussion. Using the Committee's proposals, the suggestions made by the Red Cross Societies and the drafts prepared by several Governments, the Conference established texts for the revised Conventions and the first draft of a new Convention for the protection of civilian persons in time of war.

The International Committee also sought the advice of several Governments which had not attended the April Conference ; some of these sent experts to Geneva in June 1947. Furthermore, the drafts in preparation were submitted by the Committee to a " Special Commission of National Red Cross Societies ", which met at Geneva in September of the same year.

After considerable adjustment early in 1948, the Draft Conventions were sent by the Committee in May to all Governments and National Red Cross Societies, in preparation for the XVIIth International Red Cross Conference.

This conference sat in Stockholm from August 20 to 31, 1948 ; it was composed of the representatives of fifty Governments and fifty-two National Red Cross Societies. With a few amendments, the drafts submitted were adopted.

After passing through the many preparatory stages briefly described, these texts were eventually adopted as the sole working documents of the Diplomatic Conference of Geneva, which gave them their final form.

* * *

The " Diplomatic Conference for the Establishment of International Conventions for the Protection of Victims of the War ", convened by the Swiss Federal Council, as trustee of the Geneva Conventions, was held in that town from April 21 to August 12, 1949.

Of the sixty-three Governments represented at the Conference, fifty-nine had full powers for discussion, whilst four attended as observers. Experts from the International Committee were invited to take an active part in the meetings.

After four months of continuing and exhaustive debate, the Conference established the four following Conventions, the texts of which are given below :

I. — Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of August 12, 1949 ;

II. — Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, of August 12, 1949 ;

III. — Geneva Convention relative to the Treatment of Prisoners of War, of August 12, 1949 ;

IV — Geneva Convention relative to the Protection of Civilian Persons in Time of War, of August 12, 1949.

In order to facilitate its task, the Conference at once divided into four Committees ; the First, for the

revision of Conventions I and II ; the Second, for the revision of the Convention relative to Prisoners of War ; the Third, to establish the new Convention relative to the protection of Civilian Persons ; and lastly, the Joint Committee, to deal with the provisions common to the four Conventions. Further, a Co-ordination Committee and a Drafting Committee met towards the end of the Conference and endeavoured to lend a degree of homogeneity to the various texts. When necessary, the Committees themselves divided into working parties.

At the closing meeting, the delegations of the following States signed the Final Act :

Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Canada, Chile, China, Columbia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Eire, Ethiopia, Finland, France, Greece, Guatemala, the Holy See, Hungary, India, Iran, Israel, Italy, Jugoslavia, Lebanon, Liechtenstein, Luxemburg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Peru, Poland, Portugal, Principality of Monaco, Rumania, Siam, Socialist Soviet Republic of Bielorussia, Socialist Soviet Republic of Ukraine, Spain, Sweden, Syria, Turkey, Union of Socialist Soviet Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Switzerland.

Seventeen delegations also signed the four Conventions, whereas the others availed themselves of their right to sign only at the Special Meeting to be held for this purpose on December 8, 1949.

According to their provisions, the new Geneva Conventions will come into force six months after the deposit of two instruments of ratification.

* * *

A new departure was that the Diplomatic Conference of Geneva amplified and grouped together all the provisions of a general scope, which had hitherto been rudimentary and dispersed, and which are now practically identical in all four Conventions. They have been subdivided under the following three headings.

General Provisions

These consist of a dozen Articles of great importance, in that they determine the method of application of the Conventions ; they will be found at the beginning of each. These provisions deal with respect for the Conventions and their application in the event of international conflicts, occupation or civil war. They are followed by provisions as to the duration of application, special agreements which Contracting Parties may conclude, the inalienability of the rights of protected persons, the duties of Protecting Powers or their substitutes, the activities of the International Committee of the Red Cross, and conciliation procedure between the Contracting Parties.

Repression of Breaches of the Conventions

These are Articles 49 to 52 of the First Convention, 50 to 53 of the Second, 129 to 131 of the Third, and 146 to 149 of the Fourth.

The XVIIth International Red Cross Conference had expressed the view that the provisions then existing in this field were inadequate, and had requested the International Committee to continue working on this important question. After consulting lawyers of international repute, the Committee placed before the Governments attending the Diplomatic Conference, in a volume entitled " Remarks and Proposals ", suggestions which the Conference used as the basis of its deliberations.

The first Article imposes penal sanctions for breaches of the Convention, in particular for "grave breaches", as defined in the succeeding Article.

There can be no doubt that these texts will be an important contribution to international law in regard to "war crimes"—a term which today is frequently used and seen in print, but which still awaits a generally acceptable legal definition.

Final Provisions

This Section, which appears at the end of each Convention, defines the diplomatic procedure for the signature, ratification and entry into force of the Conventions, and for accession to them.

FIRST GENEVA CONVENTION (WOUNDED AND SICK OF ARMED FORCES)

The traditional "Geneva Convention", brought into being by the newly created International Committee of the Red Cross in 1864, is the source of the "Geneva Conventions" which are now of world-wide acceptance. The original Convention gave the impetus to the Red Cross movement throughout the world; it in fact inspired the great trend in international law towards the increasing regulation of conflicts and, most recently, the restriction and prohibition of recourse to arms itself. This first international instrument, the fundamental principles of which have remained unshaken, was nevertheless marked by omissions and imperfections, and as early as four years after the signature, a Conference was convened to discuss its revision. From the debates emerged a number of draft additional articles, dated October 20, 1868, which provided in particular for the extension of the Convention to maritime warfare, but which were never ratified. A recommendation by the First Hague Conference in 1899 gave a new impulse to the idea of revising the Geneva Convention. At the

Diplomatic Conference of 1906, a revised text was established, representing a complete recast and a considerable enlargement of the 1864 text.

It became apparent after the first World War that the Geneva Convention must be adapted to the conditions of modern warfare. During the Diplomatic Conference of 1929, held at Geneva, the text was once more revised, although to a lesser extent than on the first occasion, and was given its present form.

Another revision of the Geneva Convention was planned in 1937, after a Commission of international experts had been convened by the International Committee. The draft, which had previously been submitted to the XVIIth International Red Cross Conference (London, 1938), was placed on the agenda of the Diplomatic Conference planned for 1940 and postponed on account of the second World War.

It has already been shown how the International Committee developed the 1937 Draft in the light of the experience gained during the six most strenuous years in history. The help of the National Red Cross Societies, which are closely involved in the application and development of the Geneva Convention, was particularly valuable in this task.

* * *

The revised text of the Convention as produced by the 1949 Conference, follows the traditional lines throughout. It serves the same fundamental principles that prompted the former versions, namely, that the wounded or sick, and therefore defenceless combatants should be respected and cared for, whatever their nationality, and that the personnel attending to them, the buildings which shelter them and the equipment used for their benefit should also be protected, and that a red cross on a white ground should be the emblem of this immunity. The greatest divergence from traditional principles was, as will be seen

later, that conditions of modern warfare have made it necessary to restrict the privileges formerly granted to medical personnel and equipment when in enemy hands. On the other hand, the Articles have almost all been clarified.

The above-mentioned "General Provisions", with which the Convention is now provided, are followed by Chapter II, dealing with the wounded and sick. Article 13, drawn from the Prisoners of War Convention, enumerates the categories of persons to be regarded as equivalent to members of the armed forces and therefore entitled to protection under the Convention. Whereas the 1929 text only demanded respect and protection for the wounded, Article 12, which is new, gives a list of acts such as attempts upon life, torture, wilful abandonment and others, which are prohibited. The information to be given on wounded captives and the honours due to the dead have been defined (Art. 16 and 17). A new provision (Art. 18) gives inhabitants and relief societies the right to assist the wounded and sick.

Chapter III, which concerns medical units and establishments, has not undergone any alteration, with the exception of a provision for the creation of safety localities and zones (Art. 23).

Chapter IV, however, on medical personnel and chaplains, has been greatly modified. Hitherto, the immediate repatriation of this personnel falling into enemy hands had been strictly compulsory; the 1949 Convention now provides that they may, in certain circumstances, be retained to care for prisoners of war. Their special status and the conditions for the repatriation of those not required (Art. 30 to 32) have been carefully defined (Art. 28), thus filling a serious gap.

Chapter V, concerning medical equipment, has, on account of the adjustment for the personnel, also been substantially altered. Equipment will no longer be handed back to the belligerent to whom it belongs.

In Chapter VI similar provision was made for transport vehicles (Art. 35). One humanitarian advance should

be noted : medical aircraft are now authorised, in certain circumstances, to fly over neutral countries (Art. 37).

Chapter VII, on the distinctive emblem, maintains the former principles. Nevertheless Article 44, the wording of which left so much to be desired in the 1929 text, is now rendered in logical and well-balanced terms. While the " protective " emblem is subject to strict safeguards, the purely " indicatory " emblem may be widely used by Red Cross Societies.

Chapter VIII (Application of the Convention) calls for no comment.

Reference has already been made to Chapter IX (Repression of breaches) and the Final Provisions. Article 53, which is peculiar to the First Convention, is intended to prevent abuse of the distinctive emblem.

SECOND GENEVA CONVENTION (WOUNDED, SICK AND SHIPWRECKED AT SEA)

The Diplomatic Conference held at Geneva in 1868 formulated the first provisions for the adaptation to maritime warfare of the principles of the Geneva Conventions. This Convention was not ratified, but later became the Hague Convention of 1899, and afterwards the Xth Hague Convention of 1907, which was ratified by forty-seven States and remained in force, in the form adopted, up to the present day.

Nevertheless, owing to the evolution of methods of warfare and, in particular, to the fact that the First Geneva Convention was revised in 1929, a recast of the Xth Hague Convention became essential. After preliminary study, the International Committee, with the help of a conference of naval experts, drafted in 1937 a Revised Convention which was placed on the agenda of the Diplomatic Conference scheduled for 1940.

This Draft was in 1945 enlarged in the light of the experience gained during the last conflict and served as a basis for the work of the Diplomatic Conference of 1949.

* * *

The so-called Maritime Convention is an extension of the First Geneva Convention on the Wounded and Sick, the terms of which it applies to maritime warfare ; it is therefore natural that it should again become, as at its origin, one of the Geneva Conventions.

As the general plan of this Convention covers the same field and protects the same categories of persons as the First Geneva Convention, no comment is necessary as to basic principles. It should however be emphasised that the new Maritime Convention contains no less than sixty-three Articles, whereas the 1907 version had only twenty-eight. This is because the 1949 text (similar to the 1937 Draft) of the Maritime Convention, in adapting the provisions of the " Land " Convention, follows these very closely. It has now become an independent Convention, whereas the 1907 text was more particularly concerned with humanitarian provisions applying only to naval warfare.

Following the General Provisions common to the various Conventions, to which we have referred, Chapter II gives protection to a separate category in addition to wounded and sick military personnel, namely, the shipwrecked.

Under the terms of Article 13, members of the Merchant Service are accorded the protection of the Convention, where they are not entitled to more favourable treatment under other provisions in international law. This addition to treaty law is nevertheless in conformity with ordinary practice.

Chapter III, obviously applicable only to maritime warfare, deals with hospital ships and other relief craft.

Chapter IV relates to medical personnel who, on account of the conditions prevailing at sea, are given wider protection than those on land. In particular, the medical personnel and crews of hospital ships, who form a vital component of the vessels, may not be captured or retained. The personnel of other ships, while they may in some cases

be retained, must be put ashore as soon as possible and will then be covered by the Convention for land forces.

Chapter V (Medical Transports) corresponds to the Convention for land forces, but the Maritime Convention does not include a special provision for the equipment, since this is, in a sense, part and parcel of the vessel itself.

There were no Air Forces in 1907, and Chapter VI of the revised Convention, in its chapter on the distinctive emblem, therefore provides for the more efficient marking of hospital ships.

Chapters VII (Execution of the Convention) and VIII (Repression of abuses and infractions), as well as the Final Provisions, call for no special comment.

THIRD GENEVA CONVENTION (PRISONERS OF WAR)

The Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, contains one hundred and forty-three Articles, besides the Annexes. The corresponding 1929 Convention consisted of ninety-seven Articles, whereas the chapter on prisoners of war in the Hague Convention numbered only seventeen. While this increase is doubtless explained by the vast scale of captivity in modern warfare, it also interprets the desire of the countries which recently met at Geneva, and which represented the whole international community, to bring this situation entirely under humanitarian international law.

This is not of course a new aspiration. Under the influence of natural law concepts and, above all, the humanitarian movement of the nineteenth century and the ideas of Henry Dunant, who applied himself to the problem of the prisoner of war after solving that of the wounded and sick, the conscience of the civilised world has finally received the notion that the prisoner of war is not a criminal, but merely an enemy no longer able to participate in the conflict, to be liberated at the close of hostilities and to have respect and humane treatment

while in captivity. Since then, liberal-minded lawyers and diplomats have succeeded in putting these ideas into practical use through a series of regulations binding on all States and successively extended or amplified when experience has shown them to be inadequate. They have thus eliminated violence and caprice from a field of warfare where these were neither necessary nor inevitable. The Brussels Draft of 1874, the Hague Convention of 1899 and 1907, the special agreements made between belligerents in Berne in 1917-18, and the Geneva Convention of 1929, in which all or part of the texts concern prisoners of war, represent the principal stages of this evolution.

Wherever it was applied, the 1929 Convention effectively contributed to the protection of the millions of prisoners of war who relied upon it during the last conflict. Nevertheless, it was quite evident, both to those who benefited thereby and those by whom it was applied, that the Convention required revision on many points, in view of the change in the methods and the consequences of warfare, and even in the living conditions of the peoples. It was necessary to broaden the categories of persons entitled to prisoner of war status, to ensure that this status is in fact attributed to members of armed forces after capitulation and that prisoners are not arbitrarily deprived of that status at any time. A more precise ruling was also required, as regards the conditions of captivity, in view of the importance of prisoner of war labour, of the relief they receive, and the proceedings instituted against them. The principle of the immediate liberation of prisoners on the close of hostilities had also to be reaffirmed. Finally, it was essential that the agencies appointed to look after the prisoners' interests and to ascertain that the regulations concerning them are applied in full, should be placed upon a proper basis, as far removed as possible from the political relations existing between the belligerents. The above are merely the most urgent of the problems that the experiences of the last War revealed.

Thus, before hostilities had ceased and while engaged upon the even more urgent task of preparing the Civilians Convention, the International Committee began to work upon the revision of the 1929 Convention relative to prisoners of war.

* * *

As already pointed out, the 1949 Convention is far longer than the agreement it replaces. Whilst many of its provisions are standard regulations which are a logical development of the 1929 Convention, experience has shown that the prisoners' living conditions depend upon the interpretation which is given to general rules. An attempt has therefore been made to put into explicit terms the rational interpretation which certain regulations should have been given, but did not receive. Further, principles which it was felt would have greater force for being tersely worded, as in Article 2 of the 1929 text, have been so seriously abused that the Conference has recast them in terms comprehensive and clear enough to make any future infringement immediately apparent.

The foregoing remarks do not in any way detract from the fact that another group of provisions of equal importance is designed to provide a satisfactory solution for the numerous problems outlined above. This task was more ardous ; in many instances, the Conference had to devise entirely new regulations—as in the section dealing with the financial resources of prisoners of war—or deliberately to break with certain rules which, in 1929, had been transferred more or less bodily from Hague Regulations : an instance is the rule concerning the liberation of prisoners at the close of hostilities.

Some of the details may seem superfluous, and some of the repetitions or discordances between certain provisions may cause surprise. It should, however, be remembered that, whilst throughout concerned to preserve the full validity of the Convention as an instrument in inter-

national law, the Conference was constantly aware of the special use to which it was to be put—that is, as a set of regulations to be posted in prisoner of war camps and to be understood not only by the authorities, but by all men in all places. Further, the Conference did not hesitate to sacrifice neatness of solution in the interests of unanimous agreement. These reasons, together with the difficulty of establishing official legal texts simultaneously in two languages, account for, and even justify most of the textual imperfections to be found in the Prisoners of War Convention.

The Table which appears at the end of the Convention and the marginal notes on each article make it easy to grasp the general plan, which is, as far as possible, similar to that of the 1929 Convention. The general outline is as follows.

Amongst the General Provisions (Art. 1 to 11), which have already been dealt with, Article 4, defining the categories of persons entitled to prisoner of war treatment, is a vital element of the Convention.

Part II, entitled "General Protection of Prisoners of War" (Art. 12 to 16), contains the essential principles which will, at all times and in all places, govern the treatment of prisoners.

Part III (Art. 17 to 108) deals with the conditions of captivity itself and is divided into six sections. The first, (Art. 17 to 20) covers events immediately after capture and deals with such matters as interrogation of prisoners, disposal of their personal effects, and their evacuation. The second, comprising eight chapters (Art. 21 to 48), regulates living conditions for prisoners in camp or during transfer, and deals with the places and methods of internment, accommodation, food and clothing, hygiene and medical attention, medical and religious personnel retained for the care of prisoners (a new chapter which partly reproduces the provisions of the First Geneva Convention), religious needs, intellectual and physical activities, discipline, prisoner of war ranks, and transfer after arrival in

a camp. Prisoners' labour is dealt with in the third section (Art. 49 to 57) ; the fourth section (Art. 58 to 68) is new and concerns the financial resources of prisoners. The fifth section (Art. 69 to 77) covers everything concerned with correspondence and relief shipments. The sixth and last section (Art. 78 to 108), which is in three chapters, covers the relations between prisoners of war and the detaining authorities, complaints regarding captivity, prisoners' representatives, and penal and disciplinary sanctions. This last chapter (Art. 82 to 108) constitutes in itself a brief code of penal and disciplinary procedure.

The various measures for the termination of captivity are contained in Part IV (Art. 109 to 122), which is divided into three sections. The first (Art. 109 to 117) refers to repatriation and accommodation of prisoners in neutral countries during hostilities, the second (Art. 118 and 119) to repatriation at the close of hostilities, and the third (Art. 120 to 121) to the death of prisoners of war.

Part V (Art. 122 to 125) contains provisions for Prisoners of War Information Bureaux and all organisations formed to assist prisoners.

Part VI, entitled "Execution of the Convention" (Art. 126 to 143) contains, in the first section (Art. 126 to 132) a variety of most important stipulations requiring belligerents, in particular, to give neutral organisations free access to prisoner of war camps for inspection purposes, and to disseminate the text of the Convention as widely as possible. Articles 129 to 131 further contain the provisions common to the four Conventions for the repression of breaches.

Mention should also be made of the five Annexes, which are closely connected with the Convention. Annex I (Model Agreement concerning direct repatriation and accommodation in neutral countries of wounded and sick prisoners of war), Annex III (Regulations concerning collective relief), and Annex V (Model Regulations concerning payments sent by prisoners to their own country) are intended to supply any lack of agreements on these

questions between the belligerents concerned. Annex II (Regulations concerning Mixed Medical Commissions) is of a compulsory nature. Annex IV proposes standard models of documents for prisoners of war, such as identity or capture cards, correspondence cards, death notifications etc.

FOURTH GENEVA CONVENTION (CIVILIANS)

The Convention of August 12, 1949, relative to the Protection of Civilian Persons in Time of War, as drawn up by the Diplomatic Conference, constitutes an important accomplishment of written international law in the humanitarian domain.

Strictly speaking, this Convention introduces nothing new in a field where the doctrine is sufficiently well established. It adds no new ideas to international public law on the subject, but merely ensures that, even in the midst of hostilities, the respect for the dignity of the human person which is universally acknowledged in principle, shall in fact be forthcoming.

At the outset of humanitarian legislation, the First Geneva Convention of 1864 provided only for "combatants", as at that time it was evident that "civilians" would remain apart from hostilities.

The Regulations concerning the Laws and Customs of War on Land, annexed to the Fourth Hague Convention of 1907, did not provide for civilians (apart from spies), except in the case of the occupation of a territory by enemy armed forces. It merely set forth a small number of elementary rules, in pursuance of the principle that the occupant shall "take all the measures in his power to restore, and as far as possible ensure public order and safety while respecting, unless absolutely prevented, the laws in force in the country". Thus "family honour and rights, the lives of persons and private property, as well as religious convictions and practice, must be respected"

—" pillage is formally forbidden "—" no general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible ". These were the main provisions, essential whilst tersely expressed, which were in force for occupation.

The development of arms and the increased radius of action of armed forces owing to the inventions of the present century have made it apparent that, notwithstanding the ruling in force, civilians were certainly " in the war " and exposed to at least the same dangers as the combatants.

The Xth International Red Cross Conference in 1921 —the first held after the 1914-1918 World War—set forth some general principles in regard to deported, evacuated or refugee civilians ; these prohibited deportation *en masse,* or without preliminary trial, and the taking of hostages ; they enjoined liberty of movement, and the right to correspond and to receive relief. In 1923, the XIth International Conference called for a Convention to supplement the Hague Regulations. The XIIth Conference devised some regulations for the protection of civilians on the territory of an enemy State ; these recognised the right to leave the territory unless the safety of the State was involved, and provided for speedier enquiries, the Mixed Medical Commissions for the examination of prisoners unfit for service, transmission of lists of retained civilians to the International Committee, the grant of the same privileges as those enjoyed by prisoners of war, inspection of places of internment, and agreements between belligerents in favour of civilians.

The 1929 Diplomatic Conference, which revised the First Geneva Convention and drew up the Convention for the treatment of prisoners of war, unanimously recommended that " careful study should be made with a view to the conclusion of an international convention on the conditions and protection of civilians of enemy nationality

in the territory of a belligerent, or in belligerent-occupied territory ".

The International Committee wholeheartedly entered into the task thus defined, setting up a Legal Commission which prepared a draft convention in forty articles. This draft was approved by the XVth International Red Cross Conference (Tokyo, 1934) and is generally known as the " Tokyo Draft ". It was intended for submission to the Diplomatic Conference planned for 1940 but postponed on account of the war. The International Committee was at best able to obtain an undertaking from the belligerent States that the essential provisions of the Convention on the treatment of prisoners of war would be extended to interned civilians who were in enemy territory at the outbreak of hostilities—as in fact was prescribed in the Tokyo Draft.

The events which followed were to show the disastrous consequences of the failure to provide, in addition to the above few principles embodied in the Hague Regulations, an international convention for the protection of civilians in wartime, particularly of those in occupied territories, for this tragic period was one of deportations, mass extermination, taking and killing of hostages, and pillage.

Immediately hostilities ceased, therefore, the International Committee, in keeping with its humanitarian duties, informed all Governments and Red Cross Societies throughout the world of its intention to resume its efforts to set up an international Convention for the protection of civilians. This statement met with the highest approval.

* * *

The Diplomatic Conference of Geneva was not called to revise the Fourth Hague Convention. The Civilian Convention of August 12, 1949, therefore in no way invalidates the Regulations concerning the Laws and Customs of War on Land; it is not a substitute for that text, which remains in force. In the happy wording

of the Conference, the Convention "shall be supplementary to Sections II and III" of the said Regulations. (See Art. 154 of the new Civilian Convention).

The new Convention contains one hundred and fifty-nine Articles and two Annexes. According to the text of a draft Preamble submitted by the French and Finnish Delegations—but not adopted, as the Conference decided to follow the precedent of the Geneva Conventions, which contain no Preamble—it is inspired by "the eternal principles of that Law which is the foundation and the safeguard of civilisation", and is designed to "ensure the respect of human personality and dignity by putting beyond reach of attack those rights and liberties which are the essence of its existence".

It therefore prohibits in particular:

(a) Violence to life and person, in particular torture, mutilations or cruel treatment.

(b) The taking of hostages.

(c) Deportations.

(d) Outrages upon personal dignity, in particular humiliating or degrading treatment, or adverse treatment founded on differences of race, colour, religion, beliefs, sex, birth or social status.

(e) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees recognised as indispensable by civilised peoples.

In the present publication a table is appended to the text of the Convention, showing the division into parts, sections and chapters, and reproducing the marginal notes which accompany each Article. Reference to this table will afford a complete outline of the subjects dealt with and the position they occupy in the Convention.

Among the General Provisions already mentioned, Article 4 gives the following definition of the persons who will benefit by the Convention :

> " Persons protected by the Convention are those who, at a given moment and in any manner whatsoever find themselves, in case of conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals ".

The same Article specifies that :

> " Nationals of a State which is not bound by the Convention are not protected by it "

and that :

> " Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are ".

The last two notions were added by the Geneva Conference to the text of the draft, which was found too narrow on this particular point.

Part II (Art. 13 to 26) concerns the general protection of populations against certain consequences of war. It goes beyond the limits set up by Article 4 and covers the population as a whole, that is to say, not only the " protected persons ", but also those who cannot avail themselves of this protection and, in particular, those who are nationals of the Party to the conflict or of the Occupying Power by whom they are held.

There is thus provision for hospital and safety zones and localities, and neutralized zones (Art. 14 to 15), for the protection of civilian hospitals (Art. 18), for measures in behalf of children (Art. 24), and for the exchange of family news (Art. 25). In all cases these measures are

quite general in scope, giving neither the grounds, nor indeed any practical opportunity, for discrimination.

Part III (Art. 27 to 141) defines the status and treatment of protected persons ; these are, in fact, the principal rules for the application of the Convention. Following the precedent of the Tokyo Draft, it distinguishes between foreign nationals on the territory of a Party to the conflict, and the population of occupied territories. It is divided into five Sections.

Section I contains provisions common to these two categories of persons, dealing with the responsibilities of the State and of its agents (Art. 29), application to Protecting Powers and relief organisations (Art. 30), interdiction of corporal punishments (Art. 32), prohibition of collective penalties, terrorism, pillage and reprisals (Art. 33) and prohibition of the taking of hostages (Art. 34).

Section II relates to aliens in the territory of a Party to the conflict, and deals with the right to leave the territory (Art. 35), protection in the case of internment (Art. 41), and refugees (Art. 44).

Section III contains the prescriptions for occupied territories, on such subjects as inviolability of rights (Art. 47) deportations, transfers and evacuations (Art. 49), children (Art. 50), labour (Art. 51), food (Art. 55), hygiene and public health (Art. 56), spiritual assistance (Art. 58), relief (Art. 59 to 63), penal legislation (Art. 64 to 75), and treatment of detainees (Art. 76).

Section IV deals with internment. It is divided into twelve chapters, the contents of which are in general analogous to the provisions adopted for prisoners of war. (Chapter I—General Provisions ; Chapter II—Places of internment ; Chapter III—Food and clothing ; Chapter IV —Hygiene and medical attention ; Chapter V—Religious, intellectual and physical activities ; Chapter VI—Personal property and financial resources ; Chapter VII—Administration and discipline ; Chapter VIII—Relations with the exterior ; Chapter IX—Penal and disciplinary sanctions ; Chapter X—Transfers of internees ; Chapter XI

—Deaths ; Chapter X —Release, repatriation and accommodation in neutral countries).

Section V is devoted to Information Bureaux and the Central Agency, the functioning of which is to follow that of the Central Prisoners of War Agency.

Part IV (Art. 142 to 159 and last) concerns the execution of the Convention. Section I (General Provisions) contains, besides others, the provision on the repression of breaches of the Convention, of which mention has already been made.

* * *

Finally, the Diplomatic Conference of 1949 passed, in relation with the Geneva Conventions but not within their framework, eleven Resolutions, which will also be found in the present edition.

1. Gandhi as a member of the Indian Ambulance Corps.
(Drawing by Lieut.-Colonel S. M. Basu, after a photo taken in 1906 during the Zulu rising).

2. Mahatma Gandhi shortly before his death, receiving Dr. O. Wenger, delegate of the ICRC.
(Gandhi, right centre ; Dr. O. Wenger, second row, left centre).

GANDHI AND THE RED CROSS

Mahatma Gandhi always displayed a lively interest in the Red Cross and its work. His advocacy of the Red Cross movement was indeed not merely verbal, but practical. He strove to make his daily life a testimony to the greatness of the humanitarian ideal. In view of Mahatma Gandhi's great personal sway, it may be useful to quote some of the incidents of his earlier life.

It will be recalled that, after practising as a lawyer at Bombay, Gandhi emigrated to South Africa. It was during his prolonged stay in that country that he twice enlisted under the Red Cross emblem. Both in the Boer War of 1899-1902 and again during the Zulu rebellion of 1906 he wore the khaki uniform and Red Cross armlet of the Ambulance Corps, and launched a recruiting campaign for volunteer stretcher-bearers and orderlies.

In 1899 he formed a corps of some 1,100 volunteer helpers, which included 400 Indian workers. This corps, with 40 unit commanders, was called the " Natal Volunteer Indian Ambulance Corps ". The men received the usual pay for stretcher-bearers, whilst the leaders gave their services free. The corps was highly efficient in the transport of wounded, covering sometimes as much as 30 to 40 kilometres a day. On one occasion Gandhi himself, who was leading one of these units, found General Woodgate mortally wounded on the battlefield and transported him to a base hospital.

In 1906, at the time of the Zulu rebellion, Gandhi, who was then living at Johannesburg, sent his wife and children to Phœnix, where he recruited an ambulance corps similar to that to which he had belonged during the Boer War. This unit, called the " Indian Stretcher Bearer Corps ", was attached to a flying column. On several occasions Gandhi accompanied convoys of wounded Zulus, covering as much as 60 kilometres a day. But for his prompt action many Zulus would have died for lack of care.

For his services, Gandhi was awarded the Queen's South Africa Medal, 1899-1902, and the Natal Medal, 1906.

As the outbreak of the first World War in 1914, Gandhi was in England. He at once began to gather about him a number of Indian students, whom he successfully formed into an Indian volunteer ambulance unit ; together with these he took a six weeks course in first aid. He was seconded in this work by Shrimati Kasturba and Shrimati Sarojini Naidu. At Gandhi's instance, over 100 Indian students in London enlisted in this unit, the India Office making itself responsible for their training.

Gandhi's example was followed in other parts of the country. Thus, in Scotland, eighty Indian students formed an ambulance section in Edinburgh and were trained on the same lines as the Scottish University volunteers. After finishing their course in November 1914, the Indian students were detailed to Indian hospitals in Great Britain and to hospital ships, where they served as orderlies and interpreters. Some of them also served as orderlies in France.

Mahatma Gandhi was appointed Honorary Colonel of this ambulance corps, but in consequence of a severe attack of pleurisy he was compelled to return to India in the month of December.

Some months later, on June 3, 1914, he was awarded the Kaisa-i-Hind medal, First Class, for services rendered to India.

From that time onwards Gandhi played an ever-increasing part in the nationalist movement. Then began the long period of his life during which he personified, in the eyes of his countrymen, the independence of India, and in the eyes of the world, a steadfast and all-compelling spiritual force.

Two incidents relating to the Red Cross deserve to be recalled, since they must inspire and comfort all members of the Red Cross Societies.

Shortly before his death, Mahatma Gandhi received Dr. O. Wenger, then delegate of the International Committee in India. Gandhi told his visitor of the keen interest with which he followed the development of the Red Cross and its work.

More recently, on January 16, 1948, during his fast, Mahatma Gandhi received M. Paul Ruegger, at that time Swiss Minister in Great Britain, who had gone to India on an official mission. Gandhi requested M. Ruegger to transmit a message to the International Committee in Geneva, telling them of his deep appreciation of their work. He added his best wishes for the Committee and his hope that their efforts in the field of international understanding and goodwill would be successful.

Having thus, at the outset of his manhood, shown his faith in the ideal of human tolerance and unity, under the Red Cross flag, he was still, at the close of a lifetime rich in experience, convinced of the ideal of positive goodwill which he had actively supported in his youth.

REVUE INTERNATIONALE
DE LA CROIX-ROUGE

ET

BULLETIN INTERNATIONAL DES SOCIÉTÉS
DE LA CROIX-ROUGE

SUPPLEMENT

December 1949 Vol. II, No. 12

CONTENTS

Page

Seventy-fifth birthday of M. Max Huber 482

A tribute to M. Jacques Chenevière, Member of the International Committee of the Red Cross 483

Jean S. Pictet, *Director-Delegate of the Committee of the Red Cross.* The New Geneva Conventions : Retention of members of the Army Medical Services who have fallen into the hands of the Enemy. 487

ICRC Relief to the German Civil Population . 502

Table of Contents. Vol II (1949) 506

Published by

Comité international de la Croix-Rouge, Genève

Editor : Louis Demolis

SEVENTY-FIFTH BIRTHDAY OF M. MAX HUBER

M. Max Huber, Honorary President of the International Committee of the Red Cross, who, during seventeen years active Presidency won so incontestably the right to a recognition and affection not limited by frontiers, will celebrate his seventy-fifth birthday on December 28, 1949.

For the International Committee it will be an opportunity of renewing to the Honorary President, the assurance of its deep respect, its sense of obligation to him, and its gratitude; its appreciation of the services without number he has rendered to the Red Cross, not only during the course of a most distinguished career, but even since the formal retirement which has in no way lessened the reality and constancy of his interest in everything that concerns the Red Cross.

A TRIBUTE TO M. JACQUES CHENEVIÈRE, MEMBER OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS

A friendly celebration took place on Monday, November 7, at headquarters, to mark the thirtieth year of M. Jacques Chenevière's membership of the International Committee of the Red Cross.

M. Chenevière was elected member of the Committee of November 6, 1919 ; he had previously given valuable service in the creation and development of the International Prisoners of War Agency since August 1914, and was later co-director of the Allied Section.

For the last thirty years M. Chenevière has continued to play a leading role in the Committee's activities, and those who have had the good fortune to work under him have appreciated his high ideals, his sincerity and his judgment.

The presence of Mme Chenevière and several other ladies gave an intimate and personal note to the celebration, in which the members and the staff of the Committee and the Agency took part.

The President, M. Paul Ruegger, offered to M. Chenevière, who is now the senior member of the Committee, the congratulations and good wishes of himself and his colleagues. He recalled in eloquent terms the work accomplished by M. Chenevière and paid tribute to his thirty-five years disinterested service for the Red Cross.

He then handed to M. Chenevière the Committee's gold medal as a token of gratitude and admiration.

M. Chenevière, visibly moved, expressed his thanks to the Committee and staff. He recalled many incidents in his long career, speaking in particular of the foundation of the International Agency in 1914 and the resumption of its work in 1949 ; he expressed gratitude for what he had learned from former chiefs and fellow-workers, and for his good fortune in being able to work now with the President in office, M. Ruegger.

On the outbreak of the first World War the Committee was faced with an unprecedented call upon its services. M. Chenevière's aid was enlisted by the President, M. Gustave Ador, in September 1914 and, side by side with his father, the author Adolphe Chenevière, he began his fruitful work in the service of the Red Cross.

With Mme. R. M. Frick (then Mlle. Cramer) and the late Etienne Clouzot, he organized the International Prisoners of War Agency. Here everything, including the methods of work, had to be created out of nothing. It may well be imagined what efforts, work, initiative and discussions were required to organize the Agency and set it in motion, until it became a veritable workshop, with a staff of twelve hundred assistants, immense card indexes, official lists, enquiry files, countless reports from delegates, and endless correspondence with authorities and Red Cross Societies throughout the world.

After five years of intensive work as co-director of the Allied Section, M. Chenevière was appointed Counsellor in July 1919, and on November 6 of the same year became a member of the Committee, continuing to devote to it the greater part of his time.

Then as now, Red Cross activities did not come to an end with the armistice. The Committee had considerable post-war duties, one of the most important of which was the repatriation of prisoners of war of many nationalities. M. Chenevière was elected to the sub-committee which supervised the work of the delegates abroad; he also kept in close touch with the other activities.

In order to amalgamate the administrative services, the Committee appointed M. Chenevière Director-General on June 11, 1923. Dividing his time between his Red Cross activities and his writing, he finally decided to devote the major part of his working day to his literary career. He therefore resigned as Director-General, and an Executive Committee was formed, of which he became a member in February 1925.

After the League of Red Cross Societies had been set up in 1919, M. Chenevière took part, with the late Georges Werner and with Paul Logoz, in studies and negotiations concerning the international organization of the Red Cross ; he was a member of the various Commissions created for this purpose by the International Red Cross Conferences. The matter was taken up again by M. Max Huber, when he became President of the International Committee, and the statutes of the International Red Cross were finally drawn up in 1928.

M. Chenevière became a member of the Commission for the Study of Medical Equipment in 1928 and of the Bureau of the International Committee (for current administration) in 1936. He attended the International Red Cross Conferences and carried out in several countries missions demanding tact and diplomacy.

Whenever armed conflicts, from 1933 onwards, required the Committee's intervention in fresh fields, M. Chenevière played a leading part : to mention three, the wars in the Gran Chaco, Abyssinia and Spain. The war in Spain called for numerous interventions on the part of the Committee, and special departments had to be set up. M. Chenevière was a regular member of the Commission which directed this work, and which for three years met for some hours each day.

Still greater danger threatened the peace of the world, and the Committee, wishing to be prepared for any emergency, set up in September 1938, a " Commission for War Activities " with M. Chenevière as chairman. This Commission prepared, in detail, a war-time organization for the I.C.R.C. Arrangements for staff and premises were made, should the opening of a Prisoners of War Agency become necessary. The Commission continued preparations during the following year. Its work was unfortunately not in vain ; humanity was to experience its second World War.

The International Committee was now faced with problems even greater than in 1914. From the first day of the war, the organization, general control and planning were placed in the hands of a Central Commission with authority over all departments. This body replaced the Commission for War Activities and M. Chenevière was its chairman for over a year. The

Comimssion later became the Co-ordinating Commission, and afterwards the " Bureau ". M. Max Huber was chairman of both, M. Chenevière remaining as member.

In September 1939, and once again with Mme Frick-Cramer, M. Chenevière was called upon to re-open and direct the new Agency. At various periods he was chairman of the Prisoner of War, Internee and Civilian Commission, member of the Executive Committee, and chairman of the Delegations Commission.

If it be remembered that the Committee during the second World War had a staff of over four thousand, that eleven thousand visits to prisoner of war camps were made by delegates, that forty million index-cards were made out and twenty-five million civilian messages transmitted, it may well be imagined how, during six arduous years, M. Chenevière had to give himself up entirely to a task which demanded unceasing attention. The armistice has not lessened the weight of his obligations, for the Committee is still heavily engaged in post-war activities and must at the same time cope with new problems in the many countries where fresh difficulties have arisen, which M. Chenevière handles with unabated energy. Member of the " Bureau " without break of service, Vice-President of the Committee in 1945, later member of the Relief Commission, he has now taken over, amongst his other duties, the chair of the Delegations Commission. This is one of the Committee's busiest departments and his great experience and judgment are here invaluable.

M. Chenevière has published several studies on the work of the Red Cross ; on many occasions he has delivered important addresses.

This brief account can give only a vague outline of the labour, the anxiety, the responsibility and the initiative which were called for by an organization always in evolution, and forever adapting itself to new demands, urgent as they are unforeseeable. It gives the chapter-headings only of the thirty-five years continuous effort of one who has devoted his strength, his intelligence and his human sympathy to the service of the Red Cross.

Jean S. PICTET
Director-Delegate of the International Committee of the Red Cross

THE NEW GENEVA CONVENTIONS

RETENTION OF MEMBERS OF THE ARMY MEDICAL SERVICES WHO HAVE FALLEN INTO THE HANDS OF THE ENEMY

I. Historical Background

In revising the Geneva Convention for the Relief of the Wounded and Sick in Armed Forces in the Field (1929), the Diplomatic Conference of 1949 certainly found its greatest problem in that of the retention of the medical and religious personnel of land forces [1] who fall into enemy hands. The history of this problem should therefore first be studied.

The *Geneva Convention of 1864* began by laying down the invariable legal principle that members of the medical and religious personnel who fell into the hands of the enemy when

---

[1] The present account will deal only with the medical and religious personnel attached to land forces; it will ignore civilian personnel or the personnel at sea.

For the sake of brevity the term "medical and religious personnel", "protected personnel", or "medical personnel" alone, will be used to denote all members of the personnel protected under the First Geneva Convention. These are, by the terms of the 1949 text:

(1) — Medical personnel exclusively engaged in the search for, or the collection, transport or treatment of the wounded or sick, or in the prevention of disease.

(2) — Military staff exclusively engaged in the administration of medical units and establishments.

(3) — The staff of National Red Cross Societies and that of other duly recognized Voluntary Aid Societies, employed on the same duties as the personnel named above.

(4) — Members of the armed forces trained for employment, should the need arise, as hospital orderlies, nurses or auxiliary stretcherbearers;

(5) — Chaplains attached to the armed forces.

in the discharge of their duties [1], should be returned to their own lines. Under Article 3 they had in fact the choice, either of continuing their duties in the dressing-station or hospital to which they were attached, or of returning immediately. If they decided to continue their duties, they were to be taken back to their own lines as soon as their work was completed. Whilst there is no outright statement that they might not be made prisoner, the principle is implicit in the text. The view at the time was that they shared the neutrality of hospitals and ambulances.

It followed that the capturing Power had no right to retain member of the medical services. At the same time, in the very interest of the wounded who might be in their care at the approach of the enemy, it was ensured that they should be free to remain with the wounded as long as was necessary—that is, until medical treatment could be provided by the capturing forces. The intention of the 1864 delegates therefore was to leave the actual time of return to the professional judgment of the medical officers themselves. However, it was very soon found that so very liberal an arrangement hardly concorded with military necessities. It is not practicable for the captured medical officer or orderly to decide on his own fate : he is subject to military authority and must obey orders. He will also lack the broad knowledge of the medical situation that is in the possession of the military command [2].

The First International Red Cross Conference, which met in Paris in 1867 to revise, even at that early date, the Geneva Convention, proposed that " medical personnel should not be retained for longer than the period essential for assistance to the wounded ", and that " the commander-in-chief of the victorious forces should decide on the time of their return ".

The following year (1868) a further Diplomatic Conference drew up an Annex to the Geneva Convention, containing the following formula : Medical personnel shall, as long as is neces-

---

[1] The 1864 Convention gave protection to the medical personnel only so long as they were engaged in theirduties.

[2] See Paul Des Gouttes : *Commentaire de la Convention de Genève du 27 juillet 1929*. Geneva, 1930, p. 79.

sary, continue to give aid to the sick and wounded of the dressing-station to which they are attached ; on their applying for return, the commandant of the occupying troops shall determine the moment at which this shall take place ; in any case their return shall not be delayed—and then only for military reasons—for more than a short period. This annex was signed in 1868, but was never ratified.

The *Geneva Convention of 1906* provided for considerable general changes in the treatment of medical personnel. These were now to be protected at all times, and not only when in the discharge of their duties. The Convention also prescribed that " any belligerent compelled to leave sick or wounded to the enemy, shall, as far as military considerations permit, leave with them a portion of his medical personnel and equipment to aid in their treatment ".

As to the ultimate disposal of medical personnel who fall into enemy hands—the main subject of this paper—the Convention expressly stated that they should not be made prisoners of war, that they should continue to carry out their duties under the direction of the enemy and that, as soon as their services could be dispensed with, they were to be returned to their own forces, or to their own country.

This formula was not in any way intended to invalidate the principle of the unconditional return of protected personnel, once the wounded and sick in their charge at the time of capture had been assured of continued treatment. The sole purpose —as confirmed by the two previous drafts—was to award to the capturing Power the decision as to when the retained members might best be returned, a decision which had hitherto been made by the medical personnel themselves. Under the 1906 Convention, it was lawful to retain medical staff only in so far as they were required to deal with the sick and wounded till then in their charge : " this effect can only prevail so long as the corresponding cause exists ; after that, restitution must follow immediately " [1].

[1] See Paul Des Gouttes : *loc. cit.* p. 75.

However, it must be conceded that the text adopted was not altogether free from imperfections. Very often a belligerent has insufficient medical staff in a given locality ; will he not therefore always find it necessary to keep those of the enemy who fall into his hands ? It might, therefore, be feared that the moment might never arrive at which the capturing Power would consider that the services of the detained members could be "dispensed with". When put to the test in war-time, the text did in fact give rise to various abuses and controversies requiring mediation by the International Committee.

In the *First World War* a definite practice emerged.

At the end of 1914, some hundreds of medical officers and several thousand orderlies had fallen into the hands of the opposing sides. Germany announced her intention of keeping them. Arguing that the purpose of the Convention was to prevent medical personnel being assigned to other duties, the Germans stated that it was necessary to send medical staff to the rear to treat prisoner compatriots, and if need arose, her own wounded.

None the less a large proportion of the personnel thus retained were left idle, whilst they might have rendered valuable service in their own army. The reason given was that, in the event of an epidemic, the care of prisoners might require the attendance of a proportionate number of medical staff, at a time when the state of war had reduced to a minimum the number of doctors available in Germany. As will be seen later, exactly the same arguments were used in the Second World War. This view was, however, opposed by the Allies in 1914.

On December 7 of that year [1], the International Committee addressed an appeal on the subject to the belligerents, remarking *inter alia* that :

In accepting this Article (Article 12 of the 1906 Convention), the representatives of the Contracting Powers certainly had in mind that a member of the medical services should be released as soon

[1] See *Bulletin international des Sociétés de la Croix-Rouge*. Geneva, 1915, p. 45.

as he was no longer required for the treatment of the wounded in his care at the time of capture, or of those who fell in the fighting then in progress. In respect of these, he must *continue* his care, but the wounded in question can only be those brought into the dressing-stations on the battlefield itself, or to base hospitals close to the combat area. On the other hand, medical personnel cannot be retained to serve in base hospitals far behind the lines, in the interior of the country, to which wounded men may later be sent by regular ambulance units... *A fortiori*, it is contrary to the terms of Article 12 to retain enemy medical personnel when these are no longer needed, and are consequently left idle, or at least without urgent duties over a period of many weeks, whereas highly urgent needs exist in the army and in the combat area.

The German, French and British Governments declared themselves in agreement with the Committee's interpretation of the Article ; they acknowledged the principle that medical personnel should be returned within a brief period and should not be given duties other than those on which they were engaged at the time of capture.

In practice, the restitution of protected personnel on the Western Front was attended by numerous difficulties and lengthy delays, and was always incomplete. One of these difficulties, encountered by a number of the personnel, was that of proving their medical status, as their identity papers were either lost or of doubtful validity. Nevertheless, large numbers were repatriated in July 1915, November 1916 and December 1917. Only on the later date was a final agreement reached between France and Germany. A number of the repatriates at that time had been in captivity since 1914.

On the Eastern Front, an agreement was concluded between Austria-Hungary and Russia for the retention on both sides of one doctor for each 1,500 prisoners. Austria-Hungary had emphasized that prisoners must, in their own interest, be attended by doctors and orderlies of their own nationality. A similar agreement between Germany and Russia fixed the ratio at one doctor and ten orderlies for every 2,500 prisoners of war, and arrangements of the same nature were made by Italy and the Central Powers, in their mutual relations.

Whilst maintaining that the letter of the 1906 Convention

should be strictly obeyed, the International Committee acknowledged that the new point of view might usefully be examined when the Convention later came to be revised. Subsequently, the Committee even conceded that on the Eastern Front, where very large numbers of prisoners were taken from the outset, the arrangement might, owing to the language difficulties, be considered justifiable [1]. It will be seen that this system prevailed during the Second World War.

The *1929 Convention* abandoned the unsatisfactory formula of the earlier treaty. After reiterating, in Article 9, the rule that medical personnel should not be treated as prisoners of war [2], the Diplomatic Conference laid down, at the beginning of Article 12, the fundamental prescription that members of the medical corps might not be retained after falling into the hands of the enemy.

In the second paragraph, stipulating that members of the medical personnel should be sent back to their own forces as soon as military considerations permit, a condition is attached in the words " In the absence of any agreement to the contrary " [3]. This was a concession demanded by humanity. The International Committee had itself been obliged to admit that the medical personnel's right to repatriation might be qualified : the primary need is in fact that the wounded prisoner of war should be tended. Although the initial responsibility lies on the Detaining Power, in cases where that State cannot provide treatment, either for the duration of, or at the beginning of captivity, the medical personnel taken at the same time as their wounded should assume this duty. This view was carried by a small majority at the 1929 Diplomatic Conference.

However, this arrangement implies a previous agreement,

---

[1] See *Bulletin*, Geneva, 1915, pp. 144, 314, 469, 507 ; 1916, pp. 70, 309 ; 1917, pp. 38, 52 ; 1918, pp. 77, 223.

[2] The British delegation alone voted against this principle in 1929. The same occurred in 1949.

[3] This reservation was proposed by the New Zealand delegation speaking on behalf also of the British delegation.

for the capturing State may not be left sole judge of the desirability of retaining the medical personnel, nor the only arbiter as to whether they should in fact be kept [1]. Such an agreement would be in line with the retreating belligerent's duty to leave behind enough medical personnel to tend the abandoned wounded and also with the provision in Article 14, paragraph 4, of the 1929 Convention on Prisoners of War, that belligerents might make special agreements for the retention in camps of doctors and medical orderlies to care for their prisoner compatriots.

The Convention explicitly awarded to belligerents this right to make special agreements, since departure by mutual consent from the absolute and fundamental principle laid down might otherwise have been justly contested.

The third paragraph of the Article provides that " pending their return ", the medical personnel should continue to carry out their duties under the direction of the enemy and should be engaged preferably in the care of the wounded and sick of the belligerent to whom they belonged.

None the less, it is today rather difficult to understand the attitude of the delegates in 1929, who, after laying down in all gravity a fundamental rule, immediately nullified it by the words " in the absence of any agreement to the contrary "— so inserted, furthermore, as almost to appear a mere embroidery of the main statement. Yet this short phrase decided the fate of the many members of the medical services in the recent War, who were retained with their prisoner compatriots.

One cannot resist the thought that it would have been perhaps better to confront the problem squarely and to attempt to solve it as a whole. The first World War had shown that it was necessary to retain medical personnel, and nothing could be achieved by further blinking the fact.

In the event, this attitude had serious consequences. The additional brief phrase had given broad latitude for the retention of medical personnel, yet it was entirely unaccompanied by prescriptions as to the procedure to be followed, and to the

[1] See Paul Des Gouttes : *loc. cit.*, p. 78.

status, treatment and conditions of work of men to be retained in camp for a period of years. At the most, the 1929 Convention briefly defined the treatment of medical personnel " while in the hands " of the enemy, and then only in regard to their maintenance and pay.

It is therefore very much to be regretted that the 1929 Conference did not decide to make a systematic and thorough settlement of the problem in all its aspects. The reason for the Government representatives' choice of action was no doubt that they wished clearly to convey their view that retention should be an exceptional measure [1].

During the *second World War*, repatriation of medical personnel was on a much reduced scale. Taking their authority from the phrase " in the absence of an agreement to the contrary " in the above-mentioned Article and from a similar provision in Article 14 of the Prisoners of War Convention, the belligerent Powers agreed to keep back a large proportion of the protected personnel in their hands, to attend the prisoners of war. Most belligerents made agreements to this effect, and the ratio of those retained varied according to the circumstances ; for instance, in Great Britain and Italy, two doctors, two dentists, two chaplains and twelve orderlies were retained for every thousand prisoners.

The International Committee did everything in its power to ensure the return of the remainder. Repatriation of these persons, as of the severely wounded, met with great transport difficulties and was impeded by the existence of forbidden

---

[1] We feel we should compare this with another, much more general, but wholly superficial view, which is periodically advanced in some quarters, that the preparation of Conventions for the protection of war-victims is in itself to admit the possibility of war and, in consequence, to condone it. Without dwelling uselessly on an obviously absurd submission, we can briefly reply that, so long as the nations show, by their maintenance and continual development of large armed forces, that they believe war to be possible, the inescapable duty of all who seek to alleviate the sufferings caused by fighting must be to provide for the timely adoption of protective measures. Their responsibility does not vary with the element of risk existing at a given time, but is concerned always and solely with the worst foreseeable eventuality, however distant that may be.

military zones; such repatriation was therefore infrequent, incomplete and extremely dilatory.

Medical effectives of occupied countries were nearly all retained in Germany and were often assigned to duties outside their proper sphere. In defence of this measure it was alleged that a " reserve " was essential, if such eventualities as air raids, sudden influxes of prisoners, and epidemics in the camps were to be adequately dealt with.

After the armistice, the same inclination to retain a large proportion of protected personnel was noted amongst the victorious nations. The proportion was eventually reduced to one doctor and ten orderlies for every thousand prisoners, but the repatriation of the remainder was too often delayed.

With regard to treatment, the lack of any provision in the Convention in general led to the belligerents' subjecting the personnel to the same conditions of captivity as the prisoners of war, and indeed sometimes to considering them as such.

The International Committee protested against this uniformity of treatment, declaring that it was improper under the prevailing international law. It pointed out furthermore that while this personnel should enjoy all the rights of prisoners of war, they should also have privileged status, in order to be the better able to carry out their duties. The Committee's efforts to secure such treatment were very often successful.

Among the Committee's demands were that the members of the medical services should be separately housed, either in the infirmary or in the immediate neighbourhood of the camp, that they should be authorised to leave the camp, and to receive double the normal quantity of mail.

As soon as the war was over, the International Committee began to prepare a revised text of the 1929 Conventions. In so doing, it devoted no little attention to the present problem.

At the *Preliminary Conference of National Red Cross Societies* in 1946—the first meeting of experts called at Geneva for this purpose—the Committee appointed to study this Convention drew up, at the proposal of the Belgian Red Cross, a group

of new Articles which authorised the retention of medical personnel in proportion to the general state of health and the numbers of the prisoners. It was specifically laid down that this concession did not release the Detaining Power from its own obligations, and that the choice of persons for retention should not proceed from racial or political considerations. In defining the status of retained members, the Articles stipulated that they should in no case be deemed prisoners of war, but that they should nevertheless enjoy all the rights of prisoners. Provision was made for other advantages whereby they would be enabled to perform their duties with the best effect. The remaining personnel was to be repatriated forthwith [1].

However, when in plenary session, the Conference, at the proposal of the American delegation, did not adopt these Articles, fearing that they might compromise the privileged position and right to repatriation of medical personnel, and might enable the Detaining Power to evade its own obligation to assign personnel to the care of the prisoners. In calling for the maintenance of Article 12 of the 1929 Convention, the Conference recommended that a committee of experts should be appointed to prepare detailed proposals on the best possible care and treatment of sick and wounded prisoners of war.

Throughout the Conference there had been a lively debate between those who stood for retention and those who upheld the old system under which repatriation was the primary rule. The latter gained the final decision.

At the next large study meeting the *Conference of Government Experts*, called by the International Committee in 1947, the discussions were more extensive and lively even than before and revolved about a different solution. The retention of some members of the protected personnel was not opposed; on the other hand, a new proposal, supported mainly by the British and American delegations, came to the fore. This was that members of the medical personnel should, on falling into enemy hands, be considered and treated as prisoners of war.

[1] Records of the Conference, p. 33.

The advocates of this new, and indeed revolutionary, principle adduced arguments which may be summarised as follows [1] :

(a) The special treatment of medical personnel was justifiable in 1864, when wars consisted in a series of isolated engagements and where the principal duty of the medical services was to tend the wounded on the battlefield. On the other hand, it is not warranted in modern warfare, which gives rise to lengthy and continuous operations and to the large-scale capture of prisoners, and in which the main role of the medical services, now incorporated into the armed forces, is to keep the troops in good health. As much attention should be given to men in captivity as to the fighting forces.

(b) Prisoners of war are no longer at the mercy of their captors : they now have effective protection and an honourable status. Medical personnel could only benefit by being admitted to this protection and status.

(c) As an army is an integral whole, the preservation of its unity and military discipline demands that all captured men should receive the same treatment. Moreover, the prisoners of war would not be content to see their comrades in the medical services released, whilst their own captivity continued. A similar view would be taken by the population of the country of origin.

(d) The Detaining Power is never in possession of adequate medical effectives to attend to the prisoners of war. These, moreover, much prefer to be looked after by their own doctors, who speak the same language, share the same ways of thought and use methods to which their patients are accustomed. It has also been established that medical attention of this sort secures better results.

(e) Endless difficulties would attend the repatriation of medical personnel ; furthermore, as it would usually take place some time after capture, there would be a danger of espionage.

---

[1] For the sake of clarity, we have thought it best to give an account at this point of all the arguments presented in support of both proposals, although some of these were not expressed until later Conferences.

(f) The members themselves of the protected personnel have the wellbeing of their charges at heart and are most anxious to remain with them until the end of hostilities.

(g) The protection conferred on prisoners of war would be enhanced in value if extended to the medical personnel.

Those who advocated the maintenance of the traditional principle made in their turn the submissions summarised below.

(a) It would be inadvisable to abandon one of the great humanitarian achievements of the Geneva Convention ; the Convention would moreover be thrown out of balance by such a change.

(b) Good care of the prisoners in no way requires that the medical personnel should enjoy the same status. So far from this being so, doctors and orderlies, if they are to accomplish their duties effectively, must have adequate freedom of movement, certain special privileges and above all, the degree of personal prestige which will enable them to press their views with the detaining authorities, and the prisoners also. The special and, as was described, " sacrosanct " nature of humane activities must be preserved : as a non-combatant, knowing neither friend nor foe in his work, the medical officer or orderly remains outside the fighting, whether he is on the battlefield itself or in the power of the enemy. The expression " prisoner of war " can only apply to men who have laid down their arms, and cannot therefore refer to the medical personnel, who are not armed. In contrast to the legitimate right of prisoners of war, members of the medical services are also not expected to attempt escape.

(c) If medical personnel were placed in the same conditions of confinement as prisoners of war, the Detaining Power might conceivably impose upon them the whole duty of attending the captives, and divest itself of its own obligations ; it would also be encouraged to keep the personnel unoccupied over long periods, or to assign them to duties outside their proper functions.

(d) If medical personnel could be made prisoners, the enemy would endeavour to capture them, and would be assisted in this by the fact that they are non-combatants. As a result, belligerents would cease to send qualified doctors to the front line. Doctors, and above all the subordinate ranks, would hesitate to expose themselves, to the consequent detriment of the wounded, and the Red Cross Societies would have much greater difficulty in recruiting volunteers.

The propounders of the new arrangement were at first largely successful. The Conference of Government Experts adopted by a majority vote a series of Articles having the following purport [1]: members of the medical personnel falling into enemy hands should be treated as prisoners of war, subject to the provisions of a following Article which prescribed that members of the medical and religious personnel should be retained in captivity only as far as the health, the spiritual needs and the numbers of the men required. This provision was not to release the Detaining Power from its own obligations in the matter. Medical personnel should have the necessary privileges for the best possible performance of their duties, in respect particularly of accommodation, food, correspondence and freedom of movement. Those members of the medical personnel whose presence in captivity was not required, were to be repatriated as soon as possible, regardless of any consideration of race or political opinion, and preferably according to the chronological order of their capture.

The proposals of the Conference of Government Experts met with a lively reaction, especially in the medical circles of some countries. In the year which elapsed before the XVIIth International Red Cross Conference, the International Committee devoted further thought to the question and sought advice from many other authoritative sources.

Supported by the National Red Cross Societies, the Committee decided to make some changes in these Articles when

---

[1] Records of the Conference, p. 31.

embodying them in the Draft Conventions to be submitted to the coming Conference. Whilst making its study, the Committee had noted that the experts from the different countries were in agreement on certain essential principles ; these were that members of the medical personnel might be retained by the adverse party insofar as the numbers and the health of the prisoners demanded it ; that they should have all the rights of prisoners of war and have further privileges and a freedom of movement, which would enable them to carry out their duties in the best possible fashion ; that all those whose presence in the camps was not indispensable should be repatriated as soon as possible. There was therefore concurrence on the crux of the problem : — retained personnel should have a status very close to that of prisoners of war, but they should also enjoy certain important privileges. The sole point on which there had been a divergence of view was whether the retained medical personnel were in fact to be regarded as prisoners of war or not. It was indeed little more than a question of form.

The International Committee did not feel it should stipulate in the Draft that retained medical personnel must be treated as prisoners of war, as their status was, in a series of Articles, defined closely enough to have independent force. Besides this, the Committee felt that the designation " prisoner of war " should be reserved to those combatant forces which, even in captivity, retain their character as enemies, whilst of course the medical personnel are at all times outside the fighting. The Committee therefore merely stated in the Draft that the medical personnel should enjoy all the rights granted to prisoners of war.

The opposing parties clashed again at the *XVIIth International Red Cross Conference* held in Stockholm in 1948. After long debates, however, an appreciable majority voted for the principle of non-captivity. The Conference, in fact, went beyond the Draft submitted to it and inserted an express provision to the effect that medical personnel should not be treated as prisoners of war.

The problem was for the last time examined by the *Diplomatic Conference* which produced the text of the Geneva Convention of August 12, 1949. Divergencies of view were still to be noted. Almost all the delegates were this time united against the principle of captivity, but at the same time were eager to conciliate their opponents as far as possible. For this reason the Stockholm Draft was adopted in broad outline. The decisive provision of the text reads [1]:

" Personnel thus retained shall not be deemed prisoners of war. Nevertheless they shall at least benefit by all the provisions of the Geneva Convention of August 12, 1949, relative to the Treatment of Prisoners of War ".

In a later account we propose to make a detailed analysis of the provisions adopted by the Diplomatic Conference in this connection, as embodied in the new Geneva Convention.

---

[1] This provision applies only to the permanent personnel. Members of the auxiliary personnel will be regarded as prisoners of war and will not be eligible for repatriation. At the most, they will be employed on medical duties, insofar as the need arises.

ICRC RELIEF TO THE GERMAN CIVIL POPULATION [1]

Ten years ago, it could hardly have been imagined that an appreciable part of the work of the International Committee of the Red Cross would one day have to be devoted to the relief of populations which had been involved in the War. The protection of civilians lay naturally within the Committee's scope, but its field of action seemed confined to that prescribed by the humanitarian Conventions ; the protection of military victims of war, and prisoners of war in particular, was its special responsibility.

The Committee's preoccupation with relief was born out of total warfare, which spares civilians no more than it does combatants. It is an unexpected imposition which the Committee has tried to shoulder without in the beginning having any assets to hand beyond the strength of its moral position. The innovation of coming to the relief both of captives and civil populations met with serious obstacles. Strategic considerations made blockade regulations imperative and any relaxation a sacrifice the enemy might use to his benefit.

After long negotiations, the principle of neutral intervention by the International Committee for relief purposes was accepted by the belligerents. Relief to the civil population, which the Committee was almost alone in being able to initiate, was made in collaboration with the League of Red Cross Societies from autumn 1940, when the Joint Relief Commission of the International Red Cross was set up ; the Commission went into liquidation only towards the end of 1946. One after another, Poland, Greece and other countries under German occupation, and finally Germany herself and her former allies were assisted.

The events of May 1945 profoundly changed the Committee's policy and work in Germany ; its Berlin Delegation, which

[1] See " Revue internationale de la Croix-Rouge ", Geneva, Feb 1948, p. 101 ; April 1948, p. 251 ; July 1948, p. 467 ; March 1949, p. 202

throughout the War had been operating for the benefit of Allied prisoners held by the Reich, was closed down. Some months later the Delegation was re-opened, this time mainly for the purpose of giving, not individual help, but collective relief to the German population, in accordance with the agreements concluded between the International Committee and each of the Occupying Authorities. Six auxiliary Delegations were also opened.

From that time and until the beginning of 1947, the International Committee was the only one of the major relief organisations authorised to operate freely in Germany. Under its auspices, other charitable bodies which did or did not belong to the Red Cross, joined in contributing to the humanitarian work, whilst the Committee endeavoured to have them independently recognised by the authorities. Gradually they were allowed to work autonomously in the three Western zones.

Another step was taken in Western Germany, with which the Committee was equally concerned, namely, the gradual reconstitution of the German Red Cross on a "Land", or provincial basis. The general chaos which followed after the Armistice had come to a close; the Committee's intervention for relief purposes thus became superfluous, at least in Western Germany. The ICRC Delegates were consequently nearly all withdrawn from Western Germany and, from the beginning of 1948, Geneva concentrated its efforts on work in Greater Berlin and the Soviet Zone of Occupation.

Conditions in these two sectors were quite different. The absence of a German Red Cross and, in particular, the fact that the Committee alone was recognised by the Soviet authorities for the transmission of relief supplies, enhanced the significance of its mediation.

From September 1945 to September 1949, the International Committee forwarded to Germany and distributed a total of 33,534 tons of relief supplies, valued at 52,032,000 Swiss francs; the share of Greater Berlin and the Soviet Zone in these figures was 7,534 tons (16,032,000 Swiss francs) [1].

[1] It is interesting to note that, of this sum, 10,500,000 francs were given by Swiss donors.

Relief supplies have always been contributed from various sources ; several Governments, numerous National Red Cross Societies, religious and secular charitable organisations, in particular the Swiss Relief Fund *(Don Suisse)* and Save Europe Now, responded to appeals launched by the Committee. German colonies overseas and German prisoners in the United States also assisted in relieving the distress of their countrymen. As a rule, shipments are made direct to Germany by the donors themselves ; in some cases they travel first to Geneva, where the International Centre for Relief to Civilian Populations (which from 1947 took over part of the work of the Joint Relief Commission) assembles the goods, reconditions packing, makes purchases with donations in cash and arranges for further transport. As soon as they have arrived in Germany, the supplies are stored in suitable warehouses, ready for use.

For relief work, the Committee's Delegation in Berlin comprises three Delegates with special qualifications, the same number of secretaries from Switzerland and ten German employees. The Delegation still works on the conditions laid down in the 1945/46 Agreements, referred to above. These agreements, opening the way for the Committee's relief work in the various Occupation Zones, made provision for close co-operation between the Delegates, the local German authorities and several recognised relief agencies. At present, two such agencies work hand in hand with the ICRC : The " Committee for the Distribution in the Soviet Zone of Relief Supplies from Abroad " and the " People's Relief ". Both include representatives of the political parties, religious bodies, and Public Health experts.

The first joint task is the establishment of relief plans, drawn up on the basis of the collected data. Bearing in mind the nature and the relative importance of the needs, the ICRC then gets in touch with donors. Once the assurance of the donors has been obtained, the Delegation, acting in agreement with the co-operating agencies and the local authorities, prepares the distribution schedules. In Greater Berlin, the practical work of distribution falls to the Town Councils, while in the Soviet Zone, the " People's Relief " is responsible. A carefully balanced

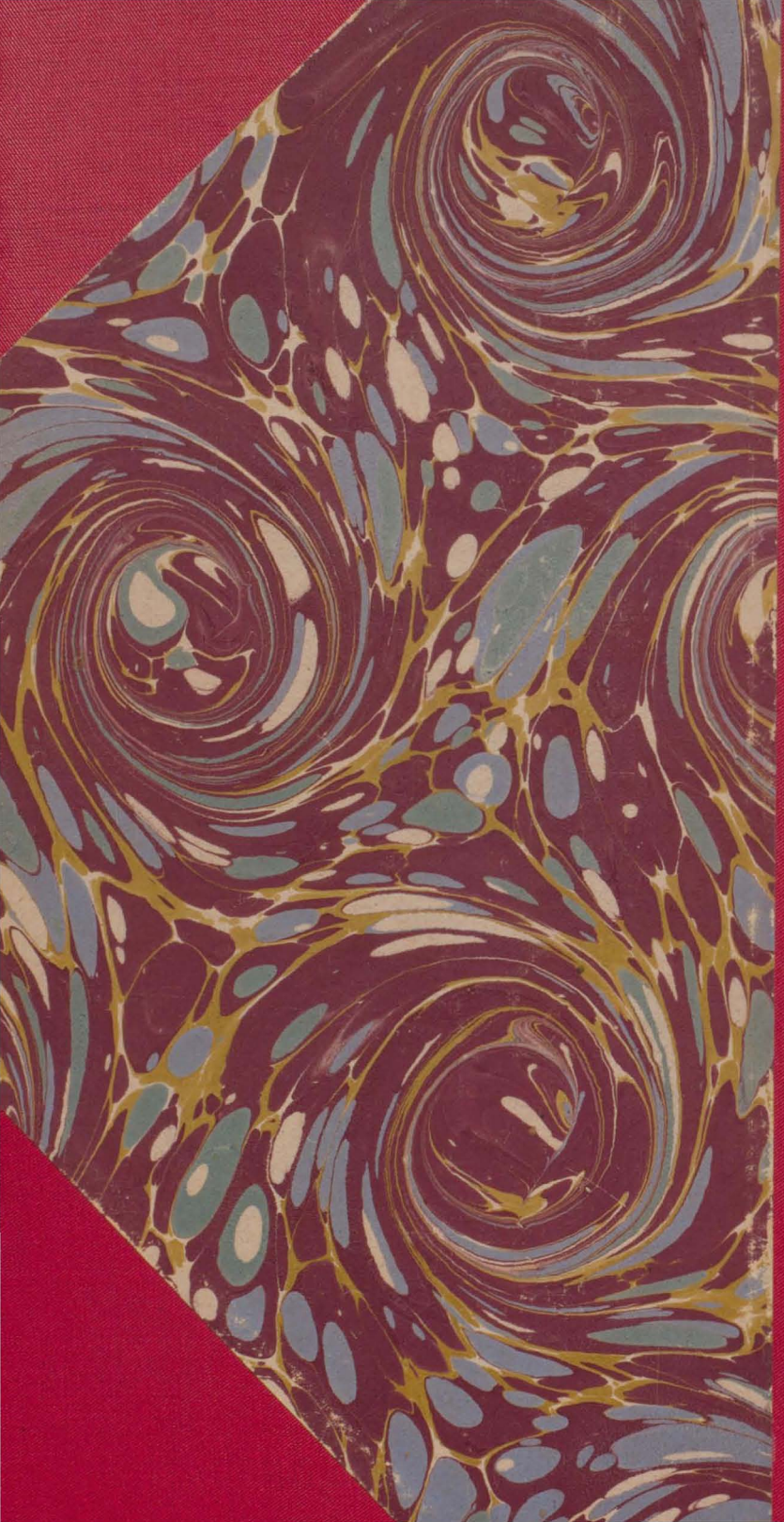
system operates, passing from the central organization through the "Land" (Province) and the District, to the smallest village. The distribution completed, written reports come back in the opposite direction, and are handed over to the Berlin Delegation; the latter has, incidentally, the opportunity of checking the accuracy of the reports by investigation on the spot. Thus, the technical work, which is considerable, is divided, but the ICRC, responsible to the donors for the correctness of the distribution, takes, as one can see, a very active part and can effectively supervise the whole.

The first recipients, in order of priority, are children, adolescents, expectant and nursing mothers, and aged persons. For this year relief valued at 3,000,000 Swiss francs has been shared between over 100,000 necessitous aged persons in Greater Berlin and close on 140,000 children in the Soviet Zone. The latter relief action was continued during the school holidays for the benefit of 58,000 pupils. Plans for next year aim at giving special assistance to the tuberculous and pre-tuberculous, but the scope of these schemes will depend upon the response to the Committee's appeal.

The possibilities of assistance from the International Committee are naturally in direct relation to the means placed at its disposal. The Committee knows only too well that donors have many other calls to meet. It is for this reason that, faced with unlimited requests itself, it is forced to adopt the only possible course—to confine its assistance to those who are most in need, and to submit to donors limited but precise plans, which can guarantee the maximum benefit from the funds it hopes effectively to collect.

TABLE OF CONTENTS

Vol. II (1949)

Convention for the Protection of Civilian Persons in time of War (Approved and amended by the XVIIth International Red Cross Conference), 3. — The International Committee of the Red Cross in Palestine, 53. — Meeting of Presidents of the Standing Commission of the International Committee of the Red Cross and of the Board of Governors of the League, 62. — Resignation of M. G. Dunand, 63. — Remarks on the Training of Red Cross Nurses and Voluntary Aids, and their Activities in time of War, 64. — Revision of the Tenth Hague Convention of October 18, 1907, for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of 1906, 91. — The activities of the International Committee of the Red Cross in favour of the Civil Population of Greater Berlin and in the Soviet zone of occupation, Germany, 112. — The International Committee in the Near East, 120. — Unpublished documents relative to the foundation of the Red Cross, 123. — The Standing Commission of the International Red Cross and the Problem of Palestine Refugees, 142. — The Sign of the Red Cross by Jean S. Pictet, *Director-Delegate of the International Committee of the Red Cross*, 143. — Aid given by the International Committee to the Palestine Refugees, 178. — The Red Cross and the International Declaration of Human Rights, by Jean-G. Lossier, 184. — Red Cross Message, 190. — The Geneva Diplomatic Conference, 192. — Work of the Central Agency for Prisoners of War, 195. — The International Committee's Aid to the Indigenous Poor of Jerusalem, 200. — The International Committee's Work in India and Pakistan, 204. — Visit of the President of the International Committee to Rome, 208. — The International Committee honours the memory of Henry Dunant at Castiglione and Solferino, 211. — Aid to German and Austria Prisoners of War, 218. — The Geneva Conventions for the Protection of Victims of the War: Geneva Convention relative to the Protection of Civilian Persons in Time of War, 225. — Resolutions of the Diplomatic Conference of Geneva, 1949, 295. — Geneva Convention for the Amelioration of the Condition of the Wounded, and Sick in Armed Forces in the Field of August 12, 1949, 299. — Geneva Convention for the

Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, 327. — Statement made by M. Paul Ruegger at the Diplomatic Conference in Geneva, 352. — Jean S. Pictet, *Director-Delegate of the International Committee of the Red Cross.* The New Geneva Conventions and the Red Cross, 356. — Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, 371. — The International Committee's Aid to the Palestine Refugees, 449. — The Geneva Conventions of August 12, 1949. Preliminary Remarks, 454. — Gandhi and the Red Cross, 477. — Seventy-fifth birthday of M. Max Huber, 482. — A tribute to M. Jacques Chenevière, Member of the International Committee of the Red Cross, 483. — Jean S. Pictet, *Director-Delegate of the International Committee of the Red Cross.* The New Geneva Conventions: Retention of members of the Army Medical Services who have fallen into the hands of the Enemy, 487. — ICRC Relief to the German Civil Population, 502.