LECTURES OF THE GENEVA CONVENTIONS OF 1949

HEADQUARTERS,
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Section I. GENERAL

On 12 August 1949 representatives from sixty nations completed work, begun some 4 years earlier by the International Committee of the Red Cross, on four international conventions designed to provide more humane standards of treatment for both military personnel and civilians in time of war. These four "Geneva Conventions for the Protection of War Victims" have been ratified or adhered to by the majority of the nations of the world. In July 1955 the United States Senate gave its advice and consent to the President's ratification, and the Convention came into force for this country—and thus became binding on our armed forces—on 2 February 1956.

Three of these four Conventions are revisions of earlier international agreements dealing with the same subjects. They are—

a. The "Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field,"

*This pamphlet supersedes DA Pam 20–151, 26 July 1951.
which is based primarily upon earlier Geneva Conventions which date back to 1864;

b. The “Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea,” which is a revision of the 1907 Hague Convention No. X, which first sought to extend the international protection afforded land forces to those members of the armed forces engaged in maritime warfare;

c. “The Geneva Convention Relative to the Treatment of Prisoners of War,” which elaborates upon and complements the provisions of the 1929 Convention, which, in turn, was based upon the Hague Conventions of 1899 and 1907.

The fourth Convention, the “Geneva Convention Relative to the Protection of Civilian Persons in Time of War,” is a completely new treaty the purpose of which is to minimize, to the greatest possible extent, the suffering of civilians caught in the turbulence of war.

The following three lectures are designed to acquaint you with those provisions of the Geneva Conventions which will be of most importance to you as a member of the United States armed forces, and which will help you to develop an understanding of your rights and duties under these Conventions. Should any of you wish to read the texts of the Conventions, they are published in DA Pam 27–1, 7 December 1956.

Section II. LECTURE No. 1
THE GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR

Introduction

The Convention Relative to the Treatment of Prisoners of War is without doubt the one of most importance to you as a member of the armed forces. This discussion, therefore, will attempt to give you the basic information necessary to an understanding of the treatment which is to be accorded prisoners of war by the nations which are parties to the Convention. During hostilities, any soldier may become a prisoner of war and every soldier should have prior knowledge of his rights under the Convention; he should also know exactly what rules and regulations he is required to follow during his imprisonment by the enemy. Similarly, when our armed forces capture enemy personnel, we, as soldiers, must know the standards of treatment to which they
are entitled if we are to abide by the terms of the Convention and thus uphold the dignity and honor of our country.

General Provisions of the Convention

You should remember that this Convention applies not only to a declared war but to any armed conflict between any of the nations which are parties to the Convention. Furthermore, if one of the States participating in the conflict is not a party to the Convention, we must nevertheless abide by the Convention with respect to all participants in the conflict which are parties, and, in addition, with respect to the State which is not a party, if it accepts and applies the Convention’s provisions.

Prisoners of war are defined by the Convention to include any person who is—

a. A member of the armed forces of a State which is a party to a conflict, or a member of a militia or volunteer corps which forms part of such forces.

b. A member of any other militia or volunteer corps, including an organized resistance movement, belonging to a State which is a party to the conflict whether operating within or without their own territory, even when such territory is occupied, provided that the members of such group or organized movement—

(1) Are commanded by a person responsible for his subordinates;

(2) Have a fixed distinctive sign recognizable at a distance;

(3) Carry their arms openly; and

(4) Conduct their operations in accordance with the laws and customs of war.

c. A member of a regular armed force who professes allegiance to a foreign government or authority which the United States does not recognize (for example, North Korea).

d. A person who without being a member thereof accompanies an armed force with its authority and has proper identification to that effect (for example, a civilian member of an aircraft crew, a war correspondent, or a contractor).

e. A member of the merchant marine or the crew of civil aircraft belonging to one of the parties to a conflict unless he is entitled to more favorable treatment under other international law.

f. An inhabitant of a nonoccupied territory, who has not had time to form with others into regular armed units and who on the approach of the enemy spontaneously takes up arms to resist
the invader, provided he carries his arms openly and respects the laws and customs of war.

Persons belonging, or having belonged, to the armed forces of the occupied country who are classed as security risks and interned should be treated as prisoners of war. The special status of medical personnel and chaplains will be discussed later.

Under no circumstance may prisoners of war renounce any of the rights which are secured to them by the Convention and no special agreements may be made by the belligerent States which deny to prisoners of war any of the protection provided them by the Convention.

The term "Protecting Power" is a term with which you should become familiar. A Protecting Power is a neutral State agreed upon by the parties to the conflict to look after the interests of all prisoners of war held by a particular belligerent. (The latter is called the "Detaining Power.") Not only does the Protecting Power use its influence to insure that the provisions of the Convention are enforced but, through its representatives, it provides a system of inspection of prisoner of war camps and of private personal interviews with the prisoners with a view toward the settlement of their complaints of any violations of the Convention. The States may, as an alternative, decide to entrust these functions to a humanitarian organization, such as the International Committee of the Red Cross. In any event, there is always to be an impartial Protecting Power, with representatives who may observe, inspect, and report upon compliance with the Convention.

**General Protection of Prisoners**

The Convention is applicable to prisoners of war from the time they fall into the power of the enemy until their final release or repatriation. Even if the prisoner is taken captive during the heat of battle, he must be afforded the protection provided by the Convention.

Under all circumstances, prisoners of war are to be treated humanely, without distinction founded on race, color, religious belief, or other similar criteria. Prisoners of war may not be murdered, mutilated, tortured, or degraded, nor may they be punished for alleged criminal acts without a previous judgment pronounced by a regularly constituted court which has accorded them those judicial guarantees which are recognized as indispensable to a fair trial. It should be remembered that individuals, as well as the capturing nation, are responsible for acts which are committed against prisoners of war in violation of the Convention.
Prisoners of war are entitled to respect for their persons and their honor as human beings. They are to be protected against all acts of violence, insults, public curiosity, and reprisals of any kind. They are not to be subjected to physical mutilation or to medical or scientific experimentation which is not required incident to normal medical, dental, or hospital treatment for the proper care of the prisoner.

Should there be female prisoners of war, they are to have the benefit of treatment at least as favorable as that granted to male prisoners and, moreover, are to be treated with all regard due their sex.

Beginning of Captivity

Every soldier should know that he is required by the Convention to give only his full name, rank, date of birth, and service number when he is captured and questioned by the enemy. He is required to give this information, however, and his failure to furnish it may render him liable to a loss of privileges due him by reason of his rank and status. All prisoners of war must be questioned in a language they understand.

Each person should have with him an identification card which he has received from his commander; this identity card is to be shown by the prisoner upon demand by his captors.

All effects and articles of personal use, except arms, military equipment, and military documents are to remain in the possession of the prisoner. Articles issued for the prisoner's personal protection, such as gas masks, metal helmets, and like articles, may also be retained by him. A prisoner's clothing and mess gear are not to be removed and he may retain his insignia of rank or nationality, and his decorations, as well as any articles of sentimental value.

Money in the possession of a prisoner will be taken from him only when so ordered by an officer of the capturing forces, who must issue a proper receipt to the prisoner for this money. If the money is in the currency of the Detaining Power, or if the prisoner requests that it be converted into currency of the Detaining Power, it will be credited to his account; otherwise, it will be kept and returned to him at the end of his captivity. Any other articles which are withdrawn for security reasons are likewise to be receipted for, recorded, and returned to the prisoner at the end of his captivity.

Evacuation to Internment Camps

At one time in history a prisoner of war could be killed or treated in any other way the capturing power desired. For
over a century, however, it has been customary to protect him and to remove him from the combat zone following his capture. Under the Convention, prisoners of war are to be moved out of the danger zone as soon as possible to camps beyond the combat areas and no prisoner is to be exposed unnecessarily to danger while awaiting this evacuation from the fighting zone. All transit or screening camps are to be of a nature similar to permanent camps and the prisoners temporarily held there are to receive the same treatment to which prisoners in permanent camps are entitled.

Internment Camps

Prisoner of war camps are not to be located in areas exposed to the fire of the combat zone and are to be as hygienic and healthful as possible. Generally, prisoners are to be assembled in camps according to nationality, language, and customs. Whenever prisoners are transferred from one camp to another, they are to be permitted to take their personal effects with them and are to be supplied with sufficient food, water, and clothing during the transfer.

Quarters, Food, and Clothing

The Convention requires that prisoners of war be quartered under conditions as favorable as those afforded members of the armed forces of the Detaining Power billeted in the same area and that the quarters be clean, sanitary, and adequately heated and lighted.

To prevent such situations as the "fishhead and rice" diet given to Americans who were prisoners in the Far East during World War II, the requirement of the older convention that the prisoner of war ration be equivalent to that of the forces of the Detaining Power was abandoned under the 1949 Convention in favor of the requirement that the food be sufficient in quantity, quality, and variety to keep the prisoners in good health and to prevent weight losses or nutritional deficiencies. In addition, the Detaining Power is required to take account of the normal diet of the prisoners. It should be noted that the Convention specifically prohibits collective disciplinary action under which prisoners of war are deprived of food. Further, canteens are to be established in every camp where ordinary articles of daily use such as soaps, foodstuffs, and tobacco, when possible, may be procured.

Necessary clothing and footgear appropriate to the climate must also be provided the prisoners by the Detaining Power.
Medical Care

Adequate medical care, including monthly medical inspections, must be provided prisoners. When available, the medical personnel from the prisoners’ own armed forces administer to their needs. Every camp must have an infirmary and prisoners may not be prevented from presenting themselves for medical examination.

Religious, Recreational, and Intellectual Activities

Prisoners are to enjoy the right to practice their own religion, including attendance at services of their faith and they are to be encouraged to engage in educational, intellectual, and recreational activities. They may not, however, be compelled by the Detaining Power to participate in such activities.

It should be noted that medical personnel and chaplains retained by the Detaining power with a view to assisting prisoners are not considered to be prisoners of war but are “Retained Personnel.” As a minimum, they receive all of the benefits of the Convention. They are allowed to visit with and to minister to the prisoners. They are only required to perform religious or medical duties on behalf of the prisoners.

Labor

The Detaining Power may compel prisoners of war to perform labor which is neither military in character or purpose, nor humiliating, dangerous, or unhealthy. The removal of mines or similar devices is considered by the Convention to be dangerous work for which only volunteers may be used. Prisoners may be required to perform work in agriculture and in the processing and manufacture of raw materials, except in the fields of metallurgy, machinery, or chemicals; and to transport and handle stores not military in character. They may be required to work in public utility services, domestic service, or in the arts and crafts. They may also be required to perform duties in connection with camp administration, installation, and maintenance. It should be noted that noncommissioned officers may only be compelled to do supervisory work and that commissioned officers may volunteer to work, but may not be compelled to do so.

Work periods for prisoners are to be no longer than those of the civilian nationals of the Detaining Power in the same district. Not only are prisoners to be allowed an hour rest period in the middle of the day, but they are also to be allowed a day of rest every week. A prisoner is also entitled to an 8-day vacation, with pay, after a year’s work. Moreover, monthly medical examinations are to be held to determine fitness for
work. Prisoners may request medical attention at any time and, if proven unfit for work, must be exempted therefrom.

If the prisoners work in labor detachments or for private contractors, the Camp Commander must insure that the conditions of labor are in strict compliance with the Convention. Complete records on such labor detachments must be kept and must be furnished to the Protecting Power and the International Committee of the Red Cross.

**Discipline**

Every camp is required to have a copy of the Convention posted in the prisoners' own language in places where the prisoners may read it. All camp notices, regulations, and orders, including orders to an individual prisoner, must always be in a language which the prisoner understands.

Every prisoner, except an officer, must salute and show the officers of the Detaining Power the same external marks of respect provided for by the regulations of their own forces. Officers who are prisoners must salute all officers of the Detaining Power of higher rank, and the Camp Commander regardless of his rank. Prisoners are permitted to wear their own insignia of rank.

**Penal and Disciplinary Sanctions**

Prisoners of war are subject to the laws, regulations, and orders in force in the armed forces of the Detaining Power. They may, therefore, be tried for violations of those laws. However, the punishment decreed must not be greater than that provided for members of the armed forces of the Detaining Power and the trial must be held in the same court and according to the same procedures as are required for trial of a member of the armed forces of the Detaining Power. Additional safeguards provided by the Convention include the right to counsel and to the services of a competent interpreter, ample time for the preparation of the defense, advance knowledge of the charges, and the right of appeal. Advance notice of the trial must be given to the Protecting Power which is entitled to have a representative present. No prisoner may be punished more than once for the same act or on the same charge. Prisoners of war may in no case receive more severe treatment when undergoing punishment than that which would be given members of the armed forces of the Detaining Power.

A prisoner of war may not be punished for an act not forbidden by the law of the Detaining Power or by international law at the time the act was committed. Furthermore, prison-
ers prosecuted for acts committed prior to their capture remain entitled to the benefits of the Convention, even if convicted.

A prisoner who makes an unsuccessful attempt to escape may be subjected to disciplinary punishment only, provided he has not committed any violence against life or limb in the course of the attempt to escape. Similarly, any offense committed in connection with the escape makes him liable to disciplinary punishment only, unless violence against life or limb is involved. Prisoners who aid another prisoner's escape are likewise liable to disciplinary punishment only. Moreover, those prisoners who have escaped and reached their own or allied forces and who are recaptured at a later date are not liable to any punishment because of the successful escape.

Disciplinary punishments may include any of the following: Fines not to exceed 50 percent of pay; discontinuance of privileges granted over and above the treatment provided by the Convention; fatigue duties not exceeding 2 hours daily; and confinement; but no disciplinary punishment can exceed 30 days in length. It may not be inhumane, brutal, or dangerous to the health of the prisoner.

The period spent by a prisoner in confinement while awaiting the disposal of an offense against discipline may not exceed 14 days and any period so spent must be deducted from any final punishment imposed. Alleged offenses must be investigated immediately by the Camp Commander, or the officer to whom he has delegated disciplinary power. The prisoner must be informed of the offense and given an opportunity to defend himself. He may call witnesses to testify on his behalf. It should be noted that in no case may one prisoner be given disciplinary power over other prisoners.

While undergoing confinement a prisoner does not lose any rights secured to him by the Convention, other than those which would be rendered inapplicable by the fact that he is confined. He is entitled to have 2 hours in the open for daily exercise, to have necessary medical attention, and to send and receive letters.

**Relations of Prisoners of War With the Authorities of the Detaining Power**

Under the Convention, prisoners of war have the right to make complaints both to the authorities of the Detaining Power and to representatives of the Protecting Power regarding the conditions of their detention, including the working conditions. Even though these complaints may appear to be unfounded, the Detaining Power must nevertheless forward them without delay.
to the Protecting Power and must not punish prisoners for making such complaints.

In addition, every 6 months prisoners may freely elect, by secret ballot, their own representative to represent them before the authorities of the Detaining Power, the Protecting Power, the International Committee of the Red Cross, or any other humanitarian organization which might assist them. Prisoners' representatives act to further the physical, spiritual and intellectual well-being of the prisoners. They are not required to perform other work if the accomplishment of their duties as prisoner representatives would thereby be made more difficult. These important provisions concerning prisoners' representatives could, with the effective cooperation of the prisoners, greatly aid the safeguarding of prisoners' rights. The functions of prisoners' representatives, of course, in no way affect the authority of the senior officer or noncommissioned officer prisoner, who will assume command.

Relations With the Exterior

Prisoners of war may mail and receive letters and cards, as well as parcels containing food, clothing, medical supplies, or religious, recreational, or educational books, or other similar articles. All such communications and parcels are subject to censorship for security reasons, but may not be otherwise delayed or limited by anyone other than the Protecting Power, the International Committee of the Red Cross, or other similar agencies acting in the interest of the prisoners themselves.

It might also be pointed out that immediately following capture or any transfer, each prisoner must be permitted to send a card to his family and to the Central Prisoner of War Information Agency informing them of his new location, his state of health, and other similar matters.

Death

The Detaining Power is required to conduct an official investigation of any death or serious injury to a prisoner of war caused or suspected to have been caused by a sentry, another prisoner or any other person, or where the cause of death is unknown. All the available information must be forwarded to the Protecting Power and if the guilt of another is indicated, the Detaining Power must take the necessary measures for prosecution.

United States Prisoner of War Information Bureau

A Prisoner of War Information Bureau is to be established in each country which is a party to the Convention. The opera-
tion of the United States Information Bureau is a function of The Provost Marshal General. All matters pertaining to prisoners of war are handled through this agency and, where appropriate, are forwarded to the Protecting Power, to the International Committee of the Red Cross, and to the Central Prisoner of War Information Agency—a centralized agency established in a selected neutral country to handle all prisoner of war information among the various nations.

We should remember that we do have “referees” to observe and bring pressure for the enforcement of the humanitarian provisions of the Geneva Conventions. The Protecting Power and the International Red Cross and other similar agencies, as well as world public opinion, will undoubtedly go far in helping to insure that proper and humane treatment is given to prisoners of war. As noted earlier, representatives of the Protecting Power and of the International Red Cross have the authority to inspect prisoner of war camps and to interview the prisoners regarding the conditions of their confinement, their welfare, and their rights. Wilful violations of the Convention by individuals and nations can only reflect discredit upon their own nation and in certain conditions may even require the public trial and punishment of those who violate the rights of prisoners.

Section III. LECTURE No. 2


and

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

Introduction

It was only after Henri Durant, later founder of the International Committee of the Red Cross, wrote of the extensive suffering of the wounded soldiers at Solferino that a movement began which led to the adoption of the 1864 Geneva Convention, the first international treaty to give any protection to the victims of war. Eventually this Convention was accepted as a
standard of conduct by every civilized nation of the world. Its protective provisions were modified and broadened by the 1906 Convention and, in turn, by a 1929 Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field. The basic principles of the 1906 Convention were again extended to protect the victims of maritime warfare by the so-called 1907 Hague Convention No. X. The 1949 Wounded and Sick Convention and the 1949 Wounded, Sick, and Shipwrecked Convention have now broadened these earlier Conventions to take into account changed circumstances presented by modern warfare.

These 1949 Conventions apply to the wounded and sick in the field and to the wounded, sick, and shipwrecked at sea, respectively, who fall into any one of the categories of persons listed in the Prisoner of War Convention, the largest category of which are the members of regular armed forces. Moreover, any wounded, sick, or shipwrecked person within a category covered by the Conventions who falls into enemy hands is thereafter considered as a prisoner of war and as such is entitled to all the protection afforded by the Prisoner of War Convention.

The two 1949 Geneva Conventions for the wounded, sick, and shipwrecked which we shall now discuss contain a number of the same provisions set forth in the Prisoner of War Convention. Thus the Conventions are applicable to all cases of armed conflict between parties to the Convention as well as to cases of partial or total occupation. Persons protected by either of these Conventions are entitled to the protection provided thereby until their final repatriation; and they may not renounce any of the rights secured for them by the Convention. Each of the Conventions is to be implemented with the cooperation and under the scrutiny of a Protecting Power or a humanitarian organization entrusted with the duties of a Protecting Power. The right of the International Committee of the Red Cross to carry out its humanitarian activities is also specifically covered by the Conventions.

The wounded, sick, or shipwrecked must be treated humanely and without discrimination because of race, nationality, religion, political opinion, or other similar criteria. They may not be left without medical assistance and only urgent medical reasons authorize any priority in the order of their treatment. Further, they may not be deliberately exposed to contagion or infection. Attempts on their lives or violence to their persons are strictly forbidden as are biological experimentation or other inhuman
treatment. Such experimentation or treatment is considered a "grave breach" of the respective Conventions and persons committing them are to be punished for either committing such offenses or for ordering them to be committed.

Search and Care of Casualties

At all times, and particularly after a battle, searches are to be made of the field and the sea in order to collect the wounded, sick, or shipwrecked; to protect them against pillage and ill-treatment; and to insure their adequate care. When circumstances permit, a suspension of fire may even be arranged by the parties in conflict to allow the removal, exchange, and transport of the wounded and dead.

As soon as possible all means of identification of the above persons must be recorded by the parties to the conflict and this information is forwarded to the Prisoner of War Information Bureau which, in turn, sees that it is transmitted to the country concerned.

Both Conventions also provide for the proper burial of the dead, after examination and identification, individually if possible and in all cases in graves which are properly maintained and marked so that they may always be found. As soon as circumstances permit, lists showing the exact location and marking of these graves are to be exchanged by the countries concerned.

Aid From Local Inhabitants

The military authorities may appeal to the charity of the inhabitants voluntarily to collect and care for the wounded and sick, granting to persons who give such aid all of the necessary facilities and protection. Even in invaded or occupied areas, the military authorities must permit the inhabitants spontaneously to collect and care for the wounded and sick of whatever nationality. No person may be molested or convicted for having cared for the wounded or sick.

It should be noted that this does not in any manner relieve the parties to the conflict of their obligations under the Conventions to give the necessary care to the wounded and sick.

Medical Units and Establishments

Medical units and establishments, medical materials, and medical transports on land and sea are specifically protected by the respective Conventions. In no circumstances are the fixed medical establishments or mobile medical units of the armed forces, while being used as such, to be attacked. If they fall into the
hands of the enemy their personnel must be allowed to pursue their duties until such time as the military authorities are able to insure the necessary care of those wounded and sick found in such establishments or units.

Fixed medical establishments and their equipment which fall into the hands of the enemy remain subject to the laws of war and may not be used for other purposes as long as they are required for the care of the wounded and sick. Medical transports must be respected and protected in the same manner. Materials from mobile medical units must be reserved for the care of the wounded and sick.

So far as possible, fixed medical establishments are always to be situated so as not to be endangered by attacks against military objectives. The possession or use of small arms by the medical personnel for their own protection or that of the wounded and sick in their charge is authorized and the possession and use of arms for these purposes does not deprive medical establishments of the protection accorded them by the Conventions. Neither may protection be denied such establishments because of the fact that civilian wounded and sick are also being treated. Protection is never to be denied the establishment unless it is used to commit acts which are harmful to the enemy. Even then a warning must be given to cease such acts within a reasonable time period, and this warning must then go unheeded, before protection may be denied.

Aircraft which is appropriately marked and which is employed solely for the purpose of removing the wounded and sick, or for the transport of medical personnel and equipment, is not to be attacked while flying on schedules and on routes agreed upon by the belligerents—although it may be required to land for inspection purposes. Substantially this same protection is provided hospital ships and other medical transports used at sea.

Medical Personnel and Chaplains

Medical personnel and administrative personnel engaged exclusively in the care or administration of medical units, as well as chaplains attached to the armed forces, must be respected and protected. Further, the staff of National Red Cross Societies and other voluntary aid societies duly authorized by their governments, who are employed on duties similar to those of the medical and staff personnel referred to above, are placed on the same footing as medical personnel provided they are subject to military laws and regulations. As stated in Lecture No. 1, if these medical personnel and chaplains are captured, they are
considered to be "Retained Personnel" and, as a minimum, are entitled to all of the protection accorded to prisoners of war. Medical personnel and chaplains whose retention is not required for the performance of their professional duties must be returned to their own forces as soon as the military situation permits such movement.

Members of the armed forces specially trained as hospital orderlies, nurses, or auxiliary stretcher bearers who were carrying out such duties at the time of their capture are prisoners of war but should be employed on medical duties as need arises for their services in this respect. Such personnel should carry identification documents specifying the special training they have received, their duties, and their authority for wearing a medical armlet.

Medical and religious personnel at sea are granted the same basic protection as those in the field. In addition, medical and hospital personnel of hospital ships and their crews may not be taken captive during the time they are in the service of the hospital ship, whether or not there are wounded or sick persons on board.

Medical personnel and units of a recognized aid society of a neutral country must have the consent of their own government and of the party to the conflict concerned, and must be properly identified as such. Persons from such societies who fall into enemy hands may not be detained but shall be granted permission to return to their own country as soon as military considerations permit and a route for their return is open.

To assure that medical personnel, medical installations, and medical transports may be readily recognizable as such, the Conventions have established the red cross on a white field as the distinctive emblem of medical services. This emblem is displayed on flags, armlets, and all equipment employed in the medical service. It is to be noted, however, that countries which have traditionally used the red crescent, or the red lion and sun on a white background, rather than the red cross, as the emblem of their medical services are authorized the continued use of such symbols for that purpose.

So far as military considerations permit, necessary steps are taken to make the distinctive emblems of medical units and establishments visible to enemy land, air, and naval forces in order to decrease the possibility of hostile actions. The Conventions spell out in great detail the manner in which the medical units, transports on land, air, and sea are to be painted.
and marked in order that establishments and units entitled to protection may be readily identified.

These are generally the outstanding provisions of the two 1949 Geneva Conventions for the care of wounded, sick, or shipwrecked. In time of conflict each party to the respective Conventions must insure their implementation and provide for unforeseen situations in conformity with the humanitarian principles of the Convention.

The United States is bound by these treaties, and the Convention provisions are therefore law. Accordingly, all military personnel are legally required to conduct themselves in conformity with the rules laid down in the Conventions with respect to the treatment of prisoners of war, visitors, etc. There is, of course, no assurance that in any war in which the United States may become involved in the future, the enemy will similarly implement the treaty provisions.

Section IV. LECTURE No. 3
THE GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR

Introduction

The fourth Geneva Convention concerns the treatment of civilians in time of war. It is the first comprehensive international agreement on this subject. Some of the many provisions of the Convention do, however, closely resemble the few international rules concerning the protection of the civilian population contained in the 1907 Hague Regulations respecting the laws and customs of war on land, while other provisions reflect the general treatment given enemy citizens by this country during and after World War II.

General Provisions of the Convention

Like the other three Geneva Conventions, the Civilian Convention applies not only to cases of declared war but also to any other armed conflict which may arise between two or more of the nations bound by the Convention. The Convention also governs all cases of partial or total occupation of the territory of a party to the Convention, even if this occupation has met with no armed resistance; and it applies to armed conflicts not of an international character which occur in the territory of any one of the Parties to the Convention.

Generally, the 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 territory of a Power involved in the conflict or in territory occupied by a Power of which they are not nationals. However, the nationals of a Power which is not bound by the Convention are not considered as protected persons. Nationals of a neutral Power in the territory of a belligerent Power and nationals of a cobelligerent Power are not regarded as protected persons so long as the Power of which they are nationals has normal diplomatic relations with the Power in whose hands they are. It should be noted that any person protected by any one of the other three Geneva Conventions is not considered as a protected person under this Convention.

Protection Against the Consequences of War

Certain general protections are provided by the Convention which apply to the entire population of the country involved in conflict. These provisions are applicable without distinction based on race, nationality, religion, or political opinion. They concern the distribution of basic necessities, such as food, clothing, and medical supplies, the protection of hospitals, and other general humane considerations, such as preventing the dispersal of families and insuring the communication of family news. Parties to the conflict may also agree to the establishment of “hospital and safety zones” in order to protect the wounded, sick, aged, mothers, maternity cases, and children. Similarly, they may agree to the establishment of “neutralized zones” to protect such persons and other civilians who perform no work of a military nature, and to other local arrangements for the removal of such persons from besieged areas and for the protection of transports engaged in such movements. The Convention also specifically encourages the conclusion of local agreements for the consignment of medical supplies, food and clothing, and objects for religious worship to such persons, even though it may be necessary for such supplies to cross enemy territory. However, if the protection given to such consignments is abused by its use to cover hostile action, such protection may be disregarded by the enemy.

Civilian hospitals and their medical personnel and administrative staffs are protected by the Convention when appropriately identified by the red cross emblem, unless such facilities are actually being used for the commission of acts harmful to the enemy. Similarly, medical transports on land and sea and in the air which are exclusively employed in the removal of civilian wounded and sick or medical personnel and equipment are, when appropriately marked, not to be attacked.
While the entire populations of nations at war are covered by the foregoing provisions, other provisions of the Convention apply only to certain protected persons and are divided into three sections according to the particular territories involved.

Provisions Applicable to Both Domestic and Occupied Territory

In all cases protected persons are entitled, without distinction based on race, religion, or political opinion, and with due regard for their health, age, and sex, to respect for their persons, honor, family rights, religious convictions, and their manners and customs, and they must at all times be humanely treated and protected against all acts of violence, threats, insults, and public curiosity. Physical or moral coercion is not to be used against them, particularly for purposes of obtaining information; similarly, intimidation, torture, or mutilation, and medical or scientific experiments not necessary for proper medical treatment of a protected person, are strictly prohibited.

Aliens in the Territory of a Party to the Conflict

The rights of aliens remaining in a country at war are generally the same as those enjoyed by them in time of peace. Aliens are to be given an opportunity to earn a living. Subject to security considerations, they are to be employed on the same conditions as are nationals of the State in whose territory they are, and they are to be treated humanely. Security control regulations may not provide for greater restriction than internment or the requirement that aliens live in an assigned residence. Internment cases are to be reviewed periodically, at least twice a year, and the restrictive measures are to be withdrawn as soon as possible after hostilities have ceased. Aliens may not be deprived of individual or collective relief sent to them, nor denied the medical treatment enjoyed by nationals of the country in which they live, and they must be allowed freedom of religion.

Because the military will probably not be called upon to apply these particular provisions, no further consideration need now be given to this section of the Convention.

Occupied Territories

The next section of the Convention, however, applies to occupied territories, the administration of which will normally be the responsibility of our armed forces.

Protected persons in these areas are never to be deprived of the basic human rights set forth in the Convention by any changes in the government of the occupied territory, such as the estab-
lishment of a puppet government which would then act to abro-
gate the protection granted by the Convention's provisions.

The Convention prohibits forced individual or mass reloca-
tions. It prohibits the deportation of protected persons from
territories occupied by the Occupying Power to any other coun-
try. A community may be relocated only when it is necessary
for the security of its population or when imperative military
reasons demand. Furthermore, the Occupying Power may not
move its own population into the occupied territory. The forced
movement of populations such as the German movement of Jews
from Germany to Western Poland and the movement of labor
from occupied France into Germany during World War II is
strictly prohibited.

Of particular interest to commanders and staff officers of mili-
tary units is the fact that the Convention prohibits forced en-
listments of any protected person in the occupied territory into
the army or auxiliary forces of the Occupying Power. It also
prohibits all pressure or propaganda aimed at securing volun-
tary enlistments. In addition, the Convention specifies that "In
no case shall requisition of labor lead to a mobilization of workers
in an organization of a military or semimilitary character."

Protected persons may not be compelled to work unless they
are over 18 years of age, and then only on projects which are
necessary either for the needs of the army of occupation, public
utility services, or the feeding, sheltering, clothing, transporta-
tion, or health of the occupied country. So far as possible,
protected persons are always to be kept in their usual places
of employment. They must be paid a fair wage and the work
required of them must be proportionate to their physical and
intellectual capacity. Generally, all legislation in force in the
occupied country with respect to working conditions, such as
wages, hours, equipment, training, and compensation for occu-
pational accidents and diseases is to be applicable to them.

Penal laws of occupied territories must also be left in force,
except that the Occupying Power may repeal or suspend laws
which endanger its security or which constitute an obstacle to
the application of the Convention. The Occupying Power may
also promulgate and enforce any additional laws which it con-
siders necessary to maintain the orderly government of the occu-
pied territory and to protect itself. Before these new laws can
be enforced, however, they must be published and brought to
the knowledge of the inhabitants in their own language. The
courts of the occupied territory are to continue to function and
to apply the penal laws subject to those changes which may be necessary to the efficient administration of justice.

The courts of Occupying Powers which try persons accused of offenses against the laws in effect in occupied territory must be nonpolitical military courts which sit in that occupied territory. Before these courts an accused person must be permitted to defend himself; to have counsel of his own choice (if he fails to make such a choice, he may be provided with counsel by the Protecting Power); to have an interpreter; and to appeal the decision of the court according to the laws applied by the court. In no case may he be put to death until consideration has been given to any application for pardon or reprieve which he desires to make. Furthermore, a death sentence may not normally be carried out until 6 months after the date on which the Protecting Power has received notification that the death sentence has been confirmed or that a request for pardon or reprieve has been denied.

Up to this point, we have been primarily concerned with the protection to be given civilian persons during the occupation of enemy territory. But there is also another problem to consider—that is, "What action can be taken against protected persons for their acts of violence against the members of an occupation force in occupied territory?"

Historically, it was permissible to take hostages or to impose reprisals if the nationals of an occupied country committed acts of violence against the occupying forces. Reprisals are acts which would normally be unlawful, resorted to by a belligerent against enemy personnel or their property in retaliation for unlawful acts committed by the enemy. Hostages are usually persons belonging to influential or prominent families or political leaders who are taken into custody, and, more often than not, executed, by the Occupying Power in an attempt to deter others from committing acts of violence. It is no longer permissible to take hostages or to impose other mass penalties, or reprisals, even if illegal acts of violence are committed against an occupying force. Today, if an act of violence is committed against an occupation force it must be treated as an act committed by an individual, and not one which entails community responsibility permitting collective or mass punishment. Nor may mass punishment be inflicted upon a group of persons who fail to produce the individual responsible for an act of violence. If a specific individual is identified as the one who committed an act of violence against the occupying troops or against their installations or property, he must be tried before a lawfully constituted
court before any sentence may be imposed or executed. Moreover, the death penalty may only be imposed 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 offenses which have caused the death of one or more persons. The United States has specifically reserved the right to impose the death penalty for these offenses regardless of whether they were punishable under the law of the occupied country at the time the occupation began, even though the Convention provides otherwise.

Should the Occupying Power fear the occurrence of incidents against its armed forces, their installations, or their property, and consider it necessary to take safety measures, it may subject members of the civilian population in the area to internment or assigned residence under close restrictions and curfew.

Treatment of Internees

Even if members of the population are moved into an internment area, they retain all of the rights of the Convention which are not inconsistent with such internment. The Convention sets forth specific requirements that all necessary food, clothing, supplies and services, and facilities, including necessary medical attention, must be provided at no expense to the internees. Moreover, wherever possible, persons of the same nationality, language, and customs must be interned together, and members of the same family must be housed in the same place and premises. The nation holding the internees, that is, the “Detaining Power,” must also provide for dependents of the internees who are not interned, if such dependents have no adequate means of support and are unable to earn their living.

Interment camps must be properly marked and are not to be set up in areas particularly exposed to the dangers of war. The buildings must afford every possible safeguard with respect to hygiene and health and they must have adequate heat, light, and sanitary conveniences. It should be remembered that internees are at all times to be accommodated and administered separately from persons deprived of their liberty for other reasons.

Internees must be permitted to practice their own religion and be given the opportunity to participate in intellectual, educational, and recreational pursuits. The education of children must also be provided for. The internee must not only be allowed to notify his family of his internment but also to send and receive mail during his internment.
With the exception of work for camp maintenance and the professional treatment of other internees, internees may not be forced to accept employment. Wages for work which is done are to be determined on an equitable basis, due regard being given to the Detaining Power's obligation to provide free maintenance of internees and free medical attention which their state of health may require. All labor detachments remain a responsibility of the Detaining Power, and the delegates of the Protecting Power, or of a humanitarian organization which is responsible for assuring the welfare of the internees, must be notified concerning any such labor detachments.

A responsible officer of the regular military forces or of the civil administration of the Detaining Power must be placed in charge of the internment camp, and his staff must be instructed in the provisions of the Convention. All orders and regulations, as well as a copy of the Convention, must be posted in a language which the internees understand. Not only do the laws of the occupied territory continue to apply to the internees, but the Detaining Power may also declare certain acts of internees punishable which would not be punishable if committed by other persons. However, any violation of these latter regulations or orders may entail disciplinary punishment only.

All camp disciplinary action must be consistent with humanitarian principles. The limitations which are placed upon disciplinary punishment, including punishment for attempted escape, are similar to those limitations provided under the Prisoner of War Convention. Note particularly that such Acts as identification by tattooing or by imprinting signs or markings on the body are prohibited, as are such punishments as prolonged standing and rollcalls, punishment drill, military drill and maneuvers, or the reduction of food rations. It should also be borne in mind that all penal sanctions must be adjudged by a court and that internees are entitled to the same guarantees of fair trial as are other protected persons.

Similar to those rights provided prisoners of war, internees have a right to elect members of an internees' committee to represent them before the Detaining Power, as well as before the Protecting Power and humanitarian organizations which might assist them should their rights be violated.

Representatives of the Protecting Power, as well as delegates of the International Committee of the Red Cross, have the general right to visit all internment camps and to go to all places where protected persons are located and to interview internees without witnesses.
Release, Repatriation, and Accommodation in Neutral Countries

As soon as the reasons for internment cease to exist, the internees must be released. Even during hostilities the nations at war are required by the Convention to conclude agreements for the release, repatriation, or accommodation in neutral countries of particular classes of internees, such as young children and their mothers, pregnant women, wounded and sick, and internees who have been detained for long periods of time. In any event, as soon as possible after hostilities have ceased, internment is to cease. At that time, the nations are obligated by the Convention to seek the return of all internees to their last place of residence or, if necessary, to facilitate their repatriation to their home countries.

Information Bureaus and Central Agency

Whenever a war breaks out, each nation involved in the conflict must establish an official information bureau for receiving and transmitting information concerning protected persons within its jurisdiction. This bureau must be given information concerning any protected person who is kept in custody for more than 2 weeks or who is subject to assigned residence or internment. Thereafter, all changes, such as transfers, releases, repatriations, escapes, hospitalization, births, and deaths are to be reported to the bureau. This information is also transmitted to the Power of which the internees are nationals through the intermediary of the Protecting Power, and to a Central Prisoner of War Information Agency which collects this information from all national bureaus and is located in a neutral country.

These are but some of the many provisions of the 1949 Civilian Convention. Civilians who fall within the scope of the Convention are thus offered fairly broad protection, the intention being to preserve for these persons the maximum attainable safety and to preserve for them as many of the normal civilian rights and privileges as are consistent with a state of war. Civilians who are interned are insured certain basic rights, rights which are substantially broader than those provided prisoners of war. The entire Convention is based upon the general theory that protected persons are not participants in the conflict; rather, that they are more often than not its helpless victims.

Each of the parties to the Convention has undertaken to enact legislation to provide penal sanctions for persons committing or ordering committed any grave breaches of the Convention. A number of the acts that are forbidden by the Convention already constitute crimes in the United States and to that extent, the
responsibility for compliance with the terms of the Convention is a personal one the breach of which can lead to criminal prosecution.

Conclusion
The nations bound by the four 1949 Geneva Conventions have undertaken many humanitarian obligations with respect to the persons protected by each of the respective Conventions. In large part, the provisions of the Convention we have been discussing were the result of combat experience. In their sum total, they require generally, that the combatants avoid any violence, destruction, or injury otherwise lawful but not necessary to the accomplishment of the military mission. It should be pointed out, however, that the specific requirements of the Conventions, at least so far as the United States is concerned, can be fulfilled only by you as individuals. There will inevitably be some violations of these rules in times of war—just as there are violations of our domestic laws—but it is believed that your protected status in wartime and the possibility of your survival have definitely increased because of the adherence of a large number of States to such international agreements as the four “1949 Geneva Conventions for the Protection of War Victims.”
[AG 092.3 (27 Mar 58)]

By Order of Wilber M. Brucker, Secretary of the Army:

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Chief of Staff.

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HERBERT M. JONES,
Major General, United States Army,
The Adjutant General.

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NG: State AG (3).
USAR: None.
For explanation of abbreviations used, see AR 320–50.