

International Law Studies—Volume 60

Documents on Prisoners of War

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DOCUMENT NO. 26

**ADDITIONAL ARTICLES RELATING TO THE CONDITION OF THE
WOUNDED OF ARMIES IN THE FIELD
(20 October 1868)**

SOURCES

22 Stat. 946
73 BFSP 1111
1 AJIL Supp. 192
138 Parry 189

NOTE

These articles were drafted, in part, with the objective of extending protections contained in the 1864 Geneva Convention (DOCUMENT NO. 24) to naval forces. There appears to be some uncertainty as to whether they ever actually entered into force. However, they did at least provide guidelines for several major conflicts, including the Spanish-American War (1898). The 1899 Hague III Convention (DOCUMENT NO. 29) was probably the first effective treaty to extend protection to the sick, wounded, and shipwrecked at sea.

EXTRACTS

ART. V. In addition to Article VI. of the Convention, it is stipulated that, with the reservation of officers whose detention might be important to the fate of arms and within the limits fixed by the second paragraph of that article, the wounded fallen into the hands of the enemy shall be sent back to their country, after they are cured, or sooner if possible, on condition, nevertheless, of not again bearing arms during the continuance of the war.

[Articles concerning the Marine.]

ART. VI. The boats which, at their own risk and peril, during and after an engagement pick up the shipwrecked or wounded, or which having picked them up, convey them on board a neutral or hospital ship, shall enjoy, until the accomplishment of their mission, the character of neutrality, as far as the circumstances of the engagement and the position of the ships engaged will permit.

The appreciation of these circumstances is entrusted to the humanity of all the combatants. The wrecked and wounded thus picked and saved must not serve again during the continuance of the war.

ART. XI. Wounded or sick sailors and soldiers, when embarked, to whatever nation they may belong, shall be protected and taken care of by their captors.

Their return to their own country is subject to the provisions of Article VI. of the Convention, and of the additional Article V.