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Documents on Prisoners of War

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1907 HAGUE CONVENTION V RESPECTING THE RIGHTS AND DUTIES OF NEUTRAL POWERS AND PERSONS IN CASE OF WAR

ON LAND

18 October 1907

SOURCES

36 Stat. 2310
 1 Bevans 654
 100 BFSP 359
 2 AJIL Supp. 117

NOTE

This was the first international convention to deal generally with the subject of neutrality. Although it was not ratified by several of the major Powers, including Great Britain, the provisions quoted below were apparently not among those found objectionable as they have been applied in two World Wars and there appears little doubt that, at the very least, they now represent customary international law. During both World Wars Switzerland and, to a lesser extent, Sweden had frequent occasion to apply many of the provisions of this Convention relating to prisoners of war.

EXTRACTS

ARTICLE 11.

A neutral Power which receives on its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theatre of war.

It may keep them in camps and even confine them in fortresses or in places set apart for this purpose.

It shall decide whether officers can be left at liberty on giving their parole not to leave the neutral territory without permission.

ARTICLE 12.

In the absence of a special Convention to the contrary, the neutral Power shall supply the interned with food, clothing, and relief required by humanity.

At the conclusion of peace the expenses caused by the internment shall be made good.

ARTICLE 13.

A neutral Power which receives escaped prisoners of war shall leave them at liberty. If it allows them to remain in its territory it may assign them a place of residence.

The same rule applies to prisoners of war brought by troops taking refuge in the territory of a neutral Power.

ARTICLE 14.

A neutral Power may authorize the passage into its territory of the sick and wounded belonging to the belligerent armies, on condition that the trains bringing them shall carry neither personnel or war material. In such a case the neutral Power is bound to take whatever measures of safety and control are necessary for the purpose.

The sick or wounded brought under these conditions into neutral territory by one of the belligerents, and belonging to the hostile party, must be guarded by the neutral Power so as to ensure their not taking part again in the military operations. The same duty shall devolve on the neutral State with regard to wounded or sick of the other army who may be committed to its care.

ARTICLE 15.

The Geneva Convention applies to sick and wounded interned in neutral territory.