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Documents on Prisoners of War

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DOCUMENT NO. 42

**AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND
GERMANY CONCERNING PRISONERS OF WAR, SANITARY
PERSONNEL, AND CIVILIANS
(Berne, 11 November 1918)**

SOURCES

For. Rel., 1918, Supp. 2, at 103
13 AJIL Supp. 1

NOTE

During the course of World War I (1914-1918) practically all of the belligerents found it necessary to supplement the provisions of the 1907 Hague IV Regulations (DOCUMENT NO. 33) relating to prisoners of war through the medium of special bilateral and multilateral agreement (see, for example, DOCUMENT NO. 37 and DOCUMENT NO. 40). However, an examination of those instruments will quickly reveal that each was somewhat of a hodge-podge negotiated in order to take care of a number of specific, unrelated problems which had arisen and which required solutions. While the agreement between the United States and Germany appearing below seems at first glance to fall into the same category, opening, as it does, with 22 articles dealing with various problems of repatriation and internment in a neutral country, actually, Articles 23-184 of the agreement and the seven annexes probably constitute the single most complete general agreement governing the treatment of prisoners of war ever drafted, including the 1929 and 1949 Geneva Prisoner-of-War Conventions (DOCUMENT NO. 49 and DOCUMENT NO. 108, respectively). Because it was signed on 11 November 1918, the date upon which the armistice ending World War I hostilities was also signed (DOCUMENT NO. 41), this agreement never entered into effect.

TEXT

A. PRISONERS OF WAR

I. INTERNMENT IN A NEUTRAL COUNTRY OR REPATRIATION OF
PRISONERS OF WAR

1. VALID PRISONERS OF WAR

ARTICLE 1. Valid prisoners of war who have been in captivity for one year, except as otherwise specifically provided in articles 2, 3 and 16 shall be repatriated on the basis of head for head and rank for rank.

On the same basis prisoners of war who have been interned in a neutral country because of invalidism and have been declared cured and valid by a neutral medical commission, shall be repatriated when they shall have been in captivity and interned in a neutral country, both combined, for a period of one year.

In the execution of this article the following shall be deemed to be of equal rank:

- (a) all general, flag, field and commanding officers;
- (b) all other officers;
- (c) all non-commissioned and petty officers;
- (d) all other enlisted or enrolled persons.

ART. 2. The personnel of the German war vessels who were interned in the United States or its possessions prior to April 6, 1917, who are now held as prisoners of war, and who have no claim because of invalidism to repatriation, shall be exchanged, as soon as possible after this agreement goes into force for an equal number of American prisoners of war, whether the latter have been in confinement for a year or not, on a basis of head for head and rank for rank. In the execution of this article the following shall be deemed to be of equal rank:

- (a) all officers;
- (b) all non-commissioned officers, petty officers and men.

ART. 3. Prisoners of war who have completed their fortieth (40th) year of age and who, although eligible for repatriation on the basis of rank for rank and head for head as established in article 1, cannot be repatriated because of the inequality in the numbers of such prisoners of war held by the two parties, shall be interned in a neutral country. They may be repatriated as soon as conditions as to equality in the number of prisoners of war held by the two parties shall render possible an exchange on the basis of article 1.

2. INVALID PRISONERS OF WAR

ART. 4. Prisoners of war shall be directly repatriated without regard to rank or number if they suffer from infirmities or diseases of the kinds specified in Annex 1, Sections 1(a), 2(a), and 3.

ART. 5. Prisoners of war shall be interned in a neutral country without regard to rank or number if they suffer from infirmities or diseases of the kinds specified in Annex 1, Sections 1(b), 2(b) and 3.

ART. 6. Prisoners of war who do not suffer from the disabilities or diseases of the kind specified in Annex 1 may be repatriated or interned in a neutral country when their condition of health in other respects appears to the Travelling Commissions or Commission of Control to render this necessary.

ART. 7. The cause of the infirmity or disease shall not be taken into consideration in determining the eligibility for repatriation or internment of prisoners of war on the ground of invalidism except when self-inflicted injuries are involved.

ART. 8. For the purpose of determining what prisoners of war are entitled to repatriation or to internment according to articles 4, 5 and 6, on account of invalidism, the prison camps are to be visited by medical commissions (Travelling Commissions).

Each Travelling Commission shall consist of one neutral physician and one physician of the Captor State. In the case of a difference of opinion the decision shall rest with the neutral physician. The Travelling Commissions may be composed exclusively of physicians of the Captor State, provided the

State of Origin requests it through the Protecting Power.

At the request of the Protecting Power Travelling Commissions shall be allowed to make recommendations in regard to the medical care of the prisoners and the hygienic conditions of the camps.

One of the Travelling Commissions, the number of which is to be in proportion to the number of prisoners held by each State, shall visit each camp every two months.

ART. 9. There shall be brought before the Travelling Commissions all prisoners of war who have been proposed for repatriation or internment in a neutral country:

- (a) by the camp physician in a list prepared by him;
- (b) by the State of Origin to the Government of the Captor State;
- (c) by the Camp Help Committee;
- (d) by the head of a hospital not under the authority of a Camp Commandant or by any other person in independent charge of prisoners.

In order to carry out the provisions mentioned in paragraph 1, sub-section (c), the Camp Help Committee shall be allowed to prepare each month a list of prisoners of war in or belonging to the camp, which list is to be handed to the Camp Commandant.

All prisoners of war in confinement within or without the camp shall receive consideration by all authorities concerned in the proposals for examination. The Camp Commandant shall keep a current list of all prisoners of war in confinement which shall be copied monthly by the Camp Help Committee. Copies of the lists which have been prepared by the camp physicians and by the Camp Help Committees shall be kept in the custody of the Camp Commandants.

The lists of prisoners of war named by the State of Origin shall be handed to the Travelling Commissions.

ART. 10. The representative of the Camp Help Committee with each working detachment shall transmit every month to the Commandant and to the Camp Help Committee of his own camp duplicate lists showing the names of all men from the camp in his working detachment and also showing in regard to each man named thereon:

- (a) whether in the representative's opinion, he should be examined by the Travelling Commission;
- (b) whether the man himself desires to be examined; or
- (c) whether he neither needs to be nor desires to be examined.

These lists are to be submitted with the greatest possible despatch.

ART. 11. The Travelling Commissions, on their arrival in each camp and before beginning examinations, shall inspect the lists in the custody of the Camp Commandant and compare them with the lists in their own possession.

Should a prisoner of war whose name appears on one of the lists have been transferred to another prison camp before the arrival of the Travelling Commission, or should a prisoner of war be in confinement outside of the camp and request of the proper authorities of his parent camp or of his Camp

Help Committee an examination by a Travelling Commission, the Commission shall be so informed. The Commission shall transmit the names of any such prisoners to a central authority designated by the Captor State, which authority shall arrange in every case for the examination of all such prisoners of war by one of the Travelling Commissions.

ART. 12. When visits are to be made by Travelling Commissions to prisoners of war in zones barred for military reasons, arrangements therefor compatible with military necessities shall immediately be made by the competent military authorities. If for military reasons such visits are impossible for a period of thirty (30) days, the prisoners of war shall, for the purpose of presentation to the Travelling Commission, be brought to a locality accessible to the commission.

ART. 13. The adverse decisions of the Travelling Commissions shall be communicated to the State of Origin, together with the reasons therefor, and the name of the agency which proposed the prisoner of war for repatriation or internment.

ART. 14. In cases which have been recognized as urgent by the medical officers of the Captor State because of the serious nature of the infirmity or disease of the prisoner of war, the repatriation or internment in a neutral country shall take place at once without waiting for a visit from the Travelling Commission.

ART. 15. Prisoners of war who have been found by the Travelling Commission to be eligible for repatriation or for internment shall be examined by a Commission of Control whose decision shall be final. The Commission of Control shall consist of three physicians of a neutral country and three physicians of the Captor State. In case of a tie vote, the vote of the senior neutral physician shall be decisive.

The provisions of Article 13 shall apply to the adverse decisions of the Commission of Control.

Prisoners of war who have been recognized by the Commission of Control as entitled to repatriation or internment shall be repatriated or interned in a neutral country with the least possible delay.

3. GENERAL PROVISIONS

ART. 16. Valid submarine personnel who have been in captivity for a period of not less than twelve (12) months and who might otherwise be entitled to repatriation under this agreement shall in lieu of repatriation be interned in a neutral country until the conclusion of peace, anything in this agreement to the contrary notwithstanding. Invalid submarine personnel shall be repatriated or interned as provided in this agreement for other invalid prisoners of war.

ART. 17. The order of priority for internment in a neutral country and for repatriation shall be determined in accordance with the principles stated in article 175.

ART. 18. Prisoners of war eligible for internment in a neutral country or for repatriation, under articles 1 to 7 inclusive, and 16, may renounce their rights thereto, in which case a written declaration of the fact must be made.

In doubtful cases either of the two Governments may request confirmation of the renunciation through a representative of the Protecting Power, or, in the case of prisoners of war interned in a neutral country, through the government of the latter country.

ART. 19. Prisoners of war interned in a neutral country shall not be repatriated unless they become eligible for repatriation:

- (a) Under the provisions of Annex 1; or
- (b) Under the provisions of articles 1, 3 or 6.

Before their repatriation their names shall be reported by the competent authorities of the neutral country to the Government of the Captor State.

The decision relating to the repatriation of prisoners of war from a neutral country under this article shall be made by neutral examining commissions. The neutral Government is to be requested to arrange examinations accordingly every three months or oftener if necessary in special cases.

ART. 20. If prisoners of war eligible for internment in a neutral country or repatriation are awaiting trial, they may be detained until the completion of the trial, and, with the limitation provided in the following paragraph, until the expiration of the sentence if any.

If prisoners of war eligible for internment in a neutral country or repatriation have not yet begun or have not completely served a sentence imposed upon them, they may be detained until they have completed their punishment, but not longer than two months from the day on which they would otherwise have been interned or repatriated.

This provision does not apply to prisoners of war who are to be transported over seas and the unexpired portion of whose sentences does not exceed two months. In such cases the prisoners of war shall not be detained, but they shall be sent on the next available transport.

When a prisoner of war is detained under either of the above provisions, the Government of the State of Origin shall be advised by the Government of the Captor State of the reason for detention and, in case of punishment, of the length of the sentence and of the unexpired portion thereof.

The provisions of this article do not apply to those cases in which a neutral Government refuses to receive for internment a prisoner of war who has been sentenced on account of a grave offense.

ART. 21. Prisoners of war who have been repatriated under the terms of this agreement shall be excluded from service in units normally used in combat against the enemy on water or land or in the air in the forces of the Contracting Parties or of any of their allies or co-belligerents.

Cases of infringement of the provisions in the above paragraph brought to the attention of the State of Origin by the corresponding Protecting Power shall be investigated by the former and proper redress made therefor without delay.

ART. 22. Prisoners of war who are to be interned in a neutral country or repatriated may take their personal belongings with them, including moneys in their possession, or held for them or due them on any account, subject to the following limitations:

(a) All export regulations must be complied with. Nevertheless a prisoner of war may, except as provided in subsection (c), take with him clothing and personal effects which he possessed at the time of capture or which were sent him from abroad for his personal use while a prisoner. He may also take with him the articles in the third paragraph of Article 28.

(b) Prisoners of war may take with them written or printed matter only in case circumstances permit examination by the censor. This restriction is not applicable to birth, baptismal, or marriage certificates, or to commissions and other personal official papers.

(c) The total weight of the baggage which may be taken shall not exceed fifty kilograms, exclusive of hand baggage. An equalization of weights over and under the authorized limit shall be permitted among different persons of the same party. This limit of fifty kilograms is not to apply to persons going overseas; on the contrary, such persons may take as much baggage with them as can be transported without difficulty.

A certificate shall be furnished for articles retained, and care shall be taken to insure their safe-keeping.

II. TREATMENT OF PRISONERS OF WAR

1. GENERAL PROVISIONS

ART. 23. The treatment of prisoners of war shall follow the principles laid down in international agreements. In particular they are to be protected from acts of violence, ill-treatment, cruelties, personal insults and from public curiosity, and are to be treated humanely. Instructions to this effect shall be given to the authorities entrusted with the care of prisoners of war.

Officer prisoners of war shall be treated with the courtesy and consideration which their rank and grade require.

ART. 24. Prisoners of war shall not be quartered nor worked with nor treated as criminals except as punishment for crime of which they have been convicted by due process of law.

ART. 25. Compulsory measures of any kind to make prisoners of war give information about their army, navy or State, or about those of their co-belligerents, are strictly forbidden. Prisoners of war who decline to give information shall neither be threatened nor insulted, nor exposed to any other treatment which will put them in a position less favorable than other prisoners of war.

ART. 26. In general, prisoners of war shall be allowed to talk with one another.

ART. 27. Prisoners of war shall be permitted to retain the clothing necessary for their personal use provided that no objections exist on hygienic grounds.

ART. 28. Prisoners of war shall not be deprived of their money except on command of an officer, and then only when conditions permit a proper receipt to be given. Their paper and silver money may not be changed without their consent, and if changed it shall be only at the fixed rate of one mark for one franc or six marks for one dollar.

Money taken from a prisoner of war must be credited to him and a receipt given therefor.

Objects of value, such as rings, watches, cigar and cigarette cases, etc., as well as insignia of rank and decorations may not be taken from prisoners of war.

The confiscation of personal papers belonging to prisoners of war is strictly forbidden. The Captor State may make a copy of such papers, in which case the papers must be given back within two weeks at the latest.

ART. 29. Dogs shall not be used as guards in the interior of prison camps nor in guarding working or exercise detachments, unless they are in leash or are securely muzzled. Unmuzzled dogs shall under no circumstances be used in tracking down escaped prisoners of war.

ART. 30. Prisoners of war shall accord to the members of the armed forces of the Captor State its prescribed military courtesies. Regulations in the language of the State of Origin prescribing such courtesies shall be kept posted in a conspicuous place, accessible to the prisoners of war, and no prisoner of war shall be punished for failing to accord any military courtesy not specified in the regulations so posted.

ART. 31. All female personnel serving with the armed forces of either of the Contracting Parties, shall, if captured, be given every possible protection against harsh treatment, insult or any manifestation of disrespect in any way related to their sex. They shall be suitably and decently quartered, and provided with lavatories, bathing facilities, and other similar necessities quite separate from those provided for males.

2. PROTECTION AFTER CAPTURE

ART. 32. Prisoners of war shall be sent back as soon as possible after capture to collecting camps, which shall be at least 30 kilometers from the front line of the Captor State. In no case shall prisoners of war be kept nearer to the front line than 30 kilometers, unless on account of wounds or sickness they would incur greater danger by being moved than by remaining.

Seriously wounded prisoners of war shall be given competent medical care without delay and as soon as circumstances permit, shall be removed to a hospital.

ART. 33. In so far as practicable prisoners of war shall be grouped in camps, working detachments, and quarters with prisoners of war of the same State of Origin; and prisoners of war other than officers shall, whenever possible, be assigned to a camp containing at least 100 men from their own State of Origin.

Every prisoner of war not an officer shall be assigned to a prisoner of war camp having a Camp Help Committee composed of prisoners of war of his own State of Origin and he shall be informed of this assignment.

ART. 34. Special camps for non-commissioned officers shall not be established.

3. NOTIFICATION OF CAPTURE

ART. 35. The name, individual number, rank or rating and military or naval

organization of every prisoner of war shall be notified within one month of capture to the competent authorities of the Captor State and be transmitted as soon as possible to the State of Origin.

ART. 36. The Contracting Parties will do all in their power to insure that news in regard to the location of prisoners of war or missing belligerents shall be telegraphed to the State of Origin through the intermediary of the designed at Relief Societies.

The following are the designated Relief Societies:

- (a) For the United States of America: American Red Cross, Berne, Switzerland
- (b) For Germany: The Frankfort Red Cross, Committee for German Prisoners of War, Telegraphic Address: Gefangenenhilfe-Frankfurtmain.

ART. 37. Prisoners of war may send to their families within one week after capture a printed post card containing the news of their capture and information regarding their state of health.

Prisoners of war may within three days after assignment to a prison camp communicate to their families by means of a printed post card the address at which letters, post cards, remittances and parcels may be sent them. This provision shall also apply to all cases where prisoners of war are transferred from one prison camp to another.

The communications mentioned in the two preceding paragraphs, for which the necessary writing material is to be furnished to prisoners of war by the Captor State, shall be forwarded as quickly as possible and without delay; they shall not be counted in the authorized maximum of letters and post cards.

In the case of American prisoners of war these communications shall be addressed in care of the American Red Cross, Berne, Switzerland.

4. EQUIPMENT AND ORGANIZATION OF CAMPS

ART. 38. Quarters provided for troops of the Captor State shall form in hygienic as well as other respects the standard for the housing of prisoners of war in prisoner of war camps. The points mentioned in Annex 2 in regard to camps for officers and in Annex 3 in regard to camps for prisoners other than officers represent minimum requirements below which equipment and organization in the camps shall not fall. To whatever extent local conditions allow, the minimum requirements prescribed for main camps for prisoners other than officers shall be applicable to working detachments; and in all instances irrespective of local or other conditions the minimum requirements as to clothing, equipment and blankets, as stipulated in Annex 3, shall at least be met.

Prisoners of war shall be protected against the inclemencies of the weather to the same extent as members of the armed forces of the Captor State.

ART. 39. The minimum requirements must be fulfilled within three months at most after this agreement goes into force, unless new buildings or changes in buildings are necessary. In such cases a further delay of six weeks is permissible.

ART. 40. In camps for officers, the senior officer prisoner of war, and in camps for prisoners of war other than officers, the senior in rank on the Camp Help Committee, shall have the right to inform the diplomatic representative of the Protecting Power as to whether the minimum requirements have actually been complied with. This information may be given at any time after the expiration of the period for which provision is made in Article 39.

The reports shall be handed to the Camp Commandant and shall be forwarded by the latter through official channels to the diplomatic representative of the Protecting Power, together with such comments as appear appropriate and necessary.

If the Camp Commandant considers the report unfounded, the Government of the Captor State shall request the diplomatic representative of the Protecting Power to send a delegate to the camp immediately. The report of such delegate is to be communicated to the Governments of the Captor State and of the State of Origin.

5. WORK

ART. 41. The Captor State may utilize the labor of prisoners of war, officer prisoners of war excepted, according to their grade and rating, aptitude and physical ability.

ART. 42. Prisoners of war shall neither be required to perform, nor by menaces, threats or force coerced into volunteering to perform, any work directly related to the operations of the war.

Neither Contracting Party shall utilize prisoners of war of the other for work in mines, marshes, munition factories, or for dangerous work in quarries.

ART. 43. Prisoners of war may be employed only at a distance of at least thirty kilometers from the front line of the Captor State.

ART. 44. Prisoners of war subject to compulsory work under the provisions of this agreement may be required to work for the public service of the Captor State, or for private persons or private corporate interests, or they may be authorized to work on their own account.

All work performed by prisoners of war shall be under the supervision of the Captor State. The Captor State shall retain full obligation and responsibility for the proper care, maintenance, pay and treatment of all prisoners of war who may be hired out to work for private persons or private corporate interests.

ART. 45. Prisoners of war shall not be worked longer hours than the civil population engaged in similar work in the same locality and except in cases of emergency the working day shall not be longer than ten hours, including whatever time is consumed in passing to and from work.

An interval of one hour, which will not be counted as working time, shall be allowed for the mid-day meal. Adequate time and opportunity for attending to calls of nature shall be given.

ART. 46. Prisoners of war who work shall be allowed one full day's rest of 24 hours in each seven days; this rest day shall be the calendar Sunday whenever practicable. When, however, emergency conditions require work on Sunday,

the day of rest shall be accorded as soon as practicable thereafter and in no event shall the interval between successive rest days be longer than nine days nor shall there be more than one such nine-day interval in each 30 days.

ART. 47. When prisoners of war, from the nature of their work, are exposed to dangers or sickness, special preventive measures shall be taken.

ART. 48. Prisoners of war shall be classified by the attending medical officer according to their ability to work without injury to their health in the following categories:

- (a) heavy work,
- (b) light work,
- (c) no physical work,
- (d) sick — no work.

Classified lists, certified by the medical officer, shall be kept by the camp authorities. Where circumstances require, as for instance transfer from one camp to another, prisoners of war shall be accompanied by a certificate showing their classification for work.

ART. 49. The following prisoners of war are exempted from all forms of compulsory work:

- (a) Aviation cadets, officer candidates, field clerks, and other appointed officers of the American army and navy;
- (b) "Offizier-Stellvertreter" and "Beamtenstellvertreter" and "Faehnrache" of the German army and the German navy, "Deckoffiziere," "Vice-Deckoffiziere," and "Hilfs-Deckoffiziere" of the German navy.

ART. 50. American non-commissioned officers and naval petty officers and German Unteroffiziere and Offiziersanwaerter, except those mentioned in Article 49, are exempted from compulsory work, except:

- (a) For the supervision of prisoners of war of their own armed forces while at work.
- (b) For checking and distributing mail matter and packages.
- (c) For clerical work.
- (d) For work which is absolutely necessary for the maintenance of the camp or the prisoners of war (e.g. work in gardens or kitchens) as far as this work is compatible with the dignity of their rank and is entirely within the enclosure of the camp.

In no case, however, shall non-commissioned officers be used for menial or dirty work, such as the loading and transport of coal, or the cleaning of streets or latrines.

ART. 51. Prisoners of war shall receive no compensation for work done for their own benefit or in connection with the maintenance or administration of their camp, their quarters or their work shop. Other work for the Captor State shall be paid for at a daily rate of not less than 50 Pfennigs or 12½ Cents nor more than 2 Marks or 50 Cents.

Prisoners of war shall be paid for work done in industrial occupations for private persons or firms at the same rate as industrial workers in the same locality for the same sort of work. Of the wages earned in this manner 25 to 50

Cents or 1 Mark to 2 Marks per day shall be credited to the prisoner of war concerned. The remainder shall be retained by the Captor State. Prisoners of war engaged in agricultural labor shall receive a daily wage of 50 Pfennigs or 12½ Cents which shall be credited to them without any deduction.

No deductions for maintenance shall be made from the net portion of their earnings but the full amount shall be credited to the prisoners of war and placed at their disposal for the purchase in accordance with camp regulations of articles needed by them.

The net balance remaining to the credit of prisoners of war shall be paid them upon their internment in a neutral country or upon their repatriation; in case of death of a prisoner of war this balance shall be paid to the diplomatic representative of the Protecting Power for the benefit of the legal heirs of the deceased.

6. RATIONS

ART. 52. It is the obligation of the Captor State to provide prisoners of war under its charge with such quantity and quality of wholesome food, especially of meat and vegetables, as is necessary to maintain unimpaired their normal physical health and working capacity. In general the ration served to prisoners of war shall be equal in amount, quality and nutritive value to that served to the armed forces of the Captor State when in barracks or in cantonments.

The food value of their daily ration shall not fall below a minimum of

- 2,000 calories for non-workers,
- 2,500 calories for ordinary workers,
- 2,850 calories for heavy workers.

The daily ration of bread shall in no case be less than 250 grams, and in the case of ordinary workers this ration shall be increased by the addition of 100 grams; and in the case of heavy workers by the addition of 150 grams of bread or other cereals; furthermore each prisoner of war's daily food ration shall contain amounts of fresh vegetables, fresh meat, and animal fat not less than those furnished to the guards at the same camp or place of detention.

All food furnished shall be sound and wholesome and shall have been handled in a proper manner.

An abundant supply of safely potable water, amounting to at least 3 litres per man per day shall be provided for drinking purposes for all prisoners of war.

ART. 53. Officer prisoners of war shall be permitted and, as far as possible, encouraged to manage their own messes; and at their request the rations furnished by the Captor State shall be delivered to them uncooked.

Prisoners of war shall be permitted to utilize the food contents of their parcels in common as additional ration. The necessary facilities for this shall be arranged with the Camp Commandant by a committee chosen by the officers in officer camps, and by the Camp Help Committee in camps for prisoners of war other than officers.

ART. 54. Menus specifying the weight of each article provided per man per day shall be posted daily and shall at all times be accessible to the delegate of

the Protecting Power.

ART. 55. Prisoners of war shall be allowed at all times to obtain hot water at a reasonable price, not to exceed 5 centimes or 5 pfennigs for 2 litres.

ART. 56. Camp Help Committees shall be given a hearing in cases of complaints made by prisoners of war about their food.

ART. 57. In camps where there are prisoners of war of different States of Origin, the Camp Commandant shall, as far as possible, permit the cooking for the prisoners of war to be done by cooks of their State of Origin.

The camp cooks shall be permitted to prepare the food according to the taste of the prisoners of war.

ART. 58. When necessary for the preparation of the contents of packages, special kitchen facilities and fuel shall be furnished prisoners of war by the Captor State. Members of the Camp Help Committee shall be permitted to enter the kitchens.

ART. 59. In all camps for prisoners of war canteens shall be maintained in which prisoners may buy at reasonable prices currently obtainable food and articles of daily use. Camp Help Committees shall co-operate in the management of the canteens. Price lists of articles for sale, in the language of the prisoners of war, shall be kept posted in a conspicuous place. The profits made may be used only for the benefit of the prisoners of war.

ART. 60. All officers, non-commissioned officers and men not employed on work outside the camp enclosure shall be permitted to take weekly walks of not less than two hours under military supervision outside the camp enclosure. If the prisoners of war so desire and local conditions permit, these walks shall be taken to a point at least four kilometers distant from the camp.

For this purpose, officer prisoners of war shall give their paroles not to make or prepare an attempt to escape during the walks, nor to do anything during this time which may be directed against the Captor State, its allies or co-belligerents. Such paroles shall be binding only for the duration of the walk for which given and on such conditions military supervision will be limited to conducting the walks.

8. INTELLECTUAL OCCUPATION AND DIVINE SERVICES

ART. 61. Prisoners of war shall be given as much opportunity as possible for intellectual occupation and development. For this purpose it is agreed as follows:

(a) In every main camp and as far as possible in every working detachment a reading and workroom sufficiently lighted and heated shall be provided and put at the disposal of the prisoners of war.

(b) Properly qualified prisoners of war may give educational courses and lectures which shall be so arranged as not to interfere with the work of the prisoners of war.

(c) The formation of camp libraries is to be encouraged in every way. Prisoners of war may have such newspapers of the Captor State or of its co-belligerents as the former may choose. Prisoners of war in working detachments shall be given every opportunity to make use of the libraries of the main camps. The exchange of books between the various

camps shall be accomplished through the military authorities. The use of text books, dictionaries and bound books shall be permitted.

(d) Prisoners of war charged with giving educational courses or lectures and the management of libraries are to be exempt from work in the camps and are to be transferred to another camp only in cases of urgent necessity.

(e) As far as possible, prisoners of war shall be permitted to complete the courses they are attending.

(f) Prisoners of war shall be given opportunities to arrange and give musical and theatrical performances and similar entertainments.

ART. 62. Prisoners of war shall enjoy complete liberty in the exercise of whatever religion they may profess.

Chaplains pending repatriation under Article 140, shall be allowed to perform their religious and professional duties among the prisoners of war. Similar opportunities shall be given to prisoners of war who are ministers of religion and they shall be exempted from such work as will interfere with their religious duties.

9. MEDICAL TREATMENT

ART. 63. Prisoners of war shall be given the same medical and dental care and treatment and diet as are provided by the Captor State for sick of like grades in its own armed forces.

In case of a shortage of military doctors, competent civilian doctors shall be provided.

The services of such prisoners of war as are dentists and are not repatriated as members of the Sanitary Personnel, shall be utilized.

In no case shall any charge be made against a prisoner of war for medical or dental treatment, or supplies or anesthetics.

ART. 64. Prisoners of war shall be protected against sickness to the same extent as the nationals of the Captor State; and especially against those diseases that are conveyed by infection through the respiratory and the alimentary tracts, by transmission through the agency of insects, by contact and by poisons, etc.

ART. 65. Artificial limbs, sticks, crutches, false teeth and all other surgical and medical appliances necessary for the well-being of prisoners of war shall be furnished by the Captor State, reimbursement therefor to be made by the State of Origin. Such further appliances as may be furnished to prisoners of war by the representative of the Protecting Power shall not be withheld by the Captor State.

ART. 66. If the Captor State is unable to furnish any of the medicines or medical supplies necessary for the treatment of the sick or wounded prisoners of war it shall notify the Protecting Power, and shall allow such medical supplies to be furnished and shall expedite their transportation and delivery to the Camp Help Committees at the camps for which they were requested.

The same applies to articles of specified kinds whose delivery has been recommended by the Travelling Commissions, or by a delegate of the Protecting Power. The distribution of these articles among the prisoners of

war in any main camp and in the working detachments belonging thereto shall be made through the Camp Help Committee of the camp and under the direction of the camp doctor.

ART. 67. In every prisoner of war camp a sick call shall be held daily at a specified hour in the presence of a medical officer at which prisoners of war may attend and receive medical attention from him.

ART. 68. Prisoners of war other than officers shall be detailed as orderly assistants to the medical officers of the camps in the proportion of not less than one for every one hundred prisoners of war in the camp, but there shall not be less than two such orderlies in any camp. Such orderlies shall perform no other duties.

ART. 69. In hospitals, correspondence and parcels shall be delivered without delay, but the use of the contents of the latter shall be under the control of the medical officer in charge.

10. PUNISHMENT OF PRISONERS OF WAR

ART. 70. Prisoners of war shall be subject to the laws, regulations, and orders in force in the armed forces of the Captor State, except as otherwise expressly provided in this Agreement.

ART. 71. All proceedings against prisoners of war whether before military or civil tribunals shall be accelerated as much as the ends of justice demand and the nature of the case permits.

ART. 72. No punishments other than those provided by the laws of the Captor State for the personnel of its own armed forces shall be inflicted upon prisoners of war by the military authorities, or military tribunals.

ART. 73. For refusal to work and other infractions of discipline suitable and adequate punishment may be inflicted upon guilty prisoners of war by the camp authorities or by the military tribunals, as the case may be. In no case, however, shall the punishment inflicted be more severe in nature or degree than the punishment legally assignable to a member of the armed forces of the Captor State for the same or a like offense.

ART. 74. Punishments which may be inflicted by a Camp Commandant or under military authority other than the tribunals established pursuant to law shall be limited to the following:

- (a) For Officers: Deprivation of privileges; retention of pay; reprimand; confinement to room.
- (b) For non-commissioned officers, petty officers, and men: Deprivation of privileges; retention of working pay; assignment to fatigue, and extra duties in addition to routine work by roster; confinement in a cell.

The pay of officers and the working pay of non-commissioned officers and men so retained as a measure of disciplinary punishment shall be credited to their respective accounts and shall be paid to them upon their release from the status of prisoner of war. Under all circumstances the necessary money to pay their mess bills shall be allowed to officer prisoners of war.

ART. 75. Physical violence or maltreatment, either mental or physical, shall neither be inflicted as a disciplinary punishment nor permitted to a

subordinate as extra-legal measures of punishment or suppression of prisoners of war. The right is expressly reserved to the authorities of the Captor State, however, to take such measures as may be indispensable for the suppression of riot or concerted or group insubordination or mutiny on the part of prisoners of war, such measures to be always within the bounds of humanity.

Prisoners of war shall not be subjected to extreme heat or cold.

Marching with full equipment and other aggravations of punishments are forbidden.

ART. 76. Immediately after charges calling for a trial before a court are preferred against a prisoner, the Captor State shall notify the Protecting Power thereof. This notification shall be at least three weeks before the day set for the trial and shall contain:

- (a) The full name and rank of the prisoner of war.
- (b) The location of the prisoner of war or his place of detention.
- (c) A short statement of the criminal act charged, accompanied by a statement of its legal consequences.
- (d) The name of the tribunal before which he will be tried with exact information regarding the place and date of trial, including the street and number of the premises where the trial is to take place.

The notification provided for in the preceding paragraph may be omitted in cases before inferior courts provided the authorized limit of punishment for the offense with which the prisoner of war is charged does not exceed confinement for a period of three months.

ART. 77. In the cases mentioned in Article 76 as requiring formal notification to the Protecting Power, the accused prisoner of war shall have the right, unless prohibited by law, to be represented by legal counsel able to speak his own language; of which right he shall be definitely informed by the Captor State reasonably in advance of trial. The Protecting Power shall have the right to appoint counsel for the accused. In such cases and in all other cases where counsel is required by law or appears essential, the Captor State shall furnish the Protecting Power a list of the persons who may act as counsel, and shall notify the latter that counsel will be selected therefrom unless the Protecting Power shall have chosen counsel two weeks after receipt of this list.

In all cases where formal notification is not required the accused shall be assisted in defence by counsel whenever reasonable and compatible with law; otherwise he shall be assisted by an interpreter.

The right of the accused freely to consult with his counsel shall not be denied nor unreasonably abridged.

The representative of the Protecting Power shall have the right to send a representative to attend the public sessions of the trial even though it shall not have designated a counsel to represent the accused as aforesaid.

ART. 78. The accused shall not be compelled to be a witness against himself, but he may, if he wishes, present to the tribunal arguments, either oral or

written, in support of his cause.

With a view to shortening the time of confinement awaiting trial, the judicial proceedings shall be expedited. The period of confinement awaiting trial may be considered in whole or in part in imposing sentence.

ART. 79. Any sentences unexpired at the time this agreement goes into effect in excess of the limitations therein imposed shall be at once remitted.

ART. 80. A prisoner of war shall have the same right of appeal to higher authority, judicial or executive, as that possessed by members of the armed forces of the Captor State in similar cases.

ART. 81. In cases in which the death sentence is imposed by a military tribunal upon a prisoner of war, a statement showing in detail the character and circumstances of the offense shall be promptly communicated to the Protecting Power for transmission to the State of Origin of the prisoner of war concerned, and the execution of the sentence shall be delayed for a period of at least three months counting from the date of this communication. Such sentences may be pronounced only by tribunals of the same kind and following the same procedure as in corresponding cases for members of the armed forces of the Captor State. The accused shall have the specific right to be represented in the trial by counsel to the same extent as members of the armed forces of the Captor State.

The delay in the execution of the sentence provided in paragraph one of this Article is not applicable in those cases in which the death sentence is imposed for the offense of murder or attempted murder committed in the zone of operations.

ART. 82. The length of sentence to confinement in a cell or confinement in a room which may be imposed by a Camp Commandant or under military authority other than the tribunals established pursuant to law, shall not exceed thirty (30) days for any single offense.

If the total of several such consecutive sentences exceeds thirty (30) days, an interval of one week, during which no punishment shall be inflicted, shall follow each thirty (30) days confinement in a cell.

ART. 83. The duration of the punishment for a simple attempt to escape on the part of prisoners of war, even if repeated, shall not exceed military confinement for a period of fourteen days, and if made in concert with other prisoners, a period of twenty-eight days.

The duration of the punishment for such an attempt to escape, combined with other punishments for acts consequent upon, or incident to such attempt, in respect of property, whether in relation to the appropriation or possession thereof, or injury thereto, shall not exceed military confinement for a period of two months.

The foregoing provisions shall apply to attempts to escape from detention of any description in the same manner as they apply to attempts to escape from ordinary camps.

Prisoners of war recaptured after an attempt to escape shall not be subjected to any unnecessary harshness. Any insult or injury to such prisoners of war shall be severely punished. They shall be protected from

violence of every kind. Officer prisoners of war recaptured after an attempt to escape shall continue to be treated in a manner suitable to their grade.

ART. 84. Collective punishments or deprivations of privileges on account of the misconduct of individuals are forbidden. Those collective punishments are especially forbidden through which prisoners of war lose their right to receive their mail and to send the allowed number of letters and postcards. In the case of individuals such a prohibition may be imposed as a punishment but shall not exceed two weeks. The prisoner of war has in this case the right to notify his family of this stoppage of correspondence before it goes into effect.

ART. 85. Punishments which are served in the prisoner of war camps and military prisons shall be carried out under the conditions provided in Annexes 4 and 5 of this agreement; otherwise, in the absence of specific provisions, prisoners of war undergoing punishment shall be treated as other prisoners of war.

Prisoners of war undergoing confinement in places removed from the camps, shall be permitted to receive four parcels a month and to use the food contents of these parcels, except upon the days when they are placed on bread and water diet. Adequate cooking facilities and fuel shall be provided for them.

ART. 86. At their request prisoners of war in close confinement shall be permitted to attend the daily sick call as provided for in Article 67, and they shall receive such medical attention and treatment as, in the opinion of the attending medical officer, they may require, including removal to hospital when necessary.

ART. 87. The provisions of this agreement shall not apply to prisoners of war who through acts of individual misconduct against the law of the land have passed from the control of the military to that of the civil authorities.

11. DEATHS AND ACCIDENTS

ART. 88. Officially stamped or otherwise authenticated certificates of deaths occurring among prisoners of war shall be executed without delay and transmitted to the diplomatic representative of the Protecting Power.

The representative of the Protecting Power shall be notified as quickly as possible of deaths by violence, and shall be informed as to the particulars.

ART. 89. The property of deceased prisoners of war, including identification tags, pay-books and other personal papers, shall be despatched by the Government of the Captor State to the State of Origin.

ART. 90. The Contracting Parties shall provide and maintain proper burial places for prisoners of war of the other party who are killed or die while in captivity. Available information regarding the identity of the deceased shall be marked in a clear manner on the grave, and the location of graves shall be reported without delay to the State of Origin.

Deceased prisoners of war shall be accorded the same honors at burial as are accorded to persons of the same rank or rating in the armed forces of the Captor State.

ART. 91. Each Government shall take measures that information regarding the death or whereabouts of missing nationals of the other party be gathered

and forwarded as rapidly as possible to the State of Origin.

ART. 92. A statement shall be immediately prepared concerning all accidents to prisoners of war, to which a brief medical report must be appended. In such cases the prisoner of war shall be furnished a certificate by the Camp Commandant, stating the nature of the injury. The certificate shall be deposited with the papers of the prisoner of war and shall be handed him on his discharge or, in case of internment in a neutral country, shall be transmitted for safe keeping to the government of this neutral country and be given him on his repatriation.

12. EXCHANGE OF POWERS OF ATTORNEY AND WILLS

ART. 93. Prisoners of war shall be permitted to execute and have attested, in accordance with special regulations to be issued on the subject by the Captor State, powers of attorney and wills, which may be written in their own handwriting or sent them from their States of Origin, or drawn up for them in the camp by third parties. The camp authorities shall be responsible for forwarding such papers as quickly as possible to the diplomatic representative of the Protecting Power.

13. HELP COMMITTEES

ART. 94. A Camp Help Committee freely chosen by the prisoners of war shall be formed in each camp, including quarantine and distributing camps. This choice is subject to the approval of the Camp Commandant.

Camp Help Committees shall consist of at least:

- 1 member in camps of from 1 to 50 men.
- 2 members in camps of from 51 to 100 men.
- 3 members in camps of from 101 to 500 men.
- 5 members in camps of from 501 to 1,000 men.

In camps of more than 1,000 men there shall be one representative for every additional 500 men. In computing the membership of Camp Help Committees, the prisoners assigned or attached to a camp shall be counted even though they be absent from camp. Similarly in every working detachment representatives in the same ratio as provided above shall be chosen to be the correspondent or correspondents of the Camp Help Committee of the camp to which the working detachment is assigned.

In each hospital having ten or more prisoners of war of the same State of Origin representatives may be chosen in the proportion prescribed above for working detachments. Their duties and privileges shall be the same as those prescribed in this agreement for the representatives of working detachments.

ART. 95. Camp Help Committees and representatives besides exercising the functions enumerated elsewhere in this agreement, shall co-operate with the camp authorities in all matters relating to prisoners of war, such as foundation of libraries and provision of educational facilities; organization of amusements; registration of complaints lodged by prisoners of war; receipt, registration and distribution of gifts and of relief to prisoners of war wherever located; co-operation with the authorized relief societies and with the Protecting Power; distribution of contents of parcels of deceased

prisoners of war and management of postal operations.

ART. 96. Camp Help Committees shall be allowed each week to copy the current lists of prisoners of war undergoing medical treatment and to transmit the same to the designated relief societies.

ART. 97. Camp Help Committees may correspond in matters relating to their duties freely and directly with their representatives, with the diplomatic representative of the Protecting Power, with the designated relief societies and with absent prisoners of war belonging to their Camp who have no representative.

The correspondence of the Camp Help Committee referred to in the preceding paragraph shall be subject to censorship by the camp authorities. Communications which contain requests or complaints and which are addressed to the diplomatic representative of the Protecting Power, shall be handed over to the Camp Commandant who shall immediately transmit them through official channels. Such communications may be withheld only when they contain wilfully false statements or are written in improper language. The decision to withhold them rests exclusively with the Ministry of War; in the case of German prisoners of war in Europe, with the Headquarters of the American Expeditionary Forces. In case a letter is withheld, the writer and the diplomatic representative of the Protecting Power must be informed of the fact and the reasons.

The competent military authorities in forwarding these communications will endorse thereon their remarks in order that the representative of the Protecting Power can upon their receipt form an opinion as to the statements contained therein.

Copies or abstracts of letters sent by the Camp Help Committees shall be kept by them and shown upon request to the representative of the Protecting Power and to the prisoners of war of their State of Origin.

ART. 98. Camp Help Committees shall draw up under the supervision of Camp Commandants lists of prisoners of war who have had no news of their families for at least three months. These lists shall contain the names of the prisoners of war, the addresses of the families and brief communications or enquiries limited to 20 words in telegraphic style. These lists shall be sent to the Red Cross Societies of the respective States of Origin mentioned in Article 36 which shall attend to forwarding the answers of the families as quickly as possible.

ART. 99. Camp Help Committees, composed of prisoners of war of either of the Contracting Parties may render, from supplies at their disposal, assistance to prisoners of war of the other States of Origin within the same camp. Reciprocally, prisoners of war of the two Contracting Parties may receive similar assistance from the Committees composed of the prisoners of war of other States of Origin.

ART. 100. Members of Camp Help Committees and their representatives in working detachments shall not be required to perform any work which interferes with their duties as such. They shall not be transferred from one camp to another except for urgent reasons; and then only after they shall have

been given opportunity to arrange their affairs in a business-like manner and to transfer to their successors the property and accounts in their care.

ART. 101. Suitable offices and store rooms shall be provided for the use of Camp Help Committees. These store rooms shall be fitted with two locks, the keys of one to be kept by the Camp Help Committee, those of the other by the Camp Commandant.

ART. 102. Packing boxes or materials used in transporting supplies to prisoners of war which are not the property of individual prisoners of war shall become the property of the Camp Help Committee for use in repacking or other purposes; until then they remain in the custody of the Camp Authorities.

14. CORRESPONDENCE AND PARCELS

ART. 103. Special attention shall be given to the rapid forwarding of the correspondence of prisoners of war, especially over-seas correspondence. Camp Commandants and commanders of working detachments shall be instructed accordingly.

The incoming mail for prisoners of war shall be distributed without delay. The despatch of accepted letters and postcards shall not be delayed longer than ten days. Exceptions shall be permitted only as provided for by Article 84.

ART. 104. Letters, postcards, parcels, money and valuables sent to prisoners of war, and letters and postcards sent by prisoners of war, shall not be subject to charges for postage, delivery, duties, storage or to any other charges, either in the country of mailing or destination.

Similarly, articles sent to prisoners of war as gifts or as relief shipments, either in bulk or in collective consignments, shall be free from all custom duties, freight charges and other dues or charges.

ART. 105. Prisoners of war shall be permitted to send two letters and four postcards each month. Letters of officers shall not exceed six pages, and letters of those of other ranks or ratings shall not exceed four pages.

The letters and postcards shall be legibly written in black ink or in soft black lead pencil and, except with the permission of the Commandant, must be in English, French or German. Letters and postcards must be addressed specifically to a person, firm or corporation, by name, and not to a mere post office or accommodation address.

ART. 106. Correspondence of prisoners of war must not contain information regarding the political or military situation, or other information detrimental to the safety of the Captor State. Enclosures may be permitted provided they accord with the sense of this Article, it being recognized, however, that such enclosures may result in a delay in the despatch of the letter.

Correspondence of prisoners of war which violates the provisions of this agreement shall be returned to the writer, unless required as evidence in judicial or disciplinary proceedings, and shall be counted in the authorized maximum of letters and postcards.

ART. 107. Prisoners of war may receive and answer enquiries from

recognized relief societies and information bureaus in regard to the location of missing members of the armed forces; the answers are not to be counted in the authorized maximum of letters and postcards.

ART. 108. Prisoners of war shall be allowed to receive an unlimited number of parcels; those sent by mail shall not weigh more than seven kilograms each. Commandants of Camps and working detachments are forbidden to withhold parcels, except in the cases specifically provided for in this agreement.

ART. 109. The sending of books and pamphlets, as well as bulk shipments of writing paper and blank books, shall be allowed subject to examination. Books may be bound.

ART. 110. Parcels addressed to individuals may be despatched in collective consignments when packed in such a manner as to be transported by ship and by rail without difficulty.

Individual parcels without specified recipients may also be despatched in collective consignments addressed to the Camp Help Committees of the main camps. These Committees may distribute the parcels to their representatives or other Camp Help Committees. Such parcels must be clearly marked as follows:

“For distribution to prisoners of war who receive no parcels.”

If an addressee be deceased, the contents of his parcels shall be distributed among the prisoners of war by the Camp Help Committee.

ART. 111. The parcels shall be handed out immediately or, if preferred by the prisoners of war, only when asked for.

The parcels shall be handled so as to prevent injury and shall be examined only once, and then in the presence of the addressee or of some one designated by him. The containers of perishable foodstuffs shall be kept intact until the contents are needed for consumption.

ART. 112. Every recipient of a parcel shall be permitted to despatch to the sender a printed postcard containing only an acknowledgement of the receipt and an itemized statement of the contents and of the condition thereof at the time of the receipt. In case printed forms for this purpose are not at hand, the receipt may be written but must not contain other information than the printed forms. This postcard shall not be counted in the authorized maximum of letters and postcards.

The printed postcards or printed lists, enclosed in parcels or bulk shipments stating the contents, shall always be delivered to the addressee. They shall be checked against the contents in the presence of the addressee or his representative.

ART. 113. The packings tin containers and boxes shall remain the property of the prisoners of war but they shall be stored by the camp authorities until required for use.

ART. 114. Camp Help Committees shall be allowed to make lists of all parcels sent to the working detachments that are attached to their main

camp, and lists of the contents of each parcel; these lists shall accompany the parcels.

ART. 115. Camp Help Committees shall be permitted to make claims for loss of parcels or of their contents, or for damage thereto, for all prisoners of war in their camps or attached thereto.

ART. 116. Prisoners of war shall be permitted to transmit to their dependents funds in their possession at the time of capture, or paid to them by the Captor State.

Domestic money orders, when permitted shall be subject to the ordinary fees.

ART. 117. All foreign postal traffic under this arrangement shall, with the consent of the Swiss Government, be through its postal service.

15. COMMUNICATION WITH THE PROTECTING POWER

ART. 118. Prisoners of war may at all times communicate in writing to the diplomatic representative of the Protecting Power requests or complaints concerning treatment or conditions in their camp, or matters of purely personal interest; or may present such statements verbally to a delegate of the Protecting Power.

In main camps such written communications shall be presented to the Camp Help Committees, and in working detachments to the representatives of the detachment, to be transmitted to the Camp Help Committee of the main camp. The Camp Help Committee, after having made notations on the communication if such are necessary, shall forward it to the Camp Commandant, who shall in turn transmit it without delay through official channels to the representative of the Protecting Power.

Further action shall be in accordance with the provisions of Article 97, paragraphs 2 and 3.

ART. 119. The communications addressed to the diplomatic representative of the Protecting Power shall not be counted in the authorized maximum of letters and postcards. In no case shall written communications addressed by prisoners of war to the Camp Commandant and intended only for him be counted in the authorized maximum of letters and postcards.

ART. 120. Prisoners of war may be punished on account of complaints sent by them to the Protecting Power only when they contain intentionally insulting statements or intentionally false accusations. Punishment may be inflicted only by sentence of a court or with the approval of the Ministry of War; in the case of German prisoners held in Europe with the approval of the Commander-in-Chief of the American Expeditionary Forces.

16. VISITS OF INSPECTION BY DELEGATES OF THE PROTECTING POWER

ART. 121. The diplomatic representative of the Protecting Power shall present for approval by the Captor State a list of the delegates for whom are desired permits to inspect prisoners of war and the places where they are confined.

Each accepted delegate shall be given a permit authorizing him to inspect the prisoners of war and their places of confinement subject to the conditions attached thereto. These permits may be cancelled or recalled at any time.

ART. 122. The following regulations shall apply to the visits mentioned in Article 121:

(a) The authorized delegate of the Protecting Power may visit all places where prisoners of war of the State whose interests he is protecting are kept. When such visits are to be made in zones barred for military reasons, arrangements therefor compatible with military necessities shall be made immediately by the competent military authorities. If for military reasons such visits are impossible for a period of thirty (30) days, the prisoners of war shall be permanently removed to territory accessible to the delegate.

(b) The visits of the delegate of the Protecting Power may be without notice and without restriction except as follows:

Camps under quarantine and contagious wards of hospitals may be visited only with the consent of the medical officer in charge.

Penitentiaries and prisons may be visited only with the consent of competent superior authority.

Permission to visit shops or other places where members of working detachments are employed may only be refused by competent superior authority when such visit would in his opinion be incompatible with the safety of the State or with rules established for the preservation of trade secrets. The foregoing shall in no way curtail the right of the delegate of the Protecting Power to visit the working detachment camp and to interview its members. When the above restriction makes it necessary, prisoners of war shall be brought for the purpose of the interview to a place accessible to the delegate.

(c) On arrival a delegate must first present his permit to the proper authorities for verification.

(d) An officer, or, if none is available, some other military escort shall be detailed by the Commandant to accompany the delegate on his tour of inspection. Upon the wish of the delegate the ranking prisoner of war may also be detailed to accompany him.

(e) The delegate shall have the right at all times to speak to prisoners of war, except those who are awaiting trial, without witnesses and outside the hearing of any third party. Nevertheless, interviews with prisoners of war who are confined pending trial or under sentence may be permitted, with the consent of the proper authorities, when in conformity with the rules and regulations for the visits of third parties to such persons. Such consent shall always be given if compatible with the object or purpose for which the prisoner of war is detained and with local prison regulations. In this event, interviews may take place in the presence of witnesses.

(f) The delegate shall, at no time, without the full knowledge and permission of the Commandant, give to or receive from a prisoner of war written matter of any kind, or any oral messages; nor shall he converse with prisoners of war on any subject not relating to personal matters affecting them.

(g) Before leaving the camp, the delegate may informally present to the camp authorities, for discussion and possible rectification, complaints made by prisoners of war and such suggestions as he may consider advisable regarding changes or improvements.

A prisoner of war shall not be punished on account of a complaint made by him to the visiting delegate except when such complaint is shown to contain intentionally false or insulting statements or accusations; in which case punishment may be inflicted only in the manner prescribed in Article 120 and after the delegate of the Protecting Power has been heard in the matter.

ART. 123. The diplomatic representative of the Protecting Power shall be freely permitted to make complaints directly to the central authority of the Captor State about the management and conditions of the prison camps, the treatment of the prisoners of war and about the camp personnel, etc. The Captor State shall immediately make an investigation of all such complaints. The diplomatic representative of the Protecting Power shall be permitted to adduce evidence by witnesses or otherwise. Should it appear essential for a full investigation of the case, an officer of the central authority of the Captor State shall visit the camp, who shall, upon the request of the competent diplomatic representative be accompanied by a delegate of the latter.

The result of every such investigation and a statement of the action taken thereon, shall in each case be communicated to the diplomatic representative of the Protecting Power. If the result of the investigation be unfavorable, remedial action shall be taken immediately.

None of the military personnel of a prison camp, including interpreters, removed from their positions on account of their attitude towards prisoners of war, shall thereafter be employed in connection with prisoners of war.

17. RATES OF PAY OF OFFICERS AND CERTAIN OTHER PRISONERS OF WAR

ART. 124. Officer prisoners of war, officials and certain other prisoners of war classed as officers shall receive from the Captor State while in its custody pay on the basis of the following articles.

ART. 125. Officers and others entitled to pay will for the purpose of pay be divided into three classes.

Class I comprises:

- (a) Captains and higher grades of the American army and marine corps; lieutenants senior grade and officers of higher grades of the American navy, line or staff corps.
- (b) Officers of the grade of captain and higher grades of the German army and marine infantry. Officers of the rank of "Kapitän-Leutnant" and higher ranks of all officer corps of the German navy.

Class II comprises:

- (a) First and second lieutenants of the American army; officers, line or staff corps, of the grade of lieutenant (junior grade), ensign, chief warrant officer and warrant officer, whatever their corps or branch, of the American navy, and officers of the American marine corps of the corresponding grades.

- (b) Subaltern officers of the German army and all officer corps of the German navy (including "Feldwebelleutnants" in the army and navy as well as "Deckoffizierleutnants, Deckoffizier-Ingenieure" and "Hilfs-Offiziere" holding the rank of subaltern officers in the German navy).

Class III comprises:

- (a) Aviation cadets, officer candidates, field clerks, and other appointed officers of the American army and navy;
- (b) "Offizier-Stellvertreter" and "Beamten-Stellvertreter" of the German army and the German navy, "Fähnriche zur See", "Deckoffiziere", "Vize-Deckoffiziere" and "Hilfs-Deckoffiziere" of the German navy.

ART. 126. The monthly pay shall be, on the basis of 1 Dollar=4.20 Marks; for class I, 95.25 Dollars or 400 Marks; for class II, 83.35 Dollars or 350 Marks; for class III, 65.50 Dollars or 275 Marks.

ART. 127. Officials of the army or navy prisoners of war of either side shall receive during their captivity the same pay as the military persons whose rank they hold.

ART. 128. The rates of the pay herein stipulated shall apply to all prisoners of war entitled to pay, whether they are on the active, retired, or reserve lists, who at the time of capture were on active duty in the military or naval service of their respective States of Origin.

ART. 129. Prisoners of war entitled to pay under the provisions of Articles 124 to 128 inclusive shall be paid on or about the first of each month for the preceding month or fraction thereof. Pay will accrue from the day of their capture.

When a duplication of pay occurs, due to this agreement and to the differences in method of payment of the two Contracting Parties, the attention of the recipients shall be called to the fact that they will have to refund to their State of Origin upon internment in a neutral country or upon repatriation any such amount.

ART. 130. A prisoner of war who becomes entitled to an increase in pay by promotion will be paid at the increased rate from the date named by the State of Origin through diplomatic channels as the date on which the promotion took effect.

ART. 131. The obligation of the Captor State to pay prisoners of war as provided shall cease upon their internment in a neutral country or upon repatriation.

ART. 132. All payments made by the Captor State to prisoners of war according to the above provisions shall ultimately be reimbursed to the Captor State by the State of Origin.

18. TRANSFERS TO OTHER PRISON CAMPS

ART. 133. Prisoners of war upon being transferred from one place to another shall be permitted to take with them their personal effects, letters and parcels.

ART. 134. Upon their own request made through official channels or upon

the request of their State of Origin, fathers, sons and brothers who are simultaneously prisoners of war shall be united in the same main camp or working detachment unless sanitary reasons or strict requirements of discipline forbid.

The transportation of prisoners of war who are to be united will be furnished by the Captor State without charge.

As long as the reunion shall not have taken place or when it is not feasible, the prisoners of war may communicate by letter or postcard with each other; these letters and postcards shall be counted in the authorized maximum.

ART. 135. Officer prisoners of war shall not be transferred from one camp to another except upon urgent necessity and, if transferred, notice of such transfer shall be communicated as speedily as possible to the Protecting Power.

Officer prisoners of war may, however, be transferred at their own request, in which case, unless it falls within the provisions of Article 134, expenses incident to the transfer shall be borne by the officer transferred; otherwise the aforesaid expenses shall be borne by the Captor State.

19. RECOGNITION OF RANK

ART. 136. The promotion of prisoners of war to the grade of officer or to higher ranks or grades shall be recognized by the Captor State upon notification of such promotion by the diplomatic representative of the Protecting Power, provided that the promotion was recommended at a date prior to capture or becomes effective in due course of seniority according to the laws and regulations of the State of Origin.

ART. 137. In case of doubt as to the military grade of a prisoner of war and as to his right to the corresponding privileges and pay, an official statement of these matters to the Captor State by the diplomatic representative of the Protecting Power shall be conclusive.

20. RELIEF SOCIETIES

ART. 138. Each party to this agreement shall be free to designate to the other party relief societies, and these societies shall be given all facilities for the performance of their humane tasks within the bounds imposed by military necessities and administrative regulations.

21. WAR CORRESPONDENTS, ETC.

ART. 139. Individuals who follow an army without belonging directly to it, such as war correspondents, reporters and purveyors, shall be treated as prisoners of war when captured by the enemy and when detention seems expedient, provided they are in possession of a certificate from the commander of the army which they accompany. In this case they are entitled to the same treatment as subaltern officers with the exception of pay.

B. SANITARY PERSONNEL

I. REPATRIATION OF SANITARY PERSONNEL

ART. 140. All sanitary personnel and chaplains mentioned in Articles 9, 10 and 11 of the Geneva Convention of July 6th, 1906, and in the Hague Convention No. X, of October 18th, 1907, relative to the application to naval warfare of the principles laid down in the Geneva Convention, including the

sanitary personnel of the interned crews of ships of war, shall be repatriated as soon as their services are no longer necessary for the proper care of the captured sick and wounded of their own State of Origin.

None of the sanitary personnel of the Contracting Parties who fall into the power of the armed forces of the other either on the continent of Europe or in European waters, shall be removed from Europe or transferred to another State which is at war with the other Contracting Party.

ART. 141. The term "Sanitary Personnel" shall be held to comprise the following:

(a) To be recognized immediately.

1. Army and navy chaplains, medical officers, sanitary administration officers, doctors of non-commissioned rank (hospital inspectors, apothecaries, etc.), both male and female doctors, nurses and assistants, who are clearly recognizable by their special uniforms or otherwise.

2. Every other wearer of the brassard described in Article 20 of the Geneva Convention of July 6th, 1906, who can show his or her right to wear this brassard by an officially stamped certificate issued by the commanding officer of the organization and signed in his own hand by the bearer. These certificates may not be taken away either at the time of capture or later.

3. Persons incontestably identified as members of the sanitary personnel by the evidence of third parties.

(b) To be recognized upon presentation of further evidence.

Others the identification of whom shall be accomplished, subject to examination by the Captor State, by a subsequent certification issued by the Ministry of War or Navy of the State of Origin; or in the case of American sanitary personnel, by the Commander-in-Chief of the expeditionary force.

ART. 142. In the case of sanitary personnel belonging to organizations the records and archives of which have been destroyed or are in the hands of the enemy, it shall suffice that the State of Origin attest the probability of their character; such attestation shall be accepted as sufficient evidence.

ART. 143. The State of Origin shall transmit to the Captor State by diplomatic channels the names of the sanitary personnel whose repatriation is desired, and the certificate required by Article 141, (b). The return to their homes of the sanitary personnel specified in Article 141, (a), shall not be conditioned on their inclusion in these lists.

If the Captor State believes it has grounds for declining repatriation of any person on these lists, the reasons must be stated in full.

ART. 144. The release of sanitary personnel held awaiting trial or serving sentence is subject to the provisions of Article 20.

ART. 145. The taking home of personal effects by released sanitary personnel shall be governed by Article 22; and private property, including instruments and weapons, which they brought with them into captivity, shall be excepted from any prohibitions of export.

ART. 146. The persons repatriated in accordance with the stipulations in

Articles 140 to 144 inclusive shall be employed only on medical or religious duty.

II. TREATMENT OF SANITARY PERSONNEL

ART. 147. The appropriate stipulations of Articles 23 to 40 inclusive, 52 to 123 inclusive and 133 to 137 inclusive, apply to the treatment of the sanitary personnel in the power of the Captor State.

When captured they shall be allowed to retain, or to deposit against receipt, such instruments, implements, drugs and other belongings as can be proved to be their personal property.

Utilization of sanitary personnel on work other than sanitary or medical duty is prohibited.

ART. 148. Sanitary personnel of either of the Contracting Parties while in the hands of the other, shall be paid by the latter at the same rates as are paid by the German Government to members of its armed forces of similar ranks and ratings. The corresponding ranks and ratings of the sanitary personnel of the two Contracting Parties are shown in Annex 6.¹

¹Not printed.

When such sanitary personnel would receive a lower rate of pay according to the preceding paragraph than prisoners of war of the same rank, they shall be paid at the rate authorized for the latter.

The provisions of Articles 128 to 131 inclusive for the payment of prisoners of war shall govern payments to sanitary personnel. Upon identification as such, they shall receive back pay due them.

ART. 149. The sanitary personnel of the armed forces of the two Contracting Parties captured while serving with the armed forces of an ally or co-belligerent shall be embraced in this agreement as though taken while serving with their own armed forces.

ART. 150. The provisions of Articles 140 to 147 inclusive and 149 shall apply to all members of the designated relief societies mentioned in Article 138 captured by either of the Contracting Parties.

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D. GENERAL PROVISIONS

ART. 173. For the purpose of this agreement, including its seven annexes, the terms prisoners of war, civil prisoner, officer, non-commissioned officer, invalid, valid, repatriation and State of Origin, shall have the meanings defined in Annex 7, except when otherwise specified in the text.

ART. 174. The transportation of prisoners of war, civil prisoners and sanitary personnel, who are entitled to repatriation or internment on the basis of this Agreement, shall be arranged with the co-operation of one or more neutral States.

The details for carrying out the transportation by land or sea, including the selection of land and sea routes, shall be determined by a mixed commission (a transportation commission). Any neutral State, through or in which the transportation takes place, shall be represented by one member, and each Contracting Party by two members.

A transportation commission, constituted as above specified, shall convene immediately after the ratification of this Agreement or at an earlier date, to be agreed upon by both Contracting Parties, at The Hague, subject to the consent of the Government of the Netherlands, whose consent both Contracting Parties shall endeavor to obtain.

If necessary the membership of this commission may be increased by representatives of other neutral States affected, or additional similar commissions may be created in other neutral countries concerned, according to circumstances. The chairman of each transportation commission shall be the representative of the neutral State in whose territory the commission meets.

The Commission shall arrange that the Governments concerned be promptly informed of all decisions and measures that affect them. The commission may receive from the Governments concerned all information of importance to them.

The Contracting Parties shall carry out as far as the facilities at their command permit and as rapidly as possible the arrangements for transportation agreed upon by these commissions. The Contracting Parties guarantee to all trains and ships, while engaged on any journey or voyage having the purpose of carrying out the repatriation or internment herein provided for, immunity from any hostile action on their own parts; and they will seek to obtain similar guarantees from their Allies and co-belligerents. When a return trip is involved as a necessary part of the complete transaction as arranged for by the Commission, like immunity shall extend to such return trip.

ART. 175. The following principles shall govern the order in which persons eligible for internment in a neutral country or for repatriation shall be dispatched:

- (a) Invalid prisoners of war, invalid civil prisoners and sanitary personnel, shall have precedence over all other persons who are to be transported, and shall be assigned to the next possible shipment after their eligibility for internment in a neutral country or for repatriation has been established.
- (b) Other persons entitled to transportation shall be sent in the following order:
 1. Males under 17 years of age and all females;
 2. Prisoners of war;
 3. Civilian males over 17 years of age; those over 45 years in preference to those between 17 and 45 years.

Precedence in their respective classes among persons named under the above classes shall be decided according to length of captivity, and when their captivity is of equal duration, according to seniority of age, priority being given to the oldest and children going with their parents or guardians.

- (c) If because of uncontrollable circumstances, the order of priority contemplated in the preceding paragraphs cannot be followed, the repatriation of the person whose departure may have been delayed

shall take place within a maximum period of two months.

- (d) Persons selected for transportation over seas shall be embarked as soon as possible after the arrival of the transport in the port of embarkation and in such manner as to utilize fully all available space. The proper authorities of the United States co-operating with the representative of the Protecting Power shall decide questions of priority regarding the transport of Germans.
- (e) As far as possible, families shall be sent on the same transport.

ART. 176. The expenses of transporting prisoners of war and civil prisoners who are to be repatriated or interned in a neutral country in accordance with this agreement shall be met as follows:

- (a) The State of Origin shall bear the expenses of transportation overseas on their own or neutral ships;
- (b) The expenses of transportation overland in the territory of the Captor State and in that of its co-belligerents shall be borne by the Captor State; in the territory of the State of Origin, in that of its co-belligerents and in that of neutral states, by the State of Origin of the prisoners.

ART. 177. The enumeration in this agreement of certain rights which shall be accorded and privileges which shall not be denied to prisoners of war, sanitary personnel and civil prisoners, shall not be held or construed to preclude additional or greater rights or privileges wherever local conditions may permit.

ART. 178. In the interests of German prisoners of war in the hands of the American forces in France, the Protecting Power shall have the right to appoint special delegates who shall have the same privileges and duties, and shall be under the same restrictions as are provided in this agreement for the delegates of the Protecting Powers in the United States and Germany. He shall also be advised of all information regarding the prisoners of war with whose interests he is charged, which under the terms of this agreement is communicated to the representative of the Protecting Power in Washington.

ART. 179. The Contracting Parties shall instruct all authorities concerned to take the severest measures to prevent all violations of the provisions of this agreement.

ART. 180. Each Contracting Party agrees to notify the other through the representative of its Protecting Power of errors or omissions by the other in the application of the provisions of this Agreement. Upon the receipt of such notification the party notified shall immediately conduct any inquiry into the causes of the complaint and as soon as possible make known to the Protecting Power the results thereof, together with the remedial steps taken.

ART. 181. Differences of opinion between the two Contracting Parties as to the interpretation of this Agreement or of any articles thereof shall be referred to a joint commission, which shall consist of a chairman, to be designated by the president of the Swiss Confederation, and of one representative of each of the Contracting Parties. The decision of this commission shall be final.

ART. 182. No measure of retaliation or reprisal shall be taken by either of the Contracting Parties against the prisoners of war of the other without giving previous notification of at least forty days of such intent. This notification shall contain a definite statement of the reasons for the measure of reprisal or retaliation proposed and shall be transmitted simultaneously to the diplomatic representative of the Protecting Power and to the Government of the Swiss Confederation. The forty days shall be counted from the date upon which notification is received by the Swiss Government.

The period specified in the preceding paragraph may be lengthened by a definite period at the option of the State threatening the reprisal, when the representative of the Protecting Power states that the time allowed will not suffice for a full investigation of the causes assigned.

ART. 183. Speeches or verbal orders by the commandant of a prison camp or one of his subordinates, if delivered in a language other than that of the prisoners addressed, shall be translated by an interpreter. Written orders shall at all times be translated into the language of the State of Origin of the prisoners and shall be kept posted in a conspicuous place as long as they are in force.

ART. 184. The text of this Agreement, together with its annexes, shall, as soon as it comes into force, be posted and kept permanently posted in English and German, in all camps and working detachments in a public place. The highest ranking officers in officers' camps, and the Camp Help Committees and their representatives shall be supplied with a sufficient number of copies of this Agreement to give all those concerned an opportunity to make themselves acquainted with its contents.

E. APPROVAL OF THE AGREEMENT

ART. 185. This Agreement and its seven annexes shall be approved by both Contracting Parties and notification of such approval in writing shall be transmitted immediately thereafter to the Swiss Federal Government.

The Agreement shall go into effect seven days after the receipt by the Swiss Federal Government of both notifications of approval.

The Contracting Parties agree to take the necessary steps to obtain the co-operation of the neutral Governments concerned in any measures necessary for the bringing of this Agreement into operation and for its due execution.

ANNEX 1

CONDITIONS FOR THE REPATRIATION AND INTERNMENT OF PRISONERS OF WAR UPON THE BASIS OF HEALTH

1. GUIDING PRINCIPLES FOR REPATRIATION AND INTERNMENT

(a) Guiding principles for repatriation

There shall be repatriated:

1. Sick and wounded who, according to medical opinion, cannot be expected to recover within a year, because their condition requires treatment and their mental or physical ability appears to have undergone marked deterioration.

2. Incurably sick and wounded whose mental or physical ability appears to have undergone marked deterioration.

3. Cured sick and wounded whose mental or physical ability appears to have undergone marked deterioration.

(b) Guiding principles for internment

There shall be interned:

1. Sick and wounded whose recovery within a period of one year, while expected, would appear more sure and rapid if they were given the benefits afforded by the resources of a neutral country than if their captivity were prolonged.

2. Prisoners of war whose mental or physical health, according to medical opinion, is seriously menaced by their remaining in captivity, whereas internment in a neutral country would probably relieve them of this risk.

(c) Guiding principles for the repatriation of those interned in a neutral country

There shall be repatriated:

1. Those whose state of health is or is becoming such that they fall within the categories of those eligible for repatriation on the basis of invalidism.

2. The recovered whose mental or physical ability appears to have undergone a marked deterioration.

2. SPECIAL RULES FOR REPATRIATION AND INTERNMENT

(a) Special rules for repatriation

There shall be repatriated:

1. All prisoners of war who as a result of organic lesions are afflicted with any of the following defects: Loss of limb, paralysis, changes in joints, or similar injury which causes a defect at least as great as the loss of a foot or a hand.

2. All wounded or injured prisoners of war whose condition is such as to make them invalids whose recovery, according to medical opinion, cannot be expected within one year.

3. All sick whose condition is such that their recovery, according to medical opinion, cannot be expected within one year.

To this category belong particularly:

(a) Progressive tuberculosis of any organ, which, according to medical opinion, cannot be cured, or at least markedly bettered, by treatment in a neutral country.

(b) Non-tuberculous affections of the respiratory organs of a presumably incurable nature such as, especially, high grade emphysema with or without bronchitis, bronchiectasis, severe asthma, gas poisoning, etc.

(c) Serious chronic affections of the organs of circulation (for example, valvular diseases with tendency to disturbances of compensation, relatively serious diseases of the myocardium, pericardium or vessels, particularly inoperable aneurysms of the large vessels, etc.).

(d) Severe chronic affections of the digestive organs.

- (e) Severe chronic affections of the genito-urinary organs (for example, all cases of proved chronic nephritis with complete symptomatology, and particularly those already showing cardiac and vascular changes; also chronic pyelitis and cystitis, etc.).
- (f) Severe chronic diseases of the central and peripheral nervous system (for example, severe neurasthenia and hysteria, all cases of undoubted epilepsy and of exophthalmic goitre).
- (g) Blindness of both eyes, or of one eye if the vision of the other eye is impaired and cannot be corrected to normal by glasses. Diminution of visual acuity so that it cannot be brought up by correcting glasses to 20/40 in at least one eye. Other ocular affections falling in this category are glaucoma, iritis, choroiditis, etc.
- (h) Total bilateral deafness or total unilateral deafness, provided that the incompletely deaf ear does not hear ordinary conversation at a distance of one meter.
- (i) All clearly established cases of mental disease.
- (k) Grave chronic poisoning by metals or other causes (lead or mercurial poisoning, morphinism, cocainism, alcoholism, poisoning by gas, etc.).
- (l) Severe chronic affections of the organs of locomotion (arthritis deformans, gout, rheumatism with clinically demonstrable organic changes).
- (m) All malignant neoplasms, if they are not removable by relatively slight operations which do not endanger life.
- (n) All cases of malaria with demonstrable organic alterations (considerable chronic enlargements of the liver or spleen, cachexia, etc.).
- (o) Grave chronic skin diseases, of such a nature that they do not constitute a medical indication for internment in a neutral country.

(b) Special rules for internment

Prisoners of war shall be interned if they suffer from any of the following affections:

1. All forms of tuberculosis of any organs, which, according to existing medical knowledge, can be cured or at least markedly improved by methods available in a neutral country (altitude, treatment in sanatoria, etc.).

2. All forms of diseases of the respiratory, circulatory, digestive or genito-urinary organs, of the nerves, the organs of sense, the locomotor apparatus and the skin, which need treatment and which do not belong to the categories prescribed for repatriation and are not acute diseases properly so-called, showing a tendency to ready recovery. The affections here discussed are those which offer better chances of recovery by the application of measures available in a neutral country than if the patients were to be treated in captivity.

Nervous troubles caused directly by the events of the war or by captivity, such as psychasthenia of prisoners (barbed wire disease) and similar cases shall be especially considered.

All cases of this kind which are definitely determined and which, in view of their gravity or their constitutional character, are not entitled to direct repatriation, shall be interned.

Cases of psychasthenia of prisoners (barbed wire disease) which are not cured after three months in a neutral country or which, after that length of time, are not manifestly on the way to definite cure, shall be repatriated.

3. All cases of wounds or injuries and of their consequences, which offer a better chance of cure in a neutral country than in captivity, and which are not on the one hand eligible for repatriation nor on the other insignificant.

4. All cases of duly proved malaria without clinically demonstrable organic alterations (chronic enlargement of liver or spleen, or cachexia, etc.) for which a stay in a neutral country offers particularly favorable prospects of a complete cure.

5. All cases of poisoning (particularly by gas, metals, alkaloids) for which the prospects of cure are especially favorable in a neutral country.

There shall be excluded from internment:

1. All cases of duly proved mental disease.

2. All organic or functional nervous diseases, reputed incurable. (These two categories belong to those which give a right to direct repatriation.)

3. Severe chronic alcoholism.

4. All contagious diseases in the period in which they are transmissible (acute infectious diseases, primary and secondary syphilis, trachoma, leprosy, etc.). Persons infested with vermin must be freed therefrom before internment.

3. GENERAL REMARKS

The conditions set forth above should in general be interpreted and applied in a spirit as broad as possible.

This broad interpretation ought to be applied particularly to neuropathic or psychopathic states caused or determined by war experiences or by captivity itself (psychasthenia of prisoners of war) as well as to cases of tuberculosis in all stages.

There will be many cases brought before the travelling commissions and commissions of control which do not conform to the examples given under heading 2. The examples are given as typical only. An analogous list of surgical alterations has not been made, because, except for certain cases which by their very nature are incontestable (amputations), it is difficult to make a list of particular types. Experience has shown that the setting forth of such cases is in practice inconvenient.

All cases which do not correspond exactly to the examples cited are to be judged in accordance with the spirit of the guiding principles given above.

ANNEX 2.

MINIMUM CONDITIONS FOR THE EQUIPMENT AND ORGANIZATION OF OFFICERS' CAMPS

1. HOUSING

The location and equipment of officers' camps must meet all requirements for proper hygiene and cleanliness. Camps shall not be situated in unhealthful

locations. The wire fences shall not be electrified. The buildings shall be suitable for the occupancy of officers, and the rooms shall be sufficiently ventilated and free from draughts. The minimum floor space per head shall be as follows:

(a) Sleeping rooms

Single bed rooms for general and flag officers, 12 square metres.

Single bed rooms for field and commanding officers, 10 square metres.

Rooms with more than one bed for field and commanding officers, 8 square metres.

Rooms for all army captains and subaltern officers, 6 square metres.

(b) Dining rooms, work rooms, and recreation rooms combined

In camps up to 100 officers, 1 square metre.

In camps of from 101 to 300 officers, 0.75 square metre.

In camps of more than 300 officers, 0.50 square metre.

Working rooms and recreation rooms may be used as dining rooms. In such cases they shall be open from reveille to tattoo.

In so far as barracks are used either for sleeping or dining or as work and recreation rooms, they shall as a rule have double walls and wooden floors, but where this is not possible, they shall be otherwise sufficiently protected against cold and damp.

The minimum height for all rooms above mentioned shall be 2.50 metres to the eaves.

(c) Protection against fire

Every reasonable precaution, in accordance with current engineering practice in the Captor State, shall be taken against the possibility of injury to prisoners of war because of fire. Fire orders providing for the safe and orderly disposition of prisoners of war in case of fire shall be posted in all prison barracks and camps in the language of the prisoners of war, and the latter as well as the guards shall be fully informed of such orders. These orders shall specifically provide for the temporary release under guard of prisoners of war confined in cells or special disciplinary inclosures.

2. PATHS

Paths habitually in use within the camp shall be kept in serviceable condition even in bad weather.

3. BEDS AND BEDDING

Each officer shall be provided with a single bed with springs, mattress, pillow, two warm covers of adequate dimensions and two sheets. General and flag officers and field and commanding officers shall be provided with a pillow in addition. The beds shall be raised at least twenty centimeters from the floor. Beds shall not be superimposed.

Bed linen shall be changed at least once a month.

4. FURNITURE

Each officer shall have at his disposal in his bedroom a cupboard or other place in which he can keep his personal belongings (clothing, etc.).

Each officer prisoner of war shall have one chair and adequate table space. General and flag officers shall each have two chairs.

5. LIGHTING AND HEATING

All rooms shall be adequately lighted, and the light for every general or flag officer must have a minimum of 16 candle power, and for every field of commanding officer a minimum of 10 candle power, in rooms for two officers of other grades 16 candle power. Where it is not possible to supply electric light, other means of supplying an equal amount of light shall be provided. All rooms shall be heated sufficiently for the purpose for which they are used.

6. GROUNDS FOR GAMES AND EXERCISES

A space for exercise of sufficient size to permit of games being played shall be provided in each camp. In camps having up to 200 prisoners of war a minimum of 30 square metres per man; in camps of over 200 men 25 square meters per man, shall be provided. Paths may be, but gardens shall not be counted in computing this area. Exercise grounds if outside the camp may be used on condition that officers give their paroles as in the case of walks.

7. WASHING AND SANITARY ARRANGEMENTS

(a) *Bathing and washing arrangements*

Every officer shall be enabled to take at least one hot bath or hot shower bath a week, and unless other and adequate arrangements are made for bathing there shall be at least one shower bath for every forty officers. In every camp there must be at least two shower baths available. The shower baths shall be available for officers daily for three hours in the morning and three hours in the afternoon.

Ordinarily, every officer shall have at his disposal a wash basin and jug, and a water pitcher and glass. Where stationary washstands with running water are provided there shall be at least one bowl for every ten officers.

(b) *Sanitary conveniences*

All latrines and urinals shall comply with the requirements of proper sanitation and shall be lighted at night.

There shall be at least one latrine seat for every 30 officers. In no event shall there be less than three in any camp. They shall be separated one from another and shut off from view.

There shall be at least one urinal for every 20 officers.

The latrines for use at night shall be outside the sleeping rooms, and if not in the same building, access thereto shall be protected against bad weather.

Latrines and urinals for the use of officers shall be separate from those used by enlisted men.

8. MEDICAL TREATMENT

(a) *Infirmaries*

An infirmary shall be established in every camp for officer prisoners of war, which shall contain at least three beds for every one hundred officers in camp. The rules as regards floor space and height shall comply with the conditions prescribed for the sleeping rooms. Separate bathing arrangements, latrines and urinals shall be provided for sick officers.

(b) *Hospitals*

Officers in hospitals shall be allowed during the day time to be in the open

air as far as this is in accordance with the treatment prescribed for them by the medical officer.

Officers who are seriously ill may, with the consent of the medical officer, be visited by comrades who are in the same hospital or in a neighboring camp. The visiting officers must give their paroles under the same conditions as are prescribed for walks.

9. ORDERLIES

Every general or flag officer shall be entitled to one orderly. Field and commanding officers shall be entitled to one orderly for every four officers. Army captains and subalterns are entitled to one orderly for every seven officers.

Men employed as orderlies should be willing to perform this duty, should be physically fit in every way for the work, and should work only for the officer prisoners.

Orderlies shall be quartered and otherwise treated as well as other prisoners of war of like grades.

The rations and other rights of the orderlies shall not be curtailed on account of any gratuities or gifts in kind which they may receive from the officers.

Orderlies shall if possible be of the same State of Origin as the officers to whom they are assigned.

10. ROLL CALL

A commissioned officer of the Captor State shall be present at all roll calls and there shall not be more than three roll calls per day. When there are adequate reasons the number of roll calls may be increased temporarily. In such case the Secretary of War or his representative must be notified.

11. PHYSICAL EXERCISES

Compulsory physical exercises and drills are forbidden.

ANNEX 3

MINIMUM CONDITIONS FOR THE EQUIPMENT AND ORGANIZATION OF CAMPS FOR PRISONERS OF WAR OTHER THAN OFFICERS

1. HOUSING

Prisoners of war shall be housed in buildings or barracks which must fulfill all requirements of hygiene and be fully protected from inclement weather. Barracks shall, if possible, have wooden floors. If that is not practicable, the floor shall be so constructed that it can be kept hard, dry and clean.

Camps shall not be established in unhealthful locations. Wire fencing shall not be electrified.

(a) Dormitories

The floor space of dormitories shall be on the scale of 3 square meters per head. If beds are placed one above the other, the floor space may be reduced to 2 square meters per head. Rooms shall be sufficiently large to provide each occupant with an air space of 7.5 cubic meters.

(b) Living and dining rooms

In all camps containing at least 100 prisoners of war there shall be dining rooms provided with a sufficient quantity of tables and benches. The floor

space shall be on the scale of 0.5 square metres per head. The dining rooms may be used by the prisoners of war for purposes of recreation between meals. In that case they must remain open from reveille until tattoo.

(c) Protection against fire

Every reasonable precaution, in accordance with current engineering practice in the Captor State, shall be taken against the possibility of injury to prisoners of war because of fire. Fire orders providing for the safe and orderly disposition of prisoners of war in case of fire shall be posted in all prison barracks, camps or working camps in the language of the prisoners of war; and the latter as well as the guards shall be fully informed of such orders. These orders shall specifically provide for the temporary release under guard of prisoners of war confined in cells or special disciplinary inclosures.

2. PATHS

Paths habitually in use within the camp shall be kept in serviceable condition even in bad weather.

3. BEDS AND BEDDING

The beds shall be either iron or wooden frames. The bedding shall consist of a soft mattress at least 5 centimeters thick throughout and of two warm covers of adequate dimensions to be supplied by the Captor State. The bed frames shall be raised at least 20 centimeters above the floor. They shall be separated by a space 50 centimeters broad or a dividing wall 40 centimeters high. The contents of the mattress if of straw, paper, seaweed or similar material shall be renewed sufficiently often to insure cleanliness and adequate thickness. The contents must not consist of unclean material. Prisoners of war shall be allowed to keep their own blankets in addition to those provided by the camps.

4. LIGHTING AND HEATING

Lighting shall be sufficient to enable prisoners of war to read and write from dusk until tattoo in the rooms at their disposal for the purpose.

All rooms must be sufficiently heated for the purpose for which they are used.

5. GROUNDS FOR GAMES AND EXERCISES

A space for exercise of sufficient size to permit of outdoor games being played shall be provided in each camp. It shall be sufficient to provide ten square meters for every non-worker. In main and working camps containing more than 100 prisoners of war a special exercise ground shall be provided which the prisoners of war themselves shall prepare. The area shall be on a basis of 250 square meters for 100 prisoners of war and 75 square meters for every additional 100 prisoners of war. Paths may be, but gardens shall not be counted in computing this area.

6. WASHING AND SANITARY ARRANGEMENTS

(a) Bathing and washing arrangements

Adequate facilities for washing must be provided and in the absence of other adequate arrangements there shall be a tap to every 30 men and a shower bath for every 50 men. Suitable provision for washing shall, however,

always be made when necessitated by the nature of the work prisoners of war are called upon to perform.

Bathing facilities shall permit of at least one hot bath or hot shower per week of at least five minutes duration. Facilities for washing clothes shall be available at least once a week.

Prisoners of war shall receive an allowance of soap which shall in no case be less than 150 grams per head per month. Prisoners employed on heavy work shall receive an extra allowance.

(b) Sanitary conveniences

Latrines and urinals must conform to the requirements of health and cleanliness and, if in barracks, must be separated from the living rooms.

There must be at least one latrine seat and one meter of urinal trough for every 40 men.

The latrines for use at night shall be outside the sleeping rooms, and, if not in the same buildings, access thereto shall be protected against bad weather.

Latrines shall be lighted at night.

7. CLOTHING AND EQUIPMENT

(a) Clothing

Clothing, underclothing and footwear shall be furnished by the Captor State, the quality of which shall equal that of the same articles furnished for similar purposes to its own armed forces. Furthermore the prisoners of war shall be allowed to receive wearing apparel and other objects of daily use from the designated relief societies. No such consignment shall relieve the Captor State of the obligation of providing clothing, etc. The Captor State shall provide for regular renewal and repair.

Regulation uniforms furnished by the State of Origin or the relief societies shall not be cut for the purpose of applying stripes or other distinctive marks.

Every prisoner of war shall be provided with the following articles: 1 cap, 1 pair cloth trousers, 1 cloth coat or tunic, 1 overcoat, 2 shirts, 2 pairs of drawers, 2 pairs of socks or stockings, 2 pairs of boots or shoes of which one pair may be house shoes or wooden slippers, 1 towel per week.

In addition, each worker shall be provided with a suit of drill overalls whenever the nature of the work requires it.

(b) Equipment

Each prisoner of war shall be given a mess kit and utensils, including a knife, fork and a spoon, a drinking cup and a barrack bag or other suitable container for his personal belongings.

8. MEDICAL TREATMENT

(a) Infirmeries

In every camp containing more than 30 prisoners of war there shall be an infirmary. The number of beds shall be three for every hundred prisoners and for every bed there shall be an air space of at least 10 cubic metres. The beds shall each have springs, a mattress, a pillow and sheets.

Special bath and sanitary conveniences shall be provided for the sick.

(b) Hospitals

Prisoners of war under treatment in hospitals shall be given opportunity

for being in the open air daily, so far as this is in accordance with the treatment prescribed for them by the medical officers.

Men who are seriously ill may be visited, so far as practicable and subject to the consent of the medical officer, by comrades who are located in the same hospital or in a neighboring camp.

9. PHYSICAL EXERCISES

Compulsory drills and physical exercises shall not last more than one hour per day.

ANNEX 4

REGULATIONS FOR CARRYING OUT THE PUNISHMENT OF OFFICER PRISONERS OF WAR IN PRISON CAMPS AND MILITARY PRISONS

1. HOUSING

Rooms shall be sanitary, sufficiently large, light, dry, well ventilated by at least one window leading to the open air, and warmed during cold weather; they must be artificially lighted from dusk to 9 P.M. Places of confinement may be secured by locks.

2. FURNITURE

The furniture of the rooms shall consist of a bed with mattress, sufficient blankets and sheets, one table, one chair, a wash-basin, a water pitcher and glass.

3. DIET

Officer prisoners of war under punishment shall receive from the Officers' mess the same diet as those who are not under punishment. They shall not be permitted to buy alcoholic beverages or eatables. They shall be allowed to smoke.

4. EXERCISE

Officer prisoners of war under punishment may take exercise in the open air for 2 hours a day, but must not have communication with their fellows.

5. OCCUPATION

Officer prisoners of war under punishment shall be allowed to read and write and to receive newspapers. If two or more officers are confined in the same room they shall be allowed to talk together. They shall be permitted to play games, but not to gamble.

6. CORRESPONDENCE

Officer prisoners of war under punishment shall be allowed to receive and send the authorized maximum of letters and post cards. However parcels and money addressed to them shall not be delivered until their punishment has expired.

The food contents of parcels shall be handed over to the Officers' mess of the camp. If any officer prisoner does not receive his food from the Officers' mess, he shall receive the food contents of parcels intended for him, together with facilities and fuel for cooking such food.

7. SANITARY CONVENIENCES

Officer prisoners of war under punishment shall have every reasonable facility for keeping themselves in a state of personal cleanliness. The rooms in which they are confined shall be properly cleaned. Latrines shall be kept clean

and odorless. Night stools in the rooms are forbidden, but adequate opportunities for attending to the calls of nature shall be given.

8. ORDERLIES

Orderlies shall be provided for necessary cooking, policing, etc.

9. CLOTHING

Officer prisoners of war under punishment shall be allowed such of their clothing as they may reasonably request.

ANNEX 5

REGULATIONS FOR THE CARRYING OUT OF PUNISHMENTS OF PRISONERS OF WAR OTHER THAN OFFICERS IN PRISON CAMPS AND MILITARY PRISONS

1. HOUSING

Rooms shall be sanitary, sufficiently light, dry, well ventilated and warmed in cold weather. The cubic contents shall at least be $2\frac{1}{2} \times 2\frac{1}{2} \times 1\frac{1}{2}$ meters per head. There need be no artificial lighting.

2. FURNITURE AND CLOTHING

Each room shall be provided with a wooden bed board without a mattress. The bed board shall not be taken from the room. A mattress shall be allowed one night in every four. In the room there shall be a water pitcher and a drinking glass. If washing facilities are not afforded outside of the room, each prisoner of war under punishment shall be furnished a wash basin. They shall be allowed at all times a sufficient number of blankets. They may retain their uniforms and overcoats.

3. DIET

As a punishment, prisoners of war may be put on a bread and water diet. While on bread and water diet they shall receive not less than 500 grams of bread each day and as much drinking water as they wish. Such diet shall not be continued for more than 3 days at a time; nor more than 6 days out of 12 consecutive days; nor more than 12 days in 28; nor more than a total of 80 days in one year. On all other days they shall receive the same full ration as their comrades, including their share of the food supplies received from the designated relief societies. Unless such additional food supplies are turned into the mess for all prisoners together, prisoners of war under punishment shall be granted facilities and fuel for cooking such food on all days on which they are entitled to full ration.

Prisoners of war under punishment who are required to work shall not be put on restricted diet but shall each day receive the same food as their comrades.

Alcoholic beverages and smoking are forbidden.

4. OUTDOOR EXERCISE

Prisoners of war under punishment shall be allowed two hours exercise in the open air every day without having communication with their comrades.

5. EMPLOYMENT

Prisoners of war under punishment may be employed on work during the day. Reading and writing shall be permitted.

6. CORRESPONDENCE

Prisoners of war under punishment shall be allowed to receive and to send the authorized maximum of letters and postcards. However, parcels and money which may be addressed to them shall not be delivered until their punishment has expired. Food stuffs contained in parcels shall be handed over to the prisoner of war mess.

7. SANITATION

Prisoners of war under punishment shall have sufficient facilities for keeping themselves in a state of personal cleanliness. Their rooms shall be properly cleaned. Latrines shall be kept clean and odorless. Night stools in the rooms are forbidden; but sufficient opportunity shall be afforded to attend to calls of nature during the night.

ANNEX 6

CORRESPONDING TITLES AND RANKS OF THE SANITARY PERSONNEL OF THE GERMAN AND AMERICAN LAND AND NAVAL FORCES

[This annex consists of a table.]

ANNEX 7

DEFINITIONS

1. PRISONERS OF WAR

The term "prisoners of war" shall comprise those officers, officials, non-commissioned officers and enlisted or enrolled persons, male or female, of all branches and corps of the army, navy, and marine corps whether on the active, retired or reserve lists, who are captured while in the active service of the armed forces of their State of Origin. Sanitary personnel are excluded.

2. CIVIL PRISONERS

The term "civil prisoners" shall comprise all citizens or subjects of either Contracting Party held in confinement by the other for any reason except the violation of the penal laws in force in the territories of the Captor State or any of its subdivisions; inclusive of the officers and members of crews of merchant ships, and exclusive of persons coming within the definition of "prisoners of war," or Article 139 or 140.

3. OFFICERS

The term "officer" shall comprise the officers of all corps of the armed forces, military or naval, of the two Contracting Parties and shall include commissioned, warranted and appointed officers of the United States, "Hilfsoffiziere" of the German navy and officials with the rank of officer in the German army or navy.

4. NON-COMMISSIONED OFFICERS

The terms "non-commissioned officer" shall include in the American army corporals, and in the German army or navy "Offiziersstellvertreter" and "Beamtenstellvertreter," "Deckoffiziere," "Vizedeckoffiziere" and "Hilfsdeckoffiziere."

5. STATE OF ORIGIN

The term "State of Origin" shall be held to mean:

(a) with reference to military or naval personnel, the State in whose

armed forces they are commissioned, warranted, appointed, enlisted or enrolled;

- (b) with reference to non-military persons, the State with whose armed forces they are exclusively connected.

6. INVALID AND VALID PRISONERS OF WAR

The term "invalid prisoners of war" shall comprise those who are eligible for internment in a neutral country or repatriation under the terms of this Agreement because of physical or mental unsoundness. All other prisoners of war shall be deemed "valid."

7. REPATRIATION

The term "repatriation" shall, when applied to prisoners of war and sanitary personnel, mean the return to American or German military control; as applied to civilians it is defined in Article 163.