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Documents on Prisoners of War

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**1929 GENEVA CONVENTION RELATIVE TO THE TREATMENT
OF PRISONERS OF WAR
(27 July 1929)**

SOURCES

118 LNTS 343
47 Stat. 2021
2 Bevans 932
130 BFSP 239
27 AJIL Supp. 59
NWC, 1950-1951, at 49

NOTE

While the 1874 Declaration of Brussels (DOCUMENT NO. 27), the 1899 Hague II Regulations (DOCUMENT NO. 28), and the 1907 Hague IV Regulations (DOCUMENT NO. 33) had all dealt with the subject of prisoners of war at some length, this was the first multilateral convention drafted in peacetime which was concerned exclusively with prisoners of war. Unfortunately, when put to the test in World War II (1939-1945), it failed to provide solutions to many of the problems which had surfaced during World War I (1914-1918) and which had been the subject of specific provisions in the many bilateral and multilateral agreements entered into by the belligerents during the course of those hostilities. (For examples of such agreements, see DOCUMENT NO. 37 and DOCUMENT NO. 42.) It has now been completely replaced by the 1949 Geneva Prisoner-of-War Convention (DOCUMENT NO. 108).

TEXT

TITLE I. GENERAL PROVISIONS

ARTICLE 1

The present Convention shall apply, without prejudice to the stipulations of Title VII:

1) To all persons mentioned in Articles 1, 2 and 3 of the Regulations annexed to the Hague Convention respecting the laws and customs of war on land, of October 18, 1907, and captured by the enemy.

2) To all persons belonging to the armed forces of belligerent parties, captured by the enemy in the course of military operations at sea or in the air, except for such derogations as might be rendered inevitable by the conditions of capture. However, such derogations shall not infringe upon the fundamental principles of the present Convention; they shall cease from the moment when the persons captured have rejoined a prisoners-of-war camp.

ARTICLE 2

Prisoners of war are in the power of the hostile Power, but not of the individuals or corps who have captured them.

They must at all times be humanely treated and protected, particularly against acts of violence, insults and public curiosity.

Measures of reprisal against them are prohibited.

ARTICLE 3

Prisoners of war have the right to have their person and their honor respected. Women shall be treated with all the regard due to their sex.

Prisoners retain their full status.

ARTICLE 4

The Power detaining prisoners of war is bound to provide for their maintenance.

Difference in treatment among prisoners is lawful only when it is based on the military rank, state of physical or mental health, professional qualifications or sex of those who profit thereby.

TITLE II. CAPTURE

ARTICLE 5

Every prisoner of war is bound to give, if he is questioned on the subject, his true name and rank, or else his regimental number.

If he infringes this rule, he is liable to have the advantages given to prisoners of his class curtailed.

No coercion may be used on prisoners to secure information relative to the condition of their army or country. Prisoners who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind whatever.

If, because of his physical or mental condition, a prisoner is unable to identify himself, he shall be turned over to the medical corps.

ARTICLE 6

All effects and objects of personal use — except arms, horses, military equipment and military papers — shall remain in the possession of prisoners of war, as well as metal helmets and gas masks.

Money in the possession of prisoners may not be taken away from them except by order of an officer and after the amount is determined. A receipt shall be given. Money thus taken away shall be entered to the account of each prisoner.

Identification documents, insignia of rank, decorations and objects of value may not be taken from prisoners.

TITLE III. CAPTIVITY

SECTION I. EVACUATION OF PRISONERS OF WAR

ARTICLE 7

Prisoners of war shall be evacuated within the shortest possible period after their capture, to depots located in a region far enough from the zone of combat for them to be out of danger.

Only prisoners who, because of wounds or sickness, would run greater risks by being evacuated than by remaining where they are may be temporarily kept in a dangerous zone.

Prisoners shall not be needlessly exposed to danger while awaiting their evacuation from the combat zone.

Evacuation of prisoners on foot may normally be effected only by stages of 20 kilometers a day, unless the necessity of reaching water and food depots requires longer stages.

ARTICLE 8

Belligerents are bound mutually to notify each other of their capture of prisoners within the shortest period possible, through the intermediary of the information bureaus, such as are organized according to Article 77. They are likewise bound to inform each other of the official addresses to which the correspondence of their families may be sent to prisoners of war.

As soon as possible, every prisoner must be able to correspond with his family himself, under the conditions provided in Articles 36 *et seq.*

As regards prisoners captured at sea, the provisions of the present article shall be observed as soon as possible after arrival at port.

SECTION II. PRISONERS-OF-WAR CAMPS

ARTICLE 9

Prisoners of war may be interned in a town, fortress, or other place, and bound not to go beyond certain fixed limits. They may also be interned in enclosed camps; they may not be confined or imprisoned except as an indispensable measure of safety or sanitation, and only while the circumstances which necessitate the measure continue to exist.

Prisoners captured in unhealthful regions or where the climate is injurious for persons coming from temperate regions, shall be transported, as soon as possible, to a more favorable climate.

Belligerents shall, so far as possible, avoid assembling in a single camp prisoners of different races or nationalities.

No prisoner may, at any time, be sent into a region where he might be exposed to the fire of the combat zone, nor used to give protection from bombardment to certain points or certain regions by his presence.

CHAPTER I. *Installation of Camps*

ARTICLE 10

Prisoners of war shall be lodged in buildings or in barracks affording all possible guarantees of hygiene and healthfulness.

The quarters must be fully protected from dampness, sufficiently heated and lighted. All precautions must be taken against danger of fire.

With regard to dormitories — the total surface, minimum cubic amount of air, arrangement and material of bedding — the conditions shall be the same as for the troops at base camps of the detaining Power.

CHAPTER 2. *Food and Clothing of Prisoners of War*

ARTICLE 11

The food ration of prisoners of war shall be equal in quantity and quality to that of troops at base camps.

Furthermore, prisoners shall receive facilities for preparing, themselves, additional food which they might have.

A sufficiency of potable water shall be furnished them. The use of tobacco shall be permitted. Prisoners may be employed in the kitchens.

All collective disciplinary measures affecting the food are prohibited.

ARTICLE 12

Clothing, linen and footwear shall be furnished prisoners of war by the detaining Power. Replacement and repairing of these effects must be assured regularly. In addition, laborers must receive work clothes wherever the nature of the work requires it.

Canteens shall be installed in all camps where prisoners may obtain, at the local market price, food products and ordinary objects.

Profits made by the canteens for camp administrations shall be used for the benefit of prisoners.

CHAPTER 3. *Sanitary Service in Camps*

ARTICLE 13

Belligerents shall be bound to take all sanitary measures necessary to assure the cleanliness and healthfulness of camps and to prevent epidemics.

Prisoners of war shall have at their disposal, day and night, installations conforming to sanitary rules and constantly maintained in a state of cleanliness.

Furthermore, and without prejudice to baths and showers with which the camp shall be as well provided as possible, prisoners shall be furnished a sufficient quantity of water for the care of their own bodily cleanliness.

It shall be possible for them to take physical exercise and enjoy the open air.

ARTICLE 14

Every camp shall have an infirmary, where prisoners of war shall receive every kind of attention they need. If necessary, isolated quarters shall be reserved for the sick affected with contagious diseases.

Expenses of treatment, including therein those of temporary prosthetic equipment, shall be borne by the detaining Power.

Upon request, belligerents shall be bound to deliver to every prisoner treated an official statement showing the nature and duration of his illness as well as the attention received.

It shall be lawful for belligerents reciprocally to authorize, by means of private arrangements, the retention in the camps of physicians and attendants to care for prisoners of their own country.

Prisoners affected with a serious illness or whose condition necessitates an important surgical operation, must be admitted, at the expense of the detaining Power, to any military or civil medical unit qualified to treat them.

ARTICLE 15

Medical inspections of prisoners of war shall be arranged at least once a month. Their purpose shall be the supervision of the general state of health and cleanliness, and the detection of contagious diseases, particularly tuberculosis and venereal diseases.

CHAPTER 4. *Intellectual and Moral Needs of Prisoners of War*

ARTICLE 16

Prisoners of war shall enjoy complete liberty in the exercise of their religion, including attendance at the services of their faith, on the sole

condition that they comply with the measures of order and police issued by the military authorities.

Ministers of a religion, prisoners of war, whatever their religious denomination, shall be allowed to minister fully to members of the same religion.

ARTICLE 17

So far as possible, belligerents shall encourage intellectual diversions and sports organized by prisoners of war.

CHAPTER 5. *Internal Discipline of Camps*

ARTICLE 18

Every camp of prisoners of war shall be placed under the command of a responsible officer.

Besides the external marks of respect provided by the regulations in force in their armies with regard to their nationals, prisoners of war must salute all officers of the detaining Power.

Officers who are prisoners of war are bound to salute only officers of a higher or equal rank of that Power.

ARTICLE 19

The wearing of insignia of rank and of decorations shall be permitted.

ARTICLE 20

Regulations, orders, notices and proclamations of every kind must be communicated to prisoners of war in a language which they understand. The same principle shall be applied in examinations.

CHAPTER 6. *Special Provisions Regarding Officers and Persons of Equivalent Status*

ARTICLE 21

Upon the beginning of hostilities, belligerents shall be bound to communicate to one another the titles and ranks in use in their respective armies, with a view to assuring equality of treatment between corresponding ranks of officers and persons of equivalent status.

Officers and persons of equivalent status who are prisoners of war shall be treated with the regard due their rank and age.

ARTICLE 22

In order to assure service in officers' camps, soldiers of the same army who are prisoners of war and, wherever possible, who speak the same language, shall be assigned thereto, in sufficient numbers, considering the rank of the officers and persons of equivalent status.

The latter shall secure their food and clothing from the pay which shall be granted them by the detaining Power. Administration of the mess-fund by the officers themselves must be facilitated in every way.

CHAPTER 7. *Financial Resources of Prisoners of War*

ARTICLE 23

Subject to private arrangements between belligerent Powers, and particularly those provided in Article 24, officers and persons of equivalent status who are prisoners of war shall receive from the detaining Power the

same pay as officers of corresponding rank in the armies of that Power, on the condition, however, that this pay does not exceed that to which they are entitled in the armies of the country which they have served. This pay shall be granted them in full, once a month if possible, and without being liable to any deduction for expenses incumbent on the detaining Power, even when they are in favor of the prisoners.

An agreement between the belligerents shall fix the rate of exchange applicable to this payment; in the absence of such an agreement, the rate adopted shall be that in force at the opening of hostilities.

All payments made to prisoners of war as pay must be reimbursed at the end of hostilities, by the Power which they have served.

ARTICLE 24

Upon the outbreak of hostilities, the belligerents shall, by common agreement, fix the maximum amount of ready money which prisoners of war of various ranks and classes shall be allowed to keep in their possession. Any surplus taken or withheld from a prisoner shall be entered to his account, the same as any deposit of money effected by him, and may not be converted into another currency without his consent.

Pay to the credit of their accounts shall be given to prisoners of war at the end of their captivity.

During their imprisonment, facilities shall be granted them for the transfer of these amounts, in whole or in part, to banks or private persons in their country of origin.

CHAPTER 8. *Transfer of Prisoners of War*

ARTICLE 25

Unless the conduct of military operations so requires, sick and wounded prisoners of war shall not be transferred as long as their recovery might be endangered by the trip.

ARTICLE 26

In case of transfer, prisoners of war shall be officially notified of their new destination in advance; they shall be allowed to take with them their personal effects, their correspondence and packages which have arrived for them.

All due measures shall be taken that correspondence and packages addressed to their former camp may be forwarded to them without delay.

Money deposited to the account of transferred prisoners shall be transmitted to the competent authority of their new place of residence.

The expenses occasioned by the transfer shall be charged to the detaining Power.

SECTION III. LABOR OF PRISONERS OF WAR

CHAPTER 1. *Generalities*

ARTICLE 27

Belligerents may utilize the labor of able prisoners of war, according to their rank and aptitude, officers and persons of equivalent status excepted.

However, if officers or persons of equivalent status request suitable work, it shall be secured for them so far as is possible.

Noncommissioned officers who are prisoners of war shall only be required

to do supervisory work, unless they expressly request a remunerative occupation.

Belligerents shall be bound, during the whole period of captivity, to allow to prisoners of war who are victims of accidents in connection with their work their enjoyment of the benefit of the provisions applicable to laborers of the same class according to the legislation of the detaining Power. With regard to prisoners of war to whom these legal provisions might not be applied by reason of the legislation of that Power, the latter undertakes to recommend to its legislative body all proper measures equitably to indemnify the victims.

CHAPTER 2. *Organization of the Labor*

ARTICLE 28

The detaining Power shall assume entire responsibility for the maintenance, care, treatment and payment of wages of prisoners of war working for the account of private persons.

ARTICLE 29

No prisoner of war may be employed at labors for which he is physically unfit.

ARTICLE 30

The length of the day's work of prisoners of war, including therein the trip going and returning, shall not be excessive and must not, in any case, exceed that allowed for the civil workers in the region employed at the same work. Every prisoner shall be allowed a rest of twenty-four consecutive hours every week, preferably on Sunday.

CHAPTER 3. *Prohibited Labor*

ARTICLE 31

Labor furnished by prisoners of war shall have no direct relation with war operations. It is especially prohibited to use prisoners for manufacturing and transporting arms or munitions of any kind, or for transporting material intended for combatant units.

In case of violation of the provisions of the preceding paragraph, prisoners, after executing or beginning to execute the order, shall be free to have their protests presented through the mediation of the agents whose functions are set forth in Articles 43 and 44, or, in the absence of an agent, through the mediation of representatives of the protecting Power.

ARTICLE 32

It is forbidden to use prisoners of war at unhealthful or dangerous work.

Any aggravation of the conditions of labor by disciplinary measures is forbidden.

CHAPTER 4. *Labor Detachments*

ARTICLE 33

The system of labor detachments must be similar to that of prisoners-of-war camps, particularly with regard to sanitary conditions, food, attention in case of accident or sickness, correspondence and the receipt of packages.

Every labor detachment shall be dependent on a prisoners' camp. The commander of this camp shall be responsible for the observation, in the labor detachment, of the provisions of the present Convention.

CHAPTER 5. *Wages*

ARTICLE 34

Prisoners of war shall not receive wages for work connected with the administration, management and maintenance of the camps.

Prisoners utilized for other work shall be entitled to wages to be fixed by agreements between the belligerents.

These agreements shall also specify the part which the camp administration may retain, the amount which shall belong to the prisoner of war and the manner in which that amount shall be put at his disposal during the period of his captivity.

While awaiting the conclusion of the said agreements, payment for labor of prisoners shall be settled according to the rules given below:

a) Work done for the State shall be paid for in accordance with the rates in force for soldiers of the national army doing the same work, or, if none exists, according to a rate in harmony with the work performed.

b) When the work is done for the account of other public administrations or for private persons, conditions shall be regulated by agreement with the military authority.

The pay remaining to the credit of the prisoners shall be delivered to him at the end of his captivity. In case of death, it shall be forwarded through the diplomatic channel to the heirs of the deceased.

SECTION IV. EXTERNAL RELATIONS OF PRISONERS OF WAR

ARTICLE 35

Upon the outbreak of hostilities, belligerents shall publish the measures provided for the execution of the provisions of this section.

ARTICLE 36

Each of the belligerents shall periodically determine the number of letters and postal cards per month which prisoners of war of the various classes shall be allowed to send, and shall inform the other belligerent of this number. These letters and cards shall be transmitted by post by the shortest route. They may not be delayed or retained for disciplinary reasons.

Within a period of not more than one week after his arrival at the camp, and likewise in case of sickness, every prisoner shall be enabled to write his family a postal card informing it of his capture and of the state of his health. The said postal cards shall be forwarded as rapidly as possible and may not be delayed in any manner.

As a general rule, correspondence of prisoners shall be written in their native language. Belligerents may allow correspondence in other languages.

ARTICLE 37

Prisoners of war shall be allowed individually to receive parcels by mail, containing foods and other articles intended to supply them with food or clothing. Packages shall be delivered to the addressees and a receipt given.

ARTICLE 38

Letters and consignments of money or valuables, as well as parcels by post intended for prisoners of war or dispatched by them, either directly, or by the mediation of the information bureaus provided for in Article 77, shall be

exempt from all postal duties in the countries of origin and destination, as well as in the countries they pass through.

Presents and relief in kind for prisoners shall be likewise exempt from all import and other duties, as well as of payments for carriage by the State railways.

Prisoners may, in cases of acknowledged urgency, be allowed to send telegrams, paying the usual charges.

ARTICLE 39

Prisoners of war shall be allowed to receive shipments of books individually, which may be subject to censorship.

Representatives of the protecting Powers and duly recognized and authorized aid societies may send books and collections of books to the libraries of prisoners' camps. The transmission of these shipments to libraries may not be delayed under the pretext of censorship difficulties.

ARTICLE 40

Censorship of correspondence must be effected within the shortest possible time. Furthermore, inspection of parcels post must be effected under proper conditions to guarantee the preservation of the products which they may contain and, if possible, in the presence of the addressee or an agent duly recognized by him.

Prohibitions of correspondence promulgated by the belligerents for military or political reasons, must be transient in character and as short as possible.

ARTICLE 41

Belligerents shall assure all facilities for the transmission of instruments, papers or documents intended for prisoners of war or signed by them particularly of powers of attorney and wills.

They shall take the necessary measures to assure, in case of necessity, the authentication of signatures made by prisoners.

SECTION V. PRISONERS' RELATIONS WITH THE AUTHORITIES

CHAPTER 1. *Complaints of Prisoners of War because of the Conditions of Captivity*

ARTICLE 42

Prisoners of war shall have the right to inform the military authorities in whose power they are of their requests with regard to the conditions of captivity to which they are subjected.

They shall also have the right to address themselves to representatives of the protecting Powers to indicate to them the points on which they have complaints to formulate with regard to the conditions of captivity.

These requests and complaints must be transmitted immediately.

Even if they are recognized to be unfounded, they may not occasion any punishment.

CHAPTER 2. *Representatives of Prisoners of War*

ARTICLE 43

In every place where there are prisoners of war, they shall be allowed to

appoint agents entrusted with representing them directly with military authorities and protecting Powers.

This appointment shall be subject to the approval of the military authority.

The agents shall be entrusted with the reception and distribution of collective shipments. Likewise, in case the prisoners should decide to organize a mutual assistance system among themselves, this organization would be in the sphere of the agents. Further, they may lend their offices to prisoners to facilitate their relations with the aid societies mentioned in Article 78.

In camps of officers and persons of equivalent status, the senior officer prisoner of the highest rank shall be recognized as intermediary between the camp authorities and the officers and persons of equivalent status who are prisoners. For this purpose, he shall have the power to appoint a prisoner officer to assist him as an interpreter during the conferences with the camp authorities.

ARTICLE 44

When the agents are employed as laborers, their activity as representatives of prisoners of war must be counted in the compulsory period of labor.

All facilities shall be accorded the agents for their intercourse with the military authorities and with the protecting Power. This intercourse shall not be limited.

No representative of the prisoners may be transferred without the necessary time being allowed him to inform his successors about affairs under consideration.

CHAPTER 3. *Penalties Applicable to Prisoners of War*

1. GENERAL PROVISIONS

ARTICLE 45

Prisoners of war shall be subject to the laws, regulations, and orders in force in the armies of the detaining Power.

An act of insubordination shall justify the adoption towards them of the measures provided by such laws, regulations and orders.

The provisions of the present chapter, however, are reserved.

ARTICLE 46

Punishments other than those provided for the same acts for soldiers of the national armies may not be imposed upon prisoners of war by the military authorities and courts of the detaining Power.

Rank being identical, officers, noncommissioned officers or soldiers who are prisoners of war undergoing a disciplinary punishment, shall not be subject to less favorable treatment than that provided in the armies of the detaining Power with regard to the same punishment.

Any corporal punishment, any imprisonment in quarters without daylight and, in general, any form of cruelty, is forbidden.

Collective punishment for individual acts is also forbidden.

ARTICLE 47

Acts constituting an offense against discipline, and particularly attempted escape, shall be verified immediately; for all prisoners of war, commissioned

or not, preventive arrest shall be reduced to the absolute minimum.

Judicial proceedings against prisoners of war shall be conducted as rapidly as the circumstances permit; preventive imprisonment shall be limited as much as possible

In all cases, the duration of preventive imprisonment shall be deducted from the disciplinary or judicial punishment inflicted, provided that this deduction is allowed for national soldiers.

ARTICLE 48

Prisoners of war may not be treated differently from other prisoners after having suffered the judicial or disciplinary punishment which has been imposed on them.

However, prisoners punished as a result of attempted escape may be subjected to special surveillance, which, however, may not entail the suppression of guarantees granted prisoners by the present Convention.

ARTICLE 49

No prisoner of war may be deprived of his rank by the detaining Power.

Prisoners given disciplinary punishment may not be deprived of the prerogatives attached to their rank. In particular, officers and persons of equivalent status who suffer punishment involving deprivation of liberty shall not be placed in the same quarters as non-commissioned officers or privates being punished.

ARTICLE 50

Escaped prisoners of war who are retaken before being able to rejoin their own army or to leave the territory occupied by the army which captured them shall be liable only to disciplinary punishment.

Prisoners who, after having succeeded in rejoining their army or in leaving the territory occupied by the army which captured them, may again be taken prisoners, shall not be liable to any punishment on account of their previous flight.

ARTICLE 51

Attempted escape, even if it is a repetition of the offense, shall not be considered as an aggravating circumstance in case the prisoner of war should be given over to the courts on account of crimes or offenses against persons or property committed in the course of that attempt.

After an attempted or accomplished escape, the comrades of the person escaping who assisted in the escape, may incur only disciplinary punishment on this account.

ARTICLE 52

Belligerents shall see that the competent authorities exercise the greatest leniency in deciding the question of whether an infraction committed by a prisoner of war should be punished by disciplinary or judicial measures.

This shall be the case especially when it is a question of deciding on acts in connection with escape or attempted escape.

A prisoner may not be punished more than once because of the same act or the same count.

ARTICLE 53

No prisoner of war on whom a disciplinary punishment has been imposed, who might be eligible for repatriation, may be kept back because he has not undergone the punishment.

Prisoners to be repatriated who might be threatened with a penal prosecution may be excluded from repatriation until the end of the proceedings and, if necessary, until the completion of the punishment; those who might already be imprisoned by reason of a sentence may be detained until the end of their imprisonment.

Belligerents shall communicate to each other the lists of those who may not be repatriated for the reasons given in the preceding paragraph.

2. DISCIPLINARY PUNISHMENTS

ARTICLE 54

Arrest is the most severe disciplinary punishment which may be imposed on a prisoner of war.

The duration of a single punishment may not exceed thirty days.

This maximum of thirty days may not, further, be exceeded in the case of several acts for which the prisoner has to undergo discipline at the time when it is ordered for him, whether or not these acts are connected.

When, during or after the end of a period of arrest, a prisoner shall have a new disciplinary punishment imposed upon him, a space of at least three days shall separate each of the periods of arrest, if one of them is ten days or more.

ARTICLE 55

Subject to the provisions given in the last paragraph of Article 11, food restrictions allowed in the armies of the detaining Power are applicable, as an increase in punishment, to prisoners of war given disciplinary punishment.

However, these restrictions may be ordered only if the state of health of the prisoners punished permits it.

ARTICLE 56

In no case may prisoners of war be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) there to undergo disciplinary punishment.

The quarters in which they undergo disciplinary punishment shall conform to sanitary requirements.

Prisoners punished shall be enabled to keep themselves in a state of cleanliness.

These prisoners shall every day be allowed to exercise or to stay in the open air at least two hours.

ARTICLE 57

Prisoners of war given disciplinary punishment shall be allowed to read and write, as well as to send and receive letters.

On the other hand, packages and money sent may be not delivered to the addressees until the expiration of the punishment. If the packages not distributed contain perishable products, these shall be turned over to the camp infirmary or kitchen.

ARTICLE 58

Prisoners of war given disciplinary punishment shall be allowed, on their request, to be present at the daily medical inspection. They shall receive the care considered necessary by the doctors and, if necessary, shall be removed to the camp infirmary or to hospitals.

ARTICLE 59

Excepting the competence of courts and higher military authorities, disciplinary punishment may be ordered only by an officer provided with disciplinary powers in his capacity as commander of a camp or detachment, or by the responsible officer replacing him.

3. JUDICIAL SUITS

ARTICLE 60

At the opening of a judicial proceeding directed against a prisoner of war, the detaining Power shall advise the representative of the protecting Power thereof as soon as possible, and always before the date set for the opening of the trial.

This advice shall contain the following information:

- a) Civil state and rank of prisoner;
- b) Place of sojourn or imprisonment;
- c) Specification of the count or counts of the indictment, giving the legal provisions applicable.

If it is not possible to mention in that advice the court which will pass upon the matter, the date of opening the trial and the place where it will take place, this information must be furnished to the representative of the protecting Power later, as soon as possible, and at all events, at least three weeks before the opening of the trial.

ARTICLE 61

No prisoner of war may be sentenced without having had an opportunity to defend himself.

No prisoner may be obliged to admit himself guilty of the act of which he is accused.

ARTICLE 62

The prisoner of war shall be entitled to assistance by a qualified counsel of his choice, and, if necessary, to have recourse to the services of a competent interpreter. He shall be advised of his right by the detaining Power, in due time before the trial.

In default of a choice by the prisoner, the protecting Power may obtain a counsel for him. The detaining Power shall deliver to the protecting Power, on its request, a list of persons qualified to present the defense.

Representatives of the protecting Power shall be entitled to attend the trial of the case.

The only exception to this rule is the case where the trial of the case must be secret in the interest of the safety of the State. The detaining Power should so advise the protecting Power.

ARTICLE 63

Sentence may be pronounced against a prisoner of war only by the same

courts and according to the same procedure as in the case of persons belonging to the armed forces of the detaining Power.

ARTICLE 64

Every prisoner of war shall have the right of appeal against any sentence rendered with regard to him, in the same way as individuals belonging to the armed forces of the detaining Power.

ARTICLE 65

Sentences pronounced against prisoners of war shall be communicated to the protecting Power immediately.

ARTICLE 66

If the death penalty is pronounced against a prisoner of war, a communication setting forth in detail the nature and circumstances of the offense shall be sent as soon as possible to the representative of the protecting Power, for transmission to the Power in whose armies the prisoner served.

The sentence shall not be executed before the expiration of a period of at least three months after this communication.

ARTICLE 67

No prisoner of war may be deprived of the benefit of the provisions of Article 42 of the present Convention as a result of a sentence or otherwise.

TITLE IV. TERMINATION OF CAPTIVITY

SECTION I. DIRECT REPATRIATION AND HOSPITALIZATION

IN A NEUTRAL COUNTRY

ARTICLE 68

Belligerents are bound to send back to their own country, regardless of rank or number, seriously sick and seriously injured prisoners of war, after having brought them to a condition where they can be transported.

Agreements between belligerents shall accordingly settle as soon as possible the cases of invalidity or of sickness, entailing direct repatriation, as well as the cases entailing possible hospitalization in a neutral country. While awaiting the conclusion of these agreements, belligerents may have reference to the model agreement annexed, for documentary purposes, to the present Convention.

ARTICLE 69

Upon the outbreak of hostilities, belligerents shall come to an agreement to name mixed medical commissions. These commissions shall be composed of three members, two of them belonging to a neutral country and one appointed by the detaining Power; one of the physicians of the neutral country shall preside. These mixed medical commissions shall proceed to the examination of sick or wounded prisoners and shall make all due decisions regarding them.

Decisions of these commissions shall be by majority and carried out with the least possible delay.

ARTICLE 70

Besides those who are designated by the camp physician, the following prisoners of war shall be inspected by the mixed medical Commission mentioned in Article 69, with a view to their direct repatriation or their

hospitalization in a neutral country:

- a) Prisoners who make such a request directly of the camp physician;
- b) Prisoners who are presented by the agents provided for in Article 43, acting on their own initiative or at the request of the prisoners themselves;
- c) Prisoners who have been proposed by the Power in whose armies they have served or by an aid society duly recognized and authorized by that Power.

ARTICLE 71

Prisoners of war who are victims of accidents in connection with work, except those voluntarily injured, shall enjoy the benefit of the same provisions, as far as repatriation or possible hospitalization in a neutral country are concerned.

ARTICLE 72

Throughout the duration of hostilities and for humane considerations, belligerents may conclude agreements with a view to the direct repatriation or hospitalization in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity.

ARTICLE 73

The expenses of repatriation or of transportation to a neutral country of prisoners of war shall be borne, from the frontiers of the detaining Power, by the Power in whose armies the prisoners have served.

ARTICLE 74

No repatriated person may be utilized in active military service.

ARTICLE 75

When belligerents conclude a convention of armistice, they must, in principle, have appear therein stipulations regarding the repatriation of prisoners of war. If it has not been possible to insert stipulations in this regard in such convention, belligerents shall nevertheless come to an agreement in this regard as soon as possible. In any case, repatriation of prisoners shall be effected with the least possible delay after the conclusion of peace.

Prisoners of war against whom a penal prosecution might be pending for a crime or an offense of municipal law may, however, be detained until the end of the proceedings and, if necessary, until the expiration of the punishment. The same shall be true of those sentenced for a crime or offense of municipal law.

On agreement between the belligerents, commissions may be established for the purpose of searching for dispersed prisoners and assuring their repatriation.

TITLE V. DEATH OF PRISONERS OF WAR

ARTICLE 76

Wills of prisoners of war shall be received and drawn up in the same way as for soldiers of the national army.

The same rules shall be observed regarding death certificates.

Belligerents shall see that prisoners of war dying in captivity are honorably

buried and that the graves bear all due information, are respected and properly maintained.

TITLE VI. BUREAUS OF RELIEF AND INFORMATION CONCERNING PRISONERS OF WAR

ARTICLE 77

Upon the outbreak of hostilities, each of the belligerent Powers, as well as the neutral Powers which have received belligerents, shall institute an official information bureau for prisoners of war who are within their territory.

Within the shortest possible period, each of the belligerent Powers shall inform its information bureau of every capture of prisoners effected by its armies, giving it all the information regarding identity which it has, allowing it quickly to advise the families concerned, and informing it of the official addresses to which families may write to prisoners.

The information bureau shall immediately forward all this information to the interested Powers, through the intervention, on one hand, of the protecting Powers and, on the other, of the central agency provided for in Article 79.

The information bureau, being charged with replying to all inquiries about prisoners of war, shall receive from the various services concerned full information respecting internments, and transfers, release on parole, repatriations, escapes, stays in hospitals, deaths, as well as other information necessary to enable it to make out and keep up to date an individual return for each prisoner of war.

The bureau shall state in this return, in so far as is possible and subject to the provisions of Article 5: the regimental number, given names and surname, date and place of birth, rank and unit of the interested party, the given name of the father and the name of the mother, the address of the person to be advised in case of accident, wounds, date and place of capture, internment, wounding and death, as well as any other important information.

Weekly lists containing all new information likely to facilitate the identification of each prisoner shall be transmitted to the interested Powers.

At the conclusion of peace the individual return of the prisoner of war shall be delivered to the Power which he served.

The information bureau shall further be bound to receive all objects of personal use, valuables, letters, pay vouchers, identification marks, etc., which are left by prisoners of war who have been repatriated, released on parole, escaped or died, and to transmit them to the countries interested.

ARTICLE 78

Relief societies for prisoners of war, which are properly constituted in accordance with the laws of their country and with the object of serving as the channel for charitable effort, shall receive from the belligerents, for themselves and their duly accredited agents, every facility for the efficient performance of their humane task within the bounds imposed by military necessities. Agents of these societies may be admitted to the camps for the purpose of distributing relief, as also to the halting places of repatriated

prisoners, if furnished with a personal permit by the military authorities, and on giving an undertaking in writing to comply with all measures of order and police which the latter may issue.

ARTICLE 79

A central information agency for prisoners of war shall be created in a neutral country. The International Committee of the Red Cross shall propose the organization of such an agency to the interested Powers, if it considers it necessary.

The function of that agency shall be to centralize all information respecting prisoners, which it may obtain through official or private channels; it shall transmit it as quickly as possible to the country of origin of the prisoners or to the Power which they have served.

These provisions must not be interpreted as restricting the humanitarian activity of the International Committee of the Red Cross.

ARTICLE 80

Information bureaus shall enjoy the privilege of free postage on postal matter, as well as all exemptions provided in Article 38.

TITLE VII. APPLICATION OF THE CONVENTION TO CERTAIN CLASSES OF CIVILIANS

ARTICLE 81

Individuals who follow armed forces without directly belonging thereto, such as newspaper correspondents and reporters, sutlers, contractors, who fall into the enemy's hands and whom the latter thinks expedient to detain, shall be entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the armed forces which they were accompanying.

TITLE VII. EXECUTION OF THE CONVENTION

SECTION I. GENERAL PROVISIONS

ARTICLE 82

The provisions of the present Convention must be respected by the High Contracting Parties under all circumstances.

In case, in time of war, one of the belligerents is not a party to the Convention, its provisions shall nevertheless remain in force as between the belligerents who are parties thereto.

ARTICLE 83

The High Contracting Parties reserve the right to conclude special conventions on all questions relative to prisoners of war, on which it seems to them expedient to have particular regulations.

Prisoners of war shall receive the benefit of these agreements until the completion of repatriation, except in the case of express stipulations to the contrary contained in the above-mentioned agreements or in later agreements, or also except in the case of more favorable measures taken by one or the other of the belligerent Powers respecting the prisoners which they hold.

In order to assure the reciprocal application of the stipulations of the present Convention, and to facilitate the conclusion of the special conventions provided for above, belligerents may, upon the commencement of hostilities, authorize meetings of representatives of the respective authorities charged with the administration of prisoners of war.

ARTICLE 84

The text of the present Convention and of the special conventions provided for in the foregoing article, shall be posted, wherever possible in the native language of the prisoners of war, in places where it may be consulted by all the prisoners.

The text of these conventions shall be communicated to prisoners who find it impossible to get the information from the posted text, upon their request.

ARTICLE 85

The High Contracting Parties shall communicate to one another through the Swiss Federal Council, the official translations of the present Convention, as well as of the laws and regulations which they may come to adopt to assure the application of the present Convention.

SECTION II. ORGANIZATION OF CONTROL

ARTICLE 86

The High Contracting Parties recognize that the regular application of the present Convention will find a guaranty in the possibility of collaboration of the protecting Powers charged with safeguarding the interests of belligerents; in this respect, the protecting Powers may, besides their diplomatic personnel, appoint delegates from among their own nationals or from among the nationals of other neutral Powers. These delegates must be subject to the approval of the belligerent near which they exercise their mission.

Representatives of the protecting Power or its accepted delegates shall be permitted to go to any place, without exception, where prisoners of war are interned. They shall have access to all places occupied by prisoners and may interview them, as a general rule without witnesses, personally or through interpreters.

Belligerents shall so far as possible facilitate the task of representatives or accepted delegates of the protecting Power. The military authorities shall be informed of their visit.

Belligerents may come to an agreement to allow persons of the same nationality as the prisoners to be permitted to take part in inspection trips.

ARTICLE 87

In case of disagreement between the belligerents as to the application of the provisions of the present Convention, the protecting Powers must, in so far as possible, lend their good offices for the purpose of settling the difference.

For this purpose, each of the protecting Powers may, in particular, suggest to the interested belligerents a meeting of representatives thereof, possibly upon a neutral territory suitably chosen. Belligerents shall be bound to accede to proposals in this sense which are made to them. The protecting Power may, if occasion arises, submit for the approval of the Powers

concerned a person belonging to a neutral Power or a person delegated by the International Committee of the Red Cross, who shall be summoned to take part in this meeting.

ARTICLE 88

The foregoing provisions are not an obstacle to the humanitarian activity which the International Committee of the Red Cross may use for the protection of prisoners of war, with the consent of the interested belligerents.

SECTION III. FINAL PROVISIONS

ARTICLE 89

In the relations between powers bound by the Hague Convention respecting the Laws and Customs of War on Land, whether it is a question of that of July 29, 1899, or that of October 18, 1907, and who participate in the present Convention, this latter shall complete Chapter II of the Regulations annexed to the said Hague Conventions.

ARTICLE 90

The present Convention, which will bear this day's date, may be signed up to February 1, 1930, on behalf of all the countries represented at the Conference which opened at Geneva July 1, 1929.

ARTICLE 91

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at Berne.

A record of the deposit of each instrument of ratification shall be prepared, a duly certified copy of which shall be forwarded by the Swiss Federal Council to the Governments of all the countries on whose behalf the Convention has been signed or notification of adherence made.

ARTICLE 92

The present Convention shall become effective six months after the deposit of at least two instruments of ratification.

Subsequently, it shall become effective for each High Contracting Party six months after the deposit of its instrument of ratification.

ARTICLE 93

From the date on which it becomes effective, the present Convention shall be open for adherences given on behalf of any country in whose name this Convention was not signed.

ARTICLE 94

Adherences shall be given by written notification addressed to the Swiss Federal Council and shall take effect six months after the date of their receipt.

The Swiss Federal Council shall communicate adherences to the Governments of all the countries on whose behalf the Convention was signed or notification of adherence made.

ARTICLE 95

A state of war shall give immediate effect to ratifications deposited and to adherences notified by belligerent Powers prior to or after the outbreak of hostilities. The communications of ratifications or adherences received from

Powers at war shall be made by the Swiss Federal Council by the most rapid method.

ARTICLE 96

Each of the High Contracting Parties shall have the right to denounce the present Convention. The denunciation shall not take effect until one year after notification has been made in writing to the Swiss Federal Council. The latter shall communicate such notification to the Governments of all the High Contracting Parties.

The denunciation shall have effect only with respect to the High Contracting Party which gave notification thereof.

Moreover, such denunciation shall not take effect during a war in which the denouncing Power is involved. In this case, the present Convention shall continue in effect, beyond the period of one year, until the conclusion of peace, and, in any event, until the processes of repatriation are completed.

ARTICLE 97

A duly certified copy of the present Convention shall be deposited in the archives of the League of Nations by the Swiss Federal Council. Likewise, ratifications, adherences, and denunciations of which the Swiss Federal Council shall be notified, shall be communicated by it to the League of Nations.

ANNEX TO THE CONVENTION OF JULY 27, 1929 RELATIVE TO THE TREATMENT OF PRISONERS OF WAR

MODEL AGREEMENT CONCERNING DIRECT REPATRIATION AND HOSPITALIZATION IN A NEUTRAL COUNTRY OF PRISONERS OF WAR FOR REASONS OF HEALTH

1. Governing Principles for Direct Repatriation and Hospitalization in a Neutral Country

A. DIRECT REPATRIATION

There shall be repatriated directly:

1. Sick and wounded who, according to medical opinion, are not likely to recover in one year, their condition requiring treatment and their mental or physical fitness appearing to have suffered considerable diminution;
2. Incurable sick and wounded whose mental or physical fitness appears to have suffered considerable diminution;
3. Cured sick and wounded whose mental or physical fitness appears to have suffered considerable diminution.

B. HOSPITALIZATION IN A NEUTRAL COUNTRY

There shall be placed in hospitals:

1. Sick and wounded whose cure within a period of one year is to be expected, such cure appearing more certain and more rapid if the sick and wounded are given the benefit of the resources offered by the neutral country than if their captivity properly so-called is prolonged;
2. Prisoners of war whose mental or physical health appears, according to medical opinion, to be seriously menaced by continuance in captivity, while hospitalization in a neutral country would probably remove this danger.

C. REPATRIATION OF THOSE HOSPITALIZED IN A NEUTRAL COUNTRY

There shall be repatriated the prisoners of war hospitalized in a neutral country who belong to the following categories:

1. Those whose state of health appears to be or to be becoming such that they fall within the categories of persons eligible to repatriation for reasons of health;
2. The recovered whose mental or physical fitness seems to have suffered a considerable diminution.

II. Special Principles for Direct Repatriation or Hospitalization in a Neutral Country

A. REPATRIATION

There shall be repatriated:

1. All prisoners of war who, as the result of organic injuries, have the following impairments, actual or functional: loss of a member, paralysis, articular or other defects, provided that the loss is at least a foot or a hand, or is equivalent to the loss of a foot or a hand;
2. All wounded or injured prisoners of war whose condition is such that it renders them invalids whose cure, within a period of one year, can not be anticipated from a medical standpoint;
3. All the sick whose condition is such that it renders them invalids whose cure, within a period of one year, can not be anticipated from a medical standpoint;

The following, in particular, belong to this category:

a) Progressive tuberculosis of any organs which, according to medical opinion, can no longer be cured or at least considerably improved by a course of treatment in a neutral country.

b) Nontubercular affections of the respiratory organs presumed incurable (such as, above all, strongly developed pulmonary emphysema, with or without bronchitis, bronchiectasis, serious asthma, gas poisoning, etc.);

c) Serious chronic affections of the organs of circulation (for example: valvular affections with tendencies to disorders of compensation, relatively serious affections of the myocardium, pericardium of the vessels, especially inoperable aneurisms of the large vessels, etc.);

d) Serious chronic affections of the digestive organs;

e) Serious chronic affections of the urinary and sexual organs (particularly, for example: all cases of confirmed chronic nephritis with complete semiology, and most especially when cardiac and vascular impairments already exist; likewise, pyelites and chronic cystitis, etc.);

f) Serious chronic diseases of the central and peripheral nervous system (such as, particularly, serious neurasthenia and hysteria, all unquestionable cases of epilepsy, serious cases of Basedow's disease, etc.);

g) Blindness in both eyes, or in one eye when the vision of the other remains below 1 in spite of the use of corrective glasses; reduction in acuteness of vision in case it is impossible to restore it by correction to the acuteness of $\frac{1}{2}$ for one eye at least; other ocular affections coming in the present class (glaucoma, iritis, choroiditis, etc.);

h) Total deafness in both ears, as well as total deafness in one ear in case the partially deaf ear does not discern the ordinary spoken voice at a distance of one meter;

i) All unquestionable cases of mental affections;

k) All serious cases of chronic poisoning by metals or other causes (lead poisoning, mercury poisoning, morphinism, cocainism, alcoholism, gas poisoning, etc.);

l) Chronic affections of the organs of locomotion (arthritis deformans, gout, rheumatism with impairments clinically discoverable), provided they are serious;

m) All malignant growths, if they are not amenable to relatively minor operations without endangering the life of the patient;

n) All cases of malaria with noticeable organic changes (important chronic increases in size of the liver, of the spleen, cachexia, etc.);

o) Serious chronic cutaneous affections, in so far as their nature does not constitute a medical indication for hospitalization in a neutral country;

p) Serious avitaminoses (beri-beri, pellagra, chronic scurvy).

B. HOSPITALIZATION

Prisoners of war must be hospitalized if they have the following affections:

1. All forms of tuberculosis of any organs whatever if, according to present medical knowledge, they may be cured, or at least considerably improved by methods applicable in a neutral country (altitude, treatment in sanatoria, etc.);

2. All forms — necessitating treatment — of affections of the respiratory, circulatory, digestive, genito-urinary, and nervous organs, of organs of the senses, of the locomotor and cutaneous apparatus provided, however, that the forms of these affections do not belong to the categories requiring direct repatriation, or are not acute diseases properly so-called susceptible to a complete cure. The affections contemplated in this paragraph are those which offer really better chances of cure for the patient by the application of means of treatment available in a neutral country than if he were treated in captivity.

Nervous troubles, the efficient or determinant causes of which are the events of the war or even of the captivity itself, such as the psychasthenia of prisoners of war and other analogous cases, should be given special consideration.

All duly verified cases of this kind should be hospitalized, provided that the seriousness or constitutional character thereof does not make them cases for direct repatriation.

Cases of psychasthenia of prisoners of war which are not cured after three months of hospitalization in a neutral country or which, after this period has expired, are not obviously on the road to final recovery, should be repatriated.

3. All cases of wounds or lesions and their consequences which offer better chances of cure in a neutral country than in captivity, provided that these

cases are not either eligible for direct repatriation or else are insignificant;

4. All cases of malaria, duly verified and not presenting organic changes clinically discoverable (chronic enlargement of the liver, of the spleen, cachexia, etc.), if the stay in a neutral country offers particularly favorable prospects of final cure;

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

There shall be excluded from hospitalization:

1. All duly verified cases of mental affections;

2. All organic or functional nervous affections reputed to be incurable; (These two categories belong to those giving a right to direct repatriation.)

3. Serious chronic alcoholism;

4. All contagious affections during the period in which they are transmissible (acute infectious diseases, primary and secondary syphilis, trachoma, leprosy, etc.).

III. General Observations

The conditions given above should, generally speaking, be interpreted and applied in as broad a spirit as possible.

This breadth of interpretation should be especially applied to neuropathic or psychopathic conditions caused or brought to a head by the events of the war or even of the captivity itself (psychasthenia of prisoners of war), and also to cases of tuberculosis in all degrees.

It is needless to state that camp physicians and the mixed medical commissions may find themselves confronted with a great number of cases not mentioned among the examples given under Section II, or cases not fitting in with these examples. The examples mentioned above are given only as typical examples; an analogous list of examples of surgical alterations has not been drawn up because, with the exception of cases incontestable by their very nature (amputations), it is difficult to make a list of particular types; experience has shown that a recital of these particular cases was not without disadvantages in practice.

All cases of not fitting exactly into the examples cited shall be decided by invoking the spirit of the above governing principles.