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International Law Documents: Regulation of Maritime Warfare

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connaître que l'enlèvement de ces mines a été terminé dans la mesure du possible.—Institut, 1913.

Use by neutral.

ART. 4. Neutral powers which lay automatic contact mines off their coasts must observe the same rules and take the same precautions as are imposed on belligerents. The neutral power must inform ship-owners, by a notice issued in advance, where automatic contact mines have been laid. This notice must be communicated at once to the governments through the diplomatic channel.—VIII, H. C. 1907

BOMBARDMENT

Notification.

ART. 6. If the military situation permits, the commander of the attacking naval force, before commencing the bombardment, must do his utmost to warn the authorities.—IX, H. C. 1907.

ART. 29. Sauf le cas où les exigences militaires ne le permettraient pas, le commandant de la force navale assaillante doit, avant d'entreprendre le bombardement, faire tout ce qui dépend de lui pour avertir les autorités.—Institut, 1913.

111. Unless the military exigencies will not permit, the commander of the attacking naval force, before commencing the bombardment, must do his utmost to warn the authorities.—U. S. Ins. 1917.

Exemptions.

ART. 5. In bombardments by naval forces all the necessary measures must be taken by the commander to spare as far as possible sacred edifices, buildings used for artistic, scientific, or charitable purposes, historic monuments, hospitals, and places where the sick or wounded are collected, on the understanding that they are not used at the same time for military purposes. It is the duty of inhabitants to indicate such monuments, edifices, or places by visible signs, which shall consist of large stiff rectangular panels divided diagonally into two colored triangular portions, the upper portion black, the lower portion white.—IX, H. C. 1907.

ART. 28. Dans le bombardement toute dévastation inutile reste interdite et, notamment, toutes les mesures doivent être prises par le commandant de la force assaillante pour épargner, autant que possible, les édifices consacrés aux cultes, aux arts, aux sciences et à la bienfaisance, les monuments historiques, les hôpitaux et les lieux de rassemblement de malades ou de blessés, à condition qu' ils ne soient pas employés en même temps à un but militaire.

Le devoir des habitants est de désigner ces monuments, ces édifices ou lieux de rassemblement par des signes visibles, qui consisteront en grands panneaux rectangulaires rigides, partagés, suivant une

des diagonales, en deux triangles de couleur, noire en haut et blanche en bas.—Institut, 1913.

109. In bombardments by naval forces all necessary measures must be taken by the commander to spare as far as possible, buildings devoted to religion, to the arts and sciences, or to charitable purposes, historic monuments, hospitals, and places where the sick or wounded are collected, on condition that they are not used at the same time for military purposes.—U. S. Ins. 1917.

110. It is the duty of the inhabitants to indicate such monuments, edifices, or places by visible signs, which shall consist of large stiff rectangular panels divided diagonally into two colored triangular portions, the upper portion black, the lower portion white.—U. S. Ins. 1917.

Undefended towns.

ART. 1. The bombardment by naval forces of undefended ports, towns, villages, dwellings, or buildings is forbidden. A place can not be bombarded solely because automatic submarine contact mines are anchored off the harbor.—IX, H. C. 1907.

ART. 25. *Bombardement*.—Il est interdit de bombarder des ports, villes, villages, habitations ou bâtiments qui ne se défendent pas. Une localité ne peut pas être bombardée à raison du seul fait que, devant ses côtes se trouvent mouillées des mines sous-marines automatiques de contact.—Institut, 1913.

100. The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited.—U. S. Ins. 1917.

101. The bombardment by naval forces of undefended ports, towns, villages, dwellings, or buildings is forbidden.—U. S. Ins. 1917.

Mine defenses.

102. A place can not be bombarded solely because automatic submarine contact mines are anchored off the harbor.—U. S. Ins. 1917.

Military works.

ART. 2. Military works, military or naval establishments, depots of arms or war matériel, workshops, or plant which could be utilized for the needs of the hostile fleet or army, and the ships of war in the harbor, are not, however, included in this prohibition. The commander of a naval force may destroy them with artillery, after a summons followed by a reasonable time of waiting, if all other means are impossible, and when the local authorities have not themselves destroyed them within the time fixed. He incurs no responsibility for any unavoidable damage which may be caused by a bombardment under such circumstances. If for military reasons immediate action is necessary, and no delay can be allowed the enemy, it is understood that the prohibition to bombard the undefended town

holds good, as in the case given in paragraph 1, and that the commander shall take all due measures in order that the town may suffer as little harm as possible.—IX, H. C. 1907.

ART. 26. Toutefois ne sont pas compris dans cette interdiction les ouvrages militaires, établissements militaires ou navals, dépôts d'armes ou de matériel de guerre, ateliers et installations propres à être utilisés pour les besoins de la flotte ou de l'armée ennemie et les navires de guerre se trouvant dans le port. Le commandant d'une force navale pourra, après sommation avec délai raisonnable, les détruire par le canon, si tout autre moyen est impossible et lorsque les autorités locales n'auront pas procédé à cete destruction dans le délai fixé. Il n'encourt aucune responsabilité dans ce cas pour les dommages involontaires qui pourraient être occasionnés par le bombardement. Si des nécessités militaires exigeant une action immédiate ne permettaient pas d'accorder de délai, il reste entendu que l'interdiction de bombarder une ville qui ne se défend pas, subsiste comme dans le cas énoncé dans l'alinéa 1 et que le commandant prendra toutes les dispositions voulues pour qu'il en résulte pour cette ville le moins d'inconvénients possibles.—Institut, 1913.

103. Military works, military or naval establishments, depots of arms or war matériel, workshops or plants which could be utilized for the needs of the hostile fleet or army, and the ships of war in the harbor, are not, however, included in the foregoing prohibition. The commander of a naval force may destroy them with artillery, after a summons followed by a reasonable delay, if all other means are impossible, and when the local authorities have not themselves destroyed them within the time fixed.—U. S. Ins. 1917.

Unavoidable damage.

104. The commander incurs no responsibility for any unavoidable damage which may be caused by a bombardment under such circumstances.—U. S. Ins. 1917.

Precautions.

105. If military necessity demanding immediate action permits no delay, nevertheless the prohibition to bombard undefended towns holds good, and the commander shall take all requisite measures in order that the town may suffer as little harm as possible.—U. S. Ins. 1917.

Requisitions.

ART. 3. After due notice has been given, the bombardment of undefended ports, towns, villages, dwellings, or buildings may be commenced, if the local authorities, after a formal summons has been made to them, decline to comply with requisitions for provisions or supplies necessary for the immediate use of the naval force before the place in question.

These requisitions shall be in proportion to the resources of the place. They shall only be demanded in the name of the commander of the said naval force, and they shall, as far as possible, be paid for in cash; if not, they shall be evidenced by receipts.—IX, H. C. 1907.

ART. 27. Est interdit le bombardement pour le non paiement des contributions en argent, et en cas de refus d'obtempérer à des requisitions de vivres ou d'approvisionnements, des ports, villes, villages, habitations ou bâtiments qui ne se défendent pas.—Institut, 1913.

106. After explicit notice has been given, the bombardment of undefended ports, towns, villages, dwellings, or buildings may be proceeded with, if the local authorities, after a formal summons has been made to them, decline to comply with requisitions for provisions or supplies necessary for the immediate needs of the naval force before the place in question.—U. S. Ins. 1917.

107. These requisitions shall be in proportion to the resources of the place. They shall only be demanded in the name of the commander of the naval force, and they shall, as far as possible, be paid for in cash; if not, they shall be acknowledged by receipts.—U. S. Ins. 1917.

Contributions.

ART. 4. Undefended ports, towns, villages, dwellings, or buildings may not be bombarded on account of failure to pay money contributions.—IX, H. C. 1907.

108. The bombardment of undefended towns, villages, dwellings, or buildings on account of the nonpayment of money contributions is forbidden.—U. S. Ins. 1917.

WAR ZONES

ART. 50. *Droits du belligérant dans la zone de ses opérations.*—Alors qu'il n'aurait pas le droit de les saisir ou de les capturer, un belligérant peut, même en haute mer, défendre aux navires de l'ennemi d'entrer dans la zone correspondant à la sphère d'action actuelle de ses opérations.

Il peut aussi leur interdire dans cette zone certains actes susceptibles de nuire à son action, notamment certains actes de communication, comme par exemple la télégraphie sans fil.

La simple infraction à ces interdictions entraînera le refoulement, même par la force, du navire hors de la zone interdite et le séquestre des appareils. Le navire, s'il est établi qu'il a communiqué avec l'ennemi pour lui fournir des renseignements sur la conduite des hostilités, pourra être considéré comme s'étant mis à son service et