INTERNATIONAL COMMITTEE OF THE RED CROSS

SUMMARY REPORT

of the Work of the Conference of Government Experts

for the Study of the Conventions for the Protection

of War Victims,

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Geneva, April 14 - 26, 1947

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SUMMARY REPORT ON THE WORK OF THE CONFERENCE OF GOVERNMENT EXPERTS FOR THE STUDY OF THE CONVENTIONS FOR THE PROTECTION OF WAR VICTIMS

Geneva, April 14 - 26, 1947

Introduction

In the pursuit of their preliminary work for the revision of the Geneva Conventions and the drafting of new humanitarian agreements, the International Committee suggested to the Allied Governments whose experience in this field was particularly extensive, the holding of a Conference of Experts for the closer consideration of the following points:

(1) - Revision of the Geneva Convention of July 27, 1929, for the Relief of the Wounded and Sick in Armies in the field, and related stipulations (Tenth Hague Convention of 1907 for the adaptation to Maritime Warfare of the principles of the Geneva Convention of 1906; protection of Civilian Hospitals; Hospital Localities and Zones; Medical Aircraft).

(2) - Revision of the Geneva Convention of July 27, 1929, relative to the Treatment of Prisoners of War.

(3) - Establishment of a Convention relative to the Condition and Protection of Civilians in War-Time.

Following the proposal of the International Committee, the Conference decided at its opening session on April 14 to entrust the study of each of these Chapters to a separate Commission. The three Commissions started work immediately and sat for nine days. Further, in order to facilitate and speed up their work, the said Commissions nominated Sub-Commissions to deal with various technical items on the Agenda. During the last three days of the meeting, the Conference discussed in plenary sessions the reports submitted by the three Commissions, and adopted them with a few adjunctions or amendments. Finally, the Conference gave its opinion concerning various questions of a general nature, touching upon the whole of the Agenda, viz, (1) the possible amalgamation of the treaty stipulations which had been discussed, (2) the form to be given to the Conventions, and (3) the date of the Diplomatic Conference for the discussion and ultimate adoption, in their definite shape, of the Draft Conventions prepared by the International Committee.
After passing a unanimous recommendation, asking that all Governments be informed of the Meeting's anxiety that durable Peace should at last be established throughout the world, the Conference rose on Saturday, April 26, 1947.

The texts of the reports of the three Commissions, endorsed by the plenary session, will be found below in a slightly improved wording, together with a brief summary of the resolutions and final recommendations. The Committee will issue shortly the full Minutes of the meetings of the Conference.

LIST OF DELEGATES (1)

AUSTRALIA - Mr. Norman Rupert Mighell, C.M.G., Deputy High Commissioner in London (III); Major-General Allan J. Boase, C.B.E., Australian Army Representative in London (II); Group Captain Patrick G. Heffernan, A.F.C., (I); Lady Hilda Margaret Owen, Liaison Officer to the Australian Red Cross in Great Britain (III).

BELGIUM - M. Maurice Bourquin, Professor at the University and the "Institut des Hautes Études internationales", Geneva (III); M. Edmond Dronsart, Director-General of the Belgian Red Cross (I); Colonel B.E.M., René Devyver (II); Major Paul Wibin, M.D., (I); M. Léopold Adam, Attaché of Legation, Berne (III); Mlle Simone Vercamer, Secretary.

BRAZIL - M. João Pinto da Silva, Brazilian Consul-General, Geneva (III).

CANADA - M. Jean Désy, Canadian Ambassador at Rio de Janeiro (III); Mr. Henry F. Davis, Ministry of External Affairs, Ottawa (III); Lt. Col. J.N.B. Crawford (I); Major E.J.H. Barber (III); Dr. Fred W. Routley, National Commissioner, Canadian Red Cross (III); Miles Maria Pouliot and E.J. Ross, Secretaries.

CHINA - Colonel Ko-Shiang Wang, Military Attache, Lisbon (II); Dr. Chia-Hong Wang, Counsellor of Legation, Berne (I); Dr. Li-Chow Tang (III).

CZECHOSLOVAKIA - M. Oscar Zika, Counsellor, Ministry for Foreign Affairs (I, III); General Dr. Joseph Škvalí, National Defence (I)

(1) The figures in brackets indicate the Commissions upon which the delegate was more particularly engaged.
H. Miloslav Zaloudek, Counsellor, Ministry of Health (II); Dr. Karel Macháček (III); Colonel Charles Sedláček, Military Attaché, Czechoslovak Legation, Berne (III).

FRANCE - M. le ministre Albert Lamarle, Director of Unions, Ministry of Foreign Affairs, Paris (II, III); Mlle Andrée Jacob, Ministry of Ex-Service Men (III); M. Fernand Darchicourt (II); Colonel Dominique Bordat (I); M. Pierre Bellan (II); M. Claude Bourdet (III); M. Frédéric Simon; Under-Secretary, Ministry of Labour (II); Dr. Pierre Puyo (I); Colonel Raymond Moynier, M.D. (I); Dr. Daniel Boidé (I); Dr. Francis Borrey; M. Georges Beau-champ, Chef de Cabinet.

GREAT BRITAIN - Sir Harold Satow, K.C.M.G., O.B.E., (II); Mr. William Parker Speake, Home Office (III); Mr. Henry J. Phillimore, War Office (II); Brigadier E. Kenneth Page, D.S.O., O.B.E., M.C., (II, III); Mr. William Henry Gardner (I); Mr. Andrew Scott Weston (I); Miss Sheila M. Beckett (II); Miss F.A. Nightingale. Secretary.

INDIA - Colonel B.M. Rao, I.M.S., I.A.M.O., (I, II).

NETHERLANDS - Major-General François Daubenton, Inspector Royal Army Medical Service (I); Dr. Gaston E. Mathon, Director, Legal Section, Ministry of War (II); Dr. van der Berg. Chief Director, Public Health Department, Ministry of Social Welfare (III); Staff Colonel Kornelis Metting van Rijn (II); Commander Dr. Martinus Willem Mouton (I); Dr. Andries W. Mellema Royal Navy (I, III); Dr. Franz Jacob Besier, Counsellor, Ministry of Social Welfare (III); Dr. Walter M. Bijleveld Secretary. Legal Section, Ministry of War; Dr. Charles Jean Bernard, Delegate, Netherlands Red Cross; Jhr. Carl Hendrik Christian Flugi van Aspermont. Assistant Delegate, Netherlands Red Cross.

NEW ZEALAND - Major Alan Highet (I, II, III).

NORWAY - M. Frede Castberg, Professor, Oslo University (III); M. Carl Kruso-Jenson, Judge, Norwegian Supreme Court (I); Major-General August E.D. Tobiesen (II); M. Arnold Roeholt, Secretary-General, Norwegian Red Cross (II, I, III); Mlle Christoffersen, Secretary.

POLAND - Colonel Alexandre Wolynski (III); M. Michal Zulkos (II).

UNION OF SOUTH AFRICA - Colonel Leonard Strickland, Director, Civil Internment Camps (III); Colonel Hendrik F. Pinsloo, Commandant, Prisoner of War Camps (II); Mr. Bernardus G. Fourie, High Commissioner’s Office, London (I, II, III); Colonel Reginald Noel-Johnson, Medical Officer (I).
UNITED STATES - Chairman: Mr. Albert Edwin Clattenburg Jr., Chief, Special Projects Division, Department of State (III); Delegates: Mr. Alwyn Freeman, Assistant Legal Adviser, Department of State (I, III); Mr. Eldred D. Kupping, Consultant (London) (II, III); Brigadier-General Blackshear M., Bryan, Provost Marshal General, U.S.A. (II); Col. R. MacDonald Gray, Personnel and Administration Division WDGS (I); Colonel Joseph V. Dillon, USABF (II); Harold V. Starr, American National Red Cross.

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Secretary-General - M. J. Duchosal, Secretary-General, International Committee.

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Vice-Chairmen - Colonel J.N.B. Crawford (Canada); M. O. Zika (Czechoslovakia); Colonel D. Bordat (France);
Rapporteur for the I.C.R.C. - M. J. Pictet, Director-Delegate, I.C.R.C.;

Rapporteurs of the Commission to the Plenary Session - M. E. Dronsart, M. J. Pictet.

BUREAU OF THE SECOND COMMISSION

Chairman - Sir Harold Satow (Great Britain);
Vice-Chairman - M. Lamarle (France);

Members - Colonel R. Devyver (Belgium); M. F. Darchicourt (France); Mr. H.J. Phillimore (Great Britain);

Rapporteur for the I.C.R.C. - M. C. Pilloud, Director. Legal Section.

Rapporteurs of the Commission to the Plenary Session - Sir Harold Satow, M. C. Pilloud.

BUREAU OF THE THIRD COMMISSION

Chairman - M. Jean Désy, (Canada);
Vice-Chairman - Professor M. Bourquin (Belgium);

Rapporteur for the I.C.R.C. - M. M. Maier, Secretary to the I.C.R.C.;

Rapporteur of the Commission to the Plenary Session - M. Jean Désy.
REPORT OF THE FIRST COMMISSION

Below will be found the text of the Report submitted to the Conference by the First Commission. The form is that adopted by the plenary Assembly, after amendment. The Report comprises the Draft Revised Conventions; the amendments to the present wording are underlined.

1.- Revision of the Geneva Convention of July 27, 1929, for the Relief of the Wounded and Sick of Armies in the Field

I.

General Remarks

1.- Application of the Convention to all cases of armed conflict

The following provisions, to be embodied in the Convention, are adopted:

The present Convention is applicable between the Contracting Parties, from the outbreak of any armed conflict, whether the latter is or is not recognised as a state of war by the parties concerned.

In case of civil war, in any part of the home or colonial territory of a Contracting Party, the principles of the Convention shall be equally applied by the said Party, subject to the adverse Party also conforming thereto.

The Convention is equally applicable to cases of occupation of territories in the absence of any state of war. (1)

(1) One Delegation stressed that it should be clearly understood that the obligations in the humanitarian field stipulated by the present Article should entail no judicial consequences as regards the legal status of any body claiming governmental authority, but which is not recognised as such by another Government.

Another Delegation reserved their opinion with regard to the last Section of this Article.
2. - Extension of the Convention to Civilian Wounded and Sick

It is recognized as necessary that Civilian Wounded and Sick shall be protected in time of war, in accordance with the same humanitarian principles as apply to wounded and sick members of the Forces. New stipulations should be inserted on this matter in the separate Convention envisaged for the general protection of Civilians. (1)

Chapter I. - Wounded and Sick

Article 1. -

Members of the Forces (2) and other persons officially attached to the armed forces (3) who are wounded or sick shall be respected in all circumstances; they shall be treated with humanity and cared for medically, without any distinction of nationality, race, religion or political opinion, by the belligerent in whose power they may be. Women shall be treated with all the consideration due to their sex.

Nevertheless, the belligerent who is compelled to abandon wounded or sick to the enemy, shall, as far as military exigencies permit, leave with them a portion of his medical personnel and material to assist with their treatment.

Article 2. -

Except as regards the treatment to be given them in virtue of the preceding Article, the wounded and sick of...
belligerent who fall into the hands of the adversary shall be prisoners of war, and the general provisions of international law concerning such prisoners shall be applicable to them.

Belligerents shall, however, be free to prescribe, for the benefit of wounded and sick prisoners, such arrangements as they may think fit, beyond the limits of the existing obligations.

Article 3.-

At all times and particularly after an engagement, each belligerent shall without delay take the necessary measures to search for the wounded and dead, protect them against pillage and maltreatment, and ensure their adequate care and attention.

Whenever circumstances permit, a local armistice or a suspension of fire shall be arranged to permit the removal and transport of wounded.

Likewise, local arrangements may be concluded between belligerents for the evacuation of wounded and sick from a besieged or encircled zone, and for the passage of medical personnel and equipment bound for the said zone.

Article 4.-

Belligerents shall communicate to each other as soon as possible, according to the procedure described in Article 77 of the 1929 Convention on the treatment of Prisoners of War, the names of the wounded, sick and dead discovered or collected, together with any indications which may assist in their identification. (1) They shall establish and transmit to each other by the same channel certificates of death or, in lieu thereof, duly authenticated lists of the dead.

They shall likewise collect and exchange by the same channel, all articles of a personal nature having intrinsic or sentimental value which are found on the dead, especially one-half of their identity discs, which should be of a standard pattern, the other half to remain attached to the body.

(1) The Commission left open the question as to how far reference may be made in the Geneva Convention to the Convention on Prisoners of War. The same question arose regarding Art. 2, one of the Delegations having suggested that this Article should state that the Prisoners of War Convention is applicable to captured wounded and sick.
Bodies shall not be cremated except for imperative reasons of hygiene, or for religious motives. Should cremation be carried out, the circumstances and motives shall be stated in detail in the death certificate of the cremated person.

The belligerents shall ensure that the burial or the cremation of the dead is preceded by a careful, and if possible medical examination of the bodies, with a view to confirming death, establishing identity and enabling a report to be made.

They shall further ensure that the dead are honourably interred, if possible according to the rites of the religion to which they belonged, that their graves are respected, assembled if possible, and marked so that they may always be found. To this end, at the commencement of hostilities, they shall organise officially a graves registration service, in order to allow eventual exhumations and to ensure the identification of bodies, whatever may be the subsequent site of the grave. These stipulations also apply as far as possible to the ashes, which shall be kept by the graves registration service until the close of hostilities.

As soon as circumstances permit, and at latest at the end of hostilities, they shall exchange a list of graves and of dead interred in their cemeteries and elsewhere.

Article 5.-

The military authorities may appeal to the charitable zeal of the inhabitants to collect and afford medical assistance, under their direction, to the wounded and sick of armies, and may accord to persons, who have responded to this appeal special protection and certain facilities. In case of occupation, the enemy belligerent shall grant to these persons the same protection and the same facilities.

Similarly, the military authorities shall allow and encourage the civilian population, even in occupied regions, to collect and care for enemy wounded or sick, on condition that the latter shall not be withheld from the eventual control by national or occupying authorities. The civilian population shall protect these combatants and abstain from offering them violence.

Chapter II.- Medical Formations and Establishments

Article 6.-

Fixed establishments and mobile hospital units of the Medical Service may in no circumstances be the object of attacks, but shall at all times be respected and protected by the belligerents.
If they fall into the hands of the adverse party, they shall be free to pursue their duties, as long as the capturing Power has not itself ensured the necessary care of their wounded and sick.

Article 7.-

The protection to which medical units and establishments are entitled shall cease only if they are used to commit acts harmful to the enemy, and after due warning which has remained without effect.

Article 8.-

The following conditions are not considered to be of such a nature as to deprive a medical formation or establishment of the protection guaranteed by Article 6:

1. that the personnel of the formation or establishment is armed, and that they use the arms in their own defence or in that of the sick and wounded in charge;
2. that in the absence of armed orderlies the formation or establishment is protected by a picket or by sentries;
3. that small arms and ammunition taken from the wounded and sick, which have not yet been transferred to the proper service, are found in the formation or establishment;
4. that personnel and material of the veterinary service are found in the formation or establishment, without forming an integral part of the same;
5. that the humanitarian activities of medical units and establishments or of their personnel are extended to civilians.

Article 9 (new),-

Belligerents may conclude particular agreements for the creation of hospital zones, to ensure better protection for the wounded and sick of armed forces therein assembled, to the exclusion of any utilisation for military purposes.
Chapter III- Personnel (1)

Article 10 (former Art. 9)-

Medical personnel exclusively engaged in the search, collection, transport and treatment of the wounded and sick, and in the prevention of disease, personnel exclusively engaged in the administration of medical formations and establishments, and chaplains attached to armed forces, shall be respected and protected under all circumstances. If they fall into the hands of the enemy, they shall be treated as prisoners of war, subject to the provisions of Article 12.

(Section 2 is deleted).

Article 11 (former Art. 10)-

The personnel of Voluntary Aid Societies, duly recognised and authorised by their Governments, who may be employed on the same duties as the personnel mentioned in Article 10, are placed on the same footing as the personnel contemplated in that Article, provided that the personnel of such societies are subject to military laws and regulations. Each High Contracting Party shall notify to the other, either in time of peace or at the commencement of, or during hostilities, but in any case before actually employing them, the names of the societies which it has authorised, under its responsibility, to render assistance to the regular medical service of its armed forces. (2)

Article 12 (former Art. 11)-

A recognised Society of a neutral country can only afford the assistance of its medical personnel and formations to a belligerent with the previous consent of its own Government and the authorisation of the belligerent concerned. The neutral Government shall notify this consent to the adversary of the State which accepts this assistance.

(1) One Delegation reserved their opinion for the whole of this Chapter.

(2) The proposal to insert after the words "of Voluntary Aid Societies" the words "and particularly of the National Red Cross Societies" was rejected by 6 votes to 5.
The belligerent who accepts such assistance is bound to notify the adverse party thereof before making any use of it.

Under no circumstances shall this assistance be considered as interference in the conflict.

The members of the personnel named in Section 1 shall be duly furnished, before leaving the neutral country to which they belong, with the identity cards provided for in Article 24.

Article 13.-

The personnel named in Articles 10 and 11 shall be held captive in so far as the state of health, the spiritual needs and the number of prisoners of war demand. Under the authority of the detaining Power and particularly of its Medical Service, they shall continue to carry out their medical or spiritual duties, in accordance with their professional ethics, for the benefit of prisoners of war, preferably those of their own nationality.

The foregoing provision does not relieve the Detaining Power of its obligations to provide medical and spiritual care to prisoners of war.

Members of personnel mentioned in Section 1 of the present Article shall enjoy all the rights of prisoners of war. To allow them to carry out their humanitarian duties under the best possible conditions, the detaining authorities shall grant them, as far as is necessary, certain facilities, particularly as to accommodation, food, correspondence relating to their particular duties, the election of a spokesman among themselves and such travel facilities with or without escort, as may be necessary for their work.

Article 14.-

Members of personnel named in Articles 10 and 11, whose retention in captivity is not made indispensable by the exigencies mentioned in Article 13, shall be returned to the belligerent to whom they belong, as soon as a route is open for their return and the military situation permits.

(1) One Delegation recommended that the categories of members of the personnel eligible for repatriation shall be confined to medical officers and orderlies.
The choice of repatriates shall be made irrespective of any consideration of race, religion or political opinion, but preferably according to the chronological order of their capture.

As from the outbreak of hostilities, belligerents may determine by special arrangement the percentage of personnel to be retained in captivity, in proportion to the number of prisoners of war.

Article 16 (former Art. 12 and 13).

The persons designated in Article 12 may not be retained after they have fallen into the hands of the adverse party. In the absence of any agreement to the contrary, they shall be authorised to return to their country, or if this is not possible, to the territory of the belligerent in whose service they were, as soon as a route for their return is open and military considerations permit.

Pending their return, they shall continue their work under the direction of the adverse party; they shall preferably be engaged in the care of the wounded and sick of the belligerent in whose service they were.

On their departure, they shall take with them their effects, personal articles and valuables, instruments, arms and the means of transport belonging to them.

Belligerents shall secure to this personnel, while in their power, the same food, the same lodging, the same allowances and the same pay as are granted to the corresponding personnel of their armed forces.

Chapter IV.- Buildings and Material

Article 17 (former Art. 14 and 15).

The buildings, material and stores of fixed medical establishments and of mobile medical units of the armed forces shall remain subject to the laws of war, but may not be diverted from their purpose, as long as they are required for the care of wounded and sick.

Nevertheles, the commanders of troops in the field may make use of them, in case of urgent military necessity, provided that they make previous arrangements for the welfare of the wounded and sick who are being treated therein.
Article 18 (former Art. 16).-

The buildings of aid societies which are admitted to the privileges of the Convention shall be regarded as private property.

The material of these societies, wherever it may be, shall similarly be considered as private property.

The right of requisition recognised for belligerents by the laws and customs of war shall be exercised only in case of urgent necessity and only after the welfare of the wounded and sick has been ensured.

Chapter V.- Medical Transports

Article 19 (former Art. 17).-

Transports of wounded and sick, or of medical equipment shall be respected and protected in the same way as mobile medical units. The same shall apply to vehicles temporarily employed for the above purposes, for the time that they are so employed.

When such transports or vehicles fall into the hands of the adverse party they shall be subject to the laws of war, on condition that the belligerent who captures them shall in all cases, undertake the care of the wounded and sick whom they contain.

The civilian personnel and all means of transport obtained by requisition shall be subject to the general rules of international law.

Article 20 (former Art. 18).-

Aircraft defined in the present Article and used as a means of medical transport may not be the object of attack, but shall be respected by belligerents during the time they are reserved exclusively for the evacuation of wounded and sick, or the transport of medical personnel and material.

They shall be painted white and shall bear, clearly marked, the distinctive emblem prescribed in Article 22, together with their national colours, on their lower, upper and lateral surfaces.

Unless agreed otherwise, flights over land or maritime war zones military objectives or units, whether on land or sea, and territories belonging to the enemy or occupied by him, shall be prohibited.
Medical aircraft shall obey every summons to land.
In the event of landing thus imposed, or of an involuntary landing in enemy territory, or territory occupied by the enemy, the wounded and sick, the medical personnel of the aircraft, as well as the crew shall be prisoners of war. (1)

Article 21 (now).

Medical aircraft shall have free passage over the territories or territorial waters of neutral countries, on condition that such passage be previously notified to the latter.

The aircraft shall obey every summons to land.
In the event of a thus imposed, or involuntary landing, the wounded and sick shall be detained by the neutral State, so that they may not be able to take part again in military operations. The medical personnel and material, as well as the aircraft and crew, shall be subject to the general rules of international law.

The costs of accommodation and treatment shall be borne by the State of which the wounded and sick are nationals.

Chapter VI.- The Distinctive Emblem

Article 22 (former Art. 19).

As a compliment to Switzerland, the heraldic emblem of the red cross on a white ground, formed by reversing the federal colours, is retained as the emblem and distinctive sign of the medical service of armed forces.

Nevertheless, in the case of countries which already use, in place of the Red Cross, the Red Crescent or the Red Lion and Sun on a white ground as a distinctive sign, these emblems are also recognised by the terms of the present Convention.

Article 23 (former Art. 20).

The emblem shall figure on the flags, armbands, and on all material belonging to the medical service, with the permission of the competent military authority.

(1) Two Delegations reserved the opinion of their Governments with regard to Articles 20 and 21.
Article 24 (former Art. 21).-

The personnel mentioned in Articles 10, 11 and 12 shall wear, affixed to the left arm, a water-resistant armlet bearing the distinctive sign, issued and stamped by the military authority.

Such personnel shall also carry an identity card, attesting their status, and which can be put in the pocket. It shall be water-resistant, bear the photograph and finger-prints of the owner, and shall be embossed with the stamp of the military authority. (1)

The identity card shall be uniform throughout the same armed forces, and, so far as possible, of similar type in the armed forces of the Contracting Parties. At the outbreak of hostilities, belligerents shall inform each other of the model in use in their armed forces.

All identity cards shall be established at least in duplicate, one copy being issued to the owner and the other kept by the Power of origin.

Under no circumstances may the personnel mentioned above be deprived of their armlets or identity cards. In case of loss they are entitled to duplicates. (2)

Article 25 (former Art. 22).-

The distinctive flag of the Convention shall be hoisted only over such medical formations and establishments as are entitled to be respected under the Convention and with the consent of the military authorities.

In mobile units, as in fixed establishments, it may be accompanied by the national flag of the belligerent to whom the unit or establishment belongs.

(1) One Delegation reserved the opinion of their Government as regards the introduction of finger-prints and embossed stamp.

(2) The limited application of this Article during the second World War proved extremely prejudicial to many members of the Medical Personnel. The Commission therefore advised a recommendation in the Final Act of the future Diplomatic Conference that all States and National Red Cross Societies should take the necessary steps, in time of peace, to provide Medical Personnel with the badges and identity cards mentioned in this Article.
Nevertheless, medical formations which have fallen into the hands of the enemy shall not fly any other flag than that of the Convention.

Belligerents shall take the necessary steps, so far as military exigencies permit, to make clearly visible to the enemy forces, whether land, air or sea, the distinctive emblems indicating medical formations and establishments, in order to avoid the possibility of any offensive action.

Article 26 (former Art. 23),-

The medical units belonging to neutral countries which shall have been authorised to lend their services under the conditions laid down in Article 12, shall fly along with the flag of the Convention, the national flag of the belligerent to whose army they are attached, should the latter make use of the faculty conferred on him by Article 25.

Subject to orders to the contrary by the responsible military authorities, they may, on all occasions, fly their national flag, even if they fall into the hands of the adverse party.

Article 27 (former Art. 24),

With the exception of the cases mentioned in the last three Sections of the present Article, the emblem of the red cross on a white ground and the words "Red Cross" or "Geneva Cross" may not be employed, either in time of peace or in time of war, except to protect or to indicate the medical formations and establishments, the personnel and material protected by the Convention.

The same shall apply as regards the emblems mentioned in Article 22, Section 2, in respect of the countries which use them.

The Voluntary Aid Societies mentioned in Article 11 and in particular the National Red Cross Societies, may in accordance with their national legislation, use the distinctive emblem in time of peace as in time of war, in so far as the size of the emblem and the conditions of its use are such that it cannot in time of war, be considered as conferring the protection of the present Convention.

Under the same conditions, the organs of the International Red Cross shall be similarly authorised to make use of the emblem of the Red Cross on a white ground, at all times.

As an exceptional measure, in conformity with national legislation and with the express authority of one of the National Red Cross (Red Crescent, Red Lion and Sun) Societies, use may be
made of the emblem of the Convention in time of peace, to identify ambulances and to mark the position of aid stations exclusively reserved for the purpose of giving free treatment to the wounded or the sick. (1)

Chapter VII.- Application and Execution of the Convention

Article 28 (former Art. 25).-

The provisions of the present Convention shall be respected by the High Contracting Parties in all circumstances.

If a belligerent is not a party to the Convention, its provisions shall, nevertheless, be binding as between all the belligerents who are parties thereto.

Article 29 (former Art. 26).-

It shall be the duty of belligerents, acting through their commanders-in-chief, to arrange the details for carrying out the preceding Articles, as well as for cases not provided for, in accordance with the instructions of their respective Governments and in conformity with the general principles of the present Convention.

In no case shall measures of reprisal be taken against the wounded and the sick, the buildings, personnel or equipment protected by the Convention.

Article 30 (former Art. 27).-

The High Contracting Parties shall take, in time of peace as in time of war, the necessary steps to make known the text of the present Convention, to instruct their armed forces, and in particular the medical personnel and the chaplains, in its provisions, and to bring them to the notice of the civil population.

(1) Considering the many abuses which occur in connexion with the use of the Red Cross emblem, the Commission feels that the future Diplomatic Conference should recommend in its Final Act that the States should take the greatest care that the Red Cross emblem is used solely within the limits of the Geneva Convention, in order to safeguard its authority and maintain its high significance.
Chapter VIII. — Suppression of Abuses and Infractions

Article 31 (former Art. 28).—

The High Contracting Parties whose legislation is not at present adequate for the purpose, shall take the measures necessary to prevent at all times:

(a) — the use of the emblem or of the designation "Red Cross" or "Geneva Cross" by private individuals or associations, firms or companies other than those entitled thereto under the present Convention, as well as the use of any sign or designation constituting an imitation, whatever the object of such use;

(b) — by reason of the compliment paid to Switzerland by the adoption of the reversed federal colours, the use by private individuals or associations, firms or companies of the arms of the Swiss Confederation or marks constituting an imitation, whether as trade-marks or as parts of such marks, or for a purpose contrary to commercial honesty, or in circumstances capable of wounding Swiss national sentiment.

The States not party to the Convention of July 27, 1929, and which may subsequently ratify the said Convention or adhere thereto, shall take the measures required at all times to prevent acts such as those mentioned under (a) and (b), so that the said interdiction may become operative five years at latest after the said ratification or adhesion.

The prohibition to adopt a trade or commercial mark which is contrary to the above interdictions, already enacted by the Convention of July 27, 1929, is maintained.

In States not party to the present Convention, and which may subsequently ratify it or adhere thereto, it shall no longer be legal, as from the filing of the act of adhesion, to adopt a trade or commercial mark contrary to these prohibitions. Within five years, at most, from the coming into effect of the Convention, the trade-marks, commercial titles and names of associations or firms which are contrary to these prohibitions shall be amended, whatever the previous date of their adoption.

Article 32 (former Art. 29).—

Should their penal laws be inadequate, the High Contracting Parties shall take the necessary measures for the repression, in time of war, of any act contrary to the provisions of the present Convention.

They shall communicate to one another, through the Swiss Federal Council, the provisions relative to such repression, not later than five years from the ratification of the present Convention.

(1) One Delegation abstained for the whole of this Article.
Article 33 (new).

Any wilful violation of the present Convention leading to the death of persons protected by its provisions, to grave ill-treatment of the said persons, or serious damage to hospital buildings and equipment, shall be considered as war crimes. The individuals responsible shall be liable to appropriate penalties.

The High Contracting Parties undertake to insert in their penal and military legislation provisions for the punishment of any infractions of the stipulations of the present Convention. (1)

Article 34 (former Art. 30).

Any High Contracting Party alleging a violation of the present Convention may demand the opening of an official enquiry. This enquiry shall be undertaken as soon as possible by a Commission instituted for each particular case comprising three neutral members selected from a list of qualified persons drawn up by the High Contracting Parties in time of peace, each Party nominating four such persons.

The plaintiff and defendant States shall each nominate one member of the Commission. The third member shall be designated by the other two and, in case they are not able to agree, by the President of the International Court of Justice.

As soon as the enquiry is terminated, the Commission shall report to the Parties concerned on the reality and nature of the alleged facts, and may make appropriate recommendations.

All facilities shall be extended by the High Contracting Parties to the Commission of Inquiry, for the fulfilment of its mission. (1)

II.

Protection of Wounded and Sick Civilians in War Time (2)

The following Articles, drafted by the First Commission conjointly with representatives of the Third Commission, should

(1) One Delegation with regard to Art. 32 and another Delegation with regard to Article 34, reserved the opinions of their Governments.

On the other hand, the Commission considered it desirable that, as soon as an International Court of Penal Justice is created, this Court shall be charged with the repression of violations of the Convention, either directly or in the capacity of a Court of Appeal for the national tribunals.

(2) See below, Third Commission, page 119.
be embodied in the new Convention for the protection of Civilians in general.

Article 1.

Independently of the general protection granted to Civilians by the present Convention, the wounded and the sick shall be the object of particular regard and protection. They shall receive, as far as possible, the care they may require.

In so far as military necessities permit, each belligerent shall facilitate the steps taken to search for killed or wounded civilians, and shall protect them against pillage and ill-treatment.

Article 2.

Local agreements may be concluded between belligerents for the evacuation of the wounded, the sick and maternity cases from a besieged or encircled zone, and for the passage of medical personnel and material bound for the said zone.

Article 3.

Civilian hospitals, recognised as such by the State and organised to afford permanent care to wounded and sick, or to maternity cases, shall in no circumstances be the object of attack, but shall at all times be respected and protected by the belligerents.

Article 4.

Protection due to civilian hospitals shall not cease unless they are used to commit acts harmful to the enemy, and after due warning given without effect.

The fact that wounded or sick members of the forces are nursed in these hospitals, or that small arms and ammunition, taken from these persons and not yet handed over to the responsible service, are discovered there shall not be considered as acts harmful to the enemy.

Article 5.

Civilian hospitals may pursue their activities in enemy or enemy-occupied territories, and shall be protected against pillage.
The buildings and equipment of these hospitals shall remain subject to the right of requisition recognised to belligerents by the laws and customs of war, but shall not be diverted from their purpose, except in case of urgent necessity, and after the care of the wounded and sick they accommodate has been ensured.

Article 6.-

Members of the personnel of civilian hospitals shall be protected and respected by the belligerents. They shall hold identity cards certifying the capacity of the bearers and provided with the photograph and finger-prints of the holder, and the embossed stamp of the responsible authority. (1)

The management of every civilian hospital shall at all times have a correct list of its staff and patients, giving all relevant particulars as to identity, and particularly the date of admission of patients. (2)

Article 7.-

Civilian hospitals shall be marked by means of the emblem of the Red Cross (Red Crescent, Red Lion and Sun) on a white ground, subject to the consent of the military authorities.

As far as military considerations permit, belligerents shall take the necessary measures to render clearly visible to enemy land, air or naval forces the distinctive emblems marking civilian hospitals, in order to obviate the possibility of any aggressive action. (3)

Article 8.-

Belligerents may conclude special agreements for the

(1) One Delegation reserved its Government's opinion with regard to finger-prints and embossed stamp. Another Delegation considered that members of the personnel of Civilian Hospitals should be allowed to wear the Red Cross armlet.

(2) One Delegation considered that the provisions of Art. 6 should be extended to hospitals, infirmaries and places of internment for Civilians set up by a Detaining Power.

(3) One Delegation reserved the opinion of its Government with regard to the extension of the use of the Red Cross emblem to civilian hospitals.
creation of hospital localities, to ensure better protection for the wounded and sick assembled therein, all military utilisation of such zones being excluded.

III.


The Tenth Hague Convention being of a particularly technical nature, the First Commission nominated a Sub-Commission to study this agreement. The Sub-Commission was composed of: Major P. Wibin. (Belgium), Dr. Puyo, (France), Mr. W.H. Gardner (Great Britain), Commander W.M. Mouton. (Netherlands), Dr. A.W. Mellema (Netherlands), and Mr. A. Freeman (U.S.A.).

The Sub-Commission's report was then discussed by the main Commission and the latter, when submitting it to the Plenary Meeting thought useful to insert, besides the Articles adopted, the various remarks or reservations made by delegations. These appear here as footnotes.

The Commission took as the basis of its discussions the Revised Draft Convention established in 1937 by a Commission of Naval Experts delegated by their Governments and National Red Cross Societies.

General Observations

(1) - The question was discussed whether the essential amendment made to the Geneva Convention (assimilation of Medical Personnel to Prisoners of War) should also be inserted in the Maritime Convention. The majority of the Commission considered that hospital-ships are in an exceptional situation and that special immunities should be granted to the Medical Personnel of these vessels.

(2) - Taking into account the above reservation, the Commission was of opinion that, in so far as the text of the Maritime Convention could be adapted to that of the Geneva Convention, the amendments made to the latter should be considered as approved also in respect of the Maritime Convention.
(3) - The representative of the British Government pointed out that he had received no instructions from his Government regarding the revision of the Maritime Convention, but he had no doubt that they would give serious consideration to the opinions expressed by the Commission.

(4) - The Commission was of opinion that the text of the revised Maritime Convention should be embodied in the Geneva Convention. All the stipulations proper to maritime warfare should, however, be assembled in a distinct Chapter which might, if necessary, contain references to the general stipulations of the Geneva Convention.

(5) - The Conference expressed the recommendation that the Governments of Maritime Powers should send the International Committee a list of cases noted during the second World War where the Tenth Hague Convention did not find proper application. These lists might usefully complete the data to be furnished to the future Diplomatic Conference.

Chapter I. - Wounded, Sick and Shipwrecked

Article 1. -

Sailors and soldiers on board ship and other persons officially attached to the land, sea and air armed forces who are wounded, sick or shipwrecked, shall be respected and protected in all circumstances. They shall be treated with humanity and cared for, without any distinction of nationality, race, religion or political convictions, by the belligerent in whose power they may be. Women shall be treated with the particular consideration due to their sex.

The benefit of the foregoing provisions shall also extend to wounded, sick and shipwrecked of all vessels victims of a hazard of war. (1)

Article 2. -

As prisoners of war shall be regarded the wounded, sick or shipwrecked of one belligerent who fall into the hands

(1) One Delegation made a reservation regarding members of the Mercantile Marine, whose rights should not be restricted, and raised the question whether the protection granted to shipwrecked persons is also valid in cases of shipwreck due to natural causes, and not to a hazard of war.
of the adverse party. The latter shall decide, according to circumstances, if it is expedient to hold them, or to convey them to a port situated in its own territory, in a neutral country, or even in enemy territory. In the last case, the prisoners thus returned to their home country may no longer do active service for the duration of the war. (1)

Article 3.-

All warships of a belligerent Power shall have the right to demand that the wounded, sick or shipwrecked on board military hospital-ships, hospital-ships of relief societies or private individuals, merchant vessels, yachts and other craft, shall be handed over, whatever their nationality. (2)

Article 4.-

If wounded, sick or shipwrecked persons are taken on board a neutral warship, steps shall be taken to ensure that

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(1) One Delegation proposed to maintain the first Section of this Article and to replace the two last by the clause: "They shall be treated in accordance with the stipulations contained in the Prisoner of War Convention."
Another Delegation enquired whether it should not be precisely determined what kind of occupation should be allowed or prohibited for these repatriated prisoners. A third Delegation observed that the case had been provided for under Article 74 of the Prisoner of War Convention.

(2) With a view to restricting the right of recapture, one Delegation proposed the insertion of a new Section, reading thus: "However, when the route of a hospital-ship has been notified to the adverse party, the naval forces of the latter shall observe the special agreements concluded in view of this particular voyage." Another Delegation pointed out that a safe-conduct system of this nature would greatly reduce the immunity and usefulness of hospital-ships, the more so as special agreements are always possible, according to the terms of Art. 29. Furthermore, this system would restrict the right of inspection held by belligerents as regards hospital-ships, whereas it must be possible to exercise this right in all circumstances.
Another Delegation proposed that this Article should be amended so as to ensure that belligerents cannot claim the seriously wounded and sick eligible for repatriation who may be on board hospital-ships.
they can take no further part in warlike operations, (1)

Article 5.

Wounded, sick or shipwrecked persons who are disembarked by the warships of belligerents in a neutral port, with the consent of the local authorities, shall, subject to contrary arrangements between the neutral and belligerent Powers, be so guarded by the neutral Power that they cannot take part again in war operations.

The costs of hospital accommodation and internment shall be borne by the Power to whom the wounded, sick and shipwrecked persons belong.

If wounded, sick or shipwrecked persons are disembarked in a neutral port by neutral and private merchant ships, vessels, yachts or airships, which have assumed no obligation whatever towards one of the belligerent Powers, the said wounded, sick or shipwrecked persons shall be free.

All warships arriving in a neutral port shall have the option, with the consent of the neutral Power, of disembarking wounded, sick or shipwrecked persons who may be on board. (2)

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(1) One Delegation recommended that this stipulation should be brought into line with Article 74 of the Prisoner of War Convention.

(2) The principle of this Article was adopted.

One Delegation proposed to insert the words "neutral warships and hospital-ships" before the words "merchant ships". The Commission asked itself whether a distinction should not be drawn between neutral and belligerent hospital-ships, as it would hardly be in the latter's interest to disembark enemy wounded and sick in neutral countries, if it were certain that the latter would thus become free. Two other Delegations made reservations as regards their Governments' point of view on this possible addition.

Another Delegation reserved its opinion regarding the mention of airships.

Another Delegation further pointed out that the determinant factor of internment or release of wounded, sick or shipwrecked persons put ashore in a neutral port should be their personal status, and not the status of the vessel disembarking them. Consequently, combatants on board any vessel should be interned, whereas civilians would be free. Lastly, another Delegation pointed out that this proposal would entail a limitation of the protection granted to wounded and sick or shipwrecked combatants.
Article 6.-

After each engagement, belligerents shall take all possible measures to search for the shipwrecked, wounded and sick, and to protect them and the dead against pillage and ill-treatment. (1)

Article 7.-

Belligerents shall communicate to each other as soon as possible, according to the procedure prescribed in Article 77 of the 1929 Convention on the treatment of prisoners of war, the names of the wounded, sick and dead, discovered or collected, together with any indications which may assist in their identification.

They shall establish and transmit to each other by the same channel certificates of death or, in lieu thereof, duly authenticated lists of the dead. They shall likewise collect and exchange by the same channel all articles of a personal nature and of intrinsic or sentimental value found on the dead, especially one-half of their identity discs, which should be of a standard pattern, the other half to remain attached to the body.

Bodies shall not be cremated except for imperative reasons of hygiene or for religious motives. Should cremation be carried out, the circumstances and motives which made it necessary shall be noted in detail on the death certificate of the person cremated.

The belligerents shall ensure that burial on land or at sea, or cremation of the dead is preceded by a careful, and if possible medical examination of the bodies, with a view to confirming death, establishing identity and enabling a report to be made.

They shall further ensure that the dead are honourably interred, if possible according to the rites of the religion to which they belonged, that their graves are respected, assembled and marked so that they may always be found. To this end, at the commencement of hostilities, they shall organise officially a graves registration service, in order to allow eventual exhumations and to ensure the identification of bodies, whatever the subsequent site of the grave. These stipulations also apply as far as possible to the ashes, which shall be kept by the graves registration service until the end of hostilities.

As soon as circumstances permit, and at latest at the

(1) The words "after each engagement" were purposely maintained on account of the special conditions prevailing at sea. One Delegation proposed the following text: "... to search for and collect the shipwrecked, wounded, sick and dead", in order to include in the search those apparently dead.
end of hostilities, they shall exchange a list of graves and of dead interred in their cemeteries and elsewhere.

Should wounded, sick or dead be collected by neutrals, the latter shall assume as regards the belligerents, the obligations indicated in the preceding sections.

Article 8.-

Belligerents may appeal to the humanitarian sentiments of commanders of merchant vessels, yachts or other neutral craft, to take on board and care for wounded, sick or shipwrecked persons.

Vessels which have responded to this appeal, and those having spontaneously collected wounded, shall benefit by special protection and facilities to carry out such assistance.

They may in no case be captured on account of such transport: subject to promises made to them, they shall, however, remain liable to capture for any violations of neutrality they may have committed. (1)

Chapter II.- Hospital-Ships

Article 9.-

Military hospital-ships, that is to say, ships built or fitted out by States specially and solely with a view to assisting the wounded, sick or shipwrecked, and whose names and description have been communicated to the belligerent Powers at the commencement or during the course of hostilities, in any case before they are employed, shall be respected and cannot be captured. (2)

One Delegation suggested that this Article should be placed in Chapter II, because it deals more with vessels than personnel. The Chapter could then be entitled "Hospital-Ships and Neutral Craft".

One Delegation proposed that not only the notification should be required, but also an acknowledgment of this notification of hospital-ships. It was pointed out, however, that such requirement might reduce the protection granted by the Convention to hospital-ships, and that it would be a means for the adverse Party to refuse all recognition of hospital-ships notified.

The same Delegation further proposed that the contents of the notification should be defined in the Convention; it was, however, objected that all belligerents have lists of all hospital-ships.
Article 10.-

Hospital-ships utilised by private individuals or by officially recognised relief societies shall likewise be respected and exempt from capture, if the belligerent Power to whom they belong has given them an official commission and notified their names to the hostile Power, at the commencement or during the course of hostilities, and in any case before they are employed.

These ships must be provided with certificates from the responsible authorities, stating that the vessels have been under their control while fitting out, and on final departure.

Article 11.-

Hospital-ships utilised by private individuals, or by officially recognised relief societies of neutral countries, shall be respected and exempt from capture, on condition that they have placed themselves under the control of one of the belligerents, with the previous consent of their own Governments and with the authorisation of the belligerent himself, and that the latter has notified their names to the adversary at the commencement, or during the course of hostilities, and in any case before they are employed.

Possible New Articles

(1) - One Delegation proposed the insertion here of a new Article fixing the minimum tonnage allowed for hospital-ships. This figure would be 6,000 tons. Another Delegation proposed a minimum of 2,000 tons. A third Delegation suggested, to obviate difficulties arising from the various kinds of tonnage (registered tons, displacement tons, metric tons, etc.) that this question be settled not on the basis of tonnage, but of size, and more particularly of surface of hospital-ships.

The Commission agreed (one Delegate's opinion being reserved) upon the principle of limiting the minimum tonnage, but did not consider itself competent to determine a precise figure. The points to be considered in settling the necessary limitation to be inserted in the Convention are, firstly, visibility and, secondly, proper accommodation for the sick.

The question of the use of speed-boats for saving airmen from the sea was discussed. For reasons of military security - speed itself constituting sufficient protection, - the Commission considered that these boats should not have the protection of the Convention,
(2) One Delegation suggested the insertion of a new Article to protect life-boats of low speed and attached to a fixed base, which cannot be assimilated to the speed-boats mentioned above, nor to hospital-ships, whose tonnage shall be determined by the Convention. In case of occupation, the Occupying Power should be able to control the use of such craft.

On the other hand, the Commission considered the case of a hospital-ship in an occupied port. In this case, the vessel would not be captured but "seized", and the Commission asked whether it should be left free to pursue its journey. One Delegation made a comparison between hospital-ships in an occupied country and captured medical units; another Delegation thought that this comparison was not cogent, because a hospital-ship does not belong to any particular unit, but is employed on successive and independent missions, which does not apply to medical units. If a country had only one or two hospital-ships, the seizure of one or both would be very prejudicial to its wounded and sick.

(3) One Delegation proposed the insertion of a new Article to prohibit the notification of a hospital-ship in a besieged port.

Article 12.

The ships mentioned in Articles 9, 10 and 11, shall afford relief and assistance to the wounded, sick and shipwrecked of the belligerents, without distinction of nationality.

Governments undertake not to use these ships for any military purpose.

These vessels shall in no wise hamper the movements of the combatants.

During and after an engagement, they will act at their own risk. (1)

Article 13.

The belligerents shall have the right to control and

(1) One Delegation took up the proposal made by the Preliminary Conference of Red Cross Societies to insert at the close of this Article, a new section as follows: "All hospital-ships escorted by warships or included in a convoy of merchant ships are presumed to waive protection under the Convention". The Commission thought that this clause might entail abuses and that, in any case, there can be no question, even in such an event, of depriving hospital-ships of all protection.
search the ships mentioned in Articles 9, 10 and 11. They can refuse help, order the ships off, make them take a certain course, and put a commissioner temporarily on board; they can even detain them for a maximum period of seven days, if the gravity of circumstances requires.

As far as possible, the belligerents shall enter in the log of the hospital-ships, in a language intelligible to the commander of the hospital-ship, the orders which they give them. (1)

Belligerents may, either unilaterally or by particular agreements, put on board their hospital-ships neutral observers, who shall verify the strict observation of the stipulations contained in the present Convention.

Article 14.-

Vessels mentioned in Articles 9, 10 and 11 are not assimilated to warships as regards their stay in a neutral port.

Article 15.-

Merchant vessels which have been transformed into hospital-ships cannot be put to any other use throughout the duration of hostilities. (1)

Article 16.-

The protection to which hospital-ships and sick-bays are entitled shall cease only if they are used to commit acts harmful to the enemy, and after warning remaining without effect.

In particular, hospital-ships provided with wireless or any other means of communication shall not be in possession of a secret code. All their communications shall be made in clear.

The following conditions shall not be considered as justifying the withdrawal of protection:

(1) the fact that the crew of these ships is armed for the maintenance of order and for the defence of the sick and wounded;

(1) Two Delegations reserved the opinion of their Governments on this Article.
Chapter III. - Personnel

Article 17.-

The religious, medical and hospital staff of hospital-ships and their crews shall be respected and protected; they may not be captured during the time they are pursuing their duties, whether or no there are wounded and sick on board.

Article 18.-

The religious, medical and hospital staff of any captured ship shall be respected and protected; they may continue to carry out their duties as long as this is necessary for the care of wounded and sick.

On landing, they shall be subject to the stipulations provided for captured hospital staff by the Geneva Conventions and by the Eleventh Hague Convention of 1907.

Chapter IV. - Material

Article 19.-

In case of fighting on board warships, the sick-bays shall be respected and spared as far as possible. The said sick-bays and their equipment shall remain subjected to the laws of

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(1) The principle of the Article was approved.

(2) The Commission was of the opinion that the adaptation to maritime medical staff of the stipulations of the Geneva Conventions should be thoroughly studied later, on account of the special conditions obtaining at sea. One Delegation reserved their opinion on the whole of this Chapter.
warfare, but they may not be diverted from their purpose so long as they are required for the wounded and sick. The commander into whose power they have fallen may, however, apply them to other purposes, in case of urgent military necessity, after ensuring the proper care of the wounded and sick who are nursed there.

Chapter V. - Medical Transport

Article 20. -

The provisions of Articles 20 and 21 of the Geneva Convention are applicable to hostilities at sea, in particular as regards sea-planes used as medical aircraft.

Belligerents may conclude agreements to ensure the benefit of the said Convention to medical aircraft entrusted with the search and transport of wounded, sick and shipwrecked at sea.

Article 21. -

Hospital-ships, and all ships chartered to this end shall be authorised to transport medical equipment, provided their route and task have been notified to the adverse Power. The latter, duly advised, shall preserve the right to board, but not to capture them.

In agreement with the belligerents, neutral observers may be placed on board these ships to verify the medical equipment carried.

On their return journey, hospital-ships shall transport no cargo except medical supplies. (1)

Chapter VI. - The Distinctive Emblem

Article 22. -

The emblem of the Red Cross shall be displayed on the flags, brassards and all equipment belonging to the Medical Service, with the consent of the responsible military authority.

(1) Two Delegations reserved the opinion of their Governments on the whole of this Chapter.
The personnel named in Articles 17 and 18 shall carry, affixed on the left arm, a water-resistant armlet marked with the distinctive emblem, issued and stamped by the military authority.

Such personnel shall also carry an identity card attesting their status. This card should be able to be put in the pocket and be water-resistant. It shall carry the photograph and finger-prints of the owner and shall be embossed with the stamp of the military authority. (1)

The identity card should be uniform throughout the armed forces of a belligerent, and, in so far as possible, be of the same type in the armed forces of the Contracting Parties. At the outbreak of hostilities, belligerents shall inform each other of the model in use in their armed forces.

Identity cards shall be established at least in duplicate, one copy to be given to the owner and the other kept by the Power of origin.

Under no circumstances may the personnel mentioned above be deprived of their armlet or identity card. In case of loss they may obtain duplicates.

Article 24.-

The ships referred to in Articles 9, 10 and 11 shall be distinguished by being painted white outside with a horizontal red band, about a metre and a half in breadth.

The boats of the ships above mentioned, as also small craft which may be used for hospital work, shall be distinguished by similar markings.

The decks, funnels, and superstructure of the ships mentioned in Section 1 of the present Article shall be painted white and bear large red crosses, so as to render their distinctive emblems plainly visible to the enemy land, air, or naval forces.

All hospital-ships shall make themselves known by hoisting, besides their national flag, the white flag with a red cross, and further, if they belong to a neutral State, by flying at the mainmast the national flag of the belligerent whose control they have accepted.

(1) One Delegation reserved the opinion of its Government as regards the introduction of finger-prints and embossed stamp,
Hospital-ships which, in accordance with Article 13, are provisionally detained by the enemy, shall haul down the national flag of the belligerent to whom they belong.

The above mentioned ships and boats which wish to ensure by night the freedom from interference to which they are entitled, must, subject to the assent of the belligerent they are accompanying, take the necessary measures to render their painting and distinctive emblems sufficiently apparent. (1)

Chapter VII.- Application and Execution of the Convention

Article 25.-

The provisions of the present Convention shall be respected by the High Contracting Parties in all circumstances.

In time of war, if one of the belligerents is not a party to the Convention, these provisions shall, nevertheless, remain binding as between the belligerents who are parties thereto.

(1) The following proposals were submitted:

(1) - The purpose of marking hospital-ships being to make them recognisable, one Delegation suggested painting them orange-yellow throughout, a colour which is particularly visible from the air. Red crosses on a white ground could also be painted on them as a supplementary indication.

(2) - One Delegation, supported by a second, proposed that the red crosses be painted in the centre of each side of a hospital-ship, on the deck and on the funnels, so as to be visible from all directions. The same Delegation also proposed that the ship's name should be inscribed on the bows (port and starboard), and on the stern.

(3) - The same Delegations proposed to stipulate that hospital-ships must be lit up from sundown to sunrise, if they wish to benefit by immunity. This ruling would apply to funnels, hulls and decks, and to all distinctive signs.

(4) - One Delegation proposed the insertion of the following new Section: "As soon as technically possible, all hospital-ships shall be provided with radar apparatus, to allow their identification by the detecting apparatus of belligerents and neutrals".
Article 26.-

In case of hostilities between belligerent land and naval forces, the provisions of the present Convention shall apply only to forces on board. For forces put ashore, the provisions of the Geneva Convention of July 27, 1929, shall immediately become operative.

Article 27.-

Belligerent shall ensure, through their respective commanders-in-chief, the implementing of the preceding Articles, and arrange for unforeseen cases, in accordance with the instructions of their Governments and in conformity with the general principles of the present Convention.

Article 28.-

The High Contracting Parties shall take, in peace-time and war-time, the necessary steps to publish the text of the present Convention, to instruct their armed forces, and in particular the medical personnel and the chaplains, in its provisions, and to bring them to the notice of the civilian population.

Article 29.-

Belligerents shall be at liberty to conclude, above and beyond the obligations arising under the present Convention, the particular agreements which they may deem necessary.

Chapter VIII.- Suppression of Abuses and Infractions

This Chapter shall contain Articles similar to those of the corresponding Chapter of the Geneva Convention, and taking into account the provisions of Art. 21 of the Tenth Hague Convention.