REVISION OF THE CONVENTION CONCLUDED
AT GENEVA ON JULY 27, 1929, RELATIVE
TO THE TREATMENT OF PRISONERS
OF WAR

PART I

GENERAL PROVISIONS

ARTICLE 1

The High Contracting Parties undertake 1 to respect and to
ensure respect for the present Convention in all circumstances.

ARTICLE 2

In addition to the stipulations which shall be implemented
in peace time, the present Convention shall apply to all cases
of declared war or of any other armed conflict which may arise
between two or more of the High Contracting Parties, even if
the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or
total occupation of the territory of a High Contracting Party
even if the said occupation meets with no armed resistance.

If one of the Powers in conflict is not party to the present
Convention, the Powers who are party thereto shall notwith­
standing be bound by it in their mutual relations.

In all cases of armed conflict not of an international charac­
ter 2 which may occur in the territory of one or more of the

1 The words "in the name of their peoples" have been deleted.
2 The words "especially cases of civil war, colonial conflicts or wars of religion" have been deleted.
High Contracting Parties, each of the Parties to the conflict shall be bound to implement the provisions of the present Convention, subject to the adverse party likewise acting in obedience thereto. The Convention shall be applicable in these circumstances, whatever the legal status of the Parties to the conflict and without prejudice thereto.

**ARTICLE 3**

**Prisoners of war**

Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy:

1. Members of the armed forces of the Parties to the conflict, including members of voluntary corps which are regularly constituted.

2. Members of regular armed forces who profess allegiance to a Government or an authority not recognized by the Detaining Power.

3. Persons who accompany the armed forces without actually being members thereof, such as civil members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the military, provided they are in possession or identity cards similar to the annexed model and issued by the armed forces which they are accompanying.

4. Members of crews of the merchant marine of the Parties to the conflict who do not benefit by more favourable treatment, under any other provisions in international law.

5. Inhabitants of a non-occupied territory who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

6. Persons belonging to a military organization or to an organized resistance movement constituted in an occupied territory to resist the occupying Power, on condition:

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1 The words "militias and" have been deleted.
2 The words "particularly if they act in liaison with the armed forces of one of the Parties to the conflict" have been deleted.
3 The words "who have been captured at sea" have been deleted.
(a) that such organization has, either through its responsible leader, through the Government which it acknowledges, or through the mediation of a Party to the conflict, notified the occupying Power of its participation in the conflict.

(b) that its members are under the command of a responsible leader; that they wear at all times a fixed distinctive emblem, recognizable at a distance; that they carry arms openly; that they conform to the laws and customs of war; and in particular, that they treat nationals of the occupying Power who fall into their hands in accordance with the provisions of the present Convention.

The following shall likewise be treated as prisoners of war under the present Convention:

(1) Persons who are, or who have been members of the armed forces of an occupied country, if by reason of such membership the occupying Power considers it necessary to intern them for reasons of security.

(2) Persons belonging to one of the categories designated in the present Article, who have been accommodated by neutral or non-belligerent Powers in their territories, subject to the rules of international law peculiar to maritime warfare. The Convention shall apply to these persons without prejudice to any more favourable treatment which the said Powers may think fit to grant them, and with the reservation of the provisions contained in Articles 7, 9, 14 (par. 1), 28 (par. 5), 49-57 inclusive, 72-107 inclusive and 116. The situations governed by the said Articles may be made the subject of special agreements between the Powers concerned.

The present Convention shall also provide a minimum standard of protection for any other category of persons who are captured or detained as the result of an armed conflict and whose protection is not specifically provided for in any other Convention.

ARTICLE 4

The present Convention shall apply to the persons referred to in Article 3, from the time they fall into the power of the enemy and until their final release and repatriation.

Should any doubt arise whether one of the aforesaid persons belongs to any of the categories named in the said Article,
the said person shall have the benefit of the present Convention until his or her status has been determined by a responsible authority.

**ARTICLE 5**

In addition to the agreements expressly provided for in Articles 9, 26, 51, 56, 57, 61, 62, 65, 100, 101, 102, 108 and 109, the Parties to the conflict may conclude special agreements for all matters relating to prisoners of war, concerning which they may deem it suitable to make separate provision. Such agreements shall in no case adversely affect the situation of prisoners of war, as defined by the present Convention, nor restrict the rights which it confers upon them.

Prisoners of war shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except for express stipulations to the contrary contained in the aforesaid or in subsequent agreements, or except also for more favourable measures taken with respect to them by one or the other of the Parties to the conflict.

**ARTICLE 6**

Prisoners of war may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

**ARTICLE 7**

The present Convention shall be applied with the co-operation and under the supervision of the Protecting Powers responsible for safeguarding the interests of the Parties to the conflict. To that effect, the Protecting Powers may, apart from their diplomatic staff, appoint delegates from amongst their own nationals or the nationals of other neutral Powers. Such delegates shall be subject to approval by the Power near which they will carry out their duties. *The said Power may only refuse its approval if serious grounds are adduced.*

The Parties to the conflict shall, to as great a degree as possible, facilitate the task of the representatives or delegates of the Protecting Powers.

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1 The words "be induced by constraint or by any other means of coercion" have been deleted.
ARTICLE 8

The provisions of the present Convention constitute no obstacle to the humanitarian activity which the International Committee of the Red Cross may undertake for the protection of prisoners of war and for the relief to be given them, with the consent of the interested Parties to the conflict.

ARTICLE 9

The Contracting Parties may, at any time, agree to entrust to a body which offers all guarantees of impartiality and efficacy the duties imposed upon the Protecting Powers by the present Convention.

Furthermore, if prisoners of war do not profit, or cease to profit by the activity of a protecting Power or of the above-mentioned body, the Party to the conflict in whose power they are shall be under the obligation to make up for this lack of protection by requesting either a neutral State or an impartial humanitarian body, such as the International Committee of the Red Cross, to assume in their behalf the duties imposed on the Protecting Powers by the present Convention.

If the territory of the Power on which the prisoners of war depend is occupied by the Detaining Power or by one of its allies, and if the Government of the aforesaid territory is approved by the Detaining Power and remains on occupied soil, the interests of the prisoners of war shall in no case be entrusted to a body set up or appointed by agreement between the Detaining Power and the aforesaid Government.

Whenever in the present Convention mention is made of a Protecting Power, such mention shall also designate substitute bodies in the sense of the present Article.

ARTICLE 10

In cases where they deem it advisable in the interest of prisoners of war, particularly in cases of disagreement between the Parties to the conflict as to the application of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to facilitating such application.

To that effect, each of the Protecting Powers may, at the invitation of one Party, or by its own motion, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for prisoners of war,
Responsibility for the treatment of prisoners

Humane treatment of prisoners

Respect for the person of prisoners of war

in suitably chosen neutral territory, if circumstances permit. The Parties to the conflict shall be bound to give effect to the proposals made to them in this respect. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict a person belonging to a neutral Power, or delegated by the International Committee of the Red Cross, who shall be called upon to participate in such a meeting.

PART II

GENERAL PROTECTION OF PRISONERS OF WAR

ARTICLE II

Prisoners of war are in the hands of the enemy Power, but not of the individuals or military units who have captured them. Irrespective of the individual responsibilities that may exist, the Detaining Power is responsible for the treatment given them.

Prisoners of war may not be transferred by the Detaining Power to a Power which is not party to the Convention. If they are transferred to a Power which is party to the Convention, responsibility for the application of the Convention rests on the two Powers jointly.

ARTICLE 12

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

Measures of reprisal against them are prohibited.

No prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind.

ARTICLE 13

Prisoners of war are entitled in all circumstances to respect for their persons and their honour.
Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favourable as that granted to men.

Prisoners of war shall retain their full civil capacity, in conformity with the legislation of their home country; they may exercise all the rights which are granted to them by the Detaining Power.

**ARTICLE 14**

The Power detaining prisoners of war is bound to provide for their free maintenance and likewise to afford them the medical care which their state of health requires.

Taking into consideration the provisions of the present Convention relative to rank and sex, and subject to any privileged treatment which may be accorded to them by reason of their state of health, age or professional qualifications, all prisoners of war shall be treated alike by the Detaining Power, without discrimination of race, nationality, religious belief or political opinions, or any other distinction founded on similar criteria.

**PART III**

**CAPTIVITY**

**SECTION I**

**Beginning of Captivity**

**ARTICLE 15**

Every prisoner of war, if questioned on the subject, is bound to give only his name and rank, date of birth, army, regimental or serial number, or failing this, equivalent information.

Should he wilfully infringe this rule, he is liable to curtailment of the privileges which the Convention grants to prisoners of war of his rank or status.

Each belligerent is required to furnish the persons under his jurisdiction who are liable to become prisoners of war, with an identity card showing the owner's name, first names, rank,
army, regimental or serial number, or equivalent information, and date of birth. Such identity cards may bear the finger-prints of the owner, but will not contain any information other than that specified above.

No physical or mental torture, nor any other form of coercion may be inflicted on prisoners of war, in particular to secure from them information regarding either the condition of their armed forces or their country, or their personal situation. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind.

Prisoners of war who, owing to their physical or mental condition, are unable to state their identity shall be handed over to the Medical Service. The identity of such prisoners shall be established by all possible means, particularly by the taking of finger-prints.

ARTICLE 16

All effects and articles of personal use, except arms, horses, military equipment and military documents, shall remain in the possession of prisoners of war, likewise their metal helmets and gas masks. Effects and articles serving for their clothing or feeding shall likewise remain in their possession, even if such effects and articles belong to their regulation military equipment.

At no time shall prisoners of war be without identity documents. The Detaining Power shall supply such documents to prisoners of war who possess none when they are taken.

Badges of rank and nationality, decorations and articles having only a personal or sentimental value may not be taken from prisoners of war.

Sums of money carried by prisoners of war may not be taken away from them except by order of an officer, and after the amount has been verified. Receipts shall be given. The same rule shall apply to all objects of value which are impounded. Such objects, likewise the sums taken away in any currency other than of the Detaining Power and the conversion of which has not been asked for by the owners, shall be returned in their initial shape to prisoners of war when they are liberated.

ARTICLE 17

Prisoners of war shall be removed as soon as possible after their capture to camps located in an area far enough from the combat zone for them to be out of danger.
Prisoners of war who, owing to wounds or sickness, would run greater risks, by being evacuated than by remaining where they are, may alone be temporarily kept back in a danger zone.

Prisoners of war shall not be unnecessarily exposed to danger while awaiting removal from a fighting zone.

**ARTICLE 18**

The evacuation of prisoners of war shall always be effected humanely and in conditions similar to those for the forces of the Detaining Power in their changes of station.

The Detaining Power shall supply prisoners of war who are being evacuated with sufficient food and water, and with the necessary clothing and medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during removal, and shall establish as soon as possible a list of the prisoners of war who are evacuated.

If prisoners of war must, during removal, pass through transit camps, their stay in such camps shall be as brief as possible.

**SECTION II**

**INTERNMENT OF PRISONERS OF WAR**

**CHAPTER I**

**General Observations**

**ARTICLE 19**

The Detaining Power may subject prisoners of war to internment. It may impose on them the obligation of not leaving the camp where they are interned beyond certain limits or, if the said camp is fenced in, of not going outside its perimeter. Subject to the provisions of the present Convention which are relative

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1 The words "as far as possible" have been deleted.
to penal and disciplinary sanctions, prisoners of war may not be held in close confinement except as an imperative health measure, and only so long as circumstances require.

Prisoners of war may be partially or wholly released on parole or promise, in so far as allowed by the laws of the Power on which they depend. Such measures shall be taken particularly in cases where they can contribute to the improvement of their state of health. No prisoner of war shall be compelled to accept liberty on parole or promise.

Upon the outbreak of hostilities, each belligerent Power shall notify the opposing Power of the laws and regulations allowing or prohibiting its own nationals to accept liberty on parole or promise. Prisoners of war who are paroled or who have given their promise in conformity with the laws and regulations so notified, are bound on their personal honour scrupulously to fulfil, both towards the Power on which they depend and the Power which has captured them, the engagements of their paroles or promises. In such cases, the Power on which they depend is bound neither to require nor to accept from them any service incompatible with the parole or promise given.

Prisoners of war partially liberated on parole or promise who attempt to escape and are recaptured before the escape is successful, are only liable to the disciplinary penalties provided for by Articles 79 to 89 inclusive.

ARTICLE 20

Prisoners of war may be interned only in premises located on land and affording every guarantee of hygiene and healthfulness. Except in particular cases which are justified by the interest of the prisoners themselves, they shall not be interned durably in penitentiaries.

Prisoners of war interned in unhealthy areas, or where the climate is injurious for them, shall be removed as soon as possible to a more favourable climate.

The Detaining Power shall assemble prisoners of war in camps or camp compounds according to their nationality, language and customs.

ARTICLE 21

No prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone,
nor may his presence be used to render certain points or areas immune from military operations.

Prisoners of war shall have shelters against air bombardment and other hazards of war, to the same extent as the local civilian population. In case of alarms, they may enter such shelters as soon as possible, excepting those engaged in the defence of their quarters against the aforesaid hazards. Any other protective measure taken in favour of the population shall also apply to them.

The Detaining Powers shall communicate to one another, through the medium of the Protecting Powers, all useful information regarding the geographical location of prisoner of war camps.

Prisoner of war camps shall be indicated in the day-time by the letters "PW" or "PG", placed so as to be clearly visible from the air. The Detaining Powers may, however, agree upon any other system of marking.

ARTICLE 22

Transit or screening camps of a permanent kind shall be fitted out under conditions similar to those described in the present Section, and the prisoners therein shall have the same treatment as in other camps.

CHAPTER 2

Quarters, Food and Clothing of Prisoners of War

ARTICLE 23

Prisoners of war shall be quartered under conditions as favourable as those for the forces of the Detaining Power who are billeted in the same area. The said conditions shall make allowance for the habits and customs of the prisoners and shall in no case be prejudicial to their health.

The foregoing provisions shall apply in particular to the dormitories of prisoners of war, as regards both total surface
and minimum cubic space, and the general installations, bedding
and blankets.

The premises shall be entirely protected from dampness, ade­quately heated and lighted, in particular between dusk and lights out. All precautions must be taken against the danger of fire.

ARTICLE 24

Food

The Detaining Power shall furnish gratuitously the food rations for all prisoners of war. The basic daily food rations shall be sufficient in quantity, quality and variety to keep prisoners of war in good health and to prevent loss of weight or the development of nutritional deficiencies. Account shall also be taken of the habitual diet of the prisoners.

Prisoners of war who are obliged to work shall receive additional rations proportionate to the labour they perform.

Sufficient drinking water shall be supplied to prisoners of war. The use of tobacco shall be permitted.

Prisoners of war shall as far as possible be associated in the preparation of their meals; they may be employed for that purpose in the kitchens. Furthermore, they shall be given the means of preparing themselves the additional food in their possession.

Collective disciplinary measures affecting food are prohibited.

ARTICLE 25

Clothing

Clothing, underwear and footwear shall be supplied to prisoners of war in sufficient quantities by the Detaining Power, which shall make allowance for the climate of the region where the prisoners are detained.

The replacement and repair of the above articles shall be assured regularly by the Detaining Power. In addition, prisoners of war who work shall receive appropriate clothing, wherever the nature of the work demands.

Uniforms of enemy armed forces which are taken by the Detaining Power shall be used for clothing prisoners of war belonging to the said forces.

1 This paragraph now replaces the wording submitted by the International Committee.

2 The words "as far as possible" have been deleted.
ARTICLE 26

Canteens shall be installed in all camps, where prisoners of war may procure foodstuffs, ordinary articles of daily use and soap. The tariff shall never be in excess of local market prices.

The profits made by canteens for camp administrations shall be used for the benefit of the prisoners; a special fund shall be created for that purpose. The spokesman shall have the right to check the management of the canteens and of the said fund.

When a camp is closed down, the profits of canteens shall be handed to an international welfare organization, to be employed for the benefit of prisoners of war of the same nationality as those who have contributed to the constitution of the fund. In case of a general repatriation, such profits shall be kept by the Detaining Power, subject to any agreement to the contrary between the Powers concerned.

CHAPTER 3

Hygiene and Medical Attention

ARTICLE 27

The Detaining Power shall be bound to take all sanitary measures necessary to ensure the cleanliness and healthfulness of camps, and to prevent epidemics.

Prisoners of war shall have for their use, day and night, conveniences which conform to the rules of hygiene and are constantly maintained in a state of cleanliness.

Furthermore, and without prejudice to the baths and showers with which the camps shall be furnished, prisoners of war shall be provided with sufficient water and soap for their personal toilet and for washing their underwear; the necessary installations and facilities shall be granted them for that purpose.

ARTICLE 28

Every camp shall have an adequate infirmary where prisoners of war may have the attention they require, as well as appro-
appropriate diet. Isolation wards shall, if necessary, be set aside for cases of contagious disease.

Prisoners of war suffering from serious disease, or whose condition necessitates special treatment, a surgical operation or hospital care, must be admitted to any military or civil medical unit where such treatment can be given, even if their repatriation is contemplated in the near future. Special facilities shall be afforded for the care to be given to the disabled, in particular to the blind, and for their rehabilitation, pending repatriation.

Prisoners of war shall have the attention preferably of medical personnel of their own nationality.

Prisoners of war may not be prevented from presenting themselves to the medical authorities for examination. The detaining Authorities shall, upon request, issue to every prisoner having undergone treatment, an official certificate indicating the nature of his illness or injury, and the duration and kind of treatment received. A duplicate of this certificate shall be forwarded to the Central Prisoners of War Agency.

The costs of treatment, including those of any apparatus necessary for the maintenance of prisoners of war in good health, particularly dentures and other prostheses, and spectacles, shall be borne by the Detaining Power.

**ARTICLE 29**

Medical inspections of prisoners of war shall be made at least once a month. Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of prisoners and to detect contagious diseases, especially tuberculosis, malaria and venereal complaints. Such examinations shall include periodical radioscopic examination and the checking of weight of each prisoner.

**CHAPTER 4**

**Religion, Intellectual and Physical Activities**

**ARTICLE 30**

Prisoners of war shall enjoy complete liberty in the exercise of their religious duties, including attendance at the services

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1 The words "if possible" have been deleted.
of their faith, on the sole condition that they comply with the measures of order prescribed by the military authorities. The Detaining Power shall provide them with adequate premises.

Ministers of religion who are prisoners of war shall, whatever their religious denomination, be allowed to minister freely to the members of their community. For that purpose, the Detaining Power shall ensure their equitable allocation amongst the various camps and labour detachments. They shall enjoy all facilities for moving about from one camp or detachment to another. Any prisoner of war who can furnish proof to the Detaining Power of his status as a minister of religion shall be exempt from work. Failing any minister of the prisoners' faith, the Detaining Power shall allow religious assistance to be given by a minister of the same denomination, or in the absence of such a minister, by a minister of a similar denomination, if such a course is feasible from a sectarian point of view.

Ministers of religion shall be at liberty to correspond on matters concerning their ministry, with the ecclesiastical authorities in the country of detention.

Furthermore, duly mandated representatives of religious organizations, who have been chosen by agreement between the Detaining and the Protecting Powers, preferably from amongst the nationals of neutral countries, may, subject to the approval of the Detaining Power, visit the prisoners of war and provide for their religious needs.

In the official reports sent to the Governments on the condition of prisoners of war, explicit mention shall be made of the religious assistance by which they benefit.

ARTICLE 31

While respecting the individual preferences of every prisoner, the Detaining Power shall encourage the practice of intellectual, educational, and recreational pursuits, sports and games amongst prisoners, and shall take the measures necessary to ensure the exercise thereof, in particular by providing adequate premises.

Prisoners shall have opportunities for taking physical exercise and being out of doors. Open spaces shall be provided for the purpose in all camps.

1 The words "in case of need" have been deleted.
CHAPTER 5

Discipline

ARTICLE 32

Every prisoner of war camp shall be put under the authority of a responsible officer belonging to the regular armed forces of the Detaining Power. The said officer shall have in his possession a copy of the present Convention; he shall ensure that its provisions are known to the camp guard and shall be responsible, under the direction of his government, for its application.

Prisoners of war, with the exception of officers, must salute and show to all officers of the Detaining Power the marks of respect provided for by the regulations applying in their own forces.

Officer prisoners of war are bound to salute only officers of a higher rank of the Detaining Power; they must, however, salute the camp commander regardless of his rank.

ARTICLE 33

The wearing of badges of rank and nationality, as well as of decorations shall be permitted.

ARTICLE 34

In every camp the text of the present Convention and its annexes and of the special agreements provided for in Article 5, shall be posted, in the prisoners' own language, at places where all may read it. Copies shall be supplied, on request, to the prisoners who cannot have access to the copy which has been posted.

Regulations, orders, notices and publications of every kind relating to the conduct of prisoners of war shall be issued to them in a language which they understand. Such regulations, orders and publications shall be posted in the manner described above and copies shall be handed to the spokesman. Every order and command addressed to prisoners of war individually must likewise be given in a language which they understand.

The same principle shall apply to questionings.

ARTICLE 35

The use of weapons against prisoners of war, especially against those who are escaping or attempting to escape, shall constitute an extreme measure, which shall always be preceded by warnings appropriate to the circumstances.
CHAPTER 6

Rank of Prisoners of War

ARTICLE 36

Upon the outbreak of hostilities, belligerents shall communicate to one another the titles and ranks of all the persons designated in Article 3 of the present Convention, in order to ensure equality of treatment between prisoners of equivalent rank. Titles and ranks which are subsequently created shall form the subject of similar communications.

The Detaining Power shall recognize the promotions in rank accorded to prisoners of war and which have been duly notified by the Power on which these prisoners depend 1.

ARTICLE 37

Officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

In order to ensure service in officers' camps, other ranks of the same armed forces who, so far as possible, speak the same language, shall be assigned in sufficient numbers, account being taken of the rank of officers and prisoners of equivalent status. Such orderlies shall not be required to perform any other work.

Supervision of the mess by the officers themselves should be facilitated in every way.

CHAPTER 7

Transfer of Prisoners of War
after their arrival in camp

ARTICLE 38

The transfer of prisoners of war shall always be effected humanely and in conditions similar to those for the forces of the Detaining Power in their changes of station.

1 Paragraph 2 of the International Committee's draft has been deleted.
The Detaining Power shall supply prisoners of war during transfer with sufficient food and water, likewise with the necessary clothing and medical attention. The Detaining Power shall take adequate precautions, especially in case of transport by sea or by air, to ensure their safety during transfer, and shall draw up a complete list of all transferred prisoners before their departure.

**ARTICLE 39**

**Exceptions**

Sick or wounded prisoners of war shall not be transferred as long as their recovery may be endangered by the journey, unless their safety imperatively demands.

If the combat zone draws closer to a camp, the prisoners of war in the said camp shall not be transferred unless their removal can be carried out in adequate conditions of safety, or if they are exposed to greater risks by remaining on the spot than by being removed.

**ARTICLE 40**

**Procedure**

In the event of removal, prisoners of war shall be officially advised of their departure and of their new postal address. Such notification shall be given in time for them to pack their luggage and inform their next of kin.

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight of such baggage may be limited, if the conditions of removal so require, to what each prisoner can reasonably carry, but in no case to less than twenty-five kilograms per head.

Mail and parcels addressed to their former camp shall be forwarded to them without delay. The camp commandant shall, if necessary, take in agreement with the spokesman any measures needed to ensure the transport of the prisoners' community kit and of the luggage they are unable to take with them, in consequence of restrictions imposed by virtue of paragraph 2.

*The costs of transfers shall be borne by the Detaining Power.*
SECTION III

Labour of Prisoners of War

ARTICLE 41

The Detaining Power may utilise the labour of prisoners of war who are physically fit, officers and persons of equivalent status excepted, taking into account their age, sex, rank and physical aptitude, and with a view particularly to maintaining them in a good state of physical and mental health.

Non-commissioned officers who are prisoners of war shall only be required to do supervisory work. Those not so required may request other suitable occupation which shall, so far as possible, be secured for them.

If officers or persons of equivalent status request suitable work, it shall be found for them, so far as possible.

Prisoners who are physicians, medical orderlies or chaplains, whatever their rank, may be required, under authority of the Detaining Power and especially of its medical service, to exercise their medical or spiritual functions in accordance with their professional or religious ethics, for the benefit of prisoners of war, preferably of their compatriots.

ARTICLE 42

In addition to labour performed in connection with camp administration, installation or maintenance, prisoners of war may only be required to do work which is normally required for the feeding, sheltering, clothing, transportation and health of human beings, but may not be employed in work which is otherwise of value in assisting the conduct of active military operation.

Should the above provisions be violated, prisoners of war shall be allowed to exercise their right of complaint, in conformity with Article 68.

ARTICLE 43

No prisoner of war may be employed on labour which is of an unhealthy or dangerous nature, in view of climatic conditions.

1 The words "included in the following classes of economic activity" and the items (a) to (e) inclusive of the International Committee's draft, listing the said activities, have been deleted.

2 The words "unless he has received... on similar work" have been deleted.
No prisoner of war shall be assigned to labour which would be looked upon as humiliating for a member of the Detaining Power's own forces.

Conditions of labour shall in no case be rendered more arduous by disciplinary measures.

ARTICLE 44

The duration of the daily labour of prisoners of war, including the time of the journey to and fro, shall not be excessive, and must in no case exceed that permitted for civilian workers in the district, who are nationals of the Detaining Power and employed on the same work.

Prisoners of war must be allowed one hour's rest in the middle of the day's work, and a rest of twenty-four consecutive hours every week, preferably on Sunday. Furthermore, every prisoner who has worked for one year shall be granted a rest of eight consecutive days, during which his wages shall be paid him.

If methods of labour such as piece work are employed, the length of the working period shall not be rendered excessive thereby.

ARTICLE 45

The wages due to prisoners of war shall be fixed in conformity with the provisions of Article 51 of the present Convention.

Prisoners of war who sustain accidents in connection with work, or who contract a disease in the course, or in consequence of their work, shall receive the attention their condition may require. The Detaining Power shall furthermore deliver to prisoners of war a medical certificate enabling them to put in their claims with the Power on which they depend, and shall send a duplicate thereof to the Central Prisoners of War Agency.

ARTICLE 46

The fitness of prisoners of war for work shall be periodically verified by medical examinations, at least once a month.

If any prisoner of war considers himself incapable of working, he shall be permitted to appear before the medical authorities of his camp. Prisoner of war physicians may recommend that the prisoners who, in their opinion, are unfit for work, be exempted therefrom.
ARTICLE 47

The organization and administration of labour detachments shall be similar to those of prisoner of war camps, particularly with regard to hygiene, food, medical attention in case of accidents or sickness, correspondence and the receipt of parcels.

Every labour detachment shall be dependent on a prisoner of war camp. The military authorities and the commander of the said camp shall be responsible, under the direction of their government, for the observance of the provisions of the present Convention in labour detachments.

The camp commander shall keep an up to date record of the labour detachments dependent on his camp, and shall communicate it to the delegates of the Protecting Power, of the International Committee of the Red Cross, or of other agencies giving relief to prisoners of war, who may visit the camp.

ARTICLE 48

The treatment of prisoners of war working for the account of private persons and placed under their direct control shall not be inferior to that which is provided for by the present Convention. The Detaining Power shall supervise their treatment and assume full responsibility therefor.

Such prisoners of war shall have the right to remain in communication with the spokesmen of the camps on which they depend.

SECTION IV

Financial Resources of Prisoners of War

ARTICLE 49

Upon the outbreak of hostilities, the Detaining Power may determine, in agreement with the Protecting Power, the maximum amount of money, in cash or in any similar form, that prisoners may have in their possession. Any amount in excess which has been taken or withheld from them, shall be placed to their account, together with any monies deposited by them, and shall not be converted into any other currency without their consent.
If prisoners of war are permitted to purchase services or commodities outside the camp against payment in cash, such payments shall be made by the camp administration and charged to the account of the prisoners concerned.

ARTICLE 50

Cash taken from prisoners

Cash taken from prisoners of war at the time of their capture, and which is in the currency of the Detaining Power, shall be placed to their separate accounts, by virtue of the provisions of Article 54 of the present Section.

The said accounts shall also be credited with the amounts in the currency of the Detaining Power, due to the conversion of sums in other currencies that are taken from prisoners of war at the same time.

ARTICLE 51

Pay

The Detaining Power shall grant all prisoners of war monthly pay, the amount of which shall be fixed by conversion, into the currency of the said Power, of the following amounts:

Category I: Prisoners ranking below sergeants: eight Swiss gold francs.

Category II: Sergeants and other non-commissioned officers, or prisoners of equivalent rank: twelve Swiss gold francs.

Category III: Warrant officers and commissioned officers below the rank of major, or prisoners of equivalent rank: fifty Swiss gold francs.

Category IV: Majors, lieutenant-colonels, colonels and prisoners of equivalent rank: sixty Swiss gold francs.

Category V: General officers or prisoners of equivalent rank: seventy-five Swiss gold francs.

The Swiss gold franc aforesaid is the franc containing... milligrammes of fine gold.

Belligerents may, by special agreements, change the amount of pay due to prisoners of war in the above categories.

The Detaining Power shall at all times accept remittances of money that the Power on which prisoners depend may forward
to them as additional pay through the Protecting Power, on condition that all prisoners belonging to the same category receive the same amount.

ARTICLE 52

Prisoners of war shall be paid fair wages by their employers, or direct by the detaining Authorities. The rate shall be fixed by the said authorities, but shall at no time be less than one-fourth of one Swiss gold franc for a full working day. The Detaining Power shall inform prisoners of war, as well as the Power on which they depend, of the rate of daily wages that it has fixed.

Wages shall likewise be paid by the detaining Authorities to prisoners of war permanently detailed to duties or to an artisanal occupation in connection with the administration, installation or maintenance of camps, furthermore to the prisoners who are required, in conformity with Article 41, to carry out spiritual or medical duties in favour of their comrades.

The wages of the spokesman, and of his assistants and possible advisers, shall be paid out the fund maintained by canteen profits. The scale of these wages shall be fixed by the spokesman and approved by the camp commander. If there is no such fund, the detaining Authorities shall pay these prisoners a fair wage.

Belligerents may, by special agreements, change the scale of wages paid to prisoners of war.

ARTICLE 53

Prisoners of war shall be permitted to receive remittances of money addressed to them individually, subject to the restrictions that the Protecting Power concerned may suggest to impose on these remittances, in the interest of the prisoners themselves.

Every prisoner of war shall have at his disposal the credit balance of his account, as provided for in the following Article, within the limits fixed by the Detaining Power, which shall make such payments as are requested. Subject to financial or monetary restrictions applicable to the whole population of the said Power, prisoners may also have payments made abroad.

In any event, and subject to the consent of the Power on which they depend, prisoners may have payments made in their own country, as follows: the Detaining Power shall send to the
Prisoner of war accounts

The Detaining Power shall hold an account for each prisoner of war, showing in substance the following:

(1) The amounts received by the prisoner in the shape of pay or wages, or derived from any other source; the sums in the currency of the Detaining Power which were taken from him; the sums taken from him and converted at his request into the currency of the said Power.

(2) The payments made to the prisoner in cash, or in any other similar form; the payments made on his behalf and at his request; the sums transferred under Article 53, paragraph 3.

Management of prisoner of war accounts

Every item entered in the account of a prisoner of war shall be countersigned by him, or by the spokesman acting on his behalf.

Prisoners of war shall at all times be afforded reasonable facilities for consulting their accounts, which may likewise be inspected by the representatives of the Protecting Powers, at the time of visits to the camp.

When prisoners of war are transferred from one camp to another, their personal accounts shall follow them. In case of transfer from one Detaining Power to another, their personal effects and the monies which are their property and not in the currency of the Detaining Power, shall follow them. They shall be given certificates for any other monies standing to the credit of their account.

\[1\] The words "or from one Detaining Power to another" have been deleted.
ARTICLE 56

In case of the death of a prisoner, a document attesting the credit balance of his account shall be sent to the Power on which he depended.

The same shall hold true in case a prisoner of war is repatriated during hostilities; a duplicate of any such document shall likewise be handed to the repatriate.

Failing any special agreement between the Powers concerned as to the settlement of credit balances of the accounts of prisoners released and repatriated after the close of hostilities, such balances shall be paid in cash by the Detaining Power to the persons concerned.

ARTICLE 57

The pay issued to prisoners of war in conformity with Article 51 shall be considered as an advance made on behalf of the Power on which they depend. Such pay, as well as all payments made by the said Power by virtue of Article 52, paragraph 3, shall form the subject of arrangements between the Powers concerned, at the close of hostilities.

SECTION V

External Relations of Prisoners of War

ARTICLE 58

Immediately upon prisoners of war falling into their hands the Detaining Powers shall inform them and the Powers on which they depend, through the Protecting Power, of the measures taken for implementing the provisions of the present Section. They shall likewise inform the parties concerned of any subsequent modifications of such measures.

ARTICLE 59

Immediately upon capture, or not more than one week after arrival at a camp, even if it is a transit camp, likewise in case of sickness or transfer to hospital or another camp, every prisoner
of war shall be enabled to write direct to his family, on the one hand, and to the Central Prisoners of War Agency provided for by Article 113, on the other hand, a card similar, if possible, to the model annexed to the present Convention, informing his relatives of his capture, address and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any manner.

ARTICLE 60

Correspondence

Prisoners of war shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each prisoner of war, the said number shall not be less than two letters and four cards monthly, exclusive of the capture cards provided for in Article 59, and shall be drawn up, in so far as possible, according to the models annexed to the present Convention. If limitations must be placed on the correspondence addressed to prisoners of war, they may be ordered only by the Power on which the prisoners depend, at the possible request of the Detaining Power. Such letters and cards must be conveyed by the most rapid means; they may not be delayed or retained for disciplinary reasons.

Prisoners of war who have been without news for a long period, or who are unable to have news from their next of kin or to give them news by the ordinary postal route, furthermore, those who are separated from home by great distances, shall be permitted to send telegrams, against payment of the charges in the currency at their disposal. They shall likewise benefit by this measure in cases of recognized urgency.

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

Sacks containing prisoner of war mail must be securely sealed and labelled so as clearly to indicate their contents, and addressed to offices of destination.

ARTICLE 61

Relief shipments.

General principles

Prisoners of war shall be allowed to receive, by post or by any other means, individual parcels or collective shipments containing in particular foodstuffs, clothing, medicaments and articles of a devotional, educational and recreational character which may meet their needs. Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present Convention.
The only limits which may be placed on these shipments shall be those which are proposed in the interest of the prisoners themselves by the Protecting Power, the International Committee of the Red Cross or any other body giving assistance to the prisoners and which may be responsible for the forwarding of such shipments.

The conditions for the sending of individual parcels and collective shipments shall, if necessary, be the subject of special agreements between the Powers concerned. Books may not be included in parcels of clothing and foodstuffs. Medical supplies shall, as a rule, be sent in collective parcels.

**ARTICLE 62**

In the absence of special agreements between the Powers concerned on the conditions for the receipt and distribution of collective relief shipments, the rules and regulations concerning collective shipments which are annexed to the present Convention shall be applied.

The special agreements provided for above shall in no case limit the right of spokesmen to take possession of collective relief shipments intended for prisoners of war, to proceed to their distribution and to dispose of them in the interest of the recipients.

Nor shall such agreements restrict the right of representatives of the Protecting Powers, the International Committee of the Red Cross or any other body giving assistance to prisoners of war and responsible for the forwarding of collective shipments, to supervise their distribution to the recipients.

**ARTICLE 63**

Prisoners of war shall have permission to receive individual parcels of books.

The Protecting Powers and the bodies giving assistance to prisoners of war may send single works and collections of books to prisoner camps, likewise devotional articles, scientific equipment, musical instruments, sports outfits and material allowing prisoners of war to pursue their studies or their artistic activities.

**ARTICLE 64**

*All shipments of relief for prisoners of war shall be exempt from import, customs and other dues.*

Correspondence, relief shipments and authorized remittances of money addressed to prisoners of war or dispatched by them
through the post office, either direct or through the Information Bureaux provided for in Article 112 and the Central Prisoners of War Agency provided for in Article 113, shall be exempt from any postal dues, both in the countries of origin and destination, and in intermediate countries.

Relief shipments intended for prisoners of war and which, by reason of their weight or of any other cause, cannot be sent through the post office, shall benefit by free transport in all the territory under the control of the Detaining Power. If conveyed by rail, they shall also benefit by free transport in the territories of the other Powers party to the Convention.

The costs incident to the transport of such shipments and which are not covered by the above exemption, shall be charged to the senders.

The High Contracting Parties shall endeavour to reduce, so far as possible, the charges for telegrams sent by prisoners of war, or addressed to them.

ARTICLE 65

Should military operations prevent the Powers concerned from fulfilling their obligation to assure the transport of the shipments provided for in Articles 59, 60, 61, 63 and 67 of this Section, the Protecting Powers concerned, the International Committee of the Red Cross or any other body duly approved by the belligerents may undertake to ensure the conveyance of such shipments, by suitable means (railway cars, motor vehicles, vessels or aircraft, etc.). The High Contracting Parties shall endeavour to supply them for that purpose with such means of transport, and shall allow their traffic, in particular by granting the necessary safe-conducts.

The said means of transport may also be used to convey:

(a) the correspondence, lists and reports despatched by the Central Information Agency provided for in Article 113 to the National Bureaux provided for in Article 112, or forwarded by these Bureaux to the said Agency;

(b) The correspondence and reports relating to prisoners of war which the Protecting Powers, the International Committee of the Red Cross or any other body assisting the prisoners, exchange either with their own delegates or with the belligerents.

1 The paragraph beginning thus: "Individual parcels ..." has been deleted.

2 The foregoing paragraphs replace the first two paragraphs of the draft submitted by the International Committee.
The costs occasioned by the use of these means of transporta-
tion shall be borne proportionally by the belligerents whose
nationals are benefited thereby.

**ARTICLE 66**

The censoring of correspondence addressed to prisoners
of war or dispatched by them shall be effected as quickly as
possible. Mail shall be censored only by the shipping State
and the receiving State and once only by each.

The examination of consignments intended for prisoners
of war shall be carried out in conditions such as will not expose
to damage the goods contained therein; it shall be done in the
presence of the addressee, or of a fellow-prisoner duly delegated
by him. The transmission to prisoners of light reading matter
or educational works shall not be delayed under the pretext of
difficulties of censorship.

Any prohibition of correspondence ordered by belligerents,
either for military or political reasons, shall only be temporary
and its duration shall be as short as possible.

**ARTICLE 67**

The Detaining Powers shall assure all facilities for the trans-
mission, through the Protecting Power or the Central Prisoners
of War Agency provided for in Article 113, of instruments,
papers or documents intended for prisoners of war or despatched
by them, in particular powers of attorney and wills.

In any case they shall facilitate for prisoners of war the
preparation of such documents, in particular by allowing them
to consult a lawyer in their camp, and assuring if necessary the
authentication of their signatures.

**SECTION VI**

**Relations of Prisoners of War with the Authorities**

**CHAPTER I**

**Complaints of Prisoners of War respecting the conditions of captivity**

**ARTICLE 68**

Prisoners of war shall have the right to make known to the
military authorities in whose power they are, their requests

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1 The words "if possible" have been deleted.
2 The words "by their representative" have been deleted.
with regard to the conditions of captivity to which they are subjected.

They shall also have the right to apply without restriction through their spokesman, or if they consider it necessary, direct to the representatives of the Protecting Powers, in order to indicate to them any points on which they may have complaints to make with regard to the conditions of captivity.

Such requests and complaints must be transmitted forthwith. Even if they are recognized to be unfounded, they may not occasion any punishment.

Brief periodic reports on the situation in camps and the needs of prisoners of war may be sent by the spokesmen to the representatives of the Protecting Powers.

CHAPTER 2

Representatives of Prisoners of War

ARTICLE 69

Election

In every place where there are prisoners of war, except where officers are present, the said prisoners shall freely elect every six months, likewise in case of vacancies, spokesmen entrusted with representing them before the military authorities, the Protecting Powers, the International Committee of the Red Cross and any other body which may assist them. These spokesmen shall be eligible for re-election.

In camps for officers and persons of equivalent status or in mixed camps, the senior officer prisoner of the highest rank shall be recognized as the camp spokesman. In camps for officers, he shall be assisted by one or more advisers chosen by the officers; in mixed camps his assistants shall be chosen from amongst the enlisted men.

Such elections shall be subject to the approval of the detaining authorities. The reasons for any refusal shall be communicated to the Protecting Powers concerned.

ARTICLE 70

Duties

Spokesmen shall contribute to the physical, spiritual and intellectual well-being of prisoners war.

In case the prisoners decide, in particular, to organize a system of mutual assistance amongst themselves, this organization would be within the competence of the spokesman,
in addition to the special duties entrusted to him by other provisions of the present Convention, especially by Articles 26, 40, 62, 67, 68, 69, 86, 89, 96 and 103.

**ARTICLE 71**

Spokesmen shall not be required to perform any other work, if the accomplishment of their duties is rendered more difficult thereby.

Spokesmen may appoint from amongst the prisoners such assistants as they may require. All material facilities shall be granted them, particularly a certain freedom of movement necessary for the accomplishment of their duties, *in particular* inspections of labour detachments, receipt of supplies.

Spokesmen shall be permitted to visit premises where prisoners of war are detained, and every prisoner of war shall have free access to his spokesman.

All facilities shall likewise be accorded to the spokesmen for communication by post and telegraph with the detaining Authorities, the Protecting Powers, the International Committee of the Red Cross and their delegates, the Mixed Medical Commissions and with the bodies which give assistance to prisoners of war. Spokesmen of labour detachments shall enjoy the same facilities of communication with the spokesman of the principal camp. Such communication shall not be limited, nor considered as forming a part of the quota mentioned in Article 60.

Spokesmen who are transferred shall be allowed a reasonable time to acquaint their successors with current affairs.

In case of dismissal, the reasons therefor shall be communicated to the Protecting Power.

**CHAPTER 3**

**Penal and Disciplinary Sanctions**

**I. — General Provisions**

**ARTICLE 72**

Prisoners of war shall be subject to the laws, regulations, and orders in force in the armed forces of the Detaining Power.

If a prisoner of war commits any act contrary to such laws, regulations and orders, the Detaining Power shall be justified

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1 The parentheses and "etc." of the draft have been deleted.
in taking in his case the measures provided for by the said laws, regulations and orders.

The provisions of the present Chapter are, however, controlling.

ARTICLE 73

If general laws, regulations or orders declare to be punishable acts committed by prisoners of war, whereas the same acts are not punishable when committed by members of the forces of the Detaining Power, such acts shall entail only disciplinary penalties as punishments.

ARTICLE 74

Prisoners of war prosecuted under the laws of the Detaining Power for acts committed prior to capture shall enjoy, even if convicted, the benefits of the present Convention 1.

ARTICLE 75

Prisoners of war shall be tried only by military courts, unless the laws of the Detaining Power expressly reserve the competence of the regular courts for certain violations committed by members of the national armed forces.

In no case shall prisoners of war be tried by courts that do not offer essential guarantees of independence and impartiality, and the procedure of which does not afford the accused the rights and means of defence provided for in Article 95.

ARTICLE 76

"Non bis in idem"

No prisoner of war may be punished more than once for the same act, or on the same count.

ARTICLE 77

Penalties

Prisoners of war may not be sentenced by the military authorities and courts of the Detaining Power to any penalties except those provided for in respect of members of the armed forces of the said Power who have committed the same acts.

When fixing the penalty, the courts or authorities of the Detaining Power shall take into consideration, to the widest

1 The remainder of the paragraph has been deleted.
extent possible, the fact that the accused, not being a national of the Detaining Power, is not bound to it by any duty of allegiance, and that he is in its power as the result of circumstances independent of his own will. The said courts or authorities shall be at liberty to reduce the penalty provided for the violation of which the prisoner of war is accused, and shall therefore not be bound to apply the kind of penalty or the minimum penalty prescribed.

Collective punishment for individual acts, corporal punishments, imprisonment in premise without daylight and in general, any form of torture or cruelty, are forbidden.

No prisoner of war may be deprived of his rank by the Detaining Power, or prevented from wearing his badges.

**ARTICLE 78**

Rank being identical, officers, non-commissioned officers and men who are prisoners of war undergoing a disciplinary or judicial punishment shall not be subjected to less favourable treatment than that applied, in respect of the same punishment, in the armed forces of the Detaining Power.

Prisoners of war who have served disciplinary or judicial sentences may not be treated differently from other prisoners of war.

**II. — Disciplinary Punishments**

**ARTICLE 79**

The disciplinary penalties applicable to prisoners of war are the following:

1. Fines not exceeding fifty per cent of the monthly pay and monthly wages provided for in Articles 51 and 52;
2. Discontinuance of privileges granted over and above the treatment provided for by the present Conventions;
3. Fatigue, not to exceed two hours daily;

The punishment referred to under (3) shall not be applied to officers.

In no case shall disciplinary penalties be inhuman, brutal or dangerous to the health of prisoners of war.

**ARTICLE 80**

The duration of any single punishment shall in no case exceed thirty consecutive days.
The maximum of thirty days provided above may not be exceeded, even if the prisoner of war is answerable for several acts at the time when judgment is pronounced on him, whether such acts are related or not.

**ARTICLE 81**

The escape of a prisoner of war shall be deemed to have succeeded when:

1. He has joined the armed forces of the Power on which he depends, or those of an allied Power.
2. He has left the territory under the control of the Detaining Power, or of an ally of the said Power.
3. He has joined a ship flying the flag of the Power on which he depends, or of an allied Power, in the territorial waters of the Detaining Power, the said ship not being under the control of the last named Power.

Prisoners of war who have made good their escape in the sense of this Article and who are recaptured, shall not be liable to any punishment in respect of their previous flight.

**ARTICLE 82**

Prisoners of war who have escaped or who attempt to escape, and who are recaptured before having made good their escape in the sense of Article 81, shall be liable only to disciplinary punishment in respect of this act, even if it is a repeated offence.

Article 78, paragraph 2 notwithstanding, prisoners of war punished as a result of escape, or attempt to escape, may be subjected to special surveillance, on condition however that such surveillance does not affect the state of their health, that it is undergone in a prisoner of war camp, and that if does not entail the suppression of any of the safeguards granted them by the present Convention.

*The same provisions shall apply to prisoners of war who have been released from internment, likewise to members of an army that has capitulated and who have been sent home.*

(a) in the case of an unsuccessful attempt to join the armed forces to which they belong and which are still engaged in hostilities;

(b) in the case of failure to answer a summons in view of renewed internment.
ARTICLE 83

Escape, or attempt to escape, even if it is a repeated offence, shall not be deemed an aggravating circumstance, if the prisoner of war is given over to the courts in respect of offences committed during his escape.

Belligerents shall see that the responsible authorities exercise the greatest leniency in deciding whether an infraction committed by a prisoner of war shall be punished by disciplinary or judicial measures, particularly in respect of acts committed in connexion with the escape, whether successful or not.

In particular, offences without violence against persons, offences against public property, theft without intention of self-enrichment, the drawing up and use of false papers and the wearing of civilian clothing, shall occasion disciplinary punishment only, provided such violations have been committed with the sole intent of facilitating escape.

After an escape, or attempt to escape, the fellow-prisoners who aided and abetted the offender shall be liable on this count to disciplinary punishment only.

ARTICLE 84

If an escaped prisoner of war is recaptured, the Power on which he depends shall be notified thereof in the manner defined in Article 112, provided notification of his escape has been made.

ARTICLE 85

Facts constituting offences against discipline shall be investigated immediately. This rule shall be especially applied in case of an escape or attempt to escape. Recaptured prisoners of war shall be handed over to the competent military authorities as soon as possible.

In case of offences against discipline, confinement awaiting trial shall be reduced for all prisoners of war to an absolute minimum, and shall not exceed fourteen days. Its duration shall in any case be deducted from any sentence of confinement.

The provisions of Article 88 and 89 of this Chapter shall apply to prisoners of war who are under confinement awaiting trial for offences against discipline.

ARTICLE 86

Excepting the competence of courts and higher military authorities, disciplinary punishment be ordered only by an
 Execution of penalties

I. Time limits for execution

The period elapsing between the pronouncing of a disciplinary penalty and its execution shall not exceed one month.

When a prisoner of war is sentenced to a further disciplinary penalty, a period of three days at least shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

II. Premises for disciplinary punishments

Prisoners of war shall not in any case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) to undergo disciplinary punishments therein.

The premises in which disciplinary punishments are undergone shall conform to sanitary requirements; they shall in particular be provided with adequate bedding. Prisoners of war undergoing punishment shall be enabled to keep themselves in a state of cleanliness.

Prisoners of war given disciplinary punishment may not be deprived of the prerogatives attaching to their rank. In particular, officers and persons of equivalent status shall not be lodged in the same quarters as non-commissioned officers or men.

III. Essential safeguards

Prisoners of war given disciplinary punishment shall be allowed to exercise and to stay in the open air at least two hours daily.

They shall be allowed, on their request, to be present at the daily medical inspections. They shall receive the attention which their state of health requires and, if necessary, shall be removed to the camp infirmary or to hospitals.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money, however, may not be handed to them until the expiration of the sentence; they shall meanwhile be handed to the spokesman, who will turn over to the infirmary the perishable goods contained in such parcels.
No prisoner of war given a disciplinary punishment may be deprived of the benefit of the provisions of Articles 68 and 116 of the present Convention.

III. — Judicial Proceedings

ARTICLE 90

No prisoner of war may be punished for an act which is not expressly forbidden by the laws in force at the time the said act was committed.

No moral or physical coercion may be exerted on a prisoner of war in order to induce him to admit himself guilty of the act of which he is accused.

No prisoner of war may be convicted without having had an opportunity to present his defence and the assistance of qualified counsel.

ARTICLE 91

The prisoners of war and the Protecting Powers shall be informed, as soon as possible, of the offences which are punishable by the death sentence under the laws of the Detaining Power.

Other offences shall not thereafter be made punishable by the death penalty without the concurrence of the Power upon which the prisoners of war depend.

The death sentence can not be pronounced against a prisoner of war unless the attention of the court has, in accordance with Article 77, paragraph 2, been particularly called to the fact that the accused, not being a national of the Detaining Power, is not bound to it by any duty of allegiance, and that he is in its power as the result of circumstances independent of his own will.

ARTICLE 92

A sentence cannot be validly rendered against a prisoner of war unless it has been pronounced by the same courts and according to the same procedure as in the case of members of the armed forces of the Detaining Power, and unless furthermore the provisions of the present Chapter have been observed.
ARTICLE 93

II. Preventive imprisonment
(regime, deduction)

Judicial investigations relating to prisoners of war shall be conducted as rapidly as circumstances permit. Confinement while awaiting trial shall be restricted so far as possible 1; its duration shall in any case be deducted from the punishment imposed.

During such detention, prisoners of war shall benefit by the provisions of Articles 88 and 89 relating to the execution of disciplinary penalties.

ARTICLE 94

When judicial proceedings are opened against a prisoner of war, the Detaining Power shall advise the Protecting Power as soon as possible, and three weeks at least before the date of the trial. The period of three weeks shall run as from the day on which the notification of the Detaining Power reaches the Protecting Power, at the address the latter has previously indicated.

The said notification shall contain the following information:

1. Surname and first names of the prisoner of war, rank, army or serial number, date of birth, and profession or trade, if any.
2. Place of internment or confinement.
3. Specification of the count or counts of the indictment, giving the legal provisions applicable.
4. Designation of the court which will try the case, likewise the date and place fixed for the opening of the trial.

The same communication shall be made by the Detaining Power to the prisoner's spokesman.

No judicial proceedings against a prisoner of war may be pursued unless at the opening of the trial evidence is submitted to the court that the notification specified in the present Article was received by the Protecting Power at least three weeks prior to the opening of the trial 2.

ARTICLE 95

The prisoner of war shall be entitled to assistance by one of his prisoner comrades, to defence by qualified counsel of his choice and, if he deems necessary, to the services of a competent

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1 The words "and shall not exceed three months" have been deleted.
2 This paragraph replaces paragraph 4 of the International Committee's draft.
interpreter and to the calling of witnesses. He shall be advised of this right by the Detaining Power in due time before the trial.

Failing a choice by the prisoner of war, the Protecting Power shall be bound to find him an advocate, and shall have at least one week at its disposal for the purpose. The Detaining Power shall deliver to the said Power, on request, a list of persons qualified to present the defence. Failing a choice of counsel by the prisoner of war and the Protecting Power, the Detaining Power shall appoint competent counsel to conduct the defence.

The defence counsel chosen by the Protecting Power or by the prisoner of war shall have at his disposal a period of two weeks at least before the opening of the trial, as well as the necessary facilities, to prepare the defence of the accused. He may, in particular, freely visit the accused, interview him in private, likewise any witnesses for the defence, including prisoners of war. He shall have the benefit of these facilities until the term of appeal or petition has expired.

The indictment, as well as the documents which are generally communicated the accused by virtue of the laws in force in the armed forces of the Detaining Power, shall be communicated to the accused prisoner of war in a language which he understands, and in good time before the opening of the trial.

The representatives of the Protecting Power shall be entitled to attend the trial of the case, unless this is exceptionally held in camera, in the interest of State security. In such a case the Detaining Power shall advise the Protecting Power accordingly.

**ARTICLE 96**

All judgments and sentences rendered with respect to a prisoner of war shall be immediately reported to the Protecting Power in the form of a summary communication. This communication shall likewise be sent to the spokesman concerned.

Furthermore, if a prisoner of war is finally convicted, the Detaining Power shall as soon as possible address to the Protecting Power a detailed communication containing:

1. The motives and wording of the judgment and sentence.
2. A summarized report of the judicial enquiry and trial, emphasizing in particular the elements of the defence.
3. Indication, if necessary, of the establishment where the sentence will be served.
The communications provided for in the foregoing subparagraphs shall be sent to the Protecting Power at the address previously indicated to the Detaining Power.

**ARTICLE 97**

VI. Appeals

Every prisoner of war shall have, in the same manner as the members of the armed forces of the Detaining Power, the right of appeal from any sentence rendered with regard to him, with a view to the quashing of the sentence or the reopening of the trial.

**ARTICLE 98**

If the death penalty is pronounced against a prisoner of war, the sentence shall not be executed before the expiration of a period of six months at least from the date of receipt by the Protecting Power, at the address fixed, of the detailed communication provided for in Article 96.

**ARTICLE 99**

Sentences pronounced against prisoners of war after convictions regularly put into force, shall be served in the same establishments and under the same conditions as for members of the armed forces of the Detaining Power. These conditions shall in all cases conform to the requirements of health and humanity.

However, prisoners of war sentenced to a penalty depriving them of their liberty shall retain the benefit of the provisions of Articles 68 to 116 of the present Convention. Furthermore, they shall be entitled to receive and dispatch correspondence, to receive at least one relief parcel monthly, to take regular exercise in the open air, to have the medical care their state of health may require, and the spiritual assistance they may desire. Penalties to which they may be subjected shall be in conformity with the provisions of Article 77, paragraph 3.
PART IV

TERMINATION OF CAPTIVITY

SECTION I

Direct Repatriation and Accommodation
in a Neutral Country

ARTICLE 100

Subject to the provisions of paragraph 3, belligerents are bound to send back to their own country, regardless of number or rank, seriously sick and seriously injured prisoners of war, after having brought them to a condition where they can be transported, in conformity with paragraph 1 of the following Article.

Throughout the duration of hostilities, belligerents shall endeavour, with the co-operation of the neutral Powers concerned, to make arrangements for the accommodation in neutral countries of the sick and wounded prisoners of war designated in paragraph 2 of the following Article. They may, in addition, conclude agreements with a view to the direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity.

No sick or injured prisoner of war who is eligible for repatriation under paragraph 1, may be repatriated against his will during hostilities.

ARTICLE 101

The following shall be repatriated direct:

(1) Sick and wounded who, according to medical opinion, are not likely to recover within one year, whose condition requires treatment and whose mental or physical fitness seems to have been gravely diminished.

(2) Incurably sick and wounded whose mental or physical fitness seems to have been gravely diminished.

(3) Sick and wounded who have recovered, but whose mental or physical fitness seems to have been gravely and permanently diminished.
The following may be accommodated in a neutral country:

(1) Sick and wounded whose recovery may be expected within one year of the date of wound or the inception of illness, if treatment in a neutral country would increase the prospects of a more certain or speedy recovery.

(2) Prisoners of war whose mental or physical health, according to medical opinion, is seriously threatened by continued captivity, but whom accommodation in a neutral country might remove from such a threat.

The conditions which prisoners of war accommodated in a neutral country must fulfil in order to permit their repatriation shall be fixed, as shall likewise their status, by agreement between the Powers concerned.

In default of special agreements concluded between the belligerents concerned to determine the cases of disablement or sickness entailing direct repatriation or accommodation in a neutral country, such cases shall be settled in accordance with the model agreement annexed to the present Convention.

**ARTICLE 102**

Upon the outbreak of hostilities, mixed medical commissions shall be appointed to examine sick and wounded prisoners of war, and to make all due decisions regarding them. The appointment, duties and functioning of these commissions shall be in conformity with the provisions of the regulations annexed to the present Convention.

However, prisoners of war who, in the opinion of the medical authorities of the Detaining Power, are manifestly seriously injured or seriously sick shall be repatriated without having to be examined by a mixed medical commission.

**ARTICLE 103**

Besides those who are designated by the medical authorities of the Detaining Power, sick and injured prisoners of war belonging to the categories listed below shall be entitled to present themselves for examination by the mixed medical commissions provided for in the foregoing Article:

(1) Sick and wounded prisoners designated by a prisoner medical officer who is of the same nationality, or national of a belligerent allied with the Power on which the said prisoners depend, and who exercises his functions in the camp.
(2) Sick and wounded prisoners presented by their spokesman.

(3) Sick and wounded prisoners proposed by the Power on which they depend, or by a body duly recognized by the said Power and giving assistance to the prisoners.

Prisoners of war who do not belong to one of the three foregoing categories may nevertheless present themselves for examination by mixed medical commissions, but shall be examined by them only after those belonging to the said categories.

The prisoner of war medical officer of the same nationality as the prisoners who present themselves for examination by the mixed medical commission, likewise the spokesman of the said prisoners, shall have permission to be present at the examination.

ARTICLE 104

Prisoners of war who meet with accidents at work shall, unless the injury is self inflicted, have the benefit of the same provisions as regards repatriation or accommodation in a neutral country.

ARTICLE 105

No prisoner of war on whom a disciplinary punishment has been imposed and who might be eligible for repatriation, may be kept back on the plea that he has not served his sentence.

Prisoners of war detained in connection with a judicial prosecution or conviction and who are designated for repatriation or accommodation in a neutral country, may benefit by such measures before the end of the proceedings or the completion of the punishment, if the Detaining Power consents.

Belligerents shall communicate to each other the names of those who will be detained until the end of the proceedings or the completion of the punishment.

ARTICLE 106

The costs of repatriating prisoners of war or of transporting them to a neutral country shall be borne, from the frontiers of the Detaining Power, by the Power on which the said prisoners depend.

ARTICLE 107

No repatriated person may be employed on active military service.
Release and Repatriation of Prisoners of War upon the cessation of hostilities

ARTICLE 108

Prisoners of war shall be released and repatriated *without delay* \(^1\) after the cessation of *active* hostilities \(^2\).

In the absence of stipulations to the above effect in any agreement concluded between the belligerents with a view to the cessation of hostilities, or failing any such agreement, each of the Detaining Powers shall itself establish *and execute without delay* a plan of repatriation in conformity with the principle laid down in the foregoing paragraph.

In either case, the measures adopted shall be brought to the knowledge of the prisoners of war.

*The costs of repatriation shall be borne by the Power on which the prisoners of war depend, from the frontiers of the Detaining Power, if the two Powers are contiguous. In any other case, such costs shall be apportioned equitably, in conformity with the model agreement \(^3\) annexed to the present Convention, failing any special agreement between the Powers concerned.*

ARTICLE 109

Repatriations shall be effected in conditions similar to those laid down in Articles 38 to 40 inclusive of the present Convention, for the transfer of prisoners of war.

*With regard to the order of departure, no differences between prisoners of war shall be made except such as are based on sex, health, age and duration of internment. Priority shall further be given to married prisoners of war who have children.*

Prisoners of war against whom penal prosecution for a crime or an offence under common law is pending may, however, be detained until the end of the proceedings, and, if necessary, until the completion of the punishment. The same shall hold true of prisoners of war already sentenced for a crime or offence at common law.

\(^1\) The words "as quickly as possible" have been deleted.

\(^2\) The words "account being taken... these operations" have been deleted.

\(^3\) The Conference expressed the recommendation that the International Committee should undertake to draft such a Model Agreement, to be submitted to the Diplomatic Conference.
By agreement between the belligerents, commissions shall be established for the purpose of searching for dispersed prisoners and assuring their repatriation.

SECTION III

Death of Prisoners of War

ARTICLE 110

The wills of prisoners of war shall be received and drawn up under the same conditions as for members of the forces of the Detaining Power.

In default of a single form, adopted as far as possible by all belligerents and a model of which is annexed to the present Convention, the same rules shall be followed in the case of documents relative to the certification of death.

The detaining Authorities shall ensure that prisoners of war dying in captivity are honourably buried, if possible according to the rites of the religion to which they belonged, and that their graves are respected, properly maintained, marked in such a way that they can always be recognized, and grouped as far as possible.

Deceased prisoners of war shall be buried individually, unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, or for religious motives. In case of cremation, mention thereof shall be made on the death certificate of the deceased prisoner of war, with indication of the reasons.

ARTICLE III

Every death or injury of a prisoner of war caused by a sentry, another prisoner of war, or any other person, shall be immediately followed by an official inquiry by the Detaining Power.

A relevant communication shall be sent immediately to the Protecting Power. The testimony of any witnesses shall be taken and a transcript of the proceedings shall be prepared and forwarded to the Protecting Power.

In the inquiry indicates the guilt of one or more persons, the Detaining Power shall take all measures for the prosecution of the person or persons responsible.
PART V

INFORMATION BUREAUX AND RELIEF SOCIETIES FOR PRISONERS OF WAR

ARTICLE 112

National Bureaux

Upon the outbreak of a conflict and in all cases of occupation each of the Parties to the conflict shall institute an official Information Bureau for prisoners of war who are in its power. Neutral or non-belligerent Powers who may have received within their territory persons belonging to one of the categories referred to in Article 3, paragraph 1, shall take the same action with respect to such persons.

Within the shortest possible period, each of the Parties to the conflict shall give its Bureau information regarding any enemy person belonging to one of the categories referred to in Article 3, paragraph 1, who has fallen into its power. Neutral or non-belligerent Powers shall take the same action with regard to persons whom they have received under the conditions named in the preceding paragraph.

The Bureau shall immediately forward such information by the most rapid means to the Powers concerned through the medium of the Protecting Powers, and likewise of the Central Agency provided for in Article 113.

This information shall make it possible quickly to advise the next of kin concerned. Subject to the provisions of Article 15, the information shall include for each prisoner of war his surname, first name, army or regimental number, rank, place and full date of birth, nationality, first name of the father and maiden name of the mother, name and address of the person to be informed and the address to which correspondence for the prisoner may be sent.

The Information Bureaux charged with replying to all enquiries about prisoners of war shall receive from the various departments concerned information respecting transfers, releases, repatriations, escapes, admissances to hospital and deaths, and shall transmit such information in the manner described in paragraph 3 above.

Likewise, information regarding the state of health of prisoners of war who are seriously ill or seriously wounded shall be supplied regularly, every week if possible.

All written communications made by the Bureau shall be authenticated by a signature or a seal.
The Information Bureau shall furthermore be charged with collecting all personal valuables left by prisoners of war who have been repatriated or released, or who have escaped or died, and shall forward the said valuables to the Powers concerned. Such articles shall be sent by the Bureau in sealed packets.

**ARTICLE 113**

A Central Prisoners of War Information Agency shall be created in a neutral country. The International Committee of the Red Cross shall, if it deems necessary, propose to the Powers concerned the organization of such an Agency.

The function of the Agency shall be to collect all information it may obtain through official or private channels respecting prisoners of war, and to transmit it by the most rapid means to the country of origin of the prisoners of war or to the Power on which they depend. It shall receive from the Parties to the conflict all facilities for effecting such transmissions.

*The costs of operating the Central Information Agency shall be borne proportionately by the belligerents whose nationals have the benefit of its services.*

The foregoing provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross, or of the relief Societies provided for in Article 115.

**ARTICLE 114**

The national Bureaux and the Central Information Agency shall enjoy free postage for mail, likewise all the exemptions provided for in Article 64, and further, so far as possible, exemption from telegraphic charges, or at least, greatly reduced rates.

**ARTICLE 115**

1 Subject to the measures which the Detaining Powers may consider essential to ensure their security, or to meet any other reasonable need, Relief Societies or any other body assisting prisoners of war shall receive from the said Powers, for themselves or for their duly accredited agents, all facilities for distributing to prisoners of war relief supplies and material from any source intended for recreative, educational and religious purposes, and for assisting them in organizing their leisure time within the

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1 The words "In principle and" have been deleted.
Control. Such Societies or bodies may be constituted in the terri-
tory of the Detaining Power, or in any other country, where they
may have an international character.

The Detaining Power may limit the number of Societies and
bodies whose delegates are allowed to function in its territory
and under its supervision, on condition, however, that such
limitation shall not hinder the supply of effective and sufficient
relief to all prisoners of war.

The special position of the International Committee of the
Red Cross in this field shall be recognized and respected at all
times.

When relief supplies or material intended for the above
mentioned purposes are handed over to prisoners of war, receipts
for each consignment, signed by the spokesman of these prisoners
shall be addressed forthwith, or at least soon thereafter, to the
Relief Society or body making the shipment. At the same time,
receipts relative to these consignments shall be supplied by the
administrative authorities responsible for guarding the prisoners.

PART VI

EXECUTION OF THE CONVENTION

SECTION I

General Provisions

ARTICLE 116

Representatives or delegates of the Protecting Powers shall
have permission to go to all places where prisoners of war may
be, particularly to places of internment, imprisonment and
labour, and shall have access to all premises occupied by prisoners
of war; they shall also be allowed to go to the places of depart-
ture, passage and arrival of prisoners who are being transferred.
They shall be able to interview the prisoners, and in particular
the spokesmen, without witnesses, personally or through an
interpreter.

Representatives and delegates of the Protecting Powers shall
have full liberty to select the places they wish to visit. The
duration and frequency of these visits shall not be limited
Visits may not be prohibited except for reasons of imperative military necessity, and only as an exceptional and temporary measure.

The Detaining Power and the Power on which the said prisoners of war depend may agree, if necessary, that compatriots of these prisoners of war shall be permitted to participate in the visits.

The delegates of the International Committee of the Red Cross shall enjoy the same prerogatives. The appointment of such delegates shall be submitted to the approval of the Power detaining the prisoners of war to be visited.

The Detaining Powers may allow the representatives of other bodies to visit the prisoners of war to whom such bodies may desire to convey spiritual aid or material relief.

ARTICLE 117

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries and, in particular, to incorporate the study thereof in their programme of military and civil instruction, so that the principles thereof may become known to all their armed forces and, if possible, to the population.

Any authorities, military or other, who in time of war assume responsibilities with respect to prisoners of war, must possess the text of the Convention, and be specially instructed as to its provisions.

ARTICLE 118

The High Contracting Parties shall communicate to one another through the Swiss Federal Council, and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

ARTICLE 119

Within a maximum period of two years, the governments of the High Contracting Parties shall, if their penal laws are inadequate, enact or propose to their legislative assemblies the measures necessary for the repression, in time of war, of all acts contrary to the provisions of the present Convention.

Each Contracting Party shall be under the obligation to apprehend, regardless of their nationality, the persons accused
of acts contrary to the present Convention, and in conformity with its own laws or with the conventions prohibiting acts that may be defined as war crimes, to indict such persons before its own tribunals, or if it prefers, to hand them over for trial to another Contracting Party.

SECTION II

Final Provisions

ARTICLE 120

The present Convention is established in French and English. Both texts are equally authentic. In case of doubt as to the interpretation of any particular stipulation, the French text shall be considered as authoritative.

ARTICLE 121

This Convention replaces the Convention of July 27, 1929, in the relations between the High Contracting Parties.

ARTICLE 122

In the relations between the Powers which are bound by the Hague Convention relative to the laws and customs of war on land, whether that of July 29, 1899, or that of October 18, 1907, and who are parties to the present Convention, this last Convention shall complete Chapter II of the Regulations annexed to the aforesaid Hague Conventions.

ARTICLE 123

The present Convention, which bears the date of this day, is open to signature for a period of six months, that is to say, until the ..... , in the name of the Powers represented at the Conference which opened at ..... on ..... ; furthermore, by Powers not represented at the said Conference, but which are parties to the Convention of July 29, 1929.
### Article 124

The present Convention shall be ratified as soon as possible. The ratifications shall be deposited at Berne.

A procès-verbal of the deposit of each instrument of ratification shall be drawn up, copy of which, certified to be correct, shall be transmitted by the Swiss Federal Council to the Governments of all the Powers in whose name the Convention has been signed, or whose accession has been notified.

### Article 125

The present Convention shall come into force after not less than two instruments of ratification have been deposited. Thereafter, it shall enter into force for each High Contracting Party after the deposit of the instrument of ratification.

### Article 126

From the date of its coming into force, the present Convention shall be open to accession duly notified by any Power in whose name this Convention has not been signed.

### Article 127

Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect after the date on which they are received.

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed or whose accession has been notified.

### Article 128

The situations provided for in Article 2 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the outbreak of hostilities. The Swiss Federal Council shall communicate by the quickest means any ratifications or adhesions received from Parties to the conflict.

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1 The XVIIth International Red Cross Conference decided to leave to the Diplomatic Conference the care of fixing the periods provided for in this Article, while recommending that they should be as brief as possible. The same remark applies to Article 127.
Notice of termination

Each of the High Contracting Parties shall be at liberty to denounce the present Convention. The notice of termination shall not take effect until one year after the notification thereof has been made in writing to the Swiss Federal Council. The Council shall communicate any such notification to the Governments of all the High Contracting Parties.

The denunciation shall have effect only in respect of the High Contracting Party which has made notification thereof. Furthermore, this denunciation shall not take effect during a conflict in which the denouncing Power is involved. In such a case, the present Convention shall continue binding beyond the period of one year, until the conclusion of peace, and in any case until the operations connected with the release and repatriation of the persons protected by the present Convention are terminated. Lastly, the denunciation shall in no way impair the other obligations, even if similar, by which the denouncing Party is bound under any other rules of international law.

ARTICLE 129

The present Convention shall be transmitted by the Swiss Federal Council to the United Nations Organization, for the purpose of registration. Similarly, ratifications, accessions and notices of termination which are notified to the Swiss Federal Council shall be communicated by them to the United Nations Organization.

Reservations

On the occasion of the XVIIth International Red Cross Conference reservations were recorded in respect of the following Articles:

GOVERNMENT OF BELGIUM: Article 41;
GOVERNMENT OF ITALY: Articles 5 and 55;
GOVERNMENT OF NORWAY: Article 74;
GOVERNMENT OF THE UNITED STATES: Articles 3, 36, 93 and 100.

1 The words "A certified copy of the present Convention shall be deposited in the archives of the United Nations" have been deleted.
ANNEX I

DRAFT MODEL AGREEMENT CONCERNING DIRECT REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES OF WOUNDED AND SICK PRISONERS OF WAR

CHAPTER I

PRINCIPLES FOR DIRECT REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES

A. Direct Repatriation

The following shall be repatriated direct:

(1) All wounded prisoners of war suffering from definite lesions, equivalent at least to the loss of a hand or a foot, as for instance:

(a) Loss of a hand, or of all the fingers, or of the thumb and forefinger of one hand; loss of a foot, or of all the toes and metatarsals of one foot.

(b) Ankylosis, loss of osseous tissue, cicatricial contrac-ture preventing the functioning of one of the large articu-lations or of all the digital joints of one hand.

(c) Pseudarthrosis of the long bones.

(d) Shortening of one leg by more than five centimetres.

(2) All wounded prisoners of war whose condition has become chronic, to the extent that prognosis appears to exclude recovery—in spite of treatment—within one year from the date of the injury, as for example in case of:

(a) Projectile in the heart, even if the Mixed Medical Commission should fail, at the time of their examination, to detect any serious disorders.

(b) Metallic splinter in the brain or the lungs, even if the Mixed Medical Commission cannot, at the time of exam-ination, detect any local or general reaction.

(c) Osteomyelitis, when recovery cannot be foreseen in the course of the year following the injury, and which seems

1 The Conference was unable to find time for the discussion of Annexes I, II and III.
likely to result in ankylosis of a joint, or other impairments equivalent to the loss of a hand or a foot.

(d) Perforating and suppurating injury to the large joints.

(e) Injury to the skull, with loss or shifting of bony tissue.

(f) Injury or burning of the face with loss of tissue and functional lesions.

(g) Injury to the spinal cord.

(h) Lesion of the peripheral nerves, the sequelae of which are equivalent to the loss of a hand or foot, and the cure of which requires more than a year from the date of injury, for example: injury to the brachial or lumbosacral plexus, median or sciatic nerves, likewise combined injury to the radial and cubital nerves or to the lateral popliteal nerve (N. peronaeus communis) and medial popliteal nerve (N. tibialis). The separate injury of the radial (musculo-spiral), cubital, lateral or medial popliteal nerves shall not, however, warrant repatriation except in case of contractures or of serious physiopathic disturbance.

(i) Injury to the urinary system; fistulae; loss of vesical tissue.

(3) All sick prisoners of war whose condition has become chronic to the extent that prognosis seems to exclude recovery—in spite of treatment—within one year from the inception of the disease, for instance:

(a) All forms of progressive tuberculosis which, whatever organ is affected, can neither be cured nor improved by treatment in a neutral country; all cases of pulmonary tuberculosis which have shown signs of activity in the course of detention.

(b) Exudative pleurisy, occurring during captivity.

(c) Non-tubercular diseases of the respiratory organs, presumed incurable, or recurrent: serious pulmonary emphysema, with or without bronchitis; chronic asthma*; chronic bronchitis* lasting more than one year in captivity, bronchiectasis*, etc.

(d) Serious chronic affections of the circulatory system; valvular lesions and myocarditis*, which have shown signs of circulatory failure during captivity, even though the Mixed Medical Commission cannot detect any such signs at the time of examination; affections of the pericardium and the vessels (Buerger’s disease, aneurisms of the large vessels).
(e) Serious chronic affections of the digestive organs; clinically or radiologically confirmed gastric or duodenal ulcer; sequelae of gastric operations performed in captivity; chronic gastritis, enteritis or colitis, having lasted more than one year and seriously affecting the general condition; cirrhosis of the liver; chronic cholecystopathy.

(f) Serious chronic affections of the genito-urinary organs; chronic nephritis lasting more than one year with consequent disorders; nephrectomy of a tubercular kidney; pyelitis and chronic cystitis; hydronephrosis and pyonephrosis.

(g) Serious chronic diseases of the central and peripheral nervous system, such as all obvious mental diseases duly verified by a specialist; cerebral arteriosclerosis; any idiopathic or traumatic epilepsy duly verified by the camp physician; serious hysteria; captivity psychosis; chronic neuritis lasting more than one year.

(h) Serious chronic diseases of the neuro-vegetative system, with considerable diminution of mental or physical fitness, noticeable loss of weight and general asthenia.

(i) Ocular affections, such as unilateral amaurosis, even though the vision of the other eye is normal; diminution of acuteness of vision that cannot be corrected to one-half, for one eye at least; glaucoma; iritis; choroiditis; trachoma.

(k) Auditive disorders, such as total unilateral deafness, if the other ear does not discern the ordinary spoken word at a distance of one metre.

(l) Serious affections of metabolism, such as diabetes mellitus requiring insulin treatment.

(m) Serious disorders of the endocrine glands, such as thyrotoxicosis, hypothyrosis, Addison's disease, Simmonds' cachexia, tetany, etc.

(n) Chronic diseases of the blood.

(o) Serious cases of chronic intoxication, such as lead poisoning, mercury poisoning, morphinism, cocainism, alcoholism, etc.; gas or radiation poisoning.

(p) Chronic affections of locomotion, with obvious functional disorders; arthritis deformans; primary and secondary progressive chronic polyarthritis; rheumatism with serious clinical symptoms.

(q) Serious chronic skin diseases, not amenable to treatment.

(r) Any malignant growth.
Serious chronic infectious diseases, persisting for one year after their inception, such as malaria with chronic impairment of the blood and decided cachexia; amebic and bacillary dysentery with grave disorders; tertiary syphilis; leprosy.

Serious avitaminosis.

B. ACCOMMODATION IN NEUTRAL COUNTRIES

The following shall be eligible for accommodation in a neutral country:

1. All wounded prisoners of war who have better chances of recovery in a neutral country than in captivity.

2. Prisoners of war suffering from any form of tuberculosis, of whatever organ, and whose treatment in a neutral country would—according to the present state of medical knowledge—lead to recovery or at least to considerable improvement, with the exception of primary tuberculosis cured before captivity.

3. Prisoners of war suffering from affections requiring treatment of the respiratory, circulatory, digestive, nervous, sensory, genito-urinary, cutaneous, or locomotive organs, if such treatment would clearly have better results in a neutral country than in captivity.

4. Prisoners of war who have undergone a nephrectomy in captivity for a non-tubercular renal affection; cases of osteomyelitis, on the way to recovery or latent; diabetes mellitus not requiring insulin treatment; exanthematic typhus acquired in captivity.

5. Prisoners of war suffering from war or captivity neuroses. Cases of captivity neurosis which are not cured after three months of accommodation in a neutral country, or which after that length of time are not clearly on the way to complete cure, shall be repatriated.

6. All prisoners of war suffering from chronic intoxication (gases, metals, alkaloids, etc.), for whom the prospects of cure in a neutral country are especially favourable.

The following cases shall be excluded from accommodation in a neutral country:

1. All duly verified mental affections.

2. All organic or functional nervous affections considered to be incurable.
(3) Serious chronic alcoholism.
(4) All contagious diseases during the period in which they are transmissible, with the exception of tuberculosis.

CHAPTER II

GENERAL OBSERVATIONS

(1) The conditions given above should, generally speaking, be interpreted and applied in as broad a spirit as possible. Neuropathic and psychopathic conditions caused by war or captivity, as well as cases of tuberculosis in all stages, should especially benefit by such liberal interpretation. Prisoners of war who have sustained several wounds, none of which, considered by itself, warrants repatriation, shall be examined in the same spirit, with due regard for the psychic traumatism due to the number of their wounds.

(2) All unquestionable cases giving the right to direct repatriation (amputation, total blindness or deafness, open pulmonary tuberculosis, mental disorder, malignant growth) shall be examined and repatriated forthwith by the camp physicians or by military medical commissions appointed by the Detaining Power.

(3) Injuries and diseases which existed before the war and which have not become worse, likewise war injuries which have not prevented subsequent military service, shall not entitle to direct repatriation.

(4) The present stipulations shall be interpreted and applied in a similar manner in all belligerent countries. To that effect, the Mixed Medical Commissions must be able to count on the support of the Powers and Authorities concerned.

(5) The examples quoted above in Chapter I represent only typical cases. Cases which do not correspond exactly to these stipulations shall be judged in the spirit of the provisions of Article 101 of the present Convention, and of the principles embodied in the present Agreement.

* The decision of the Mixed Medical Commission shall be based to a great extent on the records kept by camp physicians and prisoner doctors of the same nationality, or on an examination by medical specialists of the Detaining Power.
ANNEX II

DRAFT REGULATIONS CONCERNING MIXED MEDICAL COMMISSIONS

ARTICLE I

The Mixed Medical Commissions provided for in Article 102 of the Convention shall be composed of three members, two of whom shall belong to a neutral country, the third being appointed by the Detaining Power. One of the neutral members shall take the chair.

ARTICLE 2

The two neutral members shall be appointed by the International Committee of the Red Cross, acting in agreement with the Protecting Power, at the request of the Detaining Power. They may be domiciled either in their country of origin, in any other neutral country, or in the territory of the Detaining Power.

ARTICLE 3

The neutral members shall be approved by the two adverse parties, who shall notify their approval to the International Committee of the Red Cross and to the Protecting Power. Upon such notification, the neutral members shall be considered as effectively appointed.

ARTICLE 4

Deputy members shall also be appointed in sufficient number to replace the regular members in case of need. They shall be appointed at the same time as the regular members, or at least, as soon as possible.

ARTICLE 5

If for any reason the International Committee of the Red Cross cannot proceed to the appointment of the neutral members, this shall be done by the Power protecting the interests of the prisoners of war to be examined.
ARTICLE 6

So far as possible, one of the two neutral members shall be a surgeon and the other a physician.

ARTICLE 7

The neutral members shall be entirely independent of the belligerent Powers, which shall grant them all facilities in the accomplishment of their duties.

ARTICLE 8

By agreement with the Detaining Power, the International Committee of the Red Cross shall settle the terms of service of the nominees, when making the appointments provided for in Articles 2 and 4 of the present Regulations.

ARTICLE 9

The Mixed Medical Commission shall begin their work as soon as possible after the neutral members have been approved, in any case within a period of three months from the date of such approval.

ARTICLE 10

The Mixed Medical Commissions shall examine all the prisoners designated in Article 103 of the Convention. They shall propose repatriation, rejection, or reference to a later examination. Their decisions shall be made by a majority vote.

ARTICLE II

The decisions made by the Mixed Medical Commission in each specific case shall be communicated during the month following its visit, to the Detaining Power, the Protecting Power and the International Committee of the Red Cross. The Mixed Medical Commission shall also inform each prisoner of war examined of the decision made, and shall issue certificates to those whose repatriation has been proposed.
ARTICLE 12

The Detaining Power shall be required to carry out the decisions of the Mixed Medical Commissions within three months after it has been duly informed thereof.

ARTICLE 13

If there is no neutral physician in a country where the service of a Mixed Medical Commission seems required, and if it is for any reason impossible to appoint neutral doctors who are resident in another country, the Detaining Power, acting in agreement with the Protecting Power, shall set up a Medical Commission which shall undertake the same duties as a Mixed Medical Commission, subject to the provisions of Articles 1, 2, 3, 4, 5 and 8 of the present Regulations.

ARTICLE 14

Mixed Medical Commissions shall function permanently and shall visit each camp at intervals not exceeding six months.

ANNEX III

DRAFT REGULATIONS CONCERNING COLLECTIVE RELIEF

ARTICLE 1

Prisoners' representatives (spokesmen) shall be allowed to distribute collective relief shipments for which they are responsible, to all prisoners of war administratively subordinate to their camp, including those who are in hospitals, in prisons or other penal establishments.

ARTICLE 2

The distribution of collective relief shipments shall be effected in accordance with the instructions of the donors and with the
plan drawn up by the spokesmen. The issue of medical stores shall, however, be made by preference in agreement with the senior medical officers, and these may, in hospitals and infirmaries, disregard the said instructions, if the needs of their patients so demand. Within the limits thus defined, the distribution shall always be carried out equitably.

**ARTICLE 3**

To enable the spokesmen or their assistants to verify the quality as well as the quantity of the goods received, and to make out detailed reports thereon for the donors, the said spokesmen or their assistants shall be allowed to go to the railway stations or other places of arrival near their camps, where the shipments of collective supplies arrive for them.

**ARTICLE 4**

Spokesmen shall be given the facilities necessary for verifying whether the distribution of collective relief in all subdivisions and annexes of their camps has been carried out in accordance with their instructions.

**ARTICLE 5**

Spokesmen shall be allowed to fill up, and cause to be filled up by the spokesmen of labour detachments or by the senior medical officers of infirmaries and hospitals, the forms or questionnaires intended for the donors, bearing on collective relief supplies (distribution, requirements, quantities, etc.).

**ARTICLE 6**

In order to secure the regular issue of collective relief to the prisoners of war in their camp, and to meet any needs that may arise from the arrival of new contingents of prisoners, spokesmen shall be allowed to constitute and maintain adequate reserve stocks of collective relief. For that purpose, they shall have suitable warehouses at their disposal; each warehouse shall be provided with two locks, the spokesman holding the keys of one lock and the camp commandant the keys of the other.
ARTICLE 7

When collective consignments of clothing are available, each prisoner of war shall have the property of a complete set of clothes. If a prisoner has more than one set of clothes, the spokesman shall be permitted to withdraw excess articles and hand them to prisoners who are less well provided.

ARTICLE 8

The High Contracting Parties and the Detaining Powers in particular shall, as far as in any way possible, and subject to the regulations governing the food-supply of the population, authorize all purchases of goods made in their territories for the distribution of collective relief to prisoners of war. They shall also facilitate the transfer of funds and other financial measures of a technical or administrative nature taken for the purpose of making such purchases.

ARTICLE 9

The foregoing provisions shall not constitute an obstacle to the right of prisoners of war to receive collective relief before their arrival in a camp, or in the course of transfer, nor to the possibility for representatives of the Protecting Power, the International Committee of the Red Cross, or any other body giving assistance to prisoners which may be responsible for the forwarding of such supplies, to ensure the distribution thereof to the addressees by any other means they may deem useful.