

Additional Protocol to the Convention relative to the Establishment of an International Prize Court. The Hague, 19 September 1910.

(List of Contracting Parties)

Powers signatory to the Hague Convention dated 18 October 1907, for the establishment of an International Court of Prize,

Considering that for some of these Powers difficulties of a constitutional nature prevent the acceptance of the said Convention, in its present form,

Have deemed it expedient to agree upon an additional protocol taking into account these difficulties without jeopardizing any legitimate interest and have, to that end, appointed as their Plenipotentiaries, to wit:

(Here follow the names of Plenipotentiaries)

Who, after depositing their full powers, found to be in good and due form, have agreed upon the following:

Article 1. The Powers signatory or adhering to the Hague Convention of 18 October 1907, relative to the establishment of an International Court of Prize, which are prevented by difficulties of a constitutional nature from accepting the said Convention in its present form, have the right to declare in the instrument of ratification or adherence that in prize cases, whereof their national courts have jurisdiction, recourse to the International Court of Prize can only be exercised against them in the form of an action in damages for the injury caused by the capture.

Art. 2. In the case of recourse to the International Court of Prize, in the form of an action for damages, Article 8 of the Convention is not applicable; it is not for the Court to pass upon the validity or the nullity of the capture, nor to reverse or affirm the decision of the national tribunals.

If the capture is considered illegal, the Court determines the amount of damages to be allowed, if any, to the claimants.

Art. 3. The conditions to which recourse to the International Court of Prize is subject by the Convention are applicable to the action in damages.

Art. 4. Under reserve of the provisions hereinafter stated the rules of procedure established by the Convention for recourse to the International Court of Prize shall be observed in the action in damages.

Art. 5. In derogation of Article 28, paragraph 1, of the Convention, the suit for damages can only be brought before the International Court of Prize by means of a written declaration addressed to the International Bureau of the Permanent Court of Arbitration; the case may even be brought before the Bureau by telegram.

Art. 6. In derogation of Article 29 of the Convention the International Bureau shall notify directly, and if possible by telegram, the Government of the belligerent captor of the declaration of action brought before it.

The Government of the belligerent captor, without considering whether the prescribed periods of time have been observed, shall, within seven days of the receipt of the notification, transmit to the International Bureau the case, appending thereto a certified copy of the decision, if any, rendered by the national tribunal.

Art. 7. In derogation of Article 45, paragraph 2, of the Convention the Court rendering its

decision and notifying it to the parties to the suit shall send directly to the Government of the belligerent captor the record of the case submitted to it, appending thereto a copy of the various intervening decisions as well as a copy of the minutes of the preliminary proceedings.

Art. 8. The present Additional Protocol shall be considered as forming an integral part of and shall be ratified at the same time as the Convention.

If the declaration provided for in Article I herein above is made in the instrument of the ratification, a certified copy thereof shall be inserted in the 'procès-verbal' of the deposit of ratifications referred to in Article 52, paragraph 3, of the Convention.

Art. 9. Adherence to the Convention is subordinated to adherence to the present Additional Protocol.

In faith of which the Plenipotentiaries have affixed their signatures to the present Additional Protocol.

Done at The Hague, 19 September 1910, in a single copy, which shall remain deposited in the archives of the Government of the Netherlands and of which duly certified copies shall be forwarded through diplomatic channels to the Powers designated in Article 15 of the Convention relative to the establishment of an International Court of Prize of 18 October 1907, and in its appendix.

(Here follow signatures)