

## **Convention relative to the Treatment of Prisoners of War. Geneva, 27 July 1929.**

(List of Contracting Parties)

Recognizing that, in the extreme event of a war, it will be the duty of every Power, to mitigate as far as possible, the inevitable rigours thereof and to alleviate the condition of prisoners of war;

Being desirous of developing the principles which have inspired the international conventions of The Hague, in particular the Convention concerning the Laws and Customs of War and the Regulations thereunto annexed,

Have resolved to conclude a Convention for that purpose and have appointed as their Plenipotentiaries:

(Here follow the names of Plenipotentiaries)

Who, having communicated their full powers, found in good and due form, have agreed is follows.

### **PART I**

#### **GENERAL PROVISIONS**

Article 1. The present Convention shall apply without prejudice to the stipulations of Part VII:

(1) To all persons referred to in Articles 1, 2 and 3 of the Regulations annexed to the Hague Convention (IV) of 18 October 1907, concerning the Laws and Customs of War on Land, who are captured by the enemy.

(2) To all persons belonging to the armed forces of belligerents who are captured by the enemy in the course of operations of maritime or aerial war, subject to such exceptions (derogations) as the conditions of such capture render inevitable. Nevertheless these exceptions shall not infringe the fundamental principles of the present Convention; they shall cease from the moment when the captured persons shall have reached a prisoners of war camp.

Art. 2. Prisoners of war are in the power of the hostile Government, but not of the individuals or formation which captured them.

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

Measures of reprisal against them are forbidden.

Art. 3. Prisoners of war are entitled to respect for their persons and honour. Women shall be treated with all consideration due to their sex.

Prisoners retain their full civil capacity.

Art. 4. The detaining Power is required to provide for the maintenance of prisoners of war in its charge.

Differences of treatment between prisoners are permissible only if such differences are based on the military rank, the state of physical or mental health, the professional abilities, or the sex of those who benefit from them.

### **PART II**

#### **CAPTURE**

Art. 5. Every prisoner of war is required to declare, if he is interrogated on the subject, his true names and rank, or his regimental number.

If he infringes this rule, he exposes himself to a restriction of the privileges accorded to prisoners of his category.

No pressure shall be exercised on prisoners to obtain information regarding the situation in their armed forces or their country. Prisoners who refuse to reply may not be threatened, insulted, or exposed to unpleasantness or disadvantages of any kind whatsoever.

If, by reason of his physical or mental condition, a prisoner is incapable of stating his identity, he shall be handed over to the Medical Service.

Art. 6. All personal effects and articles in personal use -- except arms, horses, military equipment and military papers -- shall remain in the possession of prisoners of war, as well as their metal helmets and gas-masks.

Sums of money carried by prisoners may only be taken from them on the order of an officer and after the amount has been recorded. A receipt shall be given for them. Sums thus impounded shall be placed to the account of each prisoner.

Their identity tokens, badges of rank, decorations and articles of value may not be taken from prisoners.

### PART III

#### CAPTIVITY

##### SECTION I

###### EVACUATION OF PRISONERS OF WAR

Art. 7. As soon as possible after their capture, prisoners of war shall be evacuated to depots sufficiently removed from the fighting zone for them to be out of danger.

Only prisoners who, by reason of their wounds or maladies, would run greater risks by being evacuated than by remaining may be kept temporarily in a dangerous zone.

Prisoners shall not be unnecessarily exposed to danger while awaiting evacuation from a fighting zone.

The evacuation of prisoners on foot shall in normal circumstances be effected by stages of not more than 20 kilometres per day, unless the necessity for reaching water and food depôts requires longer stages.

Art. 8. Belligerents are required to notify each other of all captures of prisoners as soon as possible, through the intermediary of the Information Bureaux organised in accordance with Article 77. They are likewise required to inform each other of the official addresses to which letter from the prisoners' families may be addressed to the prisoners of war.

As soon as possible, every prisoner shall be enabled to correspond personally with his family, in accordance with the conditions prescribed in Article 36 and the following Articles.

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

##### SECTION II

###### PRISONERS OF WAR CAMPS

Art. 9. Prisoners of war may be interned in a town, fortress or other place, and may be required not to go beyond certain fixed limits. They may also be interned in fenced camps; they shall not be confined or imprisoned except as a measure indispensable for safety or health, and only so long as circumstances exist which necessitate such a measure.

Prisoners captured in districts which are unhealthy or whose climate is deleterious to persons coming from temperate climates shall be removed as soon as possible to a more favourable climate.

Belligerents shall as far as possible avoid bringing together in the same camp prisoners of different races or nationalities.

No prisoner may at any time be sent to an area where he would be exposed to the fire of the fighting zone, or be employed to render by his presence certain points or areas immune from

bombardment.

## CHAPTER 1

### Installation of camps

Art. 10. Prisoners of war shall be lodged in buildings or huts which afford all possible safeguards as regards hygiene and salubrity.

The premises must be entirely free from damp, and adequately heated and lighted. All precautions shall be taken against the danger of fire.

As regards dormitories, their total area, minimum cubic air space, fittings and bedding material, the conditions shall be the same as for the depot troops of the detaining Power.

## CHAPTER 2

### Food and clothing of prisoners of war

Art. 11. The food ration of prisoners of war shall be equivalent in quantity and quality to that of the depot troops.

Prisoners shall also be afforded the means of preparing for themselves such additional articles of food as they may possess.

Sufficient drinking water shall be supplied to them. The use of tobacco shall be authorized. Prisoners may be employed in the kitchens.

All collective disciplinary measures affecting food are prohibited.

Art. 12. Clothing, underwear and footwear shall be supplied to prisoners of war by the detaining Power. The regular replacement and repair of such articles shall be assured. Workers shall also receive working kit wherever the nature of the work requires it.

In all camps, canteens shall be installed at which prisoners shall be able to procure, at the local market price, food commodities and ordinary articles.

The profits accruing to the administrations of the camps from the canteens shall be utilised for the benefit of the prisoners.

## CHAPTER 3

### Hygiene in camps

Art. 13. Belligerents shall be required to take all necessary hygienic measures to ensure the cleanliness and salubrity 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 maintained in a constant state of cleanliness.

In addition and without prejudice to the provision as far as possible of baths and shower-baths in the camps, the prisoners shall be provided with a sufficient quantity of water for their bodily cleanliness.

They shall have facilities for engaging in physical exercises and obtaining the benefit of being out of doors.

Art. 14. Each camp shall possess an infirmary, where prisoners of war shall receive attention of any kind of which they may be in need. If necessary, isolation establishments shall be reserved for patients suffering from infectious and contagious diseases.

The expenses of treatment, including those of temporary remedial apparatus, shall be borne by the detaining Power.

Belligerents shall be required to issue, on demand, to any prisoner treated, and official statement indicating the nature and duration of his illness and of the treatment received.

It shall be permissible for belligerents mutually to authorize each other, by means of special agreements, to retain in the camps doctors and medical orderlies for the purpose of caring for their prisoner compatriots.

Prisoners who have contracted a serious malady, or whose condition necessitates important surgical treatment, shall be admitted, at the expense of the detaining Power, to any military or

civil institution qualified to treat them.

Art. 15. Medical inspections of prisoners of war shall be arranged at least once a month. Their object shall be the supervision of the general state of health and cleanliness, and the detection of infectious and contagious diseases., particularly tuberculosis and venereal complaints.

#### CHAPTER 4

##### Intellectual and moral needs of prisoners of war

Art. 16. Prisoners of war shall be permitted complete freedom in the performance of their religious duties, including attendance at the services of their faith, on the sole condition that they comply with the routine and police regulations prescribed by the military authorities.

Ministers of religion, who are prisoners of war, whatever may be their denomination, shall be allowed freely to minister to their co-religionists.

Art. 17. belligerents shall encourage as much as possible the organization of intellectual and sporting pursuits by the prisoners of war.

#### CHAPTER 5

##### Internal discipline of camps

Art. 18. Each prisoners of war camp shall be placed under the authority of a responsible officer.

In addition to external marks of respect required by the regulations in force in their own armed forces with regard to their nationals, prisoners of war shall be required to salute all officers of the detaining Power.

Officer prisoners of war shall be required to salute only officers of that Power who are their superiors or equals in rank.

Art. 19. The wearing of badges of rank and decorations shall be permitted.

Art. 20. Regulations, orders, announcements and publications of any kind shall be communicated to prisoners of war in a language which they understand. The same principle shall be applied to questions.

#### CHAPTER 6

##### Special provisions concerning officers and persons of equivalent status

Art. 21. At the commencement of hostilities, belligerents shall be required reciprocally to inform each other of the titles and ranks in use in their respective armed forces, with the view of ensuring equality of treatment between the corresponding ranks of officers and persons of equivalent status.

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

Art. 22. In order to ensure the service of officers' camps, soldier prisoners of war of the same armed forces, and as far as possible speaking the same language, shall be detached for service therein in sufficient number, having regard to the rank of the officers and persons of equivalent status.

Officers and persons of equivalent status shall procure their food and clothing from the pay to be paid to them by the detaining Power. The management of a mess by officers themselves shall be facilitated in every way.

## CHAPTER 7

### Pecuniary resources of prisoners of war

Art. 23. Subject to any special arrangements made between the belligerent Powers, and particularly those contemplated in Article 24, officers and persons of equivalent status who are prisoners of war shall receive from the detaining Power the same pay as officers of corresponding rank in the armed forces of that Power, provided, however, that such pay does not exceed that to which they are entitled in the armed forces of the country in whose service they have been. This pay shall be paid to them in full, once a month if possible, and no deduction therefrom shall be made for expenditure devolving upon the detaining Power, even if such expenditure is incurred on their behalf.

An agreement between the belligerents shall prescribe the rate of exchange applicable to this payment; in default of such agreement, the rate of exchange adopted shall be that in force at the moment of the commencement of hostilities.

All advances made to prisoners of war by way of pay shall be reimbursed, at the end of hostilities, by the Power in whose service they were.

Art. 24. At the commencement of hostilities, belligerents shall determine by common accord the maximum amount of cash which prisoners of war of various ranks and categories shall be permitted to retain in their possession. Any excess withdrawn or withheld from a prisoner, and any deposit of money effected by him, shall be carried to his account, and may not be converted into another currency without his consent.

The credit balances of their accounts shall be paid to the prisoners of war at the end of their captivity.

During the continuance of the latter, facilities shall be accorded to them for the transfer of these amounts, wholly or in part, to banks or private individuals in their country of origin.

## CHAPTER 8

### Transfer of prisoners of war

Art. 25. Unless the course of military operations demands it, sick and wounded prisoners of war shall not be transferred if their recovery might be prejudiced by the journey.

Art. 26. In the event of transfer, prisoners of war shall be officially informed in advance of their new destination; they shall be authorized to take with them their personal effects, their correspondence and parcels which have arrived for them.

All necessary arrangements shall be made so that correspondence and parcels addressed to their former camp shall be sent on to them without delay.

The sums credited to the account of transferred prisoners shall be transmitted to the competent authority of their new place of residence.

Expenses incurred by the transfers shall be borne by the detaining Power.

## SECTION III

### WORK OF PRISONERS OF WAR

## CHAPTER 1

### General

Art. 27. Belligerents may employ as workmen prisoners of war who are physically fit, other than officers and persons of equivalent status, according to their rank and their ability.

Nevertheless, if officers or persons of equivalent status ask for suitable work, this shall be found for them as far as possible.

Non-commissioned officers who are prisoners of war may be compelled to undertake only supervisory work, unless they expressly request remunerative occupation.

During the whole period of captivity, belligerents are required to admit prisoners of war who are victims of accidents at work to the benefit of provisions applicable to workmen of the same

category under the legislation of the detaining Power. As regards prisoners of war to whom these legal provisions could not be applied by reason of the legislation of that Power, the latter undertakes to recommend to its legislative body all proper measures for the equitable compensation of the victims.

## CHAPTER 2 Organization of work

Art. 28. The detaining Power shall assume entire responsibility for the maintenance, care, treatment and the payment of the wages of prisoners of war working for private individuals.

Art. 29. No prisoner of war may be employed on work for which he is physically unsuited.

Art. 30. The duration of the daily work of prisoners of war, including the time of the journey to and from work, shall not be excessive and shall in no case exceed that permitted for civil workers of the locality employed on the same work. Each prisoner shall be allowed a rest of twenty-four consecutive hours each week, preferably on Sunday.

## CHAPTER 3 Prohibited work

Art. 31. Work done by prisoners of war shall have no direct connection with the operations of the war. In particular, it is forbidden to employ prisoners in the manufacture or transport of arms or munitions of any kind, or on the transport of material destined for combatant units.

In the event of violation of the provisions of the preceding paragraph, prisoners are at liberty, after performing or commencing to perform the order, to have their complaints presented through the intermediary of the prisoners' representatives whose functions are described in Articles 43 and 44, or, in the absence of a prisoners' representative, through the intermediary of the representatives of the protecting Power.

Art. 32. It is forbidden to employ prisoners of war on unhealthy or dangerous work. Conditions of work shall not be rendered more arduous by disciplinary measures.

## CHAPTER 4 Labour detachments

Art. 33. Conditions governing labour detachments shall be similar to those of prisoners-of-war camps, particularly as concerns hygienic conditions, food, care in case of accidents or sickness, correspondence, and the reception of parcels.

Every labour detachment shall be attached to a prisoners' camp. The commander of this camp shall be responsible for the observance in the labour detachment of the provisions of the present Convention.

## CHAPTER 5 Pay

Art. 34. Prisoners of war shall not receive pay for work in connection with the administration, internal arrangement and maintenance of camps.

Prisoners employed on other work shall be entitled to a rate of pay, to be fixed by agreements between the belligerents.

These agreements shall also specify the portion which may be retained by the camp administration, the amount which shall belong to the prisoner of war and the manner in which this amount shall be placed at his disposal during the period of his captivity.

Pending the conclusion of the said agreements, remuneration of the work of prisoners shall be fixed according to the following standards:

(a) Work done for the State shall be paid for according to the rates in force for soldiers of the national forces doing the same work, or, if no such rates exist, according to a tariff corresponding to the work executed.

(b) When the work is done for other public administrations or for private individuals, the conditions shall be settled in agreement with the military authorities.

The pay which remains to the credit of a prisoner shall be remitted to him on the termination of his captivity. In case of death, it shall be remitted through the diplomatic channel to the heirs of the deceased.

#### SECTION IV RELATIONS OF PRISONERS OF WAR WITH THE EXTERIOR

Art. 35. On the commencement of hostilities, belligerents shall publish the measures prescribed for the execution of the provisions of the present section.

Art. 36. Each of the belligerents shall fix periodically the number of letters and postcards which prisoners of war of different categories shall be permitted to send per month, and shall notify that number to the other belligerent. These letters and cards shall be sent by post by the shortest route. They may not be delayed or withheld for disciplinary motives.

Not later than one week after his arrival in camp, and similarly in case of sickness, each prisoner shall be enabled to send a postcard to his family informing them of his capture and the state of his health. The said postcards shall be forwarded as quickly as possible and shall not be delayed in any manner.

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

Art. 37. Prisoners of war shall be authorized to receive individually postal parcels containing foodstuffs and other articles intended for consumption or clothing. The parcels shall be delivered to the addressees and a receipt given.

Art. 38. Letters and remittances of money or valuables, as well as postal parcels addressed to prisoners of war, or despatched by them, either directly or through the intermediary of the information bureaux mentioned in Article 77, shall be exempt from all postal charges in the countries of origin and destination and in the countries through which they pass.

Presents and relief in kind intended for prisoners of war shall also be exempt from all import or other duties, as well as any charges for carriage on railways operated by the State.

Prisoners may, in cases of recognized urgency, be authorized to send telegrams on payment of the usual charges.

Art. 39. Prisoners of war shall be permitted to receive individually consignments of books which may be subject to censorship.

Representatives of the protecting Powers and of duly recognized and authorized relief societies may send works and collections of books to the libraries of prisoners, camps. The transmission of such consignments to libraries may not be delayed under pretext of difficulties of censorship.

Art. 40. The censoring of correspondence shall be accomplished as quickly as possible. The examination of postal parcels shall, moreover, be effected under such conditions as will ensure the preservation of any foodstuffs which they may contain, and, if possible, be done in the presence of the addressee or of a representative duly recognized by him.

Any prohibition of correspondence ordered by the belligerents, for military or political reasons, shall only be of a temporary character and shall also be for as brief a time as possible.

Art. 41. Belligerents shall accord all facilities for the transmission of documents destined for prisoners of war or signed by them, in particular powers of attorney and wills.

They shall take the necessary measures to secure, in case of need, the legalisation of signatures of prisoners.

## SECTION V RELATIONS BETWEEN PRISONERS OF WAR AND THE AUTHORITIES

### CHAPTER 1

Complaints of prisoners of war respecting the conditions of captivity

Art. 42. Prisoners of war shall have the right to bring to the notice of the military authorities, in whose hands they are, their petitions concerning the conditions of captivity to which they are subjected.

They shall also have the right to communicate with the representatives of the protecting Powers in order to draw their attention to the points on which they have complaints to make with regard to the conditions of captivity.

Such petitions and complaints shall be transmitted immediately.

Even though they are found to be groundless, they shall not give rise to any punishment.

### CHAPTER 2

Representatives of prisoners of war

Art. 43. In any locality where there may be prisoners of war, they shall be authorized to appoint representatives to represent them before the military authorities and the protecting Powers.

Such appointments shall be subject to the approval of the military authorities.

The prisoners' representatives shall be charged with the reception and distribution of collective consignments. Similarly, in the event of the prisoners deciding to organize amongst themselves a system of mutual aid, such organization shall be one of the functions of the prisoners' representatives. On the other hand, the latter may offer their services to prisoners to facilitate their relations with the relief societies mentioned in Article 78.

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

Art. 44. When the prisoners' representatives are employed as workmen, their work as representatives of the prisoners of war shall be reckoned in the compulsory period of labour.

All facilities shall be accorded to the prisoners' representatives for their correspondence with the military authorities and the protecting Power. Such correspondence shall not be subject to any limitation.

No prisoners' representative may be transferred without his having been allowed the time necessary to acquaint his successors with the current business.

### CHAPTER 3

Penal sanctions with regard to prisoners of war

#### I. General provisions

Art. 45. Prisoners of war shall be subject to the laws, regulations and orders in force in the armed forces of the detaining Power.

Any act of insubordination shall render them liable to the measures prescribed by such laws, regulations, and orders, except as otherwise provided in this Chapter.

Art. 46. Prisoners of war shall not be subjected by the military authorities or the tribunals of the detaining Power to penalties other than those which are prescribed for similar acts by members of the national forces.

Officers, non-commissioned officers or private soldiers, prisoners of war, undergoing disciplinary punishment shall not be subjected to treatment less favourable than that prescribed, as regards the same punishment, for similar ranks in the armed forces of the detaining Power.

All forms of corporal punishment, confinement in premises not lighted by daylight and, in general, all forms of cruelty whatsoever are prohibited.

Collective penalties for individual acts are also prohibited.

Art. 47. A statement of the facts in cases of acts constituting a breach of discipline, and particularly an attempt to escape, shall be drawn up in writing without delay. The period during which prisoners of war of whatever rank are detained in custody (pending the investigation of such offences) shall be reduced to a strict minimum.

The judicial proceedings against a prisoner of war shall be conducted as quickly as circumstances will allow. The period during which prisoners shall be detained in custody shall be as short as possible.

In all cases the period during which a prisoner is under arrest (awaiting punishment or trial) shall be deducted from the sentence, whether disciplinary or judicial, provided such deduction is permitted in the case of members of the national forces.

Art. 48. After undergoing the judicial or disciplinary punishment which has been inflicted on them, prisoners of war shall not be treated differently from other prisoners.

Nevertheless, prisoners who have been punished as the result of an attempt to escape may be subjected to a special régime of surveillance, but this shall not involve the suppression of any of the safeguards accorded to prisoners by the present Convention.

Art. 49. No prisoner of war may be deprived of his rank by the detaining Power.

Prisoners on whom disciplinary punishment is inflicted shall not be deprived of the privileges attaching to their rank. In particular, officers and persons of equivalent status who suffer penalties entailing deprivation of liberty shall not be placed in the same premises as non-commissioned officers or private soldiers undergoing punishment.

Art. 50. Escaped prisoners of war who are re-captured before they have been able to rejoin their own armed forces or to leave the territory occupied by the armed forces which captured them shall be liable only to disciplinary punishment.

Prisoners who, after succeeding in rejoining their armed forces or in leaving the territory occupied by the armed forces which captured them, are again taken prisoner shall not be liable to any punishment for their previous escape.

Art. 51. Attempted escape, even if it is not a first offence, shall not be considered as an aggravation of the offence in the event of the prisoner of war being brought before the courts for crimes or offences against persons or property committed in the course of such attempt.

After an attempted or successful escape, the comrades of the escaped person who aided the escape shall incur only disciplinary punishment therefor.

Art. 52. Belligerents shall ensure that the competent authorities exercise the greatest leniency in considering the question whether an offence committed by a prisoner of war should be punished by disciplinary or by judicial measures.

This provision shall be observed in particular in appraising facts in connexion with escape or attempted escape.

A prisoner shall not be punished more than once for the same act or on the same charge.

Art. 53. No prisoner who has been awarded any disciplinary punishment for an offence and who fulfils the conditions laid down for repatriation shall be retained on the ground that he has not undergone his punishment.

Prisoners qualified for repatriation against whom any prosecution for a criminal offence has been brought may be excluded from repatriation until the termination of the proceedings and until fulfilment of their sentence, if any; prisoners already serving a sentence of imprisonment may be retained until the expiry of the sentence.

Belligerents shall communicate to each other lists of those who cannot be repatriated for the reasons indicated in the preceding paragraph.

## II. Disciplinary punishments

Art. 54. Imprisonment is the most severe disciplinary punishment which may be inflicted on a prisoner of war.

The duration of any single punishment shall not exceed thirty days.

This maximum of thirty days shall, moreover, not be exceeded in the event of there being several acts for which the prisoner is answerable to discipline at the time when his case is disposed of, whether such acts are connected or not.

Where, during the course or after the termination of a period of imprisonment, a prisoner is sentenced to a fresh disciplinary penalty, a period of at least three days shall intervene between each of the periods of imprisonment, if one of such periods is of ten days or over.

Art. 55. Subject to the provisions of the last paragraph of Article 11, the restrictions in regard to food permitted in the armed forces of the detaining Power may be applied, as an additional penalty, to prisoners of war undergoing disciplinary punishment.

Such restrictions shall, however, only be ordered if the state of the prisoner's health permits.

Art. 56. In no case shall prisoners of war be transferred to penitentiary establishments (prisoners, penitentiaries, convict establishments, etc.) in order to undergo disciplinary sentence there.

Establishments in which disciplinary sentences are undergone shall conform to the requirements of hygiene.

Facilities shall be afforded to prisoners undergoing sentence to keep themselves in a state of cleanliness.

Every day, such prisoners shall have facilities for taking exercise or for remaining out of doors for at least two hours.

Art. 57. Prisoners of war undergoing disciplinary punishment shall be permitted to read and write and to send and receive letters.

On the other hand, it shall be permissible not to deliver parcels and remittances of money to the addressees until the expiration of the sentence. If the undelivered parcels contain perishable foodstuffs, these shall be handed over to the infirmary or to the camp kitchen.

Art. 58. Prisoners of war undergoing disciplinary punishment shall be permitted, on their request, to present themselves for daily medical inspection. They shall receive such attention as the medical officers may consider necessary, and, if need be, shall be evacuated to the camp infirmary or to hospital.

Art. 59. Without prejudice to the competency of the courts and the superior military authorities, disciplinary sentences may only be awarded by an officer vested with disciplinary powers in his capacity as commander of the camp or detachment, or by the responsible officer acting as his substitute.

### III. Judicial proceedings

Art. 60. At the commencement of a judicial hearing against a prisoner of war, the detaining Power shall notify the representative of the protecting Power as soon as possible, and in any case before the date fixed for the opening of the hearing.

The said notification shall contain the following particulars:

- (a) Civil status and rank of the prisoner.
- (b) Place of residence or detention.
- (c) Statement of the charge or charges, and of the legal provisions applicable.

If it is not possible in this notification to indicate particulars of the court which will try the case, the date of the opening of the hearing and the place where it will take place, these particulars shall be furnished to the representative of the protecting Power at a later date, but as soon as possible and in any case at least three weeks before the opening of the hearing.

Art. 61. No prisoner of war shall be sentenced without being given the opportunity to defend himself.

No prisoner shall be compelled to admit that he is guilty of the offence of which he is accused.

Art. 62. The prisoner of war shall have the right to be assisted by a qualified advocate of his own choice and, if necessary, to have recourse to the offices of a competent interpreter. He shall be informed of his right by the detaining Power in good time before the hearing.

Failing a choice on the part of the prisoner, the protecting Power may procure an advocate for him. The detaining Power shall, on the request of the protecting Power, furnish to the latter a list of persons qualified to conduct the defence.

The representatives of the protecting Power shall have the right to attend the hearing of the case.

The only exception to this rule is where the hearing has to be kept secret in the interests of the safety of the State. The detaining Power would then notify the protecting Power accordingly.

Art. 63. A sentence shall only be pronounced on a prisoner of war by the same tribunals and in accordance with the same procedure as in the case of persons belonging to the armed forces of the detaining Power.

Art. 64. Every prisoner of war shall have the right of appeal against any sentence against him in the same manner as persons belonging to the armed forces of the detaining Power.

Art. 65. Sentences pronounced against prisoners of war shall be communicated immediately to the protecting Power.

Art. 66. If sentence of death is passed on a prisoner of war, a communication setting forth in detail the nature and the circumstances of the offence shall be addressed as soon as possible to the representative of the protecting Power for transmission to the Power in whose armed forces the prisoner served.

The sentence shall not be carried out before the expiration of a period of at least three months from the date of the receipt of this communication by the protecting Power.

Art. 67. No prisoner of war may be deprived of the benefit of the provisions of Article 42 of the present Convention as the result of a judgment or otherwise.

## PART IV

## END OF CAPTIVITY

### SECTION I DIRECT REPATRIATION AND ACCOMMODATION IN A NEUTRAL COUNTRY

Art. 68. Belligerents shall be required to send back to their own country, without regard to rank or numbers, after rendering them in a fit condition for transport, prisoners of war who are seriously ill or seriously wounded.

Agreements between the belligerents shall therefore determine, as soon as possible, the forms of disablement or sickness requiring direct repatriation and cases which may necessitate accommodation in a neutral country. Pending the conclusion of such agreements, the belligerents may refer to the model draft agreement annexed to the present Convention.

Art. 69. On the opening of hostilities, belligerents shall come to an understanding as to the appointment of mixed medical commissions. These commissions shall consist of three members, two of whom shall belong to a neutral country and one appointed by the detaining Power; one of the medical officers of the neutral country shall preside. These mixed medical commissions shall proceed to the examination of sick or wounded prisoners and shall make all appropriate decisions with regard to them.

The decisions of these commissions shall be decided by majority and shall be carried into effect as soon as possible.

Art. 70. In addition to those prisoners of war selected by the medical officer of the camp, the following shall be inspected by the mixed medical Commission mentioned in Article 69, with a view to their direct repatriation or accommodation in a neutral country:

- (a) Prisoners who make a direct request to that effect to the medical officer of the camp;
- (b) Prisoners presented by the prisoners' representatives mentioned in Article 43, the latter acting on their own initiative or on the request of the prisoners themselves;
- (c) Prisoners nominated by the Power in whose armed forces they served or by a relief society duly recognized and authorized by that Power.

Art. 71. Prisoners of war who meet with accidents at work, unless the injury is self-inflicted, shall have the benefit of the same provisions as regards repatriation or accommodation in a neutral country.

Art. 72. During the continuance of hostilities, and for humanitarian reasons, belligerents may conclude agreements with a view to the direct repatriation or accommodation in a neutral country of prisoners of war in good health who have been in captivity for a long time.

Art. 73. The expenses of repatriation or transport to a neutral country of prisoners of war shall be borne, as from the frontier of the detaining Power, by the Power in whose armed forces such prisoners served.

Art. 74. No repatriated person shall be employed on active military service.

### SECTION II LIBERATION AND REPATRIATION AT THE END OF HOSTILITIES

Art. 75. When belligerents conclude an armistice convention, they shall normally cause to be included therein provisions concerning the repatriation of prisoners of war. If it has not been possible to insert in that convention such stipulations, the belligerents shall, nevertheless, enter into communication with each other on the question as soon as possible. In any case, the repatriation of prisoners shall be effected as soon as possible after the conclusion of peace.

Prisoners of war who are subject to criminal proceedings for a crime or offence at common

law may, however, be detained until the end of the proceedings, and, if need be, until the expiration of the sentence. The same applies to prisoners convicted for a crime or offence at common law.

By agreement between the belligerents, commissions may be instituted for the purpose of searching for scattered prisoners and ensuring their repatriation.

## PART V

### DEATHS OF PRISONERS OF WAR

Art. 76. The wills of prisoners of war shall be received and drawn up under the same conditions as for soldiers of the national armed forces.

The same rules shall be followed as regards the documents relative to the certification of the death.

The belligerents shall ensure that prisoners of war who have died in captivity are honourably buried, and that the graves bear the necessary indications and are treated with respect and suitably maintained.

## PART VI

### BUREAUX OF RELIEF AND INFORMATION CONCERNING PRISONERS OF WAR

Art. 77. At the commencement of hostilities, each of the belligerent Powers and the neutral Powers who have belligerents in their care, shall institute an official bureau to give information about the prisoners of war in their territory.

Each of the belligerent Powers shall inform its Information Bureau as soon as possible of all captures of prisoners effected by its armed forces, furnishing them with all particulars of identity at its disposal to enable the families concerned to be quickly notified, and stating the official addresses to which families may write to the prisoners.

The Information Bureau shall transmit all such information immediately to the Powers concerned, on the one hand through the intermediary of the protecting Powers, and on the other through the Central Agency contemplated in Article 79.

The Information Bureau, being charged with replying to all enquiries relative to prisoners of war, shall receive from the various services concerned all particulars respecting internments and transfers, releases on parole, repatriations, escapes, stays in hospitals, and deaths, together with all other particulars necessary for establishing and keeping up to date an individual record for each prisoner of war.

The Bureau shall note in this record, as far as possible, and subject to the provisions of Article 5, the regimental number, names and surnames, date and place of birth, rank and unit of the prisoner, the surname of the father and name of the mother, the address of the person to be notified in case of accident, wounds, dates and places of capture, of internment, of wounds, of death, together with all other important particulars.

Weekly lists containing all additional particulars capable of facilitating the identification of each prisoner shall be transmitted to the interested Powers.

The individual record of a prisoner of war shall be sent after the conclusion of peace to the Power in whose service he was.

The Information Bureau shall also be required to collect all personal effects, valuables, correspondence, pay-books, identity tokens, etc., which have been left by prisoners of war who have been repatriated or released on parole, or who have escaped or died, and to transmit them to the countries concerned.

Art. 78. Societies for the relief of prisoners of war, regularly constituted in accordance with the laws of their country, and having for their object to serve as intermediaries for charitable purposes, shall receive from the belligerents, for themselves and their duly accredited agents, all facilities for the efficacious performance of their humane task within the limits imposed by military exigencies. Representatives of these societies shall be permitted to distribute relief in the camps and at the halting places of repatriated prisoners under a personal permit issued by the military authority, and on giving an undertaking in writing to comply with all routine and police

orders which the said authority shall prescribe.

Art. 79. A Central Agency of information regarding prisoners of war shall be established in a neutral country. The International Red Cross Committee shall, if they consider it necessary, propose to the Powers concerned the organization of such an agency.

This agency shall be charged with the duty of collecting all information regarding prisoners which they may be able to obtain through official or private channels, and the agency shall transmit the information as rapidly as possible to the prisoners' own country or the Power in whose service they have been.

These provisions shall not be interpreted as restricting the humanitarian work of the International Red Cross Committee.

Art. 80. Information Bureaux shall enjoy exemption from fees on postal matter as well as all the exemptions prescribed in Article 38.

## PART VII

### APPLICATION OF THE CONVENTION TO CERTAIN CATEGORIES OF CIVILIANS

Art. 81. Persons who follow the armed forces without directly belonging thereto, such as correspondents, newspaper reporters, sutlers, or contractors, who fall into the hands of the enemy, and whom the latter think fit to detain, shall be entitled to be treated as prisoners of war, provided they are in possession of an authorization from the military authorities of the armed forces which they were following.

## PART VIII

### EXECUTION OF THE CONVENTION

#### SECTION I GENERAL PROVISIONS

Art. 82. The provisions of the present Convention shall be respected by the High Contracting Parties in all circumstances.

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

Art. 83. The High Contracting Parties reserve to themselves the right to conclude special conventions on all questions relating to prisoners of war concerning which they may consider it desirable to make special provisions.

Prisoners of war shall continue to enjoy the benefits of these agreements until their repatriation has been effected, subject to any provisions expressly to the contrary contained in the above-mentioned agreements or in subsequent agreements, and subject to any more favourable measures by one or the other of the belligerent Powers concerning the prisoners detained by that Power.

In order to ensure the application, on both sides, of the provisions of the present Convention, and to facilitate the conclusion of the special conventions mentioned above, the belligerents may, at the commencement of hostilities, authorize meetings of representatives of the respective authorities charged with the administration of prisoners of war.

Art. 84. The text of the present Convention and of the special conventions mentioned in the preceding Article shall be posted, whenever possible, in the native language of the prisoners of war, in places where it may be consulted by all the prisoners.

The text of these conventions shall be communicated, on their request, to prisoners who are unable to inform themselves of the text posted.

Art. 85. The High Contracting Parties shall communicate to each other, through the intermediary of the Swiss Federal Council, the official translations of the present Convention, together with such laws and regulations as they may adopt to ensure the application of the present Convention.

## SECTION II ORGANIZATION OF CONTROL

Art. 86. The High Contracting Parties recognize that a guarantee of the regular application of the present Convention will be found in the possibility of collaboration between the protecting Powers charged with the protection of the interests of the belligerents; in this connexion, the protecting Powers may, apart from their diplomatic personnel, appoint delegates from among their own nationals or the nationals of other neutral Powers. The appointment of these delegates shall be subject to the approval of the belligerent with whom they are to carry out their mission.

The representatives of the protecting Power or their recognized delegates shall be authorized to proceed to any place, without exception, where prisoners of war are interned. They shall have access to all premises occupied by prisoners and may hold conversation with prisoners, as a general rule without witnesses, either personally or through the intermediary of interpreters.

Belligerents shall facilitate as much as possible the task of the representatives or recognized delegates of the protecting Power. The military authorities shall be informed of their visits.

Belligerents may mutually agree to allow persons of the prisoners own nationality to participate in the tours of inspection.

Art. 87. In the event of dispute between the belligerents regarding the application of the provisions of the present Convention, the protecting Powers shall, as far as possible, lend their good offices with the object of settling the dispute.

To this end, each of the protecting Powers may, for instance, propose to the belligerents concerned that a conference of representatives of the latter should be held, on suitably chosen neutral territory. The belligerents shall be required to give effect to proposals made to them with this object. The protecting Power may, if necessary, submit fur the approval of the Powers in dispute the name of a person belonging to a neutral Power or nominated by the International Red Cross Committee, who shall be invited to take part in this conference.

Art. 88. The foregoing provisions do not constitute any obstacle to the humanitarian work which the International Red Cross Committee may perform for the protection of prisoners of war with the consent of the belligerents concerned.

## SECTION III FINAL PROVISIONS

Art. 89. In the relations between the Powers who are bound either by The Hague Convention concerning the Laws and Customs of War on Land of 29 July 1899, or that of 18 October 1907, and are parties to the present Convention, the latter shall be complementary to Chapter 2 of the Regulations annexed to the above-mentioned Conventions of The Hague.

Art. 90. The present Convention, which shall bear this day's date, may be signed up to 1 February 1930, on behalf of any of the countries represented at the Conference which opened at Geneva on 1 July 1929.

Art. 91. The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at Berne.

In respect of the deposit of each instrument of ratification, a ' procès-verbal ' shall be drawn up, and copy thereof, certified correct, shall be sent by the Swiss Federal Council to the

Governments of all the countries on whose behalf the Convention has been signed or whose accession has been notified.

Art. 92. The present Convention shall enter into force six months after at least two instruments of ratification have been deposited.

Thereafter it shall enter into force for each High Contracting Party six months after the deposit of its instrument of ratification.

Art. 93. As from the date of its entry into force, the present Convention shall be open to accession notified in respect of any country on whose behalf this Convention has not been signed.

Art. 94. Accessions shall be notified in writing to the Swiss Federal Council and shall take effect six months after the date on which they have been received.

The Swiss Federal Council shall notify the accessions to the Governments of all the countries on whose behalf the Convention has been signed or whose accession has been notified.

Art. 95. A state of war shall give immediate effect to ratifications deposited-and to accessions notified by the belligerent Powers before or after the commencement of hostilities. The communication of ratifications or accessions received from Powers in a state of war shall be effected by the Swiss Federal Council by the quickest method.

Art. 96. Each of the High Contracting Parties shall have the right to denounce the present Convention. The denunciation shall only take effect one year after notification thereof has been made in writing to the Swiss Federal Council. The latter shall communicate this notification to the Governments of all the High Contracting Parties.

The denunciation shall only be valid in respect of the High Contracting Party which has made notification thereof.

Such denunciation shall, moreover, not take effect during a war in which the denouncing Power is involved. In this case, the present Convention shall continue binding, beyond the period of one year, until the conclusion of peace and, in any case, until operations of repatriation shall have terminated.

Art. 97. A copy of the present Convention, certified to be correct, shall be deposited by the Swiss Federal Council in the archives of the League of Nations. Similarly, ratifications, accessions and denunciations notified to the Swiss Federal Council shall be communicated by them to the League of Nations.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Convention.

Done at Geneva the twenty-seventh July, one thousand nine hundred and twenty-nine, in a single copy, which shall remain deposited in the archives of the Swiss Confederation, and of which copies, certified correct, shall be transmitted to the Governments of all the countries invited to the Conference.

(Here follow signatures)

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

Model draft agreement concerning the direct repatriation or accommodation in a neutral country of prisoners of war for reasons of health

##### I. Guiding Principles for Direct Repatriation or Accommodation in a Neutral Country

#### A. ' Guiding Principles for Direct Repatriation'

The following shall be repatriated directly:

1. Sick and wounded whose recovery within one year is not probable according to medical prognosis, whose condition requires treatment, and whose intellectual or bodily powers appear to have undergone a considerable diminution.
2. Incurable sick and wounded whose intellectual or bodily powers appear to have undergone a considerable diminution.
3. Convalescent sick and wounded, whose intellectual or bodily powers appear to have undergone a considerable diminution.

#### B. ' Guiding Principles for Accommodation in a Neutral Country.'

The following shall be accommodated in a neutral country:

1. Sick and wounded whose recovery is presumable within the period of one year, which it appears that such recovery would be more certain and more rapid if the sick and wounded were given the benefit of the resources offered by the neutral country than if their captivity, properly so called, were prolonged.
2. Prisoners of war whose intellectual or physical health appears, according to medical opinion, to be seriously threatened by continuance in captivity, while accommodation in a neutral country would probably diminish that risk.

#### C. ' Guiding Principles for the Repatriation of Prisoners in a Neutral Country'

Prisoners of war who have been accommodated in a neutral country, and belong to the following categories, shall be repatriated:

1. Those whose state of health appears to be, or likely to become such that they would fall into the categories of those to be repatriated for reasons of health.
2. Those who are convalescent, whose intellectual or physical powers appear to have undergone a considerable diminution.

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

#### A. ' Special Principles for Repatriation '

The following shall be repatriated:

1. All prisoners of war suffering the following effective or functional disabilities as the result of organic injuries: loss of a limb, paralysis, articular or other disabilities, when the defect is at least the loss of a foot or a hand, or the equivalent of the loss of a foot or a hand.
2. All wounded or injured prisoners of war whose condition is such as to render them invalids whose cure within a year cannot be medically foreseen.
3. All sick prisoners whose condition is such as to render them invalids whose cure within a year cannot be medically foreseen.

The following in particular belong to this category:

- (a) Progressive tuberculosis of any organ which, according to medical prognosis, cannot be cured or at least considerably improved by treatment in a neutral country;
- (b) Non-tubercular affections of the respiratory organs which are presumed to be incurable (in particular, strongly developed pulmonary emphysema, with or without bronchitis, bronchiectasis, serious asthma, gas poisoning, etc.);
- (c) Grave chronic affections of the circulatory organs (for example: valvular affections with a tendency to compensatory troubles, relatively grave affections of the myocardium, pericardium or the vessels, in particular, aneurism of the larger vessels which cannot be operated on, etc.);
- (d) Grave chronic affections of the digestive organs;
- (e) Grave chronic affections of the urinary and sexual organs, in particular, for example: any case of chronic nephritis, confirmed by symptoms, and especially when cardiac and

vascular deterioration already exists; the same applies to chronic pyelitis and cystitis, etc.;

(f) Grave chronic maladies of the central and peripheral nervous system; in particular grave neurasthenia and hysteria, any indisputable case of epilepsy, grave Basedow's disease, etc.;

(g) Blindness of both eyes, or of one eye when the vision of the other is less than 1 in spite of the use of corrective glasses. Diminution of visual acuteness in cases where it is impossible to restore it by correction to an acuteness of 1/2 in at least one eye. The other ocular affections falling within the present category (glaucoma, iritis, choroiditis, etc.);

(h) Total bilateral deafness, and total unilateral deafness in cases where the ear which is not completely deaf cannot hear ordinary speaking voice at a distance of one metre;

(i) Any indisputable case of mental affection;

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

(l) Chronic affections of the locomotive organs (arthritis deformans, gout, or rheumatism with impairment, which can be ascertained clinically), provided that they are serious;

(m) Malignant growths, if they are not amenable to relatively mild operations without danger to the life of the person operated upon;

(n) All cases of malaria with appreciable organic deterioration (serious chronic enlargement of the liver or spleen, cachexy, etc.);

(o) Grave chronic cutaneous affections, when their nature does not constitute a medical reason for treatment in a neutral country;

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

#### B. ' Special Principles for Accommodation in a Neutral Country. '

Prisoners of war shall be accommodated in a neutral country if they suffer from the following afflictions:

1. All forms of tuberculosis of any organ, if, according to present medical knowledge, they can be cured or their condition considerably improved by methods applicable in a neutral country (altitude, treatment in sanatoria, etc.).

2. All forms necessitating treatment of affections of the respiratory, circulatory, digestive, genito-urinary, or nervous organs, of the organs of the senses, or of the locomotive or cutaneous functions, provided that such forms of affection do not belong to the categories necessitating direct repatriation, or that they are not acute maladies (properly so called) susceptible of complete cure. The afflictions referred to in this paragraph are such as admit, by the application of methods of treatment available in the neutral country, of really better chances of the patient's recovery than if he were treated in captivity.

Special consideration should be given to nervous troubles, the effective or determining causes of which are the effects of the war or of captivity, such as psychastenia of prisoners of war or other analogous cases.

All duly established cases of this nature must be treated in neutral countries when their gravity or their constitutional character does not render them cases for direct repatriation.

Cases of psychastenia of prisoners of war who are not cured after three months' sojourn in a neutral country, or which after that period are not manifestly on the way to complete recovery, shall be repatriated.

3. All cases of wounds or injuries or their consequences which offer better prospects of cure in a neutral country than in captivity, provided that such cases are neither such as justify direct repatriation, nor insignificant cases.

4. All duly established cases of malaria which do not show organic deterioration clinically ascertainable (chronic enlargement of the liver or spleen, cachexy, etc.), if sojourn in a neutral country offers particularly favourable prospects of final cure.

5. All cases of poisoning (in particular by gas, metals, or alkaloids) for which the prospects of cure in a neutral country are especially favourable.

The following are excluded from accommodation in a neutral country:

1. All cases of duly established mental afflictions.

2. All organic or functional nervous afflictions which are reputed to be incurable. (These two categories belong to those which entitle direct repatriation).

3. Grave chronic alcoholism.

4. All contagious afflictions during the period when they are transmissible (acute infectious

diseases, primary and secondary (syphilis, trachoma, leprosy, etc.).

### III. General Observations

The conditions stated above must, in a general way, be interpreted and applied in as broad a spirit as possible.

This breadth of interpretation must especially be applied in neuropathic or psychopathic cases caused or aggravated by the effects of war or captivity (psychasthenia of prisoners of war), and in cases of tuberculosis in all degrees.

It is obvious that camp doctors and mixed medical commissions may find themselves faced with many cases not mentioned amongst the examples given under Section II above, or with cases that cannot be assimilated to these examples. The above-mentioned examples are only given as typical examples; a similar list of surgical disabilities has not been drawn up because, apart from cases which are indisputable on account of their very nature (amputations), it is difficult to draw up a list of specified types; experience has shown that a list of such specified cases was not without inconvenience in practice.

Cases not conforming exactly with the examples quoted shall be determined in the spirit of the guiding principles given above.