

LAWS AND CUSTOMS OF WAR ON LAND (HAGUE, II)

Convention signed at The Hague July 29, 1899, with annex of regulations

Procès-verbal of first deposit of ratifications at The Hague dated September 4, 1900

Senate advice and consent to ratification March 14, 1902

Ratified by the President of the United States March 19, 1902

Ratification of the United States deposited at The Hague April 9, 1902

Entered into force September 4, 1900; for the United States April 9, 1902

Proclaimed by the President of the United States April 11, 1902

Sections II and III of the regulations supplemented by convention of August 12, 1949,¹ relative to protection of civilians in time of war, as between contracting parties to both conventions; chapter II of the regulations complemented by conventions of July 27, 1929,² and August 12, 1949,³ relative to treatment of prisoners of war, as between contracting parties

Replaced by convention of October 18, 1907,⁴ on the same subject, as between contracting parties to the later convention

32 Stat. 1803; Treaty Series 403

[TRANSLATION]

CONVENTION WITH RESPECT TO THE LAWS AND CUSTOMS OF WAR ON LAND

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the King of Denmark; His Majesty the King of Spain and in His Name Her Majesty the Queen Regent of the Kingdom; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince

¹ 6 UST 3516; TIAS 3365.

² TS 846, *post*, vol. 2.

³ 6 UST 3316; TIAS 3364.

⁴ TS 539, *post*, p. 631.

of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves etc.; His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; His Majesty the Emperor of the Ottomans and His Royal Highness the Prince of Bulgaria

Considering that, while seeking means to preserve peace and prevent armed conflicts among nations, it is likewise necessary to have regard to cases where an appeal to arms may be caused by events which their solicitude could not avert;

Animated by the desire to serve, even in this extreme hypothesis, the interests of humanity and the ever increasing requirements of civilization;

Thinking it important, with this object, to revise the laws and general customs of war, either with the view of defining them more precisely, or of laying down certain limits for the purpose of modifying their severity as far as possible;

Inspired by these views which are enjoined at the present day, as they were twenty-five years ago at the time of the Brussels Conference in 1874, by a wise and generous foresight;

Have, in this spirit, adopted a great number of provisions, the object of which is to define and govern the usages of war on land.

In view of the High Contracting Parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war so far as military necessities permit, are destined to serve as general rules of conduct for belligerents in their relations with each other and with populations.

It has not, however, been possible to agree forthwith on provisions embracing all the circumstances which occur in practice.

On the other hand, it could not be intended by the High Contracting Parties that the cases not provided for should, for want of a written provision, be left to the arbitrary judgment of the military Commanders.

Until a more complete code of the laws of war is issued, the High Contracting Parties think it right to declare that in cases not included in the Regulations adopted by them, populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity, and the requirements of the public conscience;

They declare that it is in this sense especially that Articles 1 and 2 of the Regulations adopted must be understood;

The High Contracting Parties, desiring to conclude a Convention to this effect, have appointed as their Plenipotentiaries, to wit:

His Majesty the Emperor of Germany, King of Prussia: His Excellency Count de Munster, Prince of Derneburg, His Ambassador at Paris.

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary: His Excellency Count R. de Welsersheimb, His Ambassador Extraordinary and Plenipotentiary; Mr. Alexander Okolicsanyi d'Okolicsna, His Envoy Extraordinary and Minister Plenipotentiary at the Hague.

His Majesty the King of the Belgians: His Excellency Mr. Auguste Beernaert, His Minister of State, President of the Chamber of Representatives; Count de Grelle Rogier, His Envoy Extraordinary and Minister Plenipotentiary at the Hague; the Chevalier Descamps, Senator.

His Majesty the King of Denmark: His Chamberlain Fr. E. de Bille, His Envoy Extraordinary and Minister Plenipotentiary at London.

His Majesty the King of Spain and in His Name, Her Majesty the Queen Regent of the Kingdom: His Excellency the Duke of Tetuan, former Minister for Foreign Affairs; Mr. W. Ramirez de Villa Urrutia, His Envoy Extraordinary and Minister Plenipotentiary at Brussels; Mr. Arthur de Baguer, His Envoy Extraordinary and Minister Plenipotentiary at the Hague.

The President of the United States of America: Mr. Stanford Newel, Envoy Extraordinary and Minister Plenipotentiary at the Hague.

The President of the United Mexican States: Mr. de Mier, Envoy Extraordinary and Minister Plenipotentiary at Paris; Mr. Zenil, Minister Resident at Brussels.

The President of the French Republic: Mr. Léon Bourgeois, former President of the Council, former Minister for Foreign Affairs, Member of the Chamber of Deputies; Mr. George Bihourd, Envoy Extraordinary and Minister Plenipotentiary at the Hague; the Baron d'Estournelles de Constant, Minister Plenipotentiary, Member of the Chamber of Deputies.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India: His Excellency the Right Honorable Baron Pauncefoot of Preston, Member of Her Majesty's Privy Council, Her Ambassador Extraordinary and Plenipotentiary at Washington; Sir Henry Howard, Her Envoy Extraordinary and Minister Plenipotentiary at the Hague.

His Majesty the King of the Hellenes: Mr. N. Delyanni, former President of the Council, former Minister for Foreign Affairs, His Envoy Extraordinary and Minister Plenipotentiary at Paris.

His Majesty the King of Italy: His Excellency Count Nigra, His Ambassador at Vienna, Senator of the Kingdom; Count A. Zannini, His Envoy Extraordinary and Minister Plenipotentiary at the Hague; Commander Guido Pompilj, Deputy in the Italian Parliament.

His Majesty the Emperor of Japan: Mr. I. Motono, His Envoy Extraordinary and Minister Plenipotentiary at Brussels.

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau: His Excellency Mr. Eyschen, His Minister of State, President of the Grand Ducal Government.

His Highness the Prince of Montenegro: His Excellency Mr. de Staal, Privy Councillor, Ambassador of Russia at London.

Her Majesty the Queen of the Netherlands: the Jonkheer A. P. C. van Karnebeek, former Minister of Foreign Affairs, Member of the Second Chamber of the States General; General J. C. C. den Beer Poortugael, former Minister of War, Member of the Council of State; Mr. T. M. C. Asser, Member of the Council of State; Mr. E. N. Rahusen, Member of the First Chamber of the States General.

His Imperial Majesty the Shah of Persia: His Aid-de-Camp General Mirza Riza Khan, Arfa-ud-Dovleh, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg and at Stockholm.

His Majesty the King of Portugal and of the Algarves, etc.: Count de Macedo, Peer of the Kingdom, former Minister of Marine and of the Colonies, His Envoy Extraordinary and Minister Plenipotentiary at Madrid; Mr. d'Ornellas et Vasconcellos, Peer of the Kingdom, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg; Count de Selir, His Envoy Extraordinary and Minister Plenipotentiary at the Hague.

His Majesty the King of Roumania: Mr. Alexander Beldiman, His Envoy Extraordinary and Minister Plenipotentiary at Berlin; Mr. Jean N. Papiniu, His Envoy Extraordinary and Minister Plenipotentiary at the Hague.

His Majesty the Emperor of all the Russias: His Excellency Mr. de Staal, Privy Councillor, His Ambassador at London; Mr. de Martens, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs, His Privy Councillor; Mr. de Basily, His Councillor of State, Chamberlain, Director of the First Department of the Imperial Ministry for Foreign Affairs.

His Majesty the King of Servia: Mr. Miyatovitch, His Envoy Extraordinary and Minister Plenipotentiary at London and at the Hague.

His Majesty the King of Siam: M. Phya Suriya Nuvat, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg and at Paris; M. Phya Visuddha Suriyasakti, His Envoy Extraordinary and Minister Plenipotentiary at the Hague and at London.

His Majesty the King of Sweden and Norway: the Baron de Bildt, His Envoy Extraordinary and Minister Plenipotentiary at Rome.

His Majesty the Emperor of the Ottomans: His Excellency Turkhan Pasha, former Minister of Foreign Affairs, Member of His Council of State; Noury Bey, Secretary General in the Ministry of Foreign Affairs.

His Royal Highness the Prince of Bulgaria: Dr. Dimitri Stancioff, Diplomatic Agent at St. Petersburg; Major Christo Hessaptchieff, Military Attaché at Belgrade.

Who, after communication of their full powers, found in good and due form, have agreed on the following:

ARTICLE 1

The High Contracting Parties shall issue instructions to their armed land forces, which shall be in conformity with the "Regulations respecting the Laws and Customs of War on Land" annexed to the present Convention.

ARTICLE 2

The provisions contained in the Regulations mentioned in Article 1 are only binding on the Contracting Powers, in case of war between two or more of them.

These provisions shall cease to be binding from the time when, in a war between Contracting Powers, a non-Contracting Power joins one of the belligerents.

ARTICLE 3

The present Convention shall be ratified as speedily as possible.

The ratifications shall be deposited at the Hague.

A procès-verbal shall be drawn up recording the receipt of each ratification, and a copy, duly certified, shall be sent through the diplomatic channel, to all the Contracting Powers.

ARTICLE 4

Non-Signatory Powers are allowed to adhere to the present Convention.

For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification, addressed to the Netherland Government, and by it communicated to all the other Contracting Powers.

ARTICLE 5

In the event of one of the High Contracting Parties denouncing the present Convention, such denunciation would not take effect until a year after the written notification made to the Netherland Government, and by it at once communicated to all the other Contracting Powers.

This denunciation shall affect only the notifying Power.

In faith of which the Plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at the Hague the 29th July 1899, in a single copy, which shall be kept in the archives of the Netherland Government, and copies of which, duly certified, shall be delivered to the Contracting Powers through the diplomatic channel.

For Germany:

MÜNSTER DERNEBURG [SEAL]

For Austria-Hungary:

WELSERSHEIMB [SEAL]

OKOLICSANYI [SEAL]

For Belgium:

A. BEERNAERT [SEAL]

CTE DE GRELLE ROGIER [SEAL]

CHR DESCAMPS [SEAL]

For Denmark:

F. BILLE [SEAL]

For Spain:

EL DUQUE DE TETUAN [SEAL]

W. R. DE VILLA URRUTIA [SEAL]

ARTURO DE BAGUER [SEAL]

For the United States of America:

STANFORD NEWEL [SEAL]

For the United Mexican States:		For Persia:	
M. DE MIER	[SEAL]	MIRZA RIZA KHAN, ARFA-UD-	[SEAL]
J. ZENIL	[SEAL]	DOVLEH	
For France:		For Portugal:	
LÉON BOURGEOIS	[SEAL]	CONDE DE MACEDO	[SEAL]
G. BIHOUD	[SEAL]	AGOSTINHO D'ORNELLAS DE	[SEAL]
D'ESTOURNELLES DE	[SEAL]	VASCONCELLOS	
CONSTANT		CONDE DE SELIR	[SEAL]
For Great Britain and Ireland:		For Roumania:	
PAUNCEFOTE	[SEAL]	A. BELDIMAN	[SEAL]
HENRY HOWARD	[SEAL]	J. N. PAPINIU	[SEAL]
For Greece:		For Russia:	
N. DELYANNI	[SEAL]	STAAL	[SEAL]
For Italy:		MARTENS	[SEAL]
NIGRA	[SEAL]	A. BASILY	[SEAL]
A. ZANNINI	[SEAL]	For Servia:	
G. POMPIJ	[SEAL]	CHEDO MIYATOVITCH	[SEAL]
For Japan:		For Siam:	
I. MOTONO	[SEAL]	PHYA SURIA NUVATR	[SEAL]
For Luxemburg:		VISUDDHA	[SEAL]
EYSCHEN	[SEAL]	For the United Kingdoms	
For Montenegro:		of Sweden and Norway:	
STAAL	[SEAL]	BILDT	[SEAL]
For the Netherlands:		For Turkey:	
V. KARNEBEEK	[SEAL]	TURKHAN	[SEAL]
DEN BEER POORTUGAEL	[SEAL]	MEHEMED NOURY	[SEAL]
T. M. C. ASSER	[SEAL]	For Bulgaria:	
E. N. RAHUSEN	[SEAL]	D. STANCIOFF	[SEAL]
		MAJOR HESSAPTCHIEFF	[SEAL]

ANNEX

REGULATIONS RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND

SECTION I.—ON BELLIGERENTS

CHAPTER I.—*On the Qualifications of Belligerents*

ARTICLE 1

The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps, fulfilling the following conditions:

1. To be commanded by a person responsible for his subordinates;
2. To have a fixed distinctive emblem recognizable at a distance;
3. To carry arms openly; and
4. To conduct their operations in accordance with the laws and customs of war.

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army."

ARTICLE 2

The population of a territory which has not been occupied who, on the enemy's approach, spontaneously take up arms to resist the invading troops without having time to organize themselves in accordance with Article 1, shall be regarded a belligerent, if they respect the laws and customs of war.

ARTICLE 3

The armed forces of the belligerent parties may consist of combatants and non-combatants. In case of capture by the enemy both have a right to be treated as prisoners of war.

CHAPTER II.—*On Prisoners of War*

ARTICLE 4

Prisoners of war are in the power of the hostile Government, but not in that of the individuals or corps who captured them.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers remain their property.

ARTICLE 5

Prisoners of war may be interned in a town, fortress, camp, or any other locality, and bound not to go beyond certain fixed limits; but they can only be confined as an indispensable measure of safety.

ARTICLE 6

The State may utilize the labor of prisoners of war according to their rank and aptitude. Their tasks shall not be excessive, and shall have nothing to do with the military operations.

Prisoners may be authorized to work for the Public Service, for private persons, or on their own account.

Work done for the State shall be paid for according to the tariffs in force for soldiers of the national army employed on similar tasks.

When the work is for other branches of the Public Service or for private persons, the conditions shall be settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them at the time of their release, after deducting the cost of their maintenance.

ARTICLE 7

The Government into whose hands prisoners of war have fallen is bound to maintain them.

Failing a special agreement between the belligerents, prisoners of war shall be treated as regards food, quarters, and clothing, on the same footing as the troops of the Government which has captured them.

ARTICLE 8

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the State into whose hands they have fallen.

Any act of insubordination warrants the adoption, as regards them, of such measures of severity as may be necessary.

Escaped prisoners, recaptured before they have succeeded in rejoining their army, or before quitting the territory occupied by the army that captured them, are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping are again taken prisoners, are not liable to any punishment for the previous flight.

ARTICLE 9

Every prisoner of war, if questioned, is bound to declare his true name and rank, and if he disregards this rule, he is liable to a curtailment of the advantages accorded to the prisoners of war of his class.

ARTICLE 10

Prisoners of war may be set at liberty on parole if the laws of their country authorize it, and, in such a case, they are bound, on their personal honor, scrupulously to fulfill, both as regards their own Government and the Government by whom they were made prisoners, the engagements they have contracted.

In such cases, their own Government shall not require of nor accept from them any service incompatible with the parole given.

ARTICLE 11

A prisoner of war can not be forced to accept his liberty on parole; similarly the hostile Government is not obliged to assent to the prisoner's request to be set at liberty on parole.

ARTICLE 12

Any prisoner of war, who is liberated on parole and recaptured, bearing arms against the Government to whom he had pledged his honor, or against the allies of that Government, forfeits his right to be treated as a prisoner of war, and can be brought before the Courts.

ARTICLE 13

Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers, contractors, who fall into the

enemy's hands, and whom the latter think fit to detain, have a right to be treated as prisoners of war, provided they can produce a certificate from the military authorities of the army they were accompanying.

ARTICLE 14

A Bureau for information relative to prisoners of war is instituted, on the commencement of hostilities, in each of the belligerent States, and, when necessary, in the neutral countries on whose territory belligerents have been received. This Bureau is intended to answer all inquiries about prisoners of war, and is furnished by the various services concerned with all the necessary information to enable it to keep an individual return for each prisoner of war. It is kept informed of interments and changes, as well as of admissions into hospital and deaths.

It is also the duty of the Information Bureau to receive and collect all objects of personal use, valuables, letters, etc., found on the battlefields or left by prisoners who have died in hospital or ambulance, and to transmit them to those interested.

ARTICLE 15

Relief Societies for prisoners of war, which are regularly constituted in accordance with the law of the country with the object of serving as the intermediary for charity, shall receive from the belligerents for themselves and their duly accredited agents every facility, within the bounds of military requirements and Administrative Regulations, for the effective accomplishment of their humane task. Delegates of these Societies may be admitted to the places of interment for the distribution of relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military authorities, and on giving an engagement in writing to comply with all their Regulations for order and police.

ARTICLE 16

The Information Bureau shall have the privilege of free postage. Letters, money orders, and valuables, as well as postal parcels destined for the prisoners of war or dispatched by them, shall be free of all postal duties both in the countries of origin and destination, as well as in those they pass through.

Gifts and relief in kind for prisoners of war shall be admitted free of all duties of entry and others, as well as of payments for carriage by the Government railways.

ARTICLE 17

Officers taken prisoners may receive, if necessary, the full pay allowed them in this position by their country's regulations, the amount to be repaid by their Government.

ARTICLE 18

Prisoners of war shall enjoy every latitude in the exercise of their religion, including attendance at their own church services, provided only they comply with the regulations for order and police issued by the military authorities.

ARTICLE 19

The wills of prisoners of war are received or drawn up on the same conditions as for soldiers of the National Army.

The same rules shall be observed regarding death certificates, as well as for the burial of prisoners of war, due regard being paid to their grade and rank.

ARTICLE 20

After the conclusion of peace, the repatriation of prisoners of war shall take place as speedily as possible.

CHAPTER III.—*On the Sick and Wounded*

ARTICLE 21

The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention of the 22nd August, 1864,⁵ subject to any modifications which may be introduced into it.

SECTION II.—ON HOSTILITIES

CHAPTER I.—*On means of injuring the Enemy, Sieges, and Bombardments*

ARTICLE 22

The right of belligerents to adopt means of injuring the enemy is not unlimited.

ARTICLE 23

Besides the prohibitions provided by special Conventions, it is especially *prohibited*:

- (a.) To employ poison or poisoned arms;
- (b.) To kill or wound treacherously individuals belonging to the hostile nation or army;
- (c.) To kill or wound an enemy who, having laid down arms, or having no longer means of defence, has surrendered at discretion;
- (d.) To declare that no quarter will be given;
- (e.) To employ arms, projectiles, or material of a nature to cause superfluous injury;

⁵ TS 377, *ante*, p. 7.

(f.) To make improper use of a flag of truce, the national flag, or military ensigns and the enemy's uniform, as well as the distinctive badges of the Geneva Convention;

(g.) To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war.

ARTICLE 24

Ruses of war and the employment of methods necessary to obtain information about the enemy and the country, are considered *allowable*.

ARTICLE 25

The attack or bombardment of towns, villages, habitations or buildings which are not defended, is prohibited.

ARTICLE 26

The Commander of an attacking force, before commencing a bombardment, except in the case of an assault, should do all he can to warn the authorities.

ARTICLE 27

In sieges and bombardments all necessary steps should be taken to spare as far as possible edifices devoted to religion, art, science, and charity, hospitals, and places where the sick and wounded are collected, provided they are not used at the same time for military purposes.

The besieged should indicate these buildings or places by some particular and visible signs, which should previously be notified to the assailants.

ARTICLE 28

The pillage of a town or place, even when taken by assault, is prohibited.

CHAPTER II.—*On Spies*

ARTICLE 29

An individual can only be considered a spy if, acting clandestinely, or on false pretences, he obtains, or seeks to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.

Thus, soldiers not in disguise who have penetrated into the zone of operations of a hostile army to obtain information are not considered spies. Similarly, the following are not considered spies: soldiers or civilians, carrying out their mission openly, charged with the delivery of despatches destined either for their own army or for that of the enemy. To this class belong likewise individuals sent in balloons to deliver despatches, and generally to maintain communication between the various parts of an army or a territory.

ARTICLE 30

A spy taken in the act cannot be punished without previous trial.

ARTICLE 31

A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of war, and incurs no responsibility for his previous acts of espionage.

CHAPTER III.—*On Flags of Truce*

ARTICLE 32

An individual is considered a *parlementaire* who is authorized by one of the belligerents to enter into communication with the other, and who carries a white flag. He has a right to inviolability, as well as the trumpeter, bugler, or drummer, the flag-bearer, and the interpreter who may accompany him.

ARTICLE 33

The Chief to whom a flag of truce is sent is not obliged to receive it in all circumstances.

He can take all steps necessary to prevent the envoy taking advantage of his mission to obtain information.

In case of abuse, he has the right to detain the envoy temporarily.

ARTICLE 34

The envoy loses his rights of inviolability if it is proved beyond doubt that he has taken advantage of his privileged position to provoke or commit an act of treachery.

CHAPTER IV.—*On Capitulations*

ARTICLE 35

Capitulations agreed on between the Contracting Parties must be in accordance with the rules of military honor.

When once settled, they must be scrupulously observed by both the parties.

CHAPTER V.—*On Armistices*

ARTICLE 36

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not fixed, the belligerent parties can resume operations at any time, provided always the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

ARTICLE 37

An armistice may be general or local. The first suspends all military operations of the belligerent States; the second, only those between certain fractions of the belligerent armies and in a fixed radius.

ARTICLE 38

An armistice must be notified officially, and in good time, to the competent authorities and the troops. Hostilities are suspended immediately after the notification, or at a fixed date.

ARTICLE 39

It is for the Contracting Parties to settle, in the terms of the armistice, what communications may be held, on the theatre of war, with the population and with each other.

ARTICLE 40

Any serious violation of the armistice by one of the parties gives the other party the right to denounce it, and even, in case of urgency, to recommence hostilities at once.

ARTICLE 41

A violation of the terms of the armistice by private individuals acting on their own initiative, only confers the right of demanding the punishment of the offenders, and, if necessary, indemnity for the losses sustained.

SECTION III.—ON MILITARY AUTHORITY OVER HOSTILE TERRITORY

ARTICLE 42

Territory is considered occupied when it is actually placed under the authority of the hostile army.

The occupation applies only to the territory where such authority is established, and in a position to assert itself.

ARTICLE 43

The authority of the legitimate power having actually passed into the hands of the occupant, the latter shall take all steps in his power to re-establish and insure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

ARTICLE 44

Any compulsion of the population of occupied territory to take part in military operations against its own country is prohibited.

ARTICLE 45

Any pressure on the population of occupied territory to take the oath to the hostile Power is prohibited.

ARTICLE 46

Family honors and rights, individual lives and private property, as well as religious convictions and liberty, must be respected.

Private property cannot be confiscated.

ARTICLE 47

Pillage is formally prohibited.

ARTICLE 48

If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do it, as far as possible, in accordance with the rules in existence and the assessment in force, and will in consequence be bound to defray the expenses of the administration of the occupied territory on the same scale as that by which the legitimate Government was bound.

ARTICLE 49

If, besides the taxes mentioned in the preceding Article, the occupant levies other money taxes in the occupied territory, this can only be for military necessities or the administration of such territory.

ARTICLE 50

No general penalty, pecuniary or otherwise, can be inflicted on the population on account of the acts of individuals for which it cannot be regarded as collectively responsible.

ARTICLE 51

No tax shall be collected except under a written order and on the responsibility of a Commander-in-Chief.

This collection shall only take place, as far as possible, in accordance with the rules in existence and the assessment of taxes in force.

For every payment a receipt shall be given to the taxpayer.

ARTICLE 52

Neither requisitions in kind nor services can be demanded from communes or inhabitants except for the necessities of the army of occupation. They must be in proportion to the resources of the country, and of such a nature as not to involve the population in the obligation of taking part in military operations against their country.

These requisitions and services shall only be demanded on the authority of the Commander in the locality occupied.

The contributions in kind shall, as far as possible, be paid for in ready money; if not, their receipt shall be acknowledged.

ARTICLE 53

An army of occupation can only take possession of the cash, funds, and property liable to requisition belonging strictly to the State, depôts of arms,

means of transport, stores and supplies, and, generally, all movable property of the State which may be used for military operations.

Railway plant, land telegraphs, telephones, steamers, and other ships, apart from cases governed by maritime law, as well as depôts of arms and, generally, all kinds of war material, even though belonging to Companies or to private persons, are likewise material which may serve for military operations, but they must be restored at the conclusion of peace, and indemnities paid for them.

ARTICLE 54

The plant of railways coming from neutral States, whether the property of those States, or of Companies, or of private persons, shall be sent back to them as soon as possible.

ARTICLE 55

The occupying State shall only be regarded as administrator and usufructuary of the public buildings, real property, forests, and agricultural works belonging to the hostile State, and situated in the occupied country. It must protect the capital of these properties, and administer it according to the rules of usufruct.

ARTICLE 56

The property of the communes, that of religious, charitable, and educational institutions, and those of arts and science, even when State property, shall be treated as private property.

All seizure of, and destruction, or intentional damage done to such institutions, to historical monuments, works of art or science, is prohibited, and should be made the subject of proceedings.

SECTION IV.—ON THE INTERNMENT OF BELLIGERENTS AND THE CARE OF THE WOUNDED IN NEUTRAL COUNTRIES

ARTICLE 57

A neutral State which receives in its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theatre of war.

It can keep them in camps, and even confine them in fortresses or locations assigned for this purpose.

It shall decide whether officers may be left at liberty on giving their parole that they will not leave the neutral territory without authorization.

ARTICLE 58

Failing a special Convention, the neutral State shall supply the interned with the food, clothing, and relief required by humanity.

At the conclusion of peace, the expenses caused by the internment shall be made good.

ARTICLE 59

A neutral State may authorize the passage through its territory of wounded or sick belonging to the belligerent armies, on condition that the trains bringing them shall carry neither combatants nor war material. In such a case, the neutral State is bound to adopt such measures of safety and control as may be necessary for the purpose.

Wounded and sick brought under these conditions into neutral territory by one of the belligerents, and belonging to the hostile party, must be guarded by the neutral State, so as to insure their not taking part again in the military operations. The same duty shall devolve on the neutral State with regard to wounded or sick of the other army who may be committed to its care.

ARTICLE 60

The Geneva Convention applies to sick and wounded interned in neutral territory.

LAWS AND CUSTOMS OF WAR ON LAND (HAGUE, IV)

Convention signed at The Hague October 18, 1907, with annex of regulations

Senate advice and consent to ratification March 10, 1908

Ratified by the President of the United States February 23, 1909

Procès-verbal of first deposit of ratifications (including that of the United States) at The Hague dated November 27, 1909

Entered into force January 26, 1910

Proclaimed by the President of the United States February 28, 1910

Sections II and III of the regulations supplemented by convention of August 12, 1949,¹ relative to protection of civilians in time of war, as between contracting parties to both conventions; chapter II of the regulations complemented by conventions of July 27, 1929,² and August 12, 1949,³ relative to treatment of prisoners of war, as between contracting parties

36 Stat. 2277; Treaty Series 539

[TRANSLATION]

IV

CONVENTION RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions

¹ 6 UST 3516; TIAS 3365.

² TS 846, *post*, vol. 2.

³ 6 UST 3316; TIAS 3364.

Beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haiti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panama; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Seeing that, while seeking means to preserve peace and prevent armed conflicts between nations, it is likewise necessary to bear in mind the case where the appeal to arms has been brought about by events which their care was unable to avert;

Animated by the desire to serve, even in this extreme case, the interests of humanity and the ever progressive needs of civilization;

Thinking it important, with this object, to revise the general laws and customs of war, either with a view to defining them with greater precision or to confining them within such limits as would mitigate their severity as far as possible;

Have deemed it necessary to complete and explain in certain particulars the work of the First Peace Conference,⁴ which, following on the Brussels Conference of 1874, and inspired by the ideas dictated by a wise and generous forethought, adopted provisions intended to define and govern the usages of war on land.

According to the views of the High Contracting Parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war, as far as military requirements permit, are intended to serve as a general rule of conduct for the belligerents in their mutual relations and in their relations with the inhabitants.

It has not, however, been found possible at present to concert Regulations covering all the circumstances which arise in practice;

On the other hand, the High Contracting Parties clearly do not intend that unforeseen cases should, in the absence of a written undertaking, be left to the arbitrary judgment of military commanders.

⁴ The First Peace Conference was held at The Hague May 18-July 29, 1899. See convention of July 29, 1899, respecting laws and customs of war on land (TS 403), *ante*, p. 247.

Until a more complete code of the laws of war has been issued, the High Contracting Parties deem it expedient to declare that, in cases not included in the Regulations adopted by them, the inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of the public conscience.

They declare that it is in this sense especially that Articles 1 and 2 of the Regulations adopted must be understood.

The High Contracting Parties, wishing to conclude a fresh Convention to this effect, have appointed the following as their Plenipotentiaries:

His Majesty the Emperor of Germany, King of Prussia:

His Excellency Baron Marschall von Bieberstein, His Minister of State, His Ambassador Extraordinary and Plenipotentiary at Constantinople;

Dr. Johannes Kriege, His Envoy on extraordinary mission to the present Conference, His Privy Counselor of Legation and Jurisconsult to the Imperial Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration.

The President of the United States of America:

His Excellency Mr. Joseph H. Choate, Ambassador Extraordinary;

His Excellency Mr. Horace Porter, Ambassador Extraordinary;

His Excellency Mr. Uriah M. Rose, Ambassador Extraordinary;

His Excellency Mr. David Jayne Hill, Envoy Extraordinary and Minister Plenipotentiary at The Hague;

Rear Admiral Charles S. Sperry, Minister Plenipotentiary;

Brigadier General George B. Davis, Judge Advocate General of the United States Army, Minister Plenipotentiary;

Mr. William I. Buchanan, Minister Plenipotentiary.

The President of the Argentine Republic:

His Excellency Mr. Roque Saenz Peña, former Minister of Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome, Member of the Permanent Court of Arbitration;

His Excellency Mr. Luis M. Drago, former Minister of Foreign Affairs and Worship of the Republic, National Deputy, Member of the Permanent Court of Arbitration;

His Excellency Mr. Carlos Rodriguez Larreta, former Minister of Foreign Affairs and Worship of the Republic, Member of the Permanent Court of Arbitration.

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary:

His Excellency Mr. Gaëtan Mérey de Kapos-Mére, His Privy Counselor, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Baron Charles de Macchio, His Envoy Extraordinary and Minister Plenipotentiary at Athens.

His Majesty the King of the Belgians:

His Excellency Mr. Beernaert, His Minister of State, Member of the Chamber of Representatives, Member of the Institute of France and of the Royal Academies of Belgium and Roumania, Honor Member of the Institute of International Law, Member of the Permanent Court of Arbitration;

His Excellency Mr. J. van den Heuvel, His Minister of State, former Minister of Justice;

His Excellency Baron Guillaume, His Envoy Extraordinary and Minister Plenipotentiary at The Hague, Member of the Royal Academy of Roumania.

The President of the Republic of Bolivia:

His Excellency Mr. Claudio Pinilla, Minister of Foreign Affairs of the Republic, Member of the Permanent Court of Arbitration;

His Excellency Mr. Fernando E. Guachalla, Minister Plenipotentiary at London.

The President of the Republic of the United States of Brazil:

His Excellency Mr. Ruy Barbosa, Ambassador Extraordinary and Plenipotentiary, Member of the Permanent Court of Arbitration;

His Excellency Mr. Eduardo F. S. dos Santos Lisboa, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Prince of Bulgaria:

Mr. Vrbán Vinaroff, Major General of the General Staff, attached to His suite;

Mr. Ivan Karandjouloff, Director of Public Prosecution of the Court of Cassation.

The President of the Republic of Chile:

His Excellency Mr. Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary of the Republic at London;

His Excellency Mr. Augusto Matte, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Berlin;

His Excellency Mr. Carlos Concha, former Minister of War, former President of the Chamber of Deputies, former Envoy Extraordinary and Minister Plenipotentiary at Buenos Aires.

The President of the Republic of Colombia:

General Jorge Holguin;

Mr. Santiago Pérez Triana;

His Excellency General Marceliano Vargas, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris.

The Provisional Governor of the Republic of Cuba:

Mr. Antonio Sanchez de Bustamante, Professor of International Law in the University of Habana, Senator of the Republic;

His Excellency Mr. Gonzalo de Quesada y Aróstegui, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

Mr. Manuel Sanguily, former Director of the Institute of Secondary Instruction of Habana, Senator of the Republic.

His Majesty the King of Denmark:

His Excellency Mr. Constantin Brun, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

Rear Admiral Christian Frederik Scheller;

Mr. Axel Vedel, His Chamberlain, Chief of Division in the Royal Ministry of Foreign Affairs.

The President of the Dominican Republic:

Mr. Francisco Henriquez y Carvajal, former Secretary of State in the Ministry of Foreign Affairs of the Republic, Member of the Permanent Court of Arbitration;

Mr. Apolinar Tejera, Rector of the Professional Institute of the Republic, Member of the Permanent Court of Arbitration.

The President of the Republic of Ecuador:

His Excellency Mr. Victor Rendón, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and at Madrid;

Mr. Enrique Dorn y de Alsúa, Chargé d'Affaires.

The President of the French Republic:

His Excellency Mr. Léon Bourgeois, Ambassador Extraordinary of the Republic, Senator, former President of the Council of Ministers, former Minister of Foreign Affairs, Member of the Permanent Court of Arbitration;

Baron d'Estournelles de Constant, Senator, Minister Plenipotentiary of class I, Member of the Permanent Court of Arbitration;

Mr. Louis Renault, Professor of the Faculty of Law of the University of Paris, Honorary Minister Plenipotentiary, Jurisconsult of the Ministry of Foreign Affairs, Member of the Institute of France, Member of the Permanent Court of Arbitration;

His Excellency Mr. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary of the French Republic at The Hague.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India:

His Excellency the Right Honorable Sir Edward Fry, G.C.B., Member of the Privy Council, His Ambassador Extraordinary, Member of the Permanent Court of Arbitration;

His Excellency the Right Honorable Sir Ernest Mason Satow, G.C.M.G., Member of the Privy Council, Member of the Permanent Court of Arbitration;

His Excellency the Right Honorable Donald James Mackay Baron Reay, G.C.S.I., G.C.I.E., Member of the Privy Council, former President of the Institute of International Law;

His Excellency Sir Henry Howard, K.C.M.G., C.B., His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of the Hellenes:

His Excellency Mr. Cléon Rizo Rangabé, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

Mr. Georges Streit, Professor of International Law in the University of Athens, Member of the Permanent Court of Arbitration.

The President of the Republic of Guatemala:

Mr. José Tible Machado, Chargé d'Affaires of the Republic at The Hague and at London, Member of the Permanent Court of Arbitration;

Mr. Enrique Gómez Carillo, Chargé d'Affaires of the Republic at Berlin.

The President of the Republic of Haiti:

His Excellency Mr. Jean Joseph Dalbemar, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency Mr. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Washington;

Mr. Pierre Hudicourt, former Professor of Public International Law, Attorney at Law at Port au Prince.

His Majesty the King of Italy:

His Excellency Count Joseph Tornielli Brusati di Vergano, Senator of the Kingdom, Ambassador of His Majesty the King at Paris, Member of the Permanent Court of Arbitration, President of the Italian Delegation;

His Excellency Commendatore Guido Pompilj, Deputy to the Parliament, Under Secretary of State in the Royal Ministry of Foreign Affairs;

Commendatore Guido Fusinato, Counselor of State, Deputy to the Parliament, former Minister of Education.

His Majesty the Emperor of Japan:

His Excellency Mr. Keiroku Tsudzuki, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Mr. Aimaro Sato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau:

His Excellency Mr. Eyschen, His Minister of State, President of the Grand Ducal Government;

Count de Villers, Chargé d'Affaires of the Grand Duchy at Berlin.

The President of the United Mexican States:

His Excellency Mr. Gonzalo A. Esteva, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rome;

His Excellency Mr. Sebastian B. de Mier, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

His Excellency Mr. Francisco L. de la Barra, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Brussels and at The Hague.

His Royal Highness the Prince of Montenegro:

His Excellency Mr. Nelidow, now Imperial Privy Counselor, Ambassador of His Majesty the Emperor of All the Russias at Paris;

His Excellency Mr. de Martens, Imperial Privy Counselor, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs of Russia;

His Excellency Mr. Tcharykow, now Imperial Counselor of State, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of All the Russias at The Hague.

His Majesty the King of Norway:

His Excellency Mr. Francis Hagerup, former President of the Council, former Professor of Law, His Envoy Extraordinary and Minister Plenipotentiary at The Hague and at Copenhagen, Member of the Permanent Court of Arbitration.

The President of the Republic of Panama:

Mr. Belisario Porras.

The President of the Republic of Paraguay:

His Excellency Mr. Eusebio Machaïn, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris;

Count G. du Monceau de Bergendal, Consul of the Republic at Brussels.

Her Majesty the Queen of the Netherlands:

Mr. W. H. de Beaufort, Her former Minister of Foreign Affairs, Member of the Second Chamber of the States-General;

His Excellency Mr. T. M. C. Asser, Her Minister of State, Member of the Council of State, Member of the Permanent Court of Arbitration;

His Excellency Jonkheer J. C. C. den Beer Poortugael, Lieutenant General Retired, former Minister of War, Member of the Council of State;

His Excellency Jonkheer J. A. Röell, Her Aide-de-Camp on Special Service, Vice Admiral Retired, former Minister of the Navy;

Mr. J. A. Loeff, Her former Minister of Justice, Member of the Second Chamber of the States-General.

The President of the Republic of Peru:

His Excellency Mr. Carlos G. Candamo, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris and at London, Member of the Permanent Court of Arbitration.

His Imperial Majesty the Shah of Persia :

His Excellency Samad Khan Momtazos Saltaneh, His Envoy Extraordinary and Minister Plenipotentiary at Paris, Member of the Permanent Court of Arbitration;

His Excellency Mirza Ahmed Khan Sadigh Ul Mulk, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of Portugal and of the Algarves, etc.

His Excellency the Marquis de Soveral, His Counselor of State, Peer of the Kingdom, former Minister of Foreign Affairs, His Envoy Extraordinary and Minister Plenipotentiary at London, His Ambassador Extraordinary and Plenipotentiary;

His Excellency Count de Selir, His Envoy Extraordinary and Minister Plenipotentiary at The Hague;

His Excellency Mr. Alberto d'Oliveira, His Envoy Extraordinary and Minister Plenipotentiary at Berne.

His Majesty the King of Roumania :

His Excellency Mr. Alexandre Beldiman, His Envoy Extraordinary and Minister Plenipotentiary at Berlin;

His Excellency Mr. Edgar Mavrocordato, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the Emperor of All the Russias :

His Excellency Mr. Nelidow, His present Privy Counselor, His Ambassador at Paris;

His Excellency Mr. de Martens, His Privy Counselor, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration;

His Excellency Mr. Tcharykow, His present Counselor of State, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the Republic of Salvador :

Mr. Pedro I. Matheu, Chargé d'Affaires of the Republic at Paris, Member of the Permanent Court of Arbitration;

Mr. Santiago Perez Triana, Chargé d'Affaires of the Republic at London.

His Majesty the King of Servia :

His Excellency General Sava Grouitch, President of the Council of State;

His Excellency Mr. Milovan Milovanovitch, His Envoy Extraordinary and Minister Plenipotentiary at Rome, Member of the Permanent Court of Arbitration;

His Excellency Mr. Michel Militchevitch, His Envoy Extraordinary and Minister Plenipotentiary at London and at The Hague.

His Majesty the King of Siam:

Mom Chatidej Udom, Major General;

Mr. C. Corragioni d'Orelli, His Counselor of Legation;

Luang Bhuvanarth Narübal, Captain.

His Majesty the King of Sweden, of the Goths and Vandals:

His Excellency Mr. Knut Hjalmar Leonard Hammarskjöld, His former Minister of Justice, His Envoy Extraordinary and Minister Plenipotentiary at Copenhagen, Member of the Permanent Court of Arbitration;

Mr. Johannes Hellner, His former Minister without portfolio, former Member of the Supreme Court of Sweden, Member of the Permanent Court of Arbitration.

The Swiss Federal Council:

His Excellency Mr. Gaston Carlin, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation at London and at The Hague;

Mr. Eugène Borel, Colonel of the General Staff, Professor in the University of Geneva;

Mr. Max Huber, Professor of Law in the University of Zürich.

His Majesty the Emperor of the Ottomans:

His Excellency Turkhan Pasha, His Ambassador Extraordinary, Minister of the Evkaf;

His Excellency Rechid Bey, His Ambassador at Rome;

His Excellency Mehemed Pasha, Vice Admiral.

The President of the Oriental Republic of Uruguay:

His Excellency Mr. José Batlle y Ordoñez, former President of the Republic, Member of the Permanent Court of Arbitration;

His Excellency, Mr. Juan P. Castro, former President of the Senate, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Paris, Member of the Permanent Court of Arbitration.

The President of the United States of Venezuela:

Mr. José Gil Fortoul, Chargé d'Affaires of the Republic at Berlin.

Who, after having deposited their full powers, found in good and due form, have agreed upon the following:

ARTICLE 1

The Contracting Powers shall issue instructions to their armed land forces which shall be in conformity with the Regulations respecting the Laws and Customs of War on Land, annexed to the present Convention.

ARTICLE 2

The provisions contained in the Regulations referred to in Article 1, as well as in the present Convention, do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE 3

A belligerent party which violates the provisions of the said Regulations shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.

ARTICLE 4

The present Convention, duly ratified, shall as between the Contracting Powers, be substituted for the Convention of the 29th July, 1899, respecting the Laws and Customs of War on Land.

The Convention of 1899 remains in force as between the Powers which signed it, and which do not also ratify the present Convention.

ARTICLE 5

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be immediately sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph the said Government shall at the same time inform them of the date on which it received the notification.

ARTICLE 6

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE 7

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the procès-verbal of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 8

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

ARTICLE 9

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 5, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 6, paragraph 2) or of denunciation (Article 8, paragraph 1) were received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

1. For Germany: Under reservation of
Article 44 of the annexed regulations.

MARSHALL
KRIEGER

2. For the United States of America:
JOSEPH H. CHOATE
HORACE PORTER

U. M. ROSE
DAVID JAYNE HILL
C. S. SPERRY
WILLIAM I. BUCHANAN

3. For Argentina:
ROQUE SAENZ PEÑA
LUIS M. DRAGO
C. RÚEZ LARRETA

4. For Austria-Hungary: Under reservation of the declaration made in the plenary session of the Conference of August 17, 1907.⁵
MÉREY
BON MACCHIO
5. For Belgium:
A. BEERNAERT
J. VAN DEN HEUVEL
GUILLAUME
6. For Bolivia:
CLAUDIO PINILLA
7. For Brazil:
RUY BARBOSA
E. LISBÔA
8. For Bulgaria:
GÉNÉRAL-MAJOR VINAROFF
IV. KARANDJOULOFF
9. For Chile:
DOMINGO GANA
AUGUSTO MATTE
CARLOS CONCHA
10. For China:
11. For Colombia:
JORGE HOLQUIN
S. PEREZ TRIANA
M. VARGAS
12. For the Republic of Cuba:
ANTONIO S. DE BUSTAMANTE
GONZALO DE QUESADA
MANUEL SANGUILY
13. For Denmark:
C. BRUN
14. For the Dominican Republic:
DR. HENRIQUEZ Y CARVAJAL
APOLINAR TEJERA
15. For Ecuador:
VICTOR M. RENDÓN
E. DORN Y DE ALSÚA
16. For Spain:
17. For France:
LÉON BOURGEOIS
D'ESTOURNELLES DE CONSTANT
L. RENAULT
MARCELLIN PELLET
18. For Great Britain:
EDW. FRY
ERNEST SATOW
REAY
HENRY HOWARD
19. For Greece:
CLÉON RIZO RANGABÉ
GEORGES STREIT
20. For Guatemala:
JOSÉ TIBLE MACHADO
21. For Haiti:
DALBÉMAR JN JOSEPH
J. N. LÉGER
PIERRE HUDICOURT
22. For Italy:
POMPILJ
G. FUSINATO
23. For Japan: With reservation of Article 44.
AIMARO SATO
24. For Luxemburg:
EYSCHEN
CTE. DE VILLERS
25. For Mexico:
G. A. ESTEVA
S. B. DE MIER
F. L. DE LA BARRA
26. For Montenegro: Under the reservations formulated as to Article 44 of the regulations annexed to the present Convention and contained in the procès-verbal of the fourth plenary session of August 17, 1907.⁶
NELIDOW
MARTENS
N. TCHARYKOW

⁵ The declaration of Austria-Hungary reads, in translation, as follows: "The delegation of Austria-Hungary having accepted the new Article 22a [The proposed art. 22a became the last paragraph of art. 23.], on condition that Article 44 of the Convention now in force be maintained as it is, can not consent to the Article 44a proposed by the Second Commission."

⁶ The reservations of Montenegro read, in translation, as follows: "The delegation of Montenegro has the honor to declare that having accepted the new Article 22a, proposed by the delegation of Germany, in the place of Article 44 of the existing Regulations of 1899, it makes reservations on the subject of new wording of the said Article 44a."

27. For Nicaragua: Convention and contained in the procès-verbal of the fourth plenary session of August 17, 1907.⁷
28. For Norway:
F. HAGERUP
NELIDOW
29. For Panama:
B. PORRAS
MARTENS
N. TCHARYKOW
30. For Paraguay:
G. DU MONCEAU
31. For the Netherlands:
W. H. DE BEAUFORT
T. M. C. ASSER
DEN BEER POORTUGAEL
J. A. RÖELL
J. A. LOEFF
32. For Peru:
C. G. CANDAMO
33. For Persia:
MOMTAZOS-SALTANEH M. SAMAD KHAN
SADIGH UL MULK M. AHMED KHAN
34. For Portugal:
MARQUIS DE SOVERAL
CONDE DE SELIR
ALBERTO D'OLIVEIRA
35. For Roumania:
EDG. MAVROCORDATO
36. For Russia: Under the reservations formulated as to Article 44 of the regulations annexed to the present
37. For Salvador:
P. J. MATHEU
S. PEREZ TRIANA
38. For Servia:
S. GROUITCH
M. G. MILOVANOVITCH
M. G. MILITCHEVITCH
39. For Siam:
MOM CHATIDEJ UDOM
C. CORRAGIONI D'ORELLI
LUANG BHÜVANARTH NARÜBAL
40. For Sweden:
K. H. L. HAMMARSKJÖLD
JOH. HELLNER
41. For Switzerland:
CARLIN
42. For Turkey: Under reservation of Article 3.
TURKHAN
43. For Uruguay:
JOSÉ BATLLE Y ORDOÑEZ
44. For Venezuela:
J. GIL FORTOUL

ANNEX TO THE CONVENTION

REGULATIONS RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND

SECTION I. ON BELLIGERENTS

CHAPTER I. *The Qualifications of Belligerents*

ARTICLE 1

The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps fulfilling the following conditions:

1. To be commanded by a person responsible for his subordinates;
2. To have a fixed distinctive emblem recognizable at a distance;
3. To carry arms openly; and
4. To conduct their operations in accordance with the laws and customs of war.

⁷ The Russian reservations read, in translation, as follows: "The delegation of Russia has the honor to declare that having accepted the new Article 22a, proposed by the delegation of Germany, in place of Article 44 of the existing Regulations of 1899, it makes reservations on the subject of the new wording of the said Article 44a."

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army."

ARTICLE 2

The inhabitants of a territory which has not been occupied, who, on the approach of the enemy, spontaneously take up arms to resist the invading troops without having had time to organize themselves in accordance with Article 1, shall be regarded as belligerents, if they carry arms openly and if they respect the laws and customs of war.

ARTICLE 3

The armed forces of the belligerent parties may consist of combatants and noncombatants. In the case of capture by the enemy, both have a right to be treated as prisoners of war.

CHAPTER II. *Prisoners of War*

ARTICLE 4

Prisoners of war are in the power of the hostile Government, but not of the individuals or corps who capture them.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers, remain their property.

ARTICLE 5

Prisoners of war may be interned in a town, fortress, camp, or other place, and bound not to go beyond certain fixed limits; but they cannot be confined except as an indispensable measure of safety and only while the circumstances which necessitate the measure continue to exist.

ARTICLE 6

The State may utilize the labour of prisoners of war according to their rank and aptitude, officers excepted. The tasks shall not be excessive and shall have no connection with the operations of the war.

Prisoners may be authorized to work for the public service, for private persons, or on their own account.

Work done for the State is paid at the rates in force for work of a similar kind done by soldiers of the national army, or, if there are none in force, at a rate according to the work executed.

When the work is for other branches of the public service or for private persons the conditions are settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them on their release, after deducting the cost of their maintenance.

ARTICLE 7

The Government into whose hands prisoners of war have fallen is charged with their maintenance.

In the absence of a special agreement between the belligerents, prisoners of war shall be treated as regards board, lodging, and clothing on the same footing as the troops of the Government who captured them.

ARTICLE 8

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the State in whose power they are. Any act of insubordination justifies the adoption towards them of such measures of severity as may be considered necessary.

Escaped prisoners who are retaken before being able to rejoin their own army or before leaving the territory occupied by the army which captured them are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping, are again taken prisoners, are not liable to any punishment on account of the previous flight.

ARTICLE 9

Every prisoner of war is bound to give, if he is questioned on the subject, his true name and rank, and if he infringes this rule, he is liable to have the advantages given to prisoners of his class curtailed.

ARTICLE 10

Prisoners of war may be set at liberty on parole if the laws of their country allow, and, in such cases, they are bound, on their personal honour, scrupulously to fulfil, both towards their own Government and the Government by whom they were made prisoners, the engagements they have contracted.

In such cases their own Government is bound neither to require of nor accept from them any service incompatible with the parole given.

ARTICLE 11

A prisoner of war can not be compelled to accept his liberty on parole; similarly the hostile Government is not obliged to accede to the request of the prisoner to be set at liberty on parole.

ARTICLE 12

Prisoners of war liberated on parole and recaptured bearing arms against the Government to whom they had pledged their honour, or against the allies of that Government, forfeit their right to be treated as prisoners of war, and can be brought before the Courts.

ARTICLE 13

Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers and contractors, who fall into the enemy's hands and whom the latter thinks expedient to detain, are entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the army which they were accompanying.

ARTICLE 14

An inquiry office for prisoners of war is instituted on the commencement of hostilities in each of the belligerent States, and, when necessary, in neutral countries which have received belligerents in their territory. It is the function of this office to reply to all inquiries about the prisoners. It receives from the various services concerned full information respecting internments and transfers, releases on parole, exchanges, escapes, admissions into hospital, deaths, as well as other information necessary to enable it to make out and keep up to date an individual return for each prisoner of war. The office must state in this return the regimental number, name and surname, age, place of origin, rank, unit, wounds, date and place of capture, internment, wounding, and death, as well as any observations of a special character. The individual return shall be sent to the Government of the other belligerent after the conclusion of peace.

It is likewise the function of the inquiry office to receive and collect all objects of personal use, valuables, letters, etc., found on the field of battle or left by prisoners who have been released on parole, or exchanged, or who have escaped, or died in hospitals or ambulances, and to forward them to those concerned.

ARTICLE 15

Relief societies for prisoners of war, which are properly constituted in accordance with the laws of their country and with the object of serving as the channel for charitable effort shall receive from the belligerents, for themselves and their duly accredited agents every facility for the efficient performance of their humane task within the bounds imposed by military necessities and administrative regulations. Agents of these societies may be admitted to the places of internment for the purpose of distributing relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military authorities, and on giving an undertaking in writing to comply with all measures of order and police which the latter may issue.

ARTICLE 16

Inquiry offices enjoy the privilege of free postage. Letters, money orders, and valuables, as well as parcels by post, intended for prisoners of war, or

dispatched by them, shall be exempt from all postal duties in the countries of origin and destination, as well as in the countries they pass through.

Presents and relief in kind for prisoners of war shall be admitted free of all import or other duties, as well as of payments for carriage by the State railways.

ARTICLE 17

Officers taken prisoner shall receive the same rate of pay as officers of corresponding rank in the country where they are detained, the amount to be ultimately refunded by their own Government.

ARTICLE 18

Prisoners of war shall enjoy complete liberty in the exercise of their religion, including attendance at the services of whatever Church they may belong to, on the sole condition that they comply with the measures of order and police issued by the military authorities.

ARTICLE 19

The wills of prisoners of war are received or drawn up in the same way as for soldiers of the national army.

The same rules shall be observed regarding death certificates as well as for the burial of prisoners of war, due regard being paid to their grade and rank.

ARTICLE 20

After the conclusion of peace, the repatriation of prisoners of war shall be carried out as quickly as possible.

CHAPTER III. *The Sick and Wounded*

ARTICLE 21

The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention.⁸

SECTION II. HOSTILITIES

CHAPTER I. *Means of Injuring the Enemy, Sieges, and Bombardments*

ARTICLE 22

The right of belligerents to adopt means of injuring the enemy is not unlimited.

⁸ See conventions of Aug. 22, 1864 (TS 377), *ante*, p. 7, and July 6, 1906 (TS 464), *ante*, p. 516.

ARTICLE 23

In addition to the prohibitions provided by special Conventions, it is especially forbidden:

- (a) To employ poison or poisoned weapons;
- (b) To kill or wound treacherously individuals belonging to the hostile nation or army;
- (c) To kill or wound an enemy who, having laid down his arms, or having no longer means of defence, has surrendered at discretion;
- (d) To declare that no quarter will be given;
- (e) To employ arms, projectiles, or material calculated to cause unnecessary suffering;
- (f) To make improper use of a flag of truce, of the national flag, or of the military insignia and uniform of the enemy, as well as the distinctive badges of the Geneva Convention;
- (g) To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war;
- (h) To declare abolished, suspended, or inadmissible in a Court of law the rights and actions of the nationals of the hostile party.

A belligerent is likewise forbidden to compel the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war.

ARTICLE 24

Ruses of war and the employment of measures necessary for obtaining information about the enemy and the country are considered permissible.

ARTICLE 25

The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited.

ARTICLE 26

The officer in command of an attacking force must, before commencing a bombardment, except in cases of assault, do all in his power to warn the authorities.

ARTICLE 27

In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes.

It is the duty of the besieged to indicate the presence of such buildings or places by distinctive and visible signs, which shall be notified to the enemy beforehand.

ARTICLE 28

The pillage of a town or place, even when taken by assault, is prohibited.

CHAPTER II. *Spies*

ARTICLE 29

A person can only be considered a spy when, acting clandestinely or on false pretences, he obtains or endeavours to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.

Thus, soldiers not wearing a disguise who have penetrated into the zone of operations of the hostile army, for the purpose of obtaining information, are not considered spies. Similarly, the following are not considered spies: Soldiers and civilians, carrying out their mission openly, intrusted with the delivery of despatches intended either for their own army or for the enemy's army. To this class belong likewise persons sent in balloons for the purpose of carrying despatches and, generally, of maintaining communications between the different parts of an army or a territory.

ARTICLE 30

A spy taken in the act shall not be punished without previous trial.

ARTICLE 31

A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of war, and incurs no responsibility for his previous acts of espionage.

CHAPTER III. *Flags of Truce*

ARTICLE 32

A person is regarded as bearing a flag of truce who has been authorized by one of the belligerents to enter into communication with the other, and who advances bearing a white flag. He has a right to inviolability, as well as the trumpeter, bugler or drummer, the flag-bearer and interpreter who may accompany him.

ARTICLE 33

The commander to whom a flag of truce is sent is not in all cases obliged to receive it.

He may take all the necessary steps to prevent the envoy taking advantage of his mission to obtain information.

In case of abuse, he has the right to detain the envoy temporarily.

ARTICLE 34

The envoy loses his rights of inviolability if it is proved in a clear and incontestable manner that he has taken advantage of his privileged position to provoke or commit an act of treachery.

CHAPTER IV. *Capitulations*

ARTICLE 35

Capitulations agreed upon between the contracting parties must take into account the rules of military honour.

Once settled, they must be scrupulously observed by both parties.

CHAPTER V. *Armistices*

ARTICLE 36

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not defined, the belligerent parties may resume operations at any time, provided always that the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

ARTICLE 37

An armistice may be general or local. The first suspends the military operations of the belligerent States everywhere; the second only between certain fractions of the belligerent armies and within a fixed radius.

ARTICLE 38

An armistice must be notified officially and in good time to the competent authorities and to the troops. Hostilities are suspended immediately after the notification, or on the date fixed.

ARTICLE 39

It rests with the contracting parties to settle, in the terms of the armistice, what communications may be held in the theatre of war with the inhabitants and between the inhabitants of one belligerent State and those of the other.

ARTICLE 40

Any serious violation of the armistice by one of the parties gives the other party the right of denouncing it, and even, in cases of urgency, of recommencing hostilities immediately.

ARTICLE 41

A violation of the terms of the armistice by private persons acting on their own initiative only entitles the injured party to demand the punishment of the offenders or, if necessary, compensation for the losses sustained.

SECTION III. MILITARY AUTHORITY OVER THE TERRITORY
OF THE HOSTILE STATE

ARTICLE 42

Territory is considered occupied when it is actually placed under the authority of the hostile army.

The occupation extends only to the territory where such authority has been established and can be exercised.

ARTICLE 43

The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

ARTICLE 44

A belligerent is forbidden to force the inhabitants of territory occupied by it to furnish information about the army of the other belligerent, or about its means of defence.

ARTICLE 45

It is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile Power.

ARTICLE 46

Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected.

Private property cannot be confiscated.

ARTICLE 47

Pillage is formally forbidden.

ARTICLE 48

If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do so, as far as is possible, in accordance with the rules of assessment and incidence in force, and shall in consequence be bound to defray the expenses of the administration of the occupied territory to the same extent as the legitimate Government was so bound.

ARTICLE 49

If, in addition to the taxes mentioned in the above Article, the occupant levies other money contributions in the occupied territory, this shall only be for the needs of the army or of the administration of the territory in question.

ARTICLE 50

No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible.

ARTICLE 51

No contribution shall be collected except under a written order, and on the responsibility of a Commander-in-chief.

The collection of the said contribution shall only be effective as far as possible in accordance with the rules of assessment and incidence of the taxes in force.

For every contribution a receipt shall be given to the contributors.

ARTICLE 52

Requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation. They shall be in proportion to the resources of the country, and of such a nature as not to involve the inhabitants in the obligation of taking part in military operations against their own country.

Such requisitions and services shall only be demanded on the authority of the commander in the locality occupied.

Contributions in kind shall as far as possible be paid for in cash; if not, a receipt shall be given and the payment of the amount due shall be made as soon as possible.

ARTICLE 53

An army of occupation can only take possession of cash, funds, and realizable securities which are strictly the property of the State, depôts of arms, means of transport, stores and supplies, and, generally, all movable property belonging to the State which may be used for military operations.

All appliances, whether on land, at sea, or in the air, adapted for the transmission of news, or for the transport of persons or things, exclusive of cases governed by naval law, depôts of arms, and, generally, all kinds of ammunition of war, may be seized, even if they belong to private individuals, but must be restored and compensation fixed when peace is made.

ARTICLE 54

Submarine cables connecting an occupied territory with a neutral territory shall not be seized or destroyed except in the case of absolute necessity. They must likewise be restored and compensation fixed when peace is made.

ARTICLE 55

The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct.

ARTICLE 56

The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property.

All seizure of, destruction or wilful damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and should be made the subject of legal proceedings.