



LAWS OF KENYA

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**GENEVA CONVENTIONS ACT**

CHAPTER 198

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**CHAPTER 198**

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## CHAPTER 198

## GENEVA CONVENTIONS ACT

[Date of assent: 19th November, 1968.]

[Date of commencement: 22nd November, 1968.]

**An Act of Parliament to enable effect to be given to certain International Conventions done at Geneva on the 12th August, 1949, and for purposes incidental thereto**

[Act No. 51 of 1968.]

**1. Short title**

This Act may be cited as the Geneva Conventions Act.

**2. Interpretation**

In this Act—

“**the Conventions**” means the Conventions set out in the Schedules to this Act;

“**court**” does not include a court-martial;

“**prisoner’s representative**” means, in relation to a protected prisoner of war at a particular time, the person by whom the functions of prisoners representative within the meaning of Article 79 of the Convention set out in the Third Schedule to this Act were exercisable in relation to that prisoner at the camp or place at which the prisoner was, at or last before that time, detained as a protected prisoner of war;

“**protected internee**” means a person protected by the Convention set out in the Fourth Schedule to this Act and interned in Kenya;

“**protected prisoner of war**” means a person protected by the Convention set out in the Third Schedule to this Act;

“**protecting power**” means, in relation to a protected prisoner of war or a protected internee, the power or Organization which is carrying out, in the interests of the power of which he is a national, or of whose forces he is or was at any material time, a member, the duties assigned to the protecting power under the Convention set out in the Third Schedule or, as the case may be, the Fourth Schedule to this Act.

**3. Grave breach of Convention**

(1) Any person, whatever his nationality, who, whether within or outside Kenya commits, or aids, abets or procures the commission by any other person of any grave breach of any of the Conventions such as is referred to in the following articles respectively of those Conventions—

- (a) article 50 of the Convention set out in the First Schedule to this Act;
- (b) article 51 of the Convention set out in the Second Schedule to this Act;
- (c) article 130 of the Convention set out in the Third Schedule to this Act;

(d) article 147 of the Convention set out in the Fourth Schedule to this Act, is guilty of an offence and—

- (i) in the case of a grave breach involving the wilful killing of the person protected by the Convention in question, shall be sentenced to imprisonment for life; and
- (ii) in the case of any other grave breach, is liable to imprisonment for a term not exceeding fourteen years.

(2) Where an offence under this section is committed outside Kenya, a person may be proceeded against, indicted, tried and punished therefor in any place in Kenya, as if the offence had been committed in that place, and the offence shall, for all purposes incidental to or consequential on the trial or punishment thereof, be deemed to have been committed in that place.

(3) A prosecution for an offence under this section shall not be instituted except by or on behalf of the Attorney-General.

(4) Where in a prosecution for an offence under this section in respect of a grave breach of one of the Conventions any question arises under Article 2 of that Convention, that question shall be determined by the Minister, and a certificate purporting to set out such determination and to be signed by the Minister shall be sufficient evidence of such determination and be presumed to be so signed until the contrary is proved.

(5) Any written law relating to the trial by court-martial of persons who commit civil offences shall have effect for the purposes of the jurisdiction of courts-martial convened in Kenya as if this section had not been enacted.

#### **4. Notice of trial**

(1) The court before which—

- (a) a protected prisoner of war is brought up for trial for an offence; or
- (b) a protected internee is brought up for trial for an offence for which that court has power to sentence him to death or to imprisonment for a term of at least two years,

shall not proceed with the trial unless it is proved to the satisfaction of the court that a notice containing the particulars mentioned in subsection (2) of this section, so far as they are known to the prosecutor, has been served not less than three weeks previously on the protecting power and, if the accused is a protected prisoner of war, on the accused and the prisoner's representative.

(2) The particulars referred to in subsection (1) of this section are—

- (a) the full name and description of the accused, including the date of his birth and his profession or trade, if any, and, if the accused is a protected prisoner of war, his rank and army, regimental, personal or serial number;
- (b) his place of detention, internment or residence;
- (c) the offence with which he is charged; and
- (d) the court before which the trial is to take place and the time and place appointed for the trial.

- (3) For the purposes of this section, a document purporting—
- (a) to be signed on behalf of the protecting power or by the prisoner's representative or by the person accused, as the case may be; and
  - (b) to be an acknowledgment of the receipt by that power, representative or person on a specified day of a notice described therein as a notice under this section,

shall, until the contrary is proved, be sufficient evidence that the notice required by subsection (1) of this section was served on that power, representative or person on that day.

(4) Any court which adjourns a trial for the purpose of enabling the requirements of this section to be complied with may, notwithstanding any other written law, remand the accused for the period of the adjournment.

## **5. Legal Representation**

- (1) The court before which—
- (a) any person is brought up for trial for an offence under section 3 of this Act; or
  - (b) a protected prisoner of war is brought up for trial for any offence,

shall not proceed with the trial, unless—

- (i) the accused is represented by an advocate; and
- (ii) it is proved to the satisfaction of the court that a period of not less than fourteen days has elapsed since instructions for the representation of the accused at the trial were first given to the advocate,

and, if the court adjourns the trial for the purpose of enabling the requirements of this subsection to be complied with, the court may, notwithstanding any other written law, remand the accused for the period of the adjournment.

(2) Where the accused is a protected prisoner of war, and there is no advocate accepted by the accused as representing him, an advocate instructed for the purpose on behalf of the protecting power shall, without prejudice to the requirements of paragraph (ii) of subsection (1) of this section, be regarded for the purposes of that subsection as representing the accused.

(3) Where the court adjourns the trial in pursuance of subsection (1) of this section because the accused is not represented by an advocate, the court shall direct that an advocate be assigned to watch over the interests of the accused at any further proceedings in connexion with the offence.

(4) At any such further proceedings, if there is no advocate accepted by the accused as representing him or instructed in pursuance of subsection (2) of this section, an advocate assigned in pursuance of subsection (3) of this section shall, without prejudice to the requirements of paragraph (ii) of subsection (1) of this section, be regarded for the purposes of that subsection as representing the accused.

(5) An advocate shall be assigned in pursuance of subsection (3) of this section in such manner as may be prescribed by the Minister, by notice in the *Gazette*, and any advocate so assigned shall be entitled to be paid by Minister, out of moneys provided by Parliament such sums in respect of fees and disbursements as the Minister may direct.

**6. Appeals**

Where a protected prisoner of war or a protected internee has been sentenced to death or to imprisonment for a term of two years or more, the time within which he may give notice of appeal or notice of his application for leave to appeal to the High Court or the Court of Appeal, as the case may be, shall notwithstanding any written law, be the period from the date of his conviction or, in the case of an appeal against sentence, of his sentence, to the expiration of ten days after the date on which he receives a notice given—

- (a) in the case of a protected prisoner of war, by an officer of the armed forces;
- (b) in the case of a protected internee, by or on behalf of the superintendent of the prison in which he is confined,

that the protecting power has been notified of his conviction and sentence.

**7. Reduction of sentence, and custody**

(1) It shall be lawful for the Minister in any case in which a protected prisoner of war or a protected internee is convicted of an offence and sentenced to a term of imprisonment, to direct that there shall be deducted from that term a period not exceeding the period, if any, during which that person was in custody in connexion with that offence, either on remand or after committal for trial, including the period of the trial, before the sentence began or is deemed to have begun to run.

(2) It shall be lawful for the Minister in a case where he is satisfied that a protected prisoner of war accused of an offence has been in custody in connexion with that offence, either on remand or after committal for trial, including the period of trial, for an aggregate period of not less than three months, to direct that the prisoner shall be transferred from that custody to the custody of an officer of the armed forces and thereafter remain in service custody at a camp or place in which protected prisoners of war are detained and be brought before the court at the time appointed by the remand or committal order.

**8. Repeal**

The Geneva Convention Act, 1911, the Geneva Convention Act, 1937 and the Geneva Conventions, 1957 of the United Kingdom are repealed in so far as they form part of the law of Kenya.

[1 and 2 Geo. 5, Ch. 20, 1 Edw. 8 and 1 Geo. 6, Ch. 15, 5 and 6 Eliz. 2, Ch. 52.]

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**FIRST SCHEDULE**

[Sections 2 and 3.]

**GENEVA CONVENTION FOR THE AMELIORATION OF THE  
CONDITION OF THE WOUNDED AND SICK IN ARMED  
FORCES IN THE FIELD DATED THE 12TH AUGUST, 1949**

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949 for the purpose of revising the Geneva Convention for the Relief of the Wounded and Sick in Armies in the Field of July 27, 1929 have agreed as follows:

## CHAPTER I – GENERAL PROVISIONS

## Article 1 – Respect for the Convention

## Article 2 – Application of the Convention

## Article 3 – Conflicts not of an International Character

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons—

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

Article 4 – Application by Neutral Powers

Article 5 – Duration of Application

Article 6 – Special Agreements

Article 7 – Non-Renunciation of Rights

Article 8 – Protecting Powers

Article 9 – Activities of the International Committee of the Red Cross

Article 10 – Substitutes for Protecting Powers

Article 11 – Conciliation Procedure

## CHAPTER II – WOUNDED AND SICK

## Article 12 – Protection and Care

## Article 13 – Protected Persons

The present Convention shall apply to the wounded and sick belonging to the following categories:

(1) Members of the armed forces of a Party to the conflict as well as members of militias or volunteer corps forming part of such armed forces.

(2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions—

- (a) that of being commanded by a person responsible for his subordinates;
- (b) that of having a fixed distinctive sign recognizable at a distance;
- (c) that of carrying arms openly;
- (d) that of conducting their operations in accordance with the laws and customs of war.

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

(4) Persons who accompany the armed forces without actually being members thereof, such as civil members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany.

(5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions in international law.

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

#### Article 14 – Status

#### Article 15 – Search for Casualties. Evacuation

#### Article 16 – Recording and Forwarding of Information

Parties to the conflict shall record as soon as possible, in respect of each wounded, sick or dead person of the adverse Party falling into their hands, any particulars which may assist in his identification.

These records should if possible include—

As soon as possible the above-mentioned information shall be forwarded to the Information Bureau described in Article 122 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, which shall transmit this information to the Power on which these persons depend through the intermediary of the Protecting Power and of the Central Prisoners of War Agency.

Parties to the conflict shall prepare and forward to each other through the same bureau, certificates of death or duly authenticated lists of the dead. They shall likewise collect and forward through the same bureau one half of a double identity disc, last wills or other documents of importance to the next of kin, money and in general all articles of an intrinsic or sentimental value, which are found on the dead. These articles, together with unidentified articles, shall be sent in sealed packets, accompanied by statements giving all particulars necessary for the identification of the deceased owners, as well as by a complete list of the contents of the parcel.

Article 17 – Prescriptions Regarding the Dead. Graves Registration Service

Article 18 – Role of the Population

CHAPTER III – MEDICAL UNITS AND ESTABLISHMENTS

Article 19 – Protection

Article 20 – Protection of Hospital Ships

Article 21 – Discontinuance of Protection  
of Medical Establishments and Units

Article 22 – Conditions not Depriving Medical  
Units and Establishments of Protection

The following conditions shall not be considered as depriving a medical unit or establishment of the protection guaranteed by Article 19:

- (1) That the personnel of the unit or establishment are armed, and that they use the arms in their own defence, or in that of the wounded and sick in their charge.
- (2) That in the absence of armed orderlies, the unit or establishment is protected by a picket or by sentries or by an escort.
- (3) That small arms and ammunition taken from the wounded and sick and not yet handed to the proper service, are found in the unit or establishment.

(4) That personnel and material of the veterinary service are found in the unit or establishment, without forming an integral part thereof.

(5) That the humanitarian activities of medical units and establishments or of their personnel extend to the care of civilian wounded or sick.

Article 23 – Hospital Zones and Localities

CHAPTER IV – PERSONNEL

Article 24 – Protection of Permanent Personnel

Article 25 – Protection of Auxiliary Personnel

Article 26 – Personnel of Aid Societies

## Article 27 – Societies of Neutral Countries

## Article 28 – Retained Personnel

Personnel designated in Articles 24 and 26 who fall into the hands of the adverse Party, shall be retained only in so far as the state of health, the spiritual needs and the number of prisoners of war require.

Personnel thus retained shall not be deemed prisoners of war. Nevertheless they shall at least benefit by all the provisions of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949. Within the framework of the military laws and regulations of the Detaining Power, and under the authority of its competent service, they shall continue to carry out, in accordance with their professional ethics, their medical and spiritual duties on behalf of prisoners of war, preferably those of the armed forces to which they themselves belong. They shall further enjoy the following facilities for carrying out their medical or spiritual duties—

During hostilities the Parties to the conflict shall make arrangements for relieving where possible retained personnel, and shall settle the procedure of such relief.

None of the preceding provisions shall relieve the Detaining Power of the obligations imposed upon it with regard to the medical and spiritual welfare of the prisoners of war.

Article 29 – Status of Auxiliary Personnel

Article 30 – Return of Medical and Religious Personnel

Article 31 – Selection of Personnel for Return

Article 32 – Return of Personnel Belonging to Neutral Countries

CHAPTER V – BUILDINGS AND MATERIAL

Article 33 – Buildings and Stores

Article 34 – Property of Aid Societies

CHAPTER VI – MEDICAL TRANSPORTS

Article 35 – Protection

Article 36 – Medical Aircraft

Article 37 – Flight over Neutral Countries. Landing of Wounded

CHAPTER VII – THE DISTINCTIVE EMBLEM

Article 38 – Emblem of the Convention

Article 39 – Use of the Emblem

Article 40 – Identification of Medical and Religious Personnel

Article 41 – Identification of Auxiliary Personnel

Article 42 – Marking of Medical units and Establishments

Article 43 – Marking of Units of Neutral Countries

Article 44 – Restrictions in the Use of the Emblem. Exceptions

CHAPTER VIII – EXECUTION OF THE CONVENTION

Article 45 – Detailed Execution. Unforeseen Cases

Article 46 – Prohibition of Reprisals

Article 47 – Dissemination of the Convention

Article 48 – Translations. Rules of Application

## CHAPTER IX – REPRESSION OF ABUSES AND INFRACTIONS

Article 49 – Penal Sanctions

### I. General observations

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

Article 50

### II. Grave breaches

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological

experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

Article 51

**III. Responsibilities of the Contracting Parties**

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

Article 52 – Enquiry Procedure

Article 53 – Misuse of the Emblem

Article 54 – Prevention of Misuse

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FINAL PROVISIONS

Article 55 – Languages

Article 56 – Signature

Article 57 – Ratification

Article 58 – Coming into Force

Article 59 – Relation to Previous Conventions

Article 60 – Accession

Article 61 – Notification of Accessions

Article 62 – Immediate Effect

Article 63 – Denunciation

Article 64 – Registration with the United Nations

ANNEX 1

DRAFT AGREEMENT RELATING TO HOSPITAL ZONES AND LOCALITIES

Article 1

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Article 2

Article 3

Article 4

Hospital zones shall fulfil the following conditions—

Article 5

Hospital zones shall be subject to the following obligations—

Article 6

Article 7

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Article 8

Article 9

Article 10

Article 11

Article 12

Article 13



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Height	Eyes	Hair
Other distinguishing marks		
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.....		
.....		
.....		

SECOND SCHEDULE

[Sections 2 and 3.]

GENEVA CONVENTION FOR THE AMELIORATION OF THE  
 CONDITION OF WOUNDED, SICK AND SHIPWRECKED MEMBERS  
 OF ARMED FORCES AT SEA DATED THE 12TH AUGUST, 1949

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 12 to August 12, 1949, for the purpose of revising the Xth Hague Convention of October 18, 1907 for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of 1906, have agreed as follows:

CHAPTER I – GENERAL PROVISIONS

Article 1 – Respect for the Convention

Article 2 – Application of the Convention

**Article 3 – Conflicts not of an International Character**

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply as a minimum, the following provisions—

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons—

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular, humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded, sick and shipwrecked shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

**Article 4 – Field of Application****Article 5 – Application by Neutral Powers****Article 6 – Special Agreements**

Article 7 – Non-renunciation of Rights

Article 8 – Protecting Powers

Article 9 – Activities of the International Committee of the Red Cross

Article 10 – Substitutes for Protecting Powers

Article 11 – Conciliation Procedure

CHAPTER II – WOUNDED, SICK AND SHIPWRECKED

Article 12 – Protection and Care

## Article 13 – Protected Persons

The present Convention shall apply to the wounded, sick and shipwrecked at sea belonging to the following categories:

(1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.

(2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions—

- (a) that of being commanded by a person responsible for his subordinates;
- (b) that of having a fixed distinctive sign recognizable at a distance;
- (c) that of carrying arms openly;
- (d) that of conducting their operations in accordance with the laws and customs of war.

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

(4) Persons who accompany the armed forces without actually being members thereof, such as civil members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany.

(5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict who do not benefit by more favourable treatment, under any other provisions of international law.

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

Article 14 – Handing Over to a Belligerent

Article 15 – Wounded taken on Board a Neutral Warship

Article 16 – Wounded Falling into Enemy Hands

Article 17 – Wounded Landed In a Neutral Port

Article 18 – Search for Casualties after an Engagement

Article 19 – Recording and Forwarding of Information

The Parties to the conflict shall record as soon as possible in respect of each shipwrecked, wounded, sick or dead person of the adverse Party falling into their hands, any particulars which may assist in his identification. These records should if possible include—

As soon as possible the above-mentioned information shall be forwarded to the information bureau described in Article 122 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, which shall transmit this information to the Power on which these persons depend through the intermediary of the Protecting Power and of the Central Prisoners of War Agency.

Parties to the conflict shall prepare and forward to each other through the same bureau, certificates of death or duly authenticated lists of the dead. They shall likewise collect and forward through the same bureau one half of the double identity disc, or the identity disc itself if it is a single disc, last wills or other documents of importance to the next of kin, money and in general all articles of an intrinsic or sentimental value, which are found on the dead. These articles, together with unidentified articles, shall be sent in sealed packets, accompanied by statements giving all particulars necessary for the identification of the deceased owners, as well as by a complete list of the contents of the parcel.

Article 20 – Prescriptions Regarding the Dead

Article 21 – Appeals to Neutral Vessels

## CHAPTER III – HOSPITAL SHIPS

## Article 22 – Notification and Protection of Military Hospital Ships

## Article 23 – Protection of Medical Establishments Ashore

Article 24 – Hospital Ships utilized by  
Relief Societies and Private Individuals of**I. Parties to the conflict**

Hospital ships utilized by National Red Cross Societies, by officially recognized relief societies or by private persons shall have the same protection as military hospital ships and shall be exempt from capture, if the Party to the conflict on which they depend has given them an official commission and in so far as the provisions of Article 22 concerning notification have been complied with.

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

## Article 25

**II. Neutral countries**

Hospital ships utilized by National Red Cross Societies, officially recognized relief societies, or private persons of neutral countries shall have the same protection as military hospital ships and shall be exempt from capture, on condition that they have placed themselves under the control of one of the Parties to the conflict, with the previous consent of their own governments and with the authorization of the Party to the conflict concerned, in so far as the provisions of Article 22 concerning notification have been complied with.

## Article 26 – Tonnage

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Article 27 – Coastal Rescue Craft

Article 28 – Protection of Sick-bays

Article 29 – Hospital Ships in Occupied Ports

Article 30 – Employment of Hospital Ships and Small Craft

Article 31 – Right of Control and Search

Article 32 – Stay in a Neutral Port

Article 33 – Converted Merchant Vessel

Article 34 – Discontinuance of Protection

Article 35 – Conditions not Depriving Hospital Ships of Protection

The following conditions shall not be considered as depriving hospital ships or sick-bays of vessels of the protection due to them:

(1) The fact that the crews of ships or sick-bays are armed for the maintenance of order, for their own defence or that of the sick and wounded.

(2) The presence on board of apparatus exclusively intended to facilitate navigation or communication.

(3) The discovery on board hospital ships or in sick-bays of portable arms and ammunition taken from the wounded, sick and shipwrecked and not yet handed to the proper service.

(4) The fact that the humanitarian activities of hospital ships and sick-bays of vessels or of the crews extend to the care of wounded, sick or shipwrecked civilians.

(5) The transport of equipment and of personnel intended exclusively for medical duties, over and above the normal requirements.

CHAPTER IV – PERSONNEL

Article 36 – Protection of the Personnel of Hospital Ships

Article 37 – Medical and Religious Personnel of Other Ships

CHAPTER V – MEDICAL TRANSPORTS

Article 38 – Ships used for the Conveyance of Medical Equipment

Article 39 – Medical Aircraft

Article 40 – Flight over Neutral Countries. Landing of Wounded

CHAPTER VI – THE DISTINCTIVE EMBLEM

Article 41 – Use of the Emblem

Article 42 – Identification of Medical and Religious Personnel

**Article 43 – Marking of Hospital Ships and Small Craft**

The ships designated in Articles 22, 24, 25 and 27 shall be distinctively marked as follows—

All hospital ships shall make themselves known by hoisting their national flag and further, if they belong to a neutral State, the flag of the Party to the conflict whose direction they have accepted. A white flag with a red cross shall be flown at the mainmast as high as possible.

Lifeboats of hospital ships, coastal lifeboats and all small craft used by the Medical Service shall be painted white with dark red crosses prominently displayed and shall, in general, comply with the identification system prescribed above for hospital ships.

The above-mentioned ships and craft, which may wish to ensure by night and in times of reduced visibility the protection to which they are entitled, must, subject to the assent of the Party to the conflict under whose power they are, take the necessary measures to render their painting and distinctive emblems sufficiently apparent.

Hospital ships which, in accordance with Article 31 are provisionally detained by the enemy, must haul down the flag of the Party to the conflict in whose service they are or whose direction they have accepted.

Coastal lifeboats, if they continue to operate with the consent of the Occupying Power from a base which is occupied, may be allowed, when away from their base, to continue to fly their own national colours along with a flag carrying a red cross on a white ground, subject to prior notification to all the Parties to the conflict concerned.

All the provisions in this Article relating to the red cross shall apply equally to the other emblems mentioned in Article 41.

Parties to the conflict shall at all times endeavour to conclude mutual agreements in order to use the most modern methods available to facilitate the identification of hospital ships.

**Article 44 – Limitation in the use of Markings**

Article 45 – Prevention of Misuse

CHAPTER VII – EXECUTION OF THE CONVENTION

Article 46 – Detailed Execution

*Unforeseen Cases*

Article 47 – Prohibition of Reprisals

Article 48 – Dissemination of the Convention

Article 49 – Translations

*Rules of Application*

CHAPTER VIII – REPRESSION OF ABUSES AND INFRACTIONS

Article 50 – Penal Sanctions

**I. General observations**

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the

provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

#### Article 51

### **II. Grave breaches**

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

#### Article 52

### **III. Responsibilities of the Contracting Parties**

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

#### Article 53 – Inquiry Procedure

#### FINAL PROVISIONS

#### Article 54 – Languages

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Article 55 – Signature

Article 56 – Ratification

Article 57 – Coming Into Force

Article 58 – Relation to the 1907 Convention

Article 59 – Accession

Article 60 – Notification of Accessions

Article 61 – Immediate Effect

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Article 62 – Denunciation  
Article 63 – Registration with the United Nations

ANNEX

*Front*

(Space reserved for the name of the country and military authority issuing this card)	
	
<b>IDENTITY CARD</b> for members of medical and religious personnel attached to the armed forces at sea	
Surname .....	.....
First names .....	.....
Date of Birth .....	.....

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Rank .....	
Army Number .....	
The bearer of this card is protected by the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, in his capacity as .....	
.....	
Date of issue .....	Number of Card .....

*Reverse side*

Signature of bearer or fingerprints or both		
Photo of bearer		
Embossed Stamp of military authority issuing card		
Height	Eyes	Hair
Other distinguishing marks		
.....		
.....		
.....		

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## THIRD SCHEDULE

[Sections 2 and 3.]

GENEVA CONVENTION RELATIVE TO THE TREATMENT  
OF PRISONERS OF WAR DATED THE 12TH AUGUST, 1949

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of revising the Convention concluded at Geneva on July 27, 1929, relative to the Treatment of Prisoners of War, have agreed as follows:

## PART I – GENERAL PROVISIONS

## Article 1 – Respect for the Convention

## Article 2 – Application of the Convention

## Article 3 – Conflicts not of an International Character

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons—

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;

- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

#### Article 4 – Prisoners of War

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

(1) Members of the armed forces of a Party to the conflict as well as members of militias or volunteer corps forming part of such armed forces.

(2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions—

- (a) that of being commanded by a person responsible for his subordinates;
- (b) that of having a fixed distinctive sign recognizable at a distance;
- (c) that of carrying arms openly;
- (d) that of conducting their operations in accordance with the laws and customs of war.

(3) Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power.

(4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annexed model.

(5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions of international law.

(6) Inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had

time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

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

(1) Persons belonging, or having belonged, to the armed forces of the occupied country, if the occupying Power considers it necessary by reason of such allegiance to intern them, even though it has originally liberated them while hostilities were going on outside the territory it occupies, in particular where such persons have made an unsuccessful attempt to rejoin the armed forces to which they belong and which are engaged in combat, or where they fail to comply with a summons made to them with a view to internment.

(2) The persons belonging to one of the categories enumerated in the present Article, who have been received by neutral or non-belligerent Powers on their territory and whom these Powers are required to intern under international law, without prejudice to any more favourable treatment which these Powers may choose to give and with the exception of Articles 8, 10, 15, 30, fifth paragraph, 58-67, 92, 126 and, where diplomatic relations exist between the Parties to the conflict and the neutral or non-belligerent Power concerned, those Articles concerning the Protecting Power. Where such diplomatic relations exist, the Parties to a conflict on whom these persons depend shall be allowed to perform towards them the functions of a Protecting Power as provided in the present Convention, without prejudice to the functions which the Parties normally exercise in conformity with diplomatic and consular usage and treaties.

C. This Article shall in no way affect the status of medical personnel and chaplains as provided for in Article 33 of the present Convention.

Article 5 – Beginning and End of Application

Article 6 – Special Agreements

Article 7 – Non-Renunciation of Rights

Article 8 – Protecting Powers

Article 9 – Activities of the International Committee of the Red Cross

Article 10 – Substitutes for Protecting Powers

Article 11 – Conciliation Procedure

PART II – GENERAL PROTECTION OF PRISONERS OF WAR

Article 12 – Responsibility for the Treatment of Prisoners

Article 13 – Humane Treatment of Prisoners

Article 14 – Respect for the Person of Prisoners

Article 15 – Maintenance of Prisoners

Article 16 – Equality of Treatment

PART III – CAPTIVITY

SECTION I – BEGINNING OF CAPTIVITY

Article 17 – Questioning of Prisoners

Article 18 – Property of Prisoners  
Article 19 – Evacuation of Prisoners

Article 20 – Conditions of Evacuation

SECTION II – INTERNMENT OF PRISONERS OF WAR

CHAPTER I – GENERAL OBSERVATIONS

Article 21 – Restriction of Liberty of Movement

Article 22 – Places and Conditions of Internment

Article 23 – Security of Prisoners

Article 24 – Permanent Transit Camps

CHAPTER II – QUARTERS, FOOD AND  
CLOTHING OF PRISONERS OF WAR

Article 25 – Quarters

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Article 26 – Food

Article 27 – Clothing

Article 28 – Canteens

CHAPTER III – HYGIENE AND MEDICAL ATTENTION

Article 29 – Hygiene

Article 30 – Medical Attention

Article 31 – Medical Inspections

## Article 32 – Prisoners Engaged on Medical Duties

CHAPTER IV – MEDICAL PERSONNEL AND CHAPLAINS  
RETAINED TO ASSIST PRISONERS OF WAR

## Article 33 – Rights and Privileges of Retained Personnel

Members of the medical personnel and chaplains while retained by the Detaining Power with a view to assisting prisoners of war, shall not be considered as prisoners of war. They shall, however, receive as a minimum the benefits and protection of the present Convention, and shall also be granted all facilities necessary to provide for the medical care of, and religious ministrations to prisoners of war.

They shall continue to exercise their medical and spiritual functions for the benefit of prisoners of war, preferably those belonging to the armed forces upon which they depend, within the scope of the military laws and regulations of the Detaining Power and under the control of its competent services, in accordance with their professional etiquette. They shall also benefit by the following facilities in the exercise of their medical or spiritual functions—

During hostilities, the Parties to the conflict shall agree concerning the possible relief of retained personnel and shall settle the procedure to be followed.

None of the preceding provisions shall relieve the Detaining Power of its obligations with regard to prisoners of war from the medical or spiritual point of view.

CHAPTER V – RELIGIOUS, INTELLECTUAL AND PHYSICAL ACTIVITIES

Article 34 – Religious Duties

Article 35 – Retained Chaplains

Article 36 – Prisoners who are Ministers of Religion

Article 37 – Prisoners without a Minister of Their Religion

Article 38 – Recreation, Study, Sports and Games

## CHAPTER VI – DISCIPLINE

## Article 39 – Administration

*Saluting*

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

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

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

## Article 40 – Badges and Decorations

Article 41 – Posting of the Convention, and of  
Regulations and Orders Concerning Prisoners

## Article 42 – Use of Weapons

CHAPTER VII – RANK OF PRISONERS OF WAR

Article 43 – Notification of Ranks

Article 44 – Treatment of Officers

Article 45 – Treatment of other Prisoners

CHAPTER VIII – TRANSFER OF PRISONERS  
OF WAR AFTER THEIR ARRIVAL IN CAMP

Article 46 – Conditions

Article 47 – Circumstances Precluding Transfer

Article 48 – Procedure for Transfer

SECTION III – LABOUR OF PRISONERS OF WAR

Article 49 – General Observations

Article 50 – Authorized Work

Besides work connected with camp administration, installation or maintenance, prisoners of war may be compelled to do only such work as is included in the following classes—

Should the above provisions be infringed, prisoners of war shall be allowed to exercise their right of complaint, in conformity with Article 78.

Article 51 – Working Conditions

Article 52 – Dangerous or Humiliating Labour

Article 53 – Duration of Labour

Article 54 – Working Pay

*Occupational Accidents and Diseases*

Article 55 – Medical Supervision

Article 56 – Labour Detachments

Article 57 – Prisoners Working for Private Employers

## SECTION IV – FINANCIAL RESOURCES OF PRISONERS OF WAR

## Article 58 – Ready Money

## Article 59 – Amounts in Cash Taken from Prisoners

## Article 60 – Advances of Pay

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

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

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

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

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

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

However, the Parties to the conflict concerned may by special agreement modify the amount of advances of pay due to prisoners of the preceding categories.

Furthermore, if the amounts indicated in the first paragraph above would be unduly high compared with the pay of the Detaining Power's armed forces or

would, for any reason, seriously embarrass the Detaining Power, then, pending the conclusion of a special agreement with the Power on which the prisoners depend to vary the amounts indicated above, the Detaining Power—

The reasons for any limitations will be given without delay to the Protecting Power.

Article 61 – Supplementary Pay

Article 62 – Working Pay

Article 63 – Transfer of Funds

**Article 64 – Prisoners' Accounts**

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

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

(2) The payments made to the prisoner in cash, or in any other similar form; the payments made on his behalf and at his request; the sums transferred under Article 63, third paragraph.

**Article 65 – Management of Prisoners' Accounts****Article 66 – Winding Up of Accounts**

Article 67 – Adjustments between Parties to the Conflict

Article 68 – Claims for Compensation

SECTION V – RELATIONS OF PRISONERS  
OF WAR WITH THE EXTERIOR

Article 69 – Notification of Measures Taken

Article 70 – Capture Card

Article 71 – Correspondence

Article 72 – Relief Shipments

### **I. General principles**

Prisoners of war shall be allowed to receive by post or by any other means individual parcels or collective shipments containing, in particular, foodstuffs, clothing, medical supplies and articles of a religious, educational or recreational character which may meet their needs, including books, devotional articles, scientific equipment, examination papers, musical instruments, sports outfits and materials allowing prisoners of war to pursue their studies or their cultural activities.

Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present Convention.

The only limits which may be placed on these shipments shall be those proposed by the Protecting Power in the interest of the prisoners themselves, or by the International Committee of the Red Cross or any other organization giving assistance to the prisoners, in respect of their own shipments only, on account of exceptional strain on transport or communications.

The conditions for the sending of individual parcels and collective relief shall, if necessary, be the subject of special agreements between the Powers concerned, which may in no case delay the receipt by the prisoners of relief supplies. Books may not be included in parcels of clothing and foodstuffs. Medical supplies shall, as a rule, be sent in collective parcels.

#### Article 73

### **II. Collective relief**

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

The special agreements referred to above shall in no case restrict the right of prisoners' representatives to take possession of collective relief shipments intended for prisoners of war, to proceed to their distribution or to dispose of them in the interest of the prisoners.

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

#### Article 74 – Exemption from Postal and Transport Charges

**Article 75 – Special Means of Transport**

Should military operations prevent the Powers concerned from fulfilling their obligation to assure the transport of the shipments referred to in Articles 70, 71, 72 and 77, the Protecting Powers concerned, the International Committee of the Red Cross or any other organization duly approved by the Parties to the conflict may undertake to ensure the conveyance of such shipments by suitable means (railway wagons, motor vehicles, vessels or aircraft, etc.). For this purpose, the High Contracting Parties shall endeavour to supply them with such transport and to allow its circulation, especially by granting the necessary safe-conducts.

Such transport may also be used to convey—

These provisions in no way detract from the right of any Party to the conflict to arrange other means of transport, if it should so prefer, nor preclude the granting of safe-conducts, under mutually agreed conditions, to such means of transport.

In the absence of special agreements, the costs occasioned by the use of such means of transport shall be borne proportionally by the Parties to the conflict whose nationals are benefited thereby.

**Article 76 – Censorship and Examination****Article 77 – Preparation, Execution and Transmission of Legal Documents**

SECTION VI – RELATIONS BETWEEN  
PRISONERS OF WAR AND THE AUTHORITIES

CHAPTER I – COMPLAINTS OF PRISONERS OF  
WAR RESPECTING THE CONDITIONS OF CAPTIVITY

Article 78 – Complaints and Requests

CHAPTER II – PRISONERS OF WAR REPRESENTATIVES

Article 79 – Election

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Article 80 – Duties  
Article 81 – Prerogatives

CHAPTER III – PENAL AND DISCIPLINARY SANCTIONS

I – GENERAL PROVISIONS

Article 82 – Applicable Legislation

Article 83 – Choice of Disciplinary or Judicial Proceedings

Article 84 – Courts

Article 85 – Offences Committed before Capture

Article 86 – Non bis In Idem

Article 87 – Penalties

## Article 88 – Execution of Penalties

## II – DISCIPLINARY SANCTIONS

## Article 89 – General Observations

**I. Forms of punishment**

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

(1) A fine which shall not exceed 50 per cent of the advances of pay and working pay which the prisoner of war would otherwise receive under the provisions of Articles 60 and 62 during a period of not more than thirty days.

(2) Discontinuance of privileges granted over and above the treatment provided for by the present Convention.

(3) Fatigue duties not exceeding two hours daily.

(4) Confinement.

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

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

## Article 90

**II. Duration of punishments**

The duration of any single punishment shall in no case exceed thirty days. Any period of confinement awaiting the hearing of a disciplinary offence or the award of disciplinary punishment shall be deducted from an award pronounced against a prisoner of war.

The maximum of thirty days provided above may not be exceeded, even if the prisoner of war is answerable for several acts at the same time when he is awarded punishment, whether such acts are related or not.

The period between the pronouncing of an award of disciplinary punishment and its execution shall not exceed one month.

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

## Article 91 – Escapes

**I. Successful escape**

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

(1) he has joined the armed forces of the Power on which he depends, or those of an allied Power;

(2) he has left the territory under the control of the Detaining Power, or of an ally of the said Power;

(3) he has joined a ship flying the flag of the Power on which he depends, or of an allied Power, in the territorial waters of the Detaining Power, the said ship not being under the control of the last named Power.

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

## Article 92

**II. Unsuccessful escape**

A prisoner of war who attempts to escape and is recaptured before having made good his escape in the sense of Article 91 shall be liable only to a disciplinary punishment in respect of this act, even if it is a repeated offence.

A prisoner of war who is recaptured shall be handed over without delay to the competent military authority.

Article 88, fourth paragraph, notwithstanding, prisoners of war punished as a result of an unsuccessful escape may be subjected to special surveillance. Such surveillance must not affect the state of health, must be undergone in a prisoner of war camp, and must not entail the suppression of any of the safeguards granted them by the present Convention.

## Article 93

**III. Connected offences**

Escape or attempt to escape, even if it is a repeated offence, shall not be deemed an aggravating circumstance if the prisoner of war is subjected to trial by judicial proceedings in respect of an offence committed during his escape or attempt to escape.

In conformity with the principle stated in Article 83, offences committed by prisoners of war with the sole intention of facilitating their escape and which do not entail any violence against life or limb, such offences against public property, theft without intention of self-enrichment, the drawing up or use of false papers, the wearing of civilian clothing, shall occasion disciplinary punishment only.

Prisoners of war who aid or abet an escape or an attempt to escape shall be liable on this count to disciplinary punishment only.

## Article 94

**IV. Notification of recapture**

If an escaped prisoner of war is recaptured, the Power on which he depends shall be notified thereof in the manner defined in Article 122, provided notification of his escape has been made.

## Article 95 – Procedure

**I. Confinement awaiting hearing**

A prisoner of war accused of an offence against discipline shall not be kept in confinement pending the hearing unless a member of the armed forces of the Detaining Power would be so kept if he were accused of a similar offence, or if it is essential in the interests of camp order and discipline.

Any period spent by a prisoner of war in confinement awaiting the disposal of an offence against discipline shall be reduced to an absolute minimum and shall not exceed fourteen days.

The provisions of Articles 97 and 98 of this Chapter shall apply to prisoners of war who are in confinement awaiting the disposal of offences against discipline.

## Article 96

**II. Competent authorities and right of defence**

Acts which constitute offences against discipline shall be investigated immediately.

Without prejudice to the competence of courts and superior military authorities, disciplinary punishment may be ordered only by an officer having disciplinary powers in his capacity as camp commander, or by a responsible officer who replaces him or to whom he has delegated his disciplinary powers.

In no case may such powers be delegated to a prisoner of war or be exercised by a prisoner of war.

Before any disciplinary award is pronounced, the accused shall be given precise information regarding the offences of which he is accused, and given an opportunity of explaining his conduct and of defending himself. He shall be permitted, in particular, to call witnesses and to have recourse, if necessary, to the services of a qualified interpreter. The decision shall be announced to the accused prisoner of war and to the prisoners' representative.

A record of disciplinary punishments shall be maintained by the camp commander and shall be open to inspection by representatives of the Protecting Power.

#### Article 97 – Execution of Punishment

##### **I. Premises**

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

All premises in which disciplinary punishments are undergone shall conform to the sanitary requirements set forth in Article 25. A prisoner of war undergoing punishment shall be enabled to keep himself in a state of cleanliness, in conformity with Article 29.

Officers and persons of equivalent status shall not be lodged in the same quarters as non-commissioned officers or men.

Women prisoners of war undergoing disciplinary punishment shall be confined in separate quarters from male prisoners of war and shall be under the immediate supervision of women.

#### Article 98

##### **II. Essential safeguards**

A prisoner of war undergoing confinement as a disciplinary punishment, shall continue to enjoy the benefits of the provisions of this Convention except in so far as these are necessarily rendered inapplicable by the mere fact that he is confined. In no case may he be deprived of the benefits of the provisions of Articles 78 and 126.

A prisoner of war awarded disciplinary punishments may not be deprived of the prerogatives attached to his rank.

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

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

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money however, may be withheld from them until the completion of the punishment; they shall meanwhile be entrusted to the prisoners' representative, who will hand over to the infirmary the perishable goods contained in such parcels.

**III – JUDICIAL PROCEEDINGS****Article 99 – Essential Rules****I. General principles**

No prisoner of war may be tried or sentenced for an act which is not forbidden by the law of the Detaining Power or by International Law, in force at the time the said act was committed.

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

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

**Article 100****II. Death penalty**

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

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

The death sentence cannot be pronounced on a prisoner of war unless the attention of the court has, in accordance with Article 87, second paragraph, been particularly called to the fact that since the accused is not a national of the Detaining Power, he is not bound to it by any duty of allegiance, and that he is in its power as the result of circumstances independent of his own will.

**Article 101****III. Delay in execution of the death penalty**

If the death penalty is pronounced on a prisoner of war, the sentence shall not be executed before the expiration of a period of at least six months from the date when the Protecting Power receives, at an indicated address, the detailed communication provided for in Article 107.

**Article 102 – Procedure****I. Conditions for validity of sentence**

A prisoner of war can be validly sentenced only if the sentence has been pronounced by the same courts according to the same procedure as in the case of members of the armed forces of the Detaining Power, and if, furthermore, the provisions of the present Chapter have been observed.

**Article 103****II. Confinement awaiting trial, (Deduction from sentence, treatment)**

Judicial investigations relating to a prisoner of war shall be conducted as rapidly as circumstances permit and so that his trial shall take place as soon as possible. A prisoner of war shall not be confined while awaiting trial unless a

member of the armed forces of the Detaining Power would be so confined if he were accused of a similar offence, or if it is essential to do so in the interests of national security. In no circumstances shall this confinement exceed three months.

Any period spent by a prisoner of war in confinement awaiting trial shall be deducted from any sentence of imprisonment passed upon him and taken into account in fixing any penalty.

The provisions of Articles 97 and 98 of this Chapter shall apply to a prisoner of war whilst in confinement awaiting trial.

#### Article 104

### III. Notification of proceedings

In any case in which the Detaining Power has decided to institute judicial proceedings against a prisoner of war, it shall notify the Protecting Power as soon as possible and at least three weeks before the opening of the trial. This period of three weeks shall run as from the day on which such notification reaches the Protecting Power at the address previously indicated by the latter to the Detaining Power.

The said notification shall contain the following information:

(1) Surname and first names of the prisoner of war, his rank, his army, regimental, personal or serial number, his date of birth, and his profession or trade, if any.

(2) Place of internment or confinement.

(3) Specification of the charge or charges on which the prisoner of war is to be arraigned, giving the legal provisions applicable.

(4) Designation of the court which will try the case, likewise the date and place fixed for the opening of the trial.

The same communication shall be made by the Detaining Power to the prisoners' representative.

If no evidence is submitted, at the opening of a trial, that the notification referred to above was received by the Protecting Power, by the prisoner of war and by the prisoners' representative concerned, at least three weeks before the opening of the trial, then the latter cannot take place and must be adjourned.

#### Article 105

### IV. Rights and means of defence

The prisoner of war shall be entitled to assistance by one of his prisoner comrades, to defence by a qualified advocate or counsel of his own choice, to the calling of witnesses and, if he deems necessary, to the services of a competent interpreter. He shall be advised of these rights by the Detaining Power in due time before the trial.

Failing a choice by the prisoner of war, the Protecting Power shall find him an advocate or counsel, and shall have at least one week at its disposal for the purpose. The Detaining Power shall deliver to the said Power, on request, a list

of persons qualified to present the defence. Failing a choice of an advocate or counsel by the prisoner of war or the Protecting Power, the Detaining Power shall appoint a competent advocate or counsel to conduct the defence.

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

Particulars of the charge or charges on which the prisoner of war is to be arraigned, as well as the documents which are generally communicated to the accused by virtue of the laws in force in the armed forces of the Detaining Power, shall be communicated to the accused prisoner of war in a language which he understands, and in good time before the opening of the trial. The same communication in the same circumstances shall be made to the advocate or counsel conducting the defence on behalf of the prisoner of war.

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

#### Article 106

### V. Appeals

Every prisoner of war shall have, in the same manner as the members of the armed forces of the Detaining Power, the right of appeal or petition from any sentence pronounced upon him, with a view to the quashing or revising of the sentence or the reopening of the trial. He shall be fully informed of his right to appeal or petition and of the time limit within which he may do so.

#### Article 107

### VI. Notification of findings and sentence

Any judgment and sentence pronounced upon a prisoner of war shall be immediately reported to the Protecting Power in the form of a summary communication, which shall also indicate whether he has the right of appeal with a view to the quashing of the sentence or the re-opening of the trial. This communication shall likewise be sent to the prisoners' representative concerned. It shall also be sent to the accused prisoner of war in a language he understands, if the sentence was not pronounced in his presence. The Detaining Power shall also immediately communicate to the Protecting Power the decision of the prisoner of war to use or to waive his right of appeal.

Furthermore, if a prisoner of war is finally convicted or if a sentence pronounced against a prisoner of war in the first instance is a death sentence, the Detaining Power shall as soon as possible address to the Protecting Power a detailed communication containing:

- (1) the precise wording of the finding and sentence;

(2) a summarized report of any preliminary investigation and of the trial, emphasizing in particular the elements of the prosecution and the defence;

(3) notification, where applicable, of the establishment where the sentence will be served.

The communications provided for in the foregoing subparagraphs shall be sent to the Protecting Power at the address previously made known to the Detaining Power.

Article 108 – Execution of penalties. Penal regulations

PART IV – TERMINATION OF CAPTIVITY

SECTION I – DIRECT REPATRIATION AND  
ACCOMMODATION IN NEUTRAL COUNTRIES

Article 109 – General Observations

**Article 110 – Cases of Repatriation and Accommodation**

The following shall be repatriated direct:

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

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

(3) Wounded and sick who have recovered, but whose mental or physical fitness seems to have been gravely and permanently diminished.

The following may be accommodated in a neutral country:

(1) Wounded and sick whose recovery may be expected within one year of the date of the wound or the beginning of the illness, if treatment in a neutral country might increase the prospect of a more certain and speedy recovery.

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

The conditions which prisoners of war accommodated in a neutral country must fulfil in order to permit their repatriation shall be fixed, as shall likewise their status, by agreement between the Powers concerned. In general, prisoners of war who have been accommodated in a neutral country, and who belong to the following categories, should be repatriated:

(1) Those whose state of health has deteriorated so as to fulfil the conditions laid down for direct repatriation.

(2) Those whose mental or physical powers remain, even after treatment, considerably impaired.

If no special agreements are concluded between the Parties to the conflict concerned, to determine the cases of disablement or sickness entailing direct repatriation or accommodation in a neutral country, such cases shall be settled in accordance with the principles laid down in the Model Agreement concerning direct repatriation and accommodation in neutral countries of wounded and sick prisoners of war and in the Regulations concerning Mixed Medical Commissions annexed to the present Convention.

**Article 111 – Internment in a Neutral Country****Article 112 – Mixed Medical Commissions**

Article 113 – Prisoners Entitled to  
Examination by Mixed Medical Commissions

Besides those who are designated by the medical authorities of the Detaining Power, wounded or sick prisoners of war belonging to the categories listed below shall be entitled to present themselves for examination by the Mixed Medical Commissions provided for in the foregoing Article:

(1) Wounded and sick proposed by a physician or surgeon who is of the same nationality, or a national of a Party to the conflict allied with the Power on which the said prisoners depend, and who exercises his functions in the camp.

(2) Wounded and sick proposed by their prisoners' representative.

(3) Wounded and sick proposed by the Power on which they depend, or by an organization duly recognized by the said Power and giving assistance to the prisoners.

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

The physician or surgeon of the same nationality as the prisoners who present themselves for examination by the Mixed Medical Commission, likewise the prisoners' representative of the said prisoners, shall have permission to be present at the examination.

Article 114 – Prisoners Meeting with Accidents

Article 115 – Prisoners Serving a Sentence

Article 116 – Costs of Repatriation

## Article 117 – Activity after Repatriation

SECTION II – RELEASE AND REPATRIATION OF  
PRISONERS OF WAR AT THE CLOSE OF HOSTILITIES

## Article 118 – Release and Repatriation

Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities.

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

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

The costs of repatriation of prisoners of war shall in all cases be equitably apportioned between the Detaining Power and the Power on which the prisoners depend. This apportionment shall be carried out on the following basis—

## Article 119 – Details of Procedure

SECTION III – DEATH OF PRISONERS OF WAR

Article 120 – Wills, Death Certificates, Burial, Cremation

Article 121 – Prisoners Killed or Injured in Special Circumstances

PART V – INFORMATION BUREAUX AND  
RELIEF SOCIETIES FOR PRISONERS OF WAR

Article 122 – National Bureaux

Article 123 – Central Agency

Article 124 – Exemption from Charges

Article 125 – Relief Societies and Other Organizations

PART VI – EXECUTION OF THE CONVENTION

SECTION I – GENERAL PROVISIONS

Article 126 – Supervision

## Article 127 – Dissemination of the Convention

## Article 128 – Translations.

*Rules of Application*

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

## Article 129 – Penal Sanctions

**I. General observations**

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the present Convention.

## Article 130

**II. Grave breaches**

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, compelling a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war of the rights of fair and regular trial prescribed in this Convention.

## Article 131

**III. Responsibilities of the Contracting Parties**

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

Article 132 – Inquiry Procedure

## SECTION II – FINAL PROVISIONS

Article 133 – Languages

Article 134 – Relation to the 1929 Convention

Article 135 – Relation to the Hague Convention

*Geneva Conventions*

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- Article 136 – Signature
- Article 137 – Ratification
- Article 138 – Coming into Force
- Article 139 – Accession
- Article 140 – Notification of Accessions
- Article 141 – Immediate Effect
- Article 142 – Denunciation

## Article 143 – Registration with the United Nations

## ANNEX I

[Article 110.]

MODEL AGREEMENT CONCERNING DIRECT REPATRIATION  
AND ACCOMMODATION IN NEUTRAL COUNTRIES  
OF WOUNDED AND SICK PRISONERS OF WARI – PRINCIPLES FOR DIRECT REPATRIATION AND  
ACCOMMODATION IN NEUTRAL COUNTRIES*A – Direct Repatriation*

The following shall be repatriated direct:

(1) All prisoners of war suffering from the following disabilities as the result of trauma: loss of limb, paralysis, articular or other disabilities, when this disability is at least the loss of a hand or a foot, or the equivalent of the loss of a hand or a foot.

Without prejudice to a more generous interpretation, the following shall be considered as equivalent to the loss of a hand or a foot—

- (a) Loss of a hand or of all the fingers, or of the thumb and forefinger of one hand; loss of a foot, or of all the toes and metatarsals of one foot.
- (b) Ankylosis, loss of osseous tissue, cicatricial contracture preventing the functioning of one of the large articulations or of all the digital joints of one hand.
- (c) Pseudarthrosis of the long bones.

- (d) Deformities due to fracture or other injury which seriously interfere with function and weight-bearing power.

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

- (a) Projectile in the heart, even if the Mixed Medical Commission should fail, at the time of their examination, to detect any serious disorders.
- (b) Metallic splinter in the brain or the lungs, even if the Mixed Medical Commission cannot, at the time of examination, detect any local or general reaction.
- (c) Osteomyelitis, when recovery cannot be foreseen in the course of the year following the injury, and which seems likely to result in ankylosis of a joint, or other impairments equivalent to the loss of a hand or a foot.
- (d) Perforating and suppurating injury to the large joint.
- (e) Injury to the skull, with loss or shifting of bony tissue.
- (f) Injury or burning of the face with loss of tissue and functional lesions.
- (g) Injury to the spinal cord.
- (h) Lesion of the peripheral nerves, the sequelae of which are equivalent to the loss of a hand or foot, and the cure of which requires more than a year from the date of injury, for example: injury to the brachial or lumbosacral plexus, the median or sciatic nerves, likewise combined injury to the radial and cubital nerves or to the lateral popliteal nerve (*N. peroneus communis*) and medial popliteal nerve (*N. tibialis*); etc. The separate injury of the radial (musculo-spiral), cubital, lateral or medial popliteal nerves shall not, however, warrant repatriation except in case of contractures or of serious neurotrophic disturbance.
- (i) Injury to the urinary system, with incapacitating results.

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

- (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) Exudate pleurisy.
- (c) Serious diseases of the respiratory organs of non-tubercular etiology, presumed incurable, for example: serious pulmonary emphysema, with or without bronchitis; chronic asthma; chronic bronchitis lasting more than one year in captivity; bronchiectasis; etc.

- (d) Serious chronic affections of the circulatory system, for example: valvular lesions and myocarditis, which have shown signs of circulatory failure during captivity, even though the Mixed Medical Commission cannot detect any such signs at the time of examination; affections of the pericardium and the vessels (Buerger's disease, aneurisms of the large vessels); etc.
- (e) Serious chronic affections of the digestive organs, for example: gastric or duodenal ulcer; sequelae of gastric operations performed in captivity; chronic gastritis, enteritis or colitis, having lasted more than one year and seriously affecting the general condition; cirrhosis of the liver; chronic cholecystopathy; etc.
- (f) Serious chronic affection of the genito-urinary organs, for example: chronic diseases of the kidney with consequent disorders; nephrectomy because of a tubercular kidney; chronic pyelitis or chronic cystitis; hydronephrosis or pyonephrosis; chronic grave gynaecological conditions; normal pregnancy and obstetrical disorder, where it is impossible to accommodate in a neutral country; etc.
- (g) Serious chronic diseases of the central and peripheral nervous system, for example: all obvious psychoses and psychoneuroses, such as serious hysteria, serious captivity psychoneurosis, etc., duly verified by a specialist; any epilepsy duly verified by the camp physician; cerebral arteriosclerosis; chronic neuritis lasting more than one year; etc.
- (h) Serious chronic diseases of the neuro-vegetative system, with considerable diminution of mental or physical fitness, noticeable loss of weight and general asthenia.
- (i) 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 acuity in cases where it is impossible to restore it by correction to an acuity of  $\frac{1}{2}$  in at least one eye; other grave ocular affections, for example: glaucoma, iritis, choroiditis; trachoma; etc.
- (k) Auditive disorders, such as total unilateral deafness, if the other ear does not discern the ordinary spoken word at a distance of one metre; etc.
- (l) Serious affections of metabolism, for example: diabetes mellitus requiring insulin treatment; etc.
- (m) Serious disorders of the endocrine glands, for example: thyrotoxicosis; hypothyrosis; Addison's disease; Simmonds' cachexia; tetany; etc.
- (n) Grave and chronic disorders of the blood-forming organs.
- (o) Serious cases of chronic intoxication, for example: lead poisoning, mercury poisoning, morphinism, cocainism, alcoholism; gas or radiation poisoning; etc.

- (p) Chronic affections of locomotion, with obvious functional disorders, for example: arthritis deformans; primary and secondary progressive chronic polyarthritis; rheumatism with serious clinical symptoms; etc.
- (q) Serious chronic skin diseases, not amenable to treatment.
- (r) Any malignant growth.
- (s) Serious chronic infectious diseases, persisting for one year after their inception, for example: malaria with decided organic impairment, amoebic or bacillary dysentery with grave disorders; tertiary visceral syphilis resistant to treatment; leprosy; etc.
- (t) Serious avitaminosis or serious inanition.

#### *B – Accommodation in Neutral Countries*

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

(1) All wounded prisoners of war who are not likely to recover in captivity, but who might be cured or whose condition might be considerably improved by accommodation in a neutral country.

(2) Prisoners of war suffering from any form of tuberculosis, of whatever organ, and whose treatment in a neutral country would be likely to lead to recovery or at least to considerable improvement, with the exception of primary tuberculosis cured before captivity.

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

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

(5) Prisoners of war suffering from war or captivity neuroses.

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

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

(7) All women prisoners of war who are pregnant or mothers with infants and small children.

The following cases shall not be eligible for accommodation in a neutral country:

(1) All duly verified chronic psychoses.

(2) All organic or functional nervous affections considered to be incurable.

(3) All contagious diseases during the period in which they are transmissible, with the exception of tuberculosis.

## II – GENERAL OBSERVATIONS

(1) The conditions given shall, in a general way, be interpreted and applied in as broad a spirit as possible.

Neuropathic and psychopathic conditions caused by war or captivity, as well as cases of tuberculosis in all stages, shall above all benefit by such liberal interpretation. Prisoners of war who have sustained several wounds, none of which, considered by itself, justifies repatriation, shall be examined in the same spirit, with due regard for the psychic traumatism due to the number of their wounds.

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

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

(4) The provisions of this Annex shall be interpreted and applied in a similar manner in all countries party to the conflict. The Powers and authorities concerned shall grant to Mixed Medical Commissions all the facilities necessary for the accomplishment of their task.

(5) The examples quoted under (1) above represent only typical cases. Cases which do not correspond exactly to these provisions shall be judged in the spirit of the provisions of Article 110 of the present Convention, and of the principles embodied in the present Agreement.

## ANNEX II

[see Article 112.]

## REGULATIONS CONCERNING MIXED MEDICAL COMMISSIONS

Article 1

Article 2

Article 3

*Geneva Conventions*

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Article 4

Article 5

Article 6

Article 7

Article 8

Article 9

Article 10

Article 11

*Geneva Conventions*

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Article 12

Article 13

Article 14

ANNEX III

[see Article 73.]

REGULATIONS CONCERNING COLLECTIVE RELIEF

Article 1

Article 2

Article 3

*Geneva Conventions*

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Article 4

Article 5

Article 6

Article 7

Article 8

Article 9

ANNEX IV

[Article 4.]

A. – IDENTITY CARD

**B. – CAPTURE CARD**

[Article 70.]

C. – CORRESPONDENCE CARD AND LETTER

[Article 71.]

**D. – NOTIFICATION OF DEATH**

[Article 120.]

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E – REPATRIATION CERTIFICATE

[Annex II, Article 11.]

**REPATRIATION CERTIFICATE**

Date: .....  
Camp: .....  
Hospital: .....  
Surname: .....  
First names: .....  
Date of birth: .....  
Rank: .....  
Army number: .....  
P.W. number: .....  
Injury/Disease: .....  
Decision of the Commission: .....

.....  
*Chairman of the  
Mixed Medical Commission*

A = direct repatriation.  
B = accommodation in a neutral country.  
NC = re-examination by next Commission.

### ANNEX V

[Article 63]

#### MODEL REGULATIONS CONCERNING PAYMENTS SENT BY PRISONERS TO THEIR OWN COUNTRY

- (1) The notification referred to in the third paragraph of Article 63 will show—
- (a) number as specified in Article 17, rank, surname and first names of the prisoner of war who is the payer;
  - (b) the name and address of the payee in the country of origin;
  - (c) the amount to be so paid in the currency of the country in which he is detained.

(2) The notification will be signed by the prisoner of war, or his witnessed mark made upon it if he cannot write, and shall be countersigned by the prisoners' representative.

(3) The camp commander will add to this notification a certificate that the prisoner of war concerned has a credit balance of not less than the amount registered as payable.

(4) The notification may be made up in lists, each sheet of such lists witnessed by the prisoners' representative and certified by the camp commander.

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### FOURTH SCHEDULE

[Sections 2 and 3.]

#### GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR DATED THE 12TH AUGUST, 1949

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949 for the purpose of establishing a Convention for the Protection of Civilians in Time of War, have agreed as follows:

#### PART I – GENERAL PROVISIONS

Article 1 – Respect for the Convention

Article 2 – Application of the Convention

**Article 3 – Conflicts not of an International Character**

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons—

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

**Article 4 – Definition of Protected Persons**

Article 5 – Derogations  
Article 6 – Beginning and End of Application

Article 7 – Special Agreements

Article 8 – Non-Renunciation of Rights

Article 9 – Protecting Powers

Article 10 – Activities of the International Committee of the Red Cross

Article 11 – Substitutes for Protecting Powers

Article 12 – Conciliation Procedure

PART II – GENERAL PROTECTION OF POPULATIONS  
AGAINST CERTAIN CONSEQUENCES OF WAR

Article 13 – Field of Application of Part II

## Article 14 – Hospital and Safety Zones and Localities

## Article 15 – Neutralized Zones

Any Party to the conflict may, either direct or through a neutral State or some humanitarian organization, propose to the adverse Party to establish, in the regions where fighting is taking place, neutralized zones intended to shelter from the effects of war the following persons, without distinction—

When the Parties concerned have agreed upon the geographical position, administration, food supply and supervision of the proposed neutralized zone, a written agreement shall be concluded and signed by the representatives of the Parties to the conflict. The agreement shall fix the beginning and the duration of the neutralization of the zone.

## Article 16 – Wounded and Sick

**I. General protection**

The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect.

As far as military considerations allow, each Party to the conflict shall facilitate the steps taken to search for the killed and wounded, to assist the shipwrecked and other persons exposed to grave danger, and to protect them against pillage and ill-treatment.

## Article 17

**II. Evacuation**

The Parties to the conflict shall endeavour to conclude local agreements for the removal from besieged or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases, and for the passage of ministers of all religions, medical personnel and medical equipment on their way to such areas.

## Article 18

**III. Protection of hospitals**

Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack but shall at all times be respected and protected by the Parties to the conflict.

States which are Parties to a conflict shall provide all civilian hospitals with certificates showing that they are civilian hospitals and that the buildings which they occupy are not used for any purpose which would deprive these hospitals of protection in accordance with Article 19.

Civilian hospitals shall be marked by means of the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, but only if so authorized by the State.

The Parties to the conflict shall, in so far as military considerations permit, take the necessary steps to make the distinctive emblems indicating civilian hospitals clearly visible to the enemy land, air and naval forces in order to obviate the possibility of any hostile action.

In view of the dangers to which hospitals may be exposed by being close to military objectives, it is recommended that such hospitals be situated as far as possible from such objectives.

## Article 19

**IV. Discontinuance of protection of hospitals**

The protection to which civilian hospitals are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after due warning has been given, naming, in all appropriate cases, a reasonable time limit and after such warning has remained unheeded.

The fact that sick or wounded members of the armed forces are nursed in these hospitals, or the presence of small arms and ammunition taken from such combatants which have not yet been handed to the proper service, shall not be considered to be acts harmful to the enemy.

## Article 20

**V. Hospital staff**

Persons regularly and solely engaged in the operation and administration of civilian hospitals, including the personnel engaged in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases shall be respected and protected.

In occupied territory and in zones of military operations, the above personnel shall be recognizable by means of an identity card certifying their status, bearing the photograph of the holder and embossed with the stamp of the responsible authority, and also by means of a stamped, water-resistant armlet which they shall wear on the left arm while carrying out their duties. This armlet shall be

issued by the State and shall bear the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Other personnel who are engaged in the operation and administration of civilian hospitals shall be entitled to respect and protection and to wear the armlet, as provided in and under the conditions prescribed in this Article, while they are employed on such duties. The identity card shall state the duties on which they are employed.

The management of each hospital shall at all times hold at the disposal of the competent national or occupying authorities an up-to-date list of such personnel.

#### Article 21

### **VI. Land and sea transport**

Convoys of vehicles or hospital trains on land or specially provided vessels on sea, conveying wounded and sick civilians, the infirm and maternity cases, shall be respected and protected in the same manner as the hospitals provided for in Article 18, and shall be marked, with the consent of the State, by the display of the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

#### Article 22

### **VII. Air transport**

Aircraft exclusively employed for the removal of wounded and sick civilians, the infirm and maternity cases or for the transport of medical personnel and equipment, shall not be attacked, but shall be respected while flying at heights, times and on routes specifically agreed upon between all the Parties to the conflict concerned.

They may be marked with the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Unless agreed otherwise, flights over enemy or enemy occupied territory are prohibited.

Such aircraft shall obey every summons to land. In the event of a landing thus imposed, the aircraft with its occupants may continue its flight after examination, if any.

#### Article 23 – Consignment of Medical Supplies, Food and Clothing

Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases.

The obligation of a High Contracting Party to allow the free passage of the consignments indicated in the preceding paragraph is subject to the condition that this Party is satisfied that there are no serious reasons for fearing—

The Power which allows the passage of the consignments indicated in the first paragraph of this Article may make such permission conditional on the distribution to the persons benefited thereby being made under the local supervision of the Protecting Powers.

Such consignments shall be forwarded as rapidly as possible, and the Power which permits their free passage shall have the right to prescribe the technical arrangements under which such passage is allowed.

Article 24 – Measures Relating to Child Welfare

Article 25 – Family News

## Article 26 – Dispersed Families

## PART III – STATUS AND TREATMENT OF PROTECTED PERSONS

SECTION I – PROVISIONS COMMON TO THE TERRITORIES OF THE  
PARTIES TO THE CONFLICT AND TO OCCUPIED TERRITORIES

## Article 27 – Treatment

**I. General observations**

Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion.

However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war.

## Article 28

**II. Danger zones**

The presence of a protected person may not be used to render certain points or areas immune from military operations.

## Article 29

**III. Responsibilities**

The Party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.

Article 30 – Application to Protecting Powers and Relief Organizations

Article 31 – Prohibition of Coercion

Article 32 – Prohibition of Corporal Punishment, Torture, etc.

Article 33 – Individual Responsibility, Collective Penalties, Pillage, Reprisals

Article 34 – Hostages

**SECTION II – ALIENS IN THE TERRITORY  
OF A PARTY TO THE CONFLICT**

Article 35 – Right to Leave the Territory

Article 36 – Method of Repatriation

Article 37 – Persons in Confinement

Article 38 – Non-Repatriated Persons

#### **I. General observations**

With the exception of special measures authorized by the present Convention, in particular by Articles 27 and 41 thereof, the situation of protected persons shall continue to be regulated, in principle, by the provisions concerning aliens in time of peace. In any case, the following rights shall be granted to them:

(1) They shall be enabled to receive the individual or collective relief that may be sent to them.

(2) They shall, if their state of health so requires, receive medical attention and hospital treatment to the same extent as the nationals of the State concerned.

(3) They shall be allowed to practice their religion and to receive spiritual assistance from ministers of their faith.

(4) If they reside in an area particularly exposed to the dangers of war, they shall be authorized to move from that area to the same extent as the nationals of the State concerned.

(5) Children under fifteen years, pregnant women and mothers of children under seven years shall benefit by any preferential treatment to the same extent as the nationals of the State concerned.

#### Article 39

### **II. Means of existence**

Protected persons who, as a result of the war, have lost their gainful employment, shall be granted the opportunity to find paid employment. That opportunity shall, subject to security considerations and to the provisions of Article 40, be equal to that enjoyed by the nationals of the Power in whose territory they are.

Where a Party to the conflict applies to a protected person methods of control which result in his being unable to support himself, and especially if such a person is prevented for reasons of security from finding paid employment on reasonable conditions, the said Party shall ensure his support and that of his dependants.

Protected persons may in any case receive allowances from their home country, the Protecting Power, or the relief societies referred to in Article 30.

#### Article 40

### **III. Employment**

Protected persons may be compelled to work only to the same extent as nationals of the Party to the conflict in whose territory they are.

If protected persons are of enemy nationality, they may only be compelled to do work which is normally necessary to ensure the feeding, sheltering, clothing, transport and health of human beings and which is not directly related to the conduct of military operations.

In the cases mentioned in the two preceding paragraphs, protected persons compelled to work shall have the benefit of the same working conditions and of the same safeguards as national workers, in particular as regards wages, hours of labour, clothing and equipment, previous training and compensation for occupational accidents and diseases.

If the above provisions are infringed, protected persons shall be allowed to exercise their right of complaint in accordance with Article 30.

#### Article 41 – Internment

### **IV. Assigned residence**

Should the Power in whose hands protected persons may be consider the measures of control mentioned in the present Convention to be inadequate, it may not have the recourse to any other measure of control more severe than that of assigned residence or internment, in accordance with the provisions of Articles 42 and 43.

In applying the provisions of Article 39, second paragraph to the cases of persons required to leave their usual places of residence by virtue of a decision

placing them in assigned residence elsewhere, the Detaining Power shall be guided as closely as possible by the standards of welfare set forth in Part III, Section IV of this Convention.

#### Article 42 – Voluntary Internment

### V. Grounds for internment or assigned residence

The internment or placing in assigned residence of protected persons may be ordered only if the security of the Detaining Power makes it absolutely necessary.

If any person, acting through the representatives of the Protecting Power, voluntarily demands internment, and if his situation renders this step necessary he shall be interned by the Power in whose hands he may be.

#### Article 43

### VI. Procedure

Any protected person who has been interned or placed in assigned residence shall be entitled to have such action reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose. If the internment or placing in assigned residence is maintained, the court or administrative board shall periodically, and at least twice yearly, give consideration to his or her case, with a view to the favourable amendment of the initial decision, if circumstances permit.

Unless the protected persons concerned object, the Detaining Power shall, as rapidly as possible, give the Protecting Power the names of any protected persons who have been interned or subjected to assigned residence, or who have been released from internment or assigned residence. The decisions of the courts or boards mentioned in the first paragraph of the present Article shall also, subject to the same conditions, be notified as rapidly as possible to the Protecting Power.

#### Article 44

### VII. Refugees

In applying the measures of control mentioned in the present Convention, the Detaining Power shall not treat as enemy aliens exclusively on the basis of their nationality *de jure* of an enemy State, refugees who do not, in fact, enjoy the protection of any government.

#### Article 45

### VIII. Transfer to another Power

Protected persons shall not be transferred to a Power which is not a party to the Convention.

This provision shall in no way constitute an obstacle to the repatriation of protected persons, or to their return to their country of residence after the cessation of hostilities.

Protected persons may be transferred by the Detaining Power only to a Power which is a party to the present Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the present Convention. If protected persons are transferred under such circumstances, responsibility for the application of the present Convention rests on the Power accepting them, while they are in its custody. Nevertheless, if that Power fails to carry out the provisions of the present Convention in any important respect, the Power by which the protected persons were transferred shall, upon being so notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the protected persons. Such request must be complied with.

In no circumstances shall a protected person be transferred to a country where he or she may have reason to fear persecution for his or her political opinions or religious beliefs.

The provisions of this Article do not constitute an obstacle to the extradition, in pursuance of extradition treaties concluded before the outbreak of hostilities, of protected persons accused of offences against ordinary criminal law.

Article 46 – Cancellation of Restrictive Measures

SECTION III – OCCUPIED TERRITORIES

Article 47 – Inviolability of Rights

Article 48 – Special Cases of Repatriation

Article 49 – Deportations, Transfers, Evacuations

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Article 50 – Children

Article 51 – Enlistment. Labour

Article 52 – Protection of Workers

Article 53 – Prohibited Destruction

Article 54 – Judges and Public Officials

Article 55 – Food and Medical Supplies for the Population

Article 56 – Hygiene and Public Health

Article 57 – Requisition of Hospitals

Article 58 – Spiritual Assistance

Article 59 – Relief

**I. Collective relief**

If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal.

Such schemes, which may be undertaken either by States or by impartial humanitarian organizations such as the International Committee of the Red Cross, shall consist, in particular, of the provision of consignments of foodstuffs, medical supplies and clothing.

All Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection.

A Power granting free passage to consignments on their way to territory occupied by an adverse Party to the conflict shall, however, have the right to search the consignments, to regulate their passage according to prescribed times and routes, and to be reasonably satisfied through the Protecting Power that these consignments are to be used for the relief of the needy population and are not to be used for the benefit of the Occupying Power.

#### Article 60

### **II. Responsibilities of the Occupying Power**

Relief consignments shall in no way relieve the Occupying Power of any of its responsibilities under Articles 55, 56 and 59. The Occupying Power shall in no way whatsoever divert relief consignments from the purpose for which they are intended, except in cases of urgent necessity, in the interests of the population of the occupied territory and with the consent of the Protecting Power.

#### Article 61

### **III. Distribution**

The distribution of the relief consignments referred to in the foregoing Articles shall be carried out with the co-operation and under the supervision of the Protecting Power. This duty may also be delegated, by agreement between the Occupying Power and the Protecting Power, to a neutral Power, to the International Committee of the Red Cross or to any other impartial humanitarian body.

Such consignments shall be exempt in occupied territory from all charges, taxes or customs duties unless these are necessary in the interests of the economy of the territory. The Occupying Power shall facilitate the rapid distribution of these consignments.

All Contracting Parties shall endeavour to permit the transit and transport, free of charge, of such relief consignments on their way to occupied territories.

#### Article 62

### **IV. Individual relief**

Subject to imperative reasons of security, protected persons in occupied territories shall be permitted to receive the individual relief consignments sent to them.

#### Article 63 – National Red Cross and Other Relief Societies

Subject to temporary and exceptional measures imposed for urgent reasons of security by the Occupying Power—

The same principles shall apply to the activities and personnel of special organizations of a non-military character, which already exist or which may be established, for the purpose of ensuring the living conditions of the civilian population by the maintenance of the essential public utility services, by the distribution of relief and by the organization of rescues.

#### Article 64 – Penal Legislation

##### **I. General observations**

The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention. Subject to the latter consideration and to the necessity for ensuring the effective administration of justice, the tribunals of the occupied territory shall continue to function in respect of all offences covered by the said laws.

The Occupying Power may, however, subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfil its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the Occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them.

#### Article 65

##### **II. Publication**

The penal provisions enacted by the Occupying Power shall not come into force before they have been published and brought to the knowledge of the inhabitants in their own language. The effect of these penal provisions shall not be retroactive.

#### Article 66

##### **III. Competent courts**

In case of a breach of the penal provisions promulgated by it by virtue of the second paragraph of Article 64, the Occupying Power may hand over the accused to its properly constituted, non-political military courts, on condition that the said courts sit in the occupied country. Courts of appeal shall preferably sit in the occupied country.

#### Article 67

##### **IV. Applicable provisions**

The courts shall apply only those provisions of law which were applicable prior to the offence, and which are in accordance with general principles of law, in

particular the principle that the penalty shall be proportionate to the offence. They shall take into consideration the fact that the accused is not a national of the Occupying Power.

#### Article 68

### **V. Penalties. Death penalty**

Protected persons who commit an offence which is solely intended to harm the Occupying Power, but which does not constitute an attempt on the life or limb of members of the occupying forces or administration, nor a grave collective danger, nor seriously damage the property of the occupying forces or administration or the installations used by them, shall be liable to internment or simple imprisonment, provided the duration of such internment or imprisonment is proportionate to the offence committed. Furthermore, internment or imprisonment shall, for such offences, be the only measure adopted for depriving protected persons of liberty. The courts provided for under Article 66 of the present Convention may at their discretion convert a sentence of imprisonment to one of internment for the same period.

The penal provisions promulgated by the Occupying Power in accordance with Articles 64 and 65 may impose the death penalty on a protected person only in cases where the person is guilty of espionage, of serious acts of sabotage against the military installations of the Occupying Power or of intentional offences which have caused the death of one or more persons, provided that such offences were punishable by death under the law of the occupied territory in force before the occupation began.

The death penalty may not be pronounced on a protected person unless the attention of the court has been particularly called to the fact that since the accused is not a national of the Occupying Power, he is not bound to it by any duty of allegiance.

In any case, the death penalty may not be pronounced on a protected person who was under eighteen years of age at the time of the offence.

#### Article 69

### **VI. Deduction from sentence of period spent under arrest**

In all cases the duration of the period during which a protected person accused of an offence is under arrest awaiting trial or punishment shall be deducted from any period of imprisonment awarded.

#### Article 70

### **VII. Offences committed before occupation**

Protected persons shall not be arrested, prosecuted or convicted by the Occupying Power for acts committed or for opinions expressed before the occupation, or during a temporary interruption thereof, with the exception of breaches of the laws and customs of war.

Nationals of the Occupying Power who, before the outbreak of hostilities, have sought refuge in the territory of the occupied State, shall not be arrested, prosecuted, convicted or deported from the occupied territory, except for

offences committed after the outbreak of hostilities, or for offences under common law committed before the outbreak of hostilities which, according to the law of the occupied State, would have justified extradition in time of peace.

#### Article 71 – Penal Procedure

##### **I. General observations**

No sentence shall be pronounced by the competent courts of the Occupying Power except after a regular trial.

Accused persons who are prosecuted by the Occupying Power shall be promptly informed, in writing, in a language which they understand, of the particulars of the charges preferred against them, and shall be brought to trial as rapidly as possible. The Protecting Power shall be informed of all proceedings instituted by the Occupying Power against protected persons in respect of charges involving the death penalty or imprisonment for two years or more; it shall be enabled, at any time, to obtain information regarding the state of such proceedings. Furthermore, the Protecting Power shall be entitled, on request, to be furnished with all particulars of these and of any other proceedings instituted by the Occupying Power against protected persons.

The notification to the Protecting Power, as provided for in the second paragraph above, shall be sent immediately, and shall in any case reach the Protecting Power three weeks before the date of the first hearing. Unless, at the opening of the trial, evidence is submitted that the provisions of this Article are fully complied with, the trial shall not proceed. The notification shall include the following particulars—

- (a) description of the accused;
- (b) place of residence or detention;
- (c) specification of the charge or charges (with mention of the penal provisions under which it is brought);
- (d) designation of the court which will hear the case;
- (e) place and date of the first hearing.

#### Article 72

##### **II. Right of defence**

Accused persons shall have the right to present evidence necessary to their defence and may, in particular, call witnesses. They shall have the right to be assisted by a qualified advocate or counsel of their own choice, who shall be able to visit them freely and shall enjoy the necessary facilities for preparing the defence.

Failing a choice by the accused, the Protecting Power may provide him with an advocate or counsel. When an accused person has to meet a serious charge and the Protecting Power is not functioning, the Occupying Power, subject to the consent of the accused, shall provide an advocate or counsel.

Accused persons shall, unless they freely waive such assistance, be aided by an interpreter, both during preliminary investigation and during the hearing in court. They shall have at any time the right to object to the interpreter and to ask for his replacement.

## Article 73

**III. Right of appeal**

A convicted person shall have the right of appeal provided for by the laws applied by the court. He shall be fully informed of his right to appeal or petition and of the time limit within which he may do so.

The penal procedure provided in the present Section shall apply, as far as it is applicable, to appeals. Where the laws applied by the Court make no provision for appeals, the convicted person shall have the right to petition against the finding and sentence to the competent authority of the Occupying Power.

## Article 74

**IV. Assistance by the Protecting Power**

Representatives of the Protecting Power shall have the right to attend the trial of any protected person, unless the hearing has, as an exceptional measure, to be held *in camera* in the interests of the security of the Occupying Power, which shall then notify the Protecting Power. A notification in respect of the date and place of trial shall be sent to the Protecting Power.

Any judgment involving a sentence of death, or imprisonment for two years or more, shall be communicated, with the relevant grounds, as rapidly as possible to the Protecting Power. The notification shall contain a reference to the notification made under Article 71 and, in the case of sentences of imprisonment, the name of the place where the sentence is to be served. A record of judgments other than those referred to above shall be kept by the court and shall be open to inspection by representatives of the Protecting Power. Any period allowed for appeal in the case of sentences involving the death penalty, or imprisonment of two years or more, shall not run until notification of judgment has been received by the Protecting Power.

## Article 75

**V. Death sentence**

In no case shall persons condemned to death be deprived of the right of petition for pardon or reprieve.

No death sentence shall be carried out before the expiration of a period of at least six months from the date of receipt by the Protecting Power of the notification of the final judgment confirming such death sentence, or of an order denying pardon or reprieve.

The six months period of suspension of the death sentence herein prescribed may be reduced in individual cases in circumstances of grave emergency involving an organized threat to the security of the Occupying Power or its forces, provided always that the Protecting Power is notified of such reduction and is given reasonable time and opportunity to make representation to the competent occupying authorities in respect of such death sentences.

## Article 76 – Treatment of Detainees

Article 77 – Handing Over of Detainees at the Close of Occupation

Article 78 – Security Measures, Internment and Assigned Residence

*Right of Appeal*

SECTION IV – REGULATIONS FOR THE TREATMENT OF INTERNEES

CHAPTER I – GENERAL PROVISIONS

Article 79 – Cases of Internment and Applicable Provisions

Article 80 – Civil Capacity

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Article 81 – Maintenance

Article 82 – Grouping of Internees

CHAPTER II – PLACES OF INTERNMENT

Article 83 – Location of Places of Internment

*Marking of Camps*

Article 84 – Separate Internment

Article 85 – Accommodation, Hygiene

Article 86 – Premises for Religious Services

Article 87 – Canteens

Article 88 – Air Raid Shelters. Protective measures

CHAPTER III – FOOD AND CLOTHING

Article 89 – Food

Article 90 – Clothing

CHAPTER IV – HYGIENE AND MEDICAL ATTENTION

Article 91 – Medical Attention

Article 92 – Medical Inspections

CHAPTER V – RELIGIOUS, INTELLECTUAL AND PHYSICAL ACTIVITIES

Article 93 – Religious Duties

Article 94 – Recreation, Study, Sports and Games

Article 95 – Working Conditions

Article 96 – Labour Detachments

CHAPTER VI – PERSONAL PROPERTY AND FINANCIAL RESOURCES

Article 97 – Valuables and Personal Effects

Article 98 – Financial Resources and Individual Accounts

CHAPTER VII – ADMINISTRATION AND DISCIPLINE

Article 99 – Camp administration

*Posting of the convention and of orders*

Article 100 – General Discipline

## Article 101 – Complaints and Petitions

## Article 102 – Internee Committees

**I. Election of members**

In every place of internment, the internees shall freely elect by secret ballot every six months, the members of a Committee empowered to represent them before the Detaining and the Protecting Powers, the International Committee of the Red Cross and any other organization which may assist them. The members of the Committee shall be eligible for re-election.

Internees so elected shall enter upon their duties after their election has been approved by the detaining authorities. The reasons for any refusals or dismissals shall be communicated to the Protecting Powers concerned.

## Article 103

**II. Duties**

The Internee Committees shall further the physical, spiritual and intellectual well-being of the internees.

In case the internees decide, in particular, to organize a system of mutual assistance amongst themselves, this organization would be within the competence of the Committee in addition to the special duties entrusted to them under other provisions of the present Convention.

## Article 104

CHAPTER VIII – RELATIONS WITH THE EXTERIOR

Article 105 – Notification of Measures taken

Article 106 – Internment Card

Article 107 – Correspondence

## Article 108 – Relief Shipments

**I. General principles**

Internees shall be allowed to receive, by post or by any other means, individual parcels or collective shipments containing in particular foodstuffs, clothing, medical supplies, as well as books and objects of a devotional, educational or recreational character which may meet their needs. Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present Convention.

Should military necessity require the quantity of such shipments to be limited, due notice thereof shall be given to the Protecting Power and to the International Committee of the Red Cross, or to any other organization giving assistance to the internees and responsible for the forwarding of such shipments.

The conditions for the sending of individual parcels and collective shipments shall, if necessary, be the subject of special agreements between the Powers concerned, which may in no case delay the receipt by the internees of relief supplies. Parcels of clothing and foodstuffs may not include books. Medical relief supplies shall, as a rule, be sent in collective parcels.

## Article 109

**II. Collective relief**

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

The special agreements provided for above shall in no case restrict the right of Internee Committees to take possession of collective relief shipments intended for internees, to undertake their distribution and to dispose of them in the interests of the recipients.

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

## Article 110

**III. Exemption from postal and transport charges**

All relief shipments for internees shall be exempt from import, customs and other dues.

All matter sent by mail, including relief parcels sent by parcel post and remittances of money, addressed from other countries to internees or despatched by them through the post office, either direct or through the Information Bureaux provided for in Article 136 and the Central Information Agency provided for in Article 140, shall be exempt from all postal dues both in the countries of origin and destination and in intermediate countries. To this effect, in particular, the exemption provided by the Universal Postal Convention of 1947 and by the agreements of the Universal Postal Union in favour of

civilians of enemy nationality detained in camps or civilian prisons, shall be extended to the other interned persons protected by the present Convention. The countries not signatory to the above-mentioned agreements shall be bound to grant freedom from charges in the same circumstances.

The cost of transporting relief shipments which are intended for internees and which, by reason of their weight or any other cause, cannot be sent through the post office, shall be borne by the Detaining Power in all the territories under its control. Other Powers which are Parties to the present Convention shall bear the cost of transport in their respective territories.

Costs connected with the transport of such shipments, which are not covered by the above paragraphs, shall be charged to the senders.

The High Contracting Parties shall endeavor to reduce, so far as possible, the charges for telegrams sent by internees, or addressed to them.

#### Article 111 – Special Means of Transport

Should military operations prevent the Powers concerned from fulfilling their obligation to ensure the conveyance of the mail and relief shipments provided for in Articles 106, 107, 108 and 113, the Protecting Powers concerned, the International Committee of the Red Cross or any other organization duly approved by the Parties to the conflict may undertake to ensure the conveyance of such shipments by suitable means (rail, motor vehicles, vessels or aircraft, etc.). For this purpose, the High Contracting Parties shall endeavour to supply them with such transport, and to allow its circulation, especially by granting the necessary safe-conducts.

Such transport may also be used to convey—

These provisions in no way detract from the right of any Party to the conflict to arrange other means of transport if it should so prefer, nor preclude the granting of safe-conducts, under mutually agreed conditions, to such means of transport.

The costs occasioned by the use of such means of transport shall be borne, in proportion to the importance of the shipments, by the Parties to the conflict whose nationals are benefited thereby.

#### Article 112 – Censorship and Examination

Article 113 – Execution and Transmission of Legal Documents

Article 114 – Management of Property

Article 115 – Facilities for Preparation and Conduct of Cases

Article 116 – Visits

CHAPTER IX – PENAL AND DISCIPLINARY SANCTIONS

Article 117 – General Provisions

*Applicable Legislation*

Article 118 – Penalties

Article 119 – Disciplinary Punishments

The disciplinary punishments applicable to internees shall be the following:

(1) A fine which shall not exceed 50 per cent of the wages which the internee would otherwise receive under the provisions of Article 95 during a period of not more than thirty days.

(2) Discontinuance of privileges granted over and above the treatment provided for by the present Convention.

(3) Fatigue duties, not exceeding two hours daily, in connexion with the maintenance of the place of internment.

(4) Confinement.

In no case shall disciplinary penalties be inhuman, brutal or dangerous for the health of internees. Account shall be taken of the internee's age, sex and state of health.

The duration of any single punishment shall in no case exceed a maximum of thirty consecutive days, even if the internee is answerable for several breaches of discipline when his case is dealt with, whether such breaches are connected or not.

Article 120 – Escapes

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Article 121 – Connected Offences

Article 122 – Investigations

*Confinement awaiting Hearing*

Article 123 – Competent Authorities

*Procedure*

Article 124 – Premises for Disciplinary Punishments

Article 125 – Essential Safeguards

Article 126 – Provisions Applicable to Judicial Proceedings

CHAPTER X – TRANSFER OF INTERNEES

Article 127 – Conditions

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Article 128 – Method

CHAPTER XI – DEATHS

Article 129 – Wills

*Death Certificates*

Article 130 – Burial

*Cremation*

Article 131 – Internees Killed or Injured in Special Circumstances

CHAPTER XII – RELEASE, REPATRIATION AND  
ACCOMMODATION IN NEUTRAL COUNTRIES

Article 132 – During Hostilities or Occupation

Article 133 – After the Close of Hostilities

Article 134 – Repatriation and Return to Last Place of Residence

Article 135 – Costs

SECTION V – INFORMATION BUREAUX AND CENTRAL AGENCY

Article 136 – National Bureaux

Article 137 – Transmission of Information

Article 138 – Particulars Required

Article 139 – Forwarding of Personal Valuables

Article 140 – Central Agency

Article 141 – Exemption from Charges

PART IV – EXECUTION OF THE CONVENTION

SECTION I – GENERAL PROVISIONS

Article 142 – Relief Societies and other Organizations

Article 143 – Supervision

## Article 144 – Dissemination of the Convention

## Article 145 – Translations

*Rules of application*

## Article 146 – Penal Sanctions

**I. General observations**

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

Article 147

**II. Grave breaches**

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

Article 148

**III. Responsibilities of the Contracting Parties**

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

Article 149 – Enquiry Procedure

SECTION II – FINAL PROVISIONS

Article 150 – Languages

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Article 151 – Signature

Article 152 – Ratification

Article 153 – Coming into Force

Article 154 – Relation with the Hague Conventions

Article 155 – Accession

Article 156 – Notification of Accessions

Article 157 – Immediate Effect

Article 158 – Denunciation

Article 159 – Registration with the United Nations

ANNEX I

DRAFT AGREEMENT RELATING TO HOSPITAL  
AND SAFETY ZONES AND LOCALITIES

Article 1

Article 2

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Article 3

Article 4

Hospitals and safety zones shall fulfil the following conditions—

Article 5

Hospital and safety zones shall be subject to the following obligations—

Article 6

Article 7

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Article 8

Article 9

Article 10

Article 11

Article 12

Article 13

ANNEX II

DRAFT REGULATIONS CONCERNING COLLECTIVE RELIEF

Article 1

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Article 2

Article 3

Article 4

Article 5

Article 6

Article 7

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Article 8  
ANNEX III  
INTERNMENT CARD

1. Front

CIVILIAN INTERNEE MAIL		Postage free
POST CARD		
<p><b>IMPORTANT</b></p> <p>This card must be completed by each internee immediately on being interned and each time his address is altered by reason of transfer to another place of internment or to a hospital.</p> <p>This card is not the same as the special card which each internee is allowed to send to his relatives.</p>	<p>CENTRAL INFORMATION AGENCY FOR PROTECTED PERSONS</p> <p>INTERNATIONAL COMMITTEE OF THE RED CROSS</p>	

2. Reverse side

Write legibly and in block letters—1. Nationality .....			
2. Surname	3. First names ( <i>in full</i> )	4. First name of father	
.....			
5. Date of birth .....	6. Place of birth .....		
7. Occupation .....			
8. Address before detention .....			
9. Address of next of kin .....			
*10. Interned on: .....			
(or)			
Coming from (hospital, etc.) on: .....			
*11. State of health .....			

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12. Present address .....	
13. Date .....	14. Signature .....
* Strike out what is not applicable — Do not add any remarks — See explanations on other side of card	

(Size of internment card—10 × 15cm.)

LETTER

CIVILIAN INTERNEE SERVICE

Postage free

To  
 Street and number  
 Place of destination (*in block capitals*)  
 Province or Department  
 Country (*in block capitals*)

Sender:  
 Surname and first names  
 Date and place of birth  
 Internment address

CORRESPONDENCE CARD

1. Front

CIVILIAN INTERNEE MAIL	
Postage free	
Sender: Surname and first names Place and date of birth Internment address	POST CARD  To  Street and number Place of destination ( <i>in block capitals</i> ) Province or Department Country ( <i>in block capitals</i> )

*Geneva Conventions*

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2. Reverse side

Date .....
.....
.....
.....
.....
.....

Write on the dotted lines only and as legibly as possible.

(Size of correspondence card —10 × 15 cm.)

