

[COMMITTEE PRINT]

FILE / SUB.I

MONOGRAPH FILE  
INDOCHINA ARCHIVE  
UNIVERSITY OF CALIFORNIA

1970

**THE GENEVA CONVENTION RELATIVE TO THE  
TREATMENT OF PRISONERS OF WAR**

**With Reservations, if Any, by Governments  
Participating in Hostilities in Vietnam,  
Cambodia and Laos**

---

PREPARED FOR THE  
SUBCOMMITTEE ON NATIONAL SECURITY POLICY  
AND SCIENTIFIC DEVELOPMENTS

OF THE  
COMMITTEE ON FOREIGN AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES



MAY 1970

U.S. GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1970

44-088 O

## COMMITTEE ON FOREIGN AFFAIRS

THOMAS E. MORGAN, Pennsylvania, *Chairman*

CLEMENT J. ZABLOCKI, Wisconsin  
WAYNE L. HAYS, Ohio  
L. H. FOUNTAIN, North Carolina  
DANTE B. FASCELL, Florida  
LEONARD FARBSTAIN, New York  
CHARLES C. DIGGS, Jr., Michigan  
WILLIAM T. MURPHY, Illinois  
CORNELIUS E. GALLAGHER, New Jersey  
ROBERT N. C. NIX, Pennsylvania  
JOHN S. MONAGAN, Connecticut  
DONALD M. FRASER, Minnesota  
BENJAMIN S. ROSENTHAL, New York  
EDWARD R. ROYBAL, California  
JOHN C. CULVER, Iowa  
LEE H. HAMILTON, Indiana  
JOHN V. TUNNEY, California  
ABRAHAM KAZEN, Jr., Texas  
LESTER L. WOLFF, New York  
JONATHAN B. BINGHAM, New York  
GUS YATRON, Pennsylvania

E. ROSS ADAIR, Indiana  
WILLIAM S. MAILLIARD, California  
PETER H. B. FRELINGHUYSEN, New Jersey  
WILLIAM S. BROOMFIELD, Michigan  
J. IRVING WHALLEY, Pennsylvania  
H. R. GROSS, Iowa  
E. Y. BERRY, South Dakota  
EDWARD J. DERWINSKI, Illinois  
F. BRADFORD MORSE, Massachusetts  
VERNON W. THOMSON, Wisconsin  
JAMES G. FULTON, Pennsylvania  
PAUL FINDLEY, Illinois  
JOHN BUCHANAN, Alabama  
ROBERT TAFT, Jr., Ohio  
SHERMAN P. LLOYD, Utah  
J. HERBERT BURKE, Florida  
WILLIAM V. ROTH, Jr., Delaware

BOYD CRAWFORD, *Staff Administrator*  
ROY J. BULLOCK, *Senior Staff Consultant*  
ALBERT C. F. WESTPHAL, *Staff Consultant*  
FRANCLIN J. SCHUPP, *Staff Consultant*  
HARRY C. CROMER, *Staff Consultant*  
PHILIP B. BILLINGS, *Staff Consultant*  
MARLAN A. CZARNECKI, *Staff Consultant*  
MELVIN O. BENSON, *Staff Consultant*  
EVERETT E. BIERMAN, *Staff Consultant*  
JOHN J. BRADY, Jr., *Staff Consultant*  
JOHN H. SULLIVAN, *Staff Consultant*  
ROBERT J. BOWEN, *Clerical Assistant*  
JUNE NIGH, *Senior Staff Assistant*  
HELEN C. MATTAS, *Staff Assistant*  
HELEN L. HASHAGEN, *Staff Assistant*  
LOUISE O'BRIEN, *Staff Assistant*  
DORA B. MCCrackEN, *Staff Assistant*  
JEAN E. SMITH, *Staff Assistant*  
NANCY C. PEDEN, *Staff Assistant*  
PAULA L. PEAK, *Staff Assistant*  
DIANE GALLAGHER, *Staff Assistant*

## SUBCOMMITTEE ON NATIONAL SECURITY POLICY AND SCIENTIFIC DEVELOPMENTS

[To deal with all matters affecting our foreign relations that concern matters of national security and scientific developments affecting foreign policy, including the national space program, mutual defense, and the operation of our high strategy generally]

CLEMENT J. ZABLOCKI, Wisconsin, *Chairman*

WAYNE L. HAYS, Ohio  
ROBERT N. C. NIX, Pennsylvania  
L. H. FOUNTAIN, North Carolina  
CORNELIUS E. GALLAGHER, New Jersey  
DONALD M. FRASER, Minnesota

VERNON W. THOMSON, Wisconsin  
WILLIAM S. BROOMFIELD, Michigan  
PAUL FINDLEY, Illinois  
JAMES G. FULTON, Pennsylvania  
ROBERT TAFT, Jr., Ohio

JOHN H. SULLIVAN, *Staff Consultant*  
JUNE NIGH, *Senior Staff Assistant*

## FOREWORD

---

MAY 22, 1970.

The history of modern warfare reveals two seemingly paradoxical trends. On the one hand, weapons have become vastly more sophisticated, fearsome, and destructive. On the other, there have been concerted efforts to make warfare as humane as possible for those taking no part in the conflict, including members of the Armed Forces who are sick, wounded, captured or who surrender.

A series of agreements, stretching back for more than 100 years, have sought to protect prisoners of war. From an initial prohibition against the slaughter of captives, mankind has moved to describe the rights and privileges of those held captive and to set down the obligations of their captors.

The culmination of this trend was the Geneva Conventions of 1949. On August 12, 1949, 61 nations, including the United States, completed work under the sponsorship of the International Committee of the Red Cross (ICRC) and signed four treaties known collectively as the Geneva Conventions for the Protection of War Victims.

Of the four treaties perhaps the most important, and certainly the most relevant at this time, is the Geneva Convention Relative to the Treatment of Prisoners of War. Following its approval by the Senate, the convention came into force for the United States on February 2, 1956, and from that time has been binding on our own Nation and its Armed Forces. Today 123 nations accept the Geneva Convention, including all the nations participating in hostilities in Southeast Asia, on both sides.

Since every country participating in the Vietnam war has signed or acceded to the Geneva Convention on Prisoners of War, the treatment of prisoners ostensibly should be no issue. Unfortunately, it is an issue, and one of the most pressing of the conflict, because the North Vietnamese have refused to abide by the provisions of the convention and have been guilty of inhumane treatment of the American servicemen they hold captive.

The full nature of Hanoi's unjustifiable and illegal acts against American prisoners should be understood by all Americans. In an effort to focus attention on the problem the Subcommittee on National Security Policy and Scientific Developments has, on two occasions, held hearings on the plight of our American POW's. Last November the subcommittee reported a resolution calling on Hanoi to live up to its responsibilities under the Geneva Convention. That resolution was passed unanimously by both Houses of Congress.

Another consequence of our deliberations has been recognition of the need to inform all Americans about the provisions for humane treatment which are provided in the Geneva Convention Relative to the Treatment of Prisoners of War. It was discovered, however, that the

text of the convention has not been readily available for public distribution to interested individuals and organizations.

In order to remedy that situation and to give the widest possible dissemination to the convention, I asked officials of the Department of State to prepare a text together with reservations or interpretations held by all of the governments participating in the Vietnam conflict. They responded favorably and this document is the result.

It is my hope that every American will become familiar with the provisions of the Geneva Convention on Prisoners of War, and will match the wretched performance of North Vietnam against the obligations which it accepted in acceding to the treaty. The result must certainly be to banish any apathy about the plight of U.S. prisoners and to engender a thunderous protest against Hanoi's inhumane conduct.

In this way, we all can help turn the spotlight of adverse world opinion on the North Vietnamese and thus influence them to live up to their international obligations by providing humane treatment and ultimate release for all American prisoners, as required by the 1949 Geneva Convention Relative to Treatment of Prisoners of War.

CLEMENT J. ZABLOCKI,

*Chairman, Subcommittee on National Security Policy  
and Scientific Developments.*

# CONTENTS

---

	Page
Foreword.....	III
Note.....	VII
Outline of convention.....	IX
Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949.....	1
Reservations, If Any, by Governments Participating in Hostilities in Vietnam, Cambodia, and Laos.....	79

## NOTE

This English language text of the Convention is reproduced photographically from a copy certified by the Swiss Federal Council.

# OUTLINE OF CONVENTION

*This outline, which does not appear in the certified copy, is not official.*

## PART I

### GENERAL PROVISIONS

Respect for the Convention  
Application of the Convention  
Conflicts not of an international character  
Prisoners of war  
Beginning and end of application  
Special agreements  
Non-renunciation of rights  
Protecting Powers  
Activities of the International Committee  
of the Red Cross  
Substitutes for Protecting Powers  
Conciliation procedure

## PART II

### GENERAL PROTECTION OF PRISONERS OF WAR

Responsibility for the treatment of prisoners  
Humane treatment of prisoners  
Respect for the person of prisoners  
Maintenance of prisoners  
Equality of treatment

## PART III

### CAPTIVITY

#### SECTION I

##### BEGINNING OF CAPTIVITY

Questioning of prisoners  
Property of prisoners  
Evacuation of prisoners  
Conditions of evacuation

## SECTION II

### INTERNMENT OF PRISONERS OF WAR

#### CHAPTER I

##### GENERAL OBSERVATIONS

Restriction of liberty of movement  
Places and conditions of internment  
Security of prisoners  
Permanent transit camps

#### CHAPTER II

##### QUARTERS, FOOD AND CLOTHING OF PRISONERS OF WAR

Quarters  
Food  
Clothing  
Canteens

#### CHAPTER III

##### HYGIENE AND MEDICAL ATTENTION

Hygiene  
Medical attention  
Medical inspections  
Prisoners engaged on medical duties

#### CHAPTER IV

##### MEDICAL PERSONNEL AND CHAPLAINS RETAINED TO ASSIST PRISONERS OF WAR

Rights and privileges of retained personnel

(IX)

## CHAPTER V

RELIGIOUS, INTELLECTUAL AND  
PHYSICAL ACTIVITIES

Religious duties  
 Retained chaplains  
 Prisoners who are ministers of religion  
 Prisoners without a minister of their religion  
 Recreation, study, sports and games

## CHAPTER VI

## DISCIPLINE

Administration. Saluting  
 Badges and Decorations  
 Posting of the Convention, and of regulations and orders concerning prisoners  
 Use of weapons

## CHAPTER VII

## RANK OF PRISONERS OF WAR

Notification of ranks  
 Treatment of officers  
 Treatment of other prisoners

## CHAPTER VIII

TRANSFER OF PRISONERS OF WAR  
AFTER THEIR ARRIVAL IN CAMP

Conditions  
 Circumstances precluding transfer  
 Procedure for transfer

## SECTION III

## LABOUR OF PRISONERS OF WAR

General observations  
 Authorized work  
 Working conditions  
 Dangerous or humiliating labour  
 Duration of labour  
 Working pay.  
 Occupational accidents and disease  
 Medical supervision  
 Labour detachments  
 Prisoners working for private employers

## SECTION IV

FINANCIAL RESOURCES OF  
PRISONERS OF WAR

Ready money  
 Amounts in cash taken from prisoners  
 Advances of pay  
 Supplementary pay  
 Working pay  
 Transfer of funds  
 Prisoners' accounts  
 Management of prisoners' accounts  
 Winding up of accounts  
 Adjustments between Parties to the conflict  
 Claims for compensation

## SECTION V

RELATIONS OF PRISONERS OF  
WAR WITH THE EXTERIOR

Notification of measures taken  
 Capture card  
 Correspondence  
 Relief shipments  
 I. General principles  
 II. Collective relief  
 Exemption from postal and transport charges  
 Special means of transport  
 Censorship and examination  
 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

Complaints and requests

## CHAPTER II

PRISONERS OF WAR  
REPRESENTATIVES

Election  
 Duties  
 Prerogatives



CHAPTER III

PENAL AND DISCIPLINARY  
SANCTIONS

I. GENERAL PROVISIONS

Applicable legislation  
Choice of disciplinary or judicial proceeding

Courts

Offences committed before capture

"Non bis in idem"

Penalties

Execution of penalties

II. DISCIPLINARY SANCTIONS

General observations

I. Forms of punishment

II. Duration of punishments

Escapes

I. Successful escape

II. Unsuccessful escape

III. Connected offences

IV. Notification of recapture

Procedure

I. Confinement awaiting hearing

II. Competent authorities and right of defense

Execution of punishment

I. Premises

II. Essential safeguards

III. JUDICIAL PROCEEDINGS

Essential rules

I. General principles

II. Death penalty

III. Delay in execution of the death penalty

Procedure

I. Conditions for validity of sentence

II. Confinement awaiting trial

(Deduction from sentence, treatment)

III. Notification of proceedings

IV. Rights and means of defence

V. Appeals

VI. Notification of finding and sentence

Execution of penalties.

Penal regulations

PART IV

TERMINATION OF CAPTIVITY

SECTION I

DIRECT REPATRIATION AND  
ACCOMMODATION IN NEUTRAL  
COUNTRIES

General observations

Cases of repatriation and accommodation

Internment in a neutral country

Mixed Medical Commissions

Prisoners entitled to examination by

Mixed Medical Commissions

Prisoners meeting with accidents

Prisoners serving a sentence

Costs of repatriation

Activity after repatriation

SECTION II

RELEASE AND REPATRIATION  
OF PRISONERS OF WAR AT THE  
CLOSE OF HOSTILITIES

Release and repatriation

Details of procedure

SECTION III

DEATH OF PRISONERS OF WAR

Wills, death certificates, burial, cremation

Prisoners killed or injured in special circumstances

PART V

INFORMATION BUREAUX AND RELIEF  
SOCIETIES FOR PRISONERS OF WAR

National Bureaux

Central Agency

Exemption from charges

Relief societies and other organizations

## XII

### PART VI

#### EXECUTION OF THE CONVENTION

##### SECTION I

##### GENERAL PROVISIONS

Supervision  
Dissemination of the Convention  
Translations  
Rules of application  
Penal sanctions  
I. General observations  
II. Grave breaches  
III. Responsibilities of the Contracting Parties  
Enquiry procedure

### SECTION II

#### FINAL PROVISIONS

Languages  
Relation to the 1929 Convention  
Relation to the Hague Conventions  
Signature  
Ratification  
Coming into force  
Accession  
Notification of accessions  
Immediate effect  
Denunciation  
Registration with the United Nations

# GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR OF AUGUST 12, 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

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

#### ARTICLE 2

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

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

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

#### ARTICLE 3

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

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 these 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 provided for in Article 33 of the present Convention.

#### ARTICLE 5

The present Convention shall apply to the persons referred to in Article 4 from the moment they fall into the power of the enemy and until their final release and repatriation.

Should any doubt arise as to whether persons, having committed a belligerent act and having fallen into the hands of the enemy, belong to any of the categories enumerated in Article 4, such persons shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal.

#### ARTICLE 6

In addition to the agreements expressly provided for in Articles 10, 23, 28, 33, 60, 65, 66, 67, 72, 73, 75, 109, 110, 118, 119, 122 and 132, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of prisoners of war, as defined by the present Convention, nor restrict the rights which it confers upon them.

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

#### ARTICLE 7

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

#### ARTICLE 8

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties.

#### ARTICLE 9

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial

humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of prisoners of war and for their relief.

#### ARTICLE IO

The High Contracting Parties may at any time agree to entrust to an organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

When prisoners of war do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever in the present Convention mention is made of a Protecting Power, such mention applies to substitute organizations in the sense of the present Article.

#### ARTICLE II

In cases where they deem it advisable in the interest of protected persons particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for prisoners of war, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers

may, if necessary, propose for approval by the Parties to the conflict a person belonging to a neutral Power, or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

## PART II

### GENERAL PROTECTION OF PRISONERS OF WAR

#### ARTICLE 12

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

Prisoners of war may only be transferred by the Detaining Power to a Power which is a party to the Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the Convention. When prisoners of war are transferred under such circumstances, responsibility for the application of the 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 Convention in any important respect, the Power by whom the prisoners of war were transferred shall, upon being notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the prisoners of war. Such requests must be complied with.

#### ARTICLE 13

Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest.

Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity.

Measures of reprisal against prisoners of war are prohibited.



## ARTICLE 14

Prisoners of war are entitled in all circumstances to respect for their persons and their honour.

Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favourable as that granted to men.

Prisoners of war shall retain the full civil capacity which they enjoyed at the time of their capture. The Detaining Power may not restrict the exercise, either within or without its own territory, of the rights such capacity confers except in so far as the captivity requires.

## ARTICLE 15

The Power detaining prisoners of war shall be bound to provide free of charge for their maintenance and for the medical attention required by their state of health.

## ARTICLE 16

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

## PART III

## CAPTIVITY

## SECTION I

## BEGINNING OF CAPTIVITY

## ARTICLE 17

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

If he wilfully infringes this rule, he may render himself liable to a restriction of the privileges accorded to his rank or status.

Each Party to a conflict is required to furnish the persons under its jurisdiction who are liable to become prisoners of war, with an identity card showing the owner's surname,

first names, rank, army, regimental, personal or serial number or equivalent information, and date of birth. The identity card may, furthermore, bear the signature or the fingerprints, or both, of the owner, and may bear, as well, any other information the Party to the conflict may wish to add concerning persons belonging to its armed forces. As far as possible the card shall measure 6.5 × 10 cm. and shall be issued in duplicate. The identity card shall be shown by the prisoner of war upon demand, but may in no case be taken away from him.

No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind.

Prisoners of war who, owing to their physical or mental condition, are unable to state their identity, shall be handed over to the medical service. The identity of such prisoners shall be established by all possible means, subject to the provisions of the preceding paragraph.

The questioning of prisoners of war shall be carried out in a language which they understand.

#### ARTICLE 18

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

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

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

Sums of money carried by prisoners of war may not be taken away from them except by order of an officer, and after the amount and particulars of the owner have been recorded in a special register and an itemized receipt has been given, legibly inscribed with the name, rank and unit of the person issuing the said receipt. Sums in the currency of the Detaining Power, or which are changed into such currency at the prisoner's request, shall be placed to the credit of the prisoner's account as provided in Article 64.

The Detaining Power may withdraw articles of value from prisoners of war only for reasons of security; when such articles are withdrawn, the procedure laid down for sums of money impounded shall apply.

Such objects, likewise sums taken away in any currency other than that of the Detaining Power and the conversion of which has not been asked for by the owners,

shall be kept in the custody of the Detaining Power and shall be returned in their initial shape to prisoners of war at the end of their captivity.

#### ARTICLE 19

Prisoners of war shall be evacuated, as soon as possible after their capture, to camps situated in an area far enough from the combat zone for them to be out of danger.

Only those prisoners of war who, owing to wounds or sickness, would run greater risks by being evacuated than by remaining where they are, may be temporarily kept back in a danger zone.

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

#### ARTICLE 20

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

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

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

### SECTION II

#### INTERNMENT OF PRISONERS OF WAR

#### CHAPTER I

#### GENERAL OBSERVATIONS

#### ARTICLE 21

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

the provisions of the present Convention relative to penal and disciplinary sanctions, prisoners of war may not be held in close confinement except where necessary to safeguard their health and then only during the continuation of the circumstances which make such confinement necessary.

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

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

#### ARTICLE 22

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

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

The Detaining Power shall assemble prisoners of war in camps or camp compounds according to their nationality, language and customs, provided that such prisoners shall not be separated from prisoners of war belonging to the armed forces with which they were serving at the time of their capture, except with their consent.

#### ARTICLE 23

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

Prisoners of war shall have shelters against air bombardment and other hazards of war, to the same extent as the local civilian population. With the exception of those engaged in the protection of their quarters against the aforesaid hazards, they may

enter such shelters as soon as possible after the giving of the alarm. Any other protective measure taken in favour of the population shall also apply to them.

Detaining Powers shall give the Powers concerned, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of prisoner of war camps.

Whenever military considerations permit, prisoner of war camps shall be indicated in the day-time by the letters PW or PG, placed so as to be clearly visible from the air. The Powers concerned may, however, agree upon any other system of marking. Only prisoner of war camps shall be marked as such.

#### ARTICLE 24

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

### CHAPTER II

#### QUARTERS, FOOD AND CLOTHING OF PRISONERS OF WAR

#### ARTICLE 25

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

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

The premises provided for the use of prisoners of war individually or collectively, shall be entirely protected from dampness and adequately heated and lighted, in particular between dusk and lights out. All precautions must be taken against the danger of fire.

In any camps in which women prisoners of war, as well as men, are accommodated, separate dormitories shall be provided for them.

## ARTICLE 26

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

The Detaining Power shall supply prisoners of war who work with such additional rations as are necessary for the labour on which they are employed.

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

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

Adequate premises shall be provided for messing.

Collective disciplinary measures affecting food are prohibited.

## ARTICLE 27

Clothing, underwear and footwear shall be supplied to prisoners of war in sufficient quantities by the Detaining Power, which shall make allowance for the climate of the region where the prisoners are detained. Uniforms of enemy armed forces captured by the Detaining Power should, if suitable for the climate, be made available to clothe prisoners of war.

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

## ARTICLE 28

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

The profits made by camp canteens shall be used for the benefit of the prisoners; a special fund shall be created for this purpose. The prisoners' representative shall have the right to collaborate in the management of the canteen and of this fund.

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

CHAPTER III  
HYGIENE AND MEDICAL ATTENTION

ARTICLE 29

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

Prisoners of war shall have for their use, day and night, conveniences which conform to the rules of hygiene and are maintained in a constant state of cleanliness. In any camps in which women prisoners of war are accommodated, separate conveniences shall be provided for them.

Also, apart from the baths and showers with which the camps shall be furnished, prisoners of war shall be provided with sufficient water and soap for their personal toilet and for washing their personal laundry; the necessary installations, facilities and time shall be granted them for that purpose.

ARTICLE 30

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

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

Prisoners of war shall have the attention, preferably, of medical personnel of the Power on which they depend and, if possible, of their nationality.

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

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

ARTICLE 31

Medical inspections of prisoners of war shall be held at least once a month. They shall include the checking and the recording of the weight of each prisoner of war.

Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of prisoners and to detect contagious diseases, especially tuberculosis, malaria and venereal disease. For this purpose the most efficient methods available shall be employed, e.g. periodic mass miniature radiography for the early detection of tuberculosis.

#### ARTICLE 32

Prisoners of war who, though not attached to the medical service of their armed forces, are physicians, surgeons, dentists, nurses or medical orderlies, may be required by the Detaining Power to exercise their medical functions in the interests of prisoners of war dependent on the same Power. In that case they shall continue to be prisoners of war, but shall receive the same treatment as corresponding medical personnel retained by the Detaining Power. They shall be exempted from any other work under Article 49.

### CHAPTER IV

#### MEDICAL PERSONNEL AND CHAPLAINS RETAINED TO ASSIST PRISONERS OF WAR

#### ARTICLE 33

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:

- (a) They shall be authorized to visit periodically prisoners of war situated in working detachments or in hospitals outside the camp. For this purpose, the Detaining Power shall place at their disposal the necessary means of transport.



- (b) The senior medical officer in each camp shall be responsible to the camp military authorities for everything connected with the activities of retained medical personnel. For this purpose, Parties to the conflict shall agree at the outbreak of hostilities on the subject of the corresponding ranks of the medical personnel, including that of societies mentioned in Article 26 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. This senior medical officer, as well as chaplains, shall have the right to deal with the competent authorities of the camp on all questions relating to their duties. Such authorities shall afford them all necessary facilities for correspondence relating to these questions.
- (c) Although they shall be subject to the internal discipline of the camp in which they are retained, such personnel may not be compelled to carry out any work other than that concerned with their medical or religious duties.

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

Prisoners of war shall enjoy complete latitude in the exercise of their religious duties, including attendance at the service of their faith, on condition that they comply with the disciplinary routine prescribed by the military authorities.

Adequate premises shall be provided where religious services may be held.

#### ARTICLE 35

Chaplains who fall into the hands of the enemy Power and who remain or are retained with a view to assisting prisoners of war, shall be allowed to minister to them and to exercise freely their ministry amongst prisoners of war of the same religion, in accordance with their religious conscience. They shall be allocated among the various camps and labour detachments containing prisoners of war belonging to the same forces, speaking the same language or practising the same religion. They shall enjoy the necessary facilities, including the means of transport provided for in Article 33, for visiting the prisoners of war outside their camp. They shall be free to correspond, subject to censor-

ship, on matters concerning their religious duties with the ecclesiastical authorities in the country of detention and with international religious organizations. Letters and cards which they may send for this purpose shall be in addition to the quota provided for in Article 71.

#### ARTICLE 36

Prisoners of war who are ministers of religion, without having officiated as chaplains to their own forces, shall be at liberty, whatever their denomination, to minister freely to the members of their community. For this purpose, they shall receive the same treatment as the chaplains retained by the Detaining Power. They shall not be obliged to do any other work.

#### ARTICLE 37

When prisoners of war have not the assistance of a retained chaplain or of a prisoner of war minister of their faith, a minister belonging to the prisoners' or a similar denomination, or in his absence a qualified layman, if such a course is feasible from a confessional point of view, shall be appointed, at the request of the prisoners concerned, to fill this office. This appointment, subject to the approval of the Detaining Power, shall take place with the agreement of the community of prisoners concerned and, wherever necessary, with the approval of the local religious authorities of the same faith. The person thus appointed shall comply with all regulations established by the Detaining Power in the interests of discipline and military security.

#### ARTICLE 38

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

Prisoners shall have opportunities for taking physical exercise, including sports and games, and for being out of doors. Sufficient open spaces shall be provided for this purpose in all camps.

### CHAPTER VI

#### DISCIPLINE

#### ARTICLE 39

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.

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

#### ARTICLE 41

In every camp the text of the present Convention and its Annexes and the contents of any special agreement provided for in Article 6, shall be posted, in the prisoners' own language, in places where all may read them. Copies shall be supplied, on request, to the prisoners who cannot have access to the copy which has been posted.

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

#### ARTICLE 42

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

### CHAPTER VII

#### RANK OF PRISONERS OF WAR

#### ARTICLE 43

Upon the outbreak of hostilities, the Parties to the conflict shall communicate to one another the titles and ranks of all the persons mentioned in Article 4 of the present Convention, in order to ensure equality of treatment between prisoners of equivalent

rank. Titles and ranks which are subsequently created shall form the subject of similar communications.

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

#### ARTICLE 44

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

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

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

#### ARTICLE 45

Prisoners of war other than officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

Supervision of the mess by the prisoners themselves shall be facilitated in every way.

### CHAPTER VIII

#### TRANSFER OF PRISONERS OF WAR AFTER THEIR ARRIVAL IN CAMP

#### ARTICLE 46

The Detaining Power, when deciding upon the transfer of prisoners of war, shall take into account the interests of the prisoners themselves, more especially so as not to increase the difficulty of their repatriation.

The transfer of prisoners of war shall always be effected humanely and in conditions not less favourable than those under which the forces of the Detaining Power are transferred. Account shall always be taken of the climatic conditions to which the prisoners of war are accustomed and the conditions of transfer shall in no case be prejudicial to their health.

The Detaining Power shall supply prisoners of war during transfer with sufficient food and drinking water to keep them in good health, likewise with the necessary clothing, shelter and medical attention. The Detaining Power shall take adequate precautions especially in case of transport by sea or by air, to ensure their safety during transfer, and shall draw up a complete list of all transferred prisoners before their departure.

## ARTICLE 47

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

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

## ARTICLE 48

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

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

Mail and parcels addressed to their former camp shall be forwarded to them without delay. The camp commander shall take, in agreement with the prisoners' representative, any measures needed to ensure the transport of the prisoners' community property and of the luggage they are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph of this Article.

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

## SECTION III

## LABOUR OF PRISONERS OF WAR

## ARTICLE 49

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

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

If officers or persons of equivalent status ask for suitable work, it shall be found for them, so far as possible, but they may in no circumstances be compelled to work.

## ARTICLE 50

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:

- (a) agriculture;
- (b) industries connected with the production or the extraction of raw materials, and manufacturing industries, with the exception of metallurgical, machinery and chemical industries; public works and building operations which have no military character or purpose;
- (c) transport and handling of stores which are not military in character or purpose;
- (d) commercial business, and arts and crafts;
- (e) domestic service;
- (f) public utility services having no military character or purpose.

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

Prisoners of war must be granted suitable working conditions, especially as regards accommodation, food, clothing and equipment; such conditions shall not be inferior to those enjoyed by nationals of the Detaining Power employed in similar work; account shall also be taken of climatic conditions.

The Detaining Power, in utilizing the labour of prisoners of war, shall ensure that in areas in which such prisoners are employed, the national legislation concerning the protection of labour, and, more particularly, the regulations for the safety of workers, are duly applied.

Prisoners of war shall receive training and be provided with the means of protection suitable to the work they will have to do and similar to those accorded to the nationals of the Detaining Power. Subject to the provisions of Article 52, prisoners may be submitted to the normal risks run by these civilian workers.

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

## ARTICLE 52

Unless he be a volunteer, no prisoner of war may be employed on labour which is of an unhealthy or dangerous nature.

No prisoner of war shall be assigned to labour which would be looked upon as humiliating for a member of the Detaining Power's own forces.