

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

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

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

*Senate advice and consent to ratification March 14, 1902*

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

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

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

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

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

*Replaced by convention of October 18, 1907,<sup>4</sup> on the same subject, as between contracting parties to the later convention*

32 Stat. 1803; Treaty Series 403

[TRANSLATION]

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

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

<sup>1</sup> 6 UST 3516; TIAS 3365.

<sup>2</sup> TS 846, *post*, vol. 2.

<sup>3</sup> 6 UST 3316; TIAS 3364.

<sup>4</sup> TS 539, *post*, p. 631.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE 1

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

## ARTICLE 2

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

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

## ARTICLE 3

The present Convention shall be ratified as speedily as possible.

The ratifications shall be deposited at the Hague.

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

## ARTICLE 4

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

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

## ARTICLE 5

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

This denunciation shall affect only the notifying Power.

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

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

For Germany:

MÜNSTER DERNEBURG [SEAL]

For Austria-Hungary:

WELSERSHEIMB [SEAL]

OKOLICSANYI [SEAL]

For Belgium:

A. BEERNAERT [SEAL]

CITE DE GRELLE ROGIER [SEAL]

CHR DESCAMPS [SEAL]

For Denmark:

F. BILLE [SEAL]

For Spain:

EL DUQUE DE TETUAN [SEAL]

W. R. DE VILLA URRUTIA [SEAL]

ARTURO DE BAGUER [SEAL]

For the United States of America:

STANFORD NEWEL [SEAL]

## For the United Mexican States:

M. DE MIER [SEAL]  
J. ZENIL [SEAL]

## For France:

LÉON BOURGEOIS [SEAL]  
G. BIHOUD [SEAL]  
D'ESTOURNELLES DE [SEAL]  
CONSTANT

## For Great Britain and Ireland:

PAUNCEFOTE [SEAL]  
HENRY HOWARD [SEAL]

## For Greece:

N. DELYANNI [SEAL]

## For Italy:

NIGRA [SEAL]  
A. ZANNINI [SEAL]  
G. POMPILJ [SEAL]

## For Japan:

I. MOTONO [SEAL]

## For Luxemburg:

EYSCHEN [SEAL]

## For Montenegro:

STAAL [SEAL]

## For the Netherlands:

V. KARNEBEEK [SEAL]  
DEN BEER POORTUGAEL [SEAL]  
T. M. C. ASSER [SEAL]  
E. N. RAHUSEN [SEAL]

## For Persia:

MIRZA RIZA KHAN, ARFA-UD- [SEAL]  
DOVLEH

## For Portugal:

CONDE DE MACEDO [SEAL]  
AGOSTINHO D'ORNELLAS DE [SEAL]  
VASCONCELLOS  
CONDE DE SELIR [SEAL]

## For Roumania:

A. BELDIMAN [SEAL]  
J. N. PAPINIU [SEAL]

## For Russia:

STAAL [SEAL]  
MARTENS [SEAL]  
A. BASILY [SEAL]

## For Servia:

CHEDO MIYATOVITCH [SEAL]

## For Siam:

PHYA SURIA NUVATR [SEAL]  
VISUDDHA [SEAL]

For the United Kingdoms  
of Sweden and Norway:

BILDT [SEAL]

## For Turkey:

TURKHAN [SEAL]  
MEHEMED NOURY [SEAL]

## For Bulgaria:

D. STANCIOFF [SEAL]  
MAJOR HESSAPTCHIEFF [SEAL]

## ANNEX

## REGULATIONS RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND

## SECTION I.—ON BELLIGERENTS

CHAPTER I.—*On the Qualifications of Belligerents*

## ARTICLE 1

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

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

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

## ARTICLE 2

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

## ARTICLE 3

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

CHAPTER II.—*On Prisoners of War*

## ARTICLE 4

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

They must be humanely treated.

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

## ARTICLE 5

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

## ARTICLE 6

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

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

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

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

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

## ARTICLE 7

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

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

#### ARTICLE 8

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

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

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

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

#### ARTICLE 9

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

#### ARTICLE 10

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

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

#### ARTICLE 11

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

#### ARTICLE 12

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

#### ARTICLE 13

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



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

#### ARTICLE 14

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

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

#### ARTICLE 15

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

#### ARTICLE 16

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

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

#### ARTICLE 17

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

## ARTICLE 18

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

## ARTICLE 19

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

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

## ARTICLE 20

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

CHAPTER III.—*On the Sick and Wounded*

## ARTICLE 21

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

## SECTION II.—ON HOSTILITIES

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

## ARTICLE 22

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

## ARTICLE 23

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

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

<sup>5</sup> TS 377, *ante*, p. 7.

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

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

#### ARTICLE 24

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

#### ARTICLE 25

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

#### ARTICLE 26

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

#### ARTICLE 27

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

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

#### ARTICLE 28

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

### CHAPTER II.—*On Spies*

#### ARTICLE 29

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

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

## ARTICLE 30

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

## ARTICLE 31

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

CHAPTER III.—*On Flags of Truce*

## ARTICLE 32

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

## ARTICLE 33

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

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

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

## ARTICLE 34

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

CHAPTER IV.—*On Capitulations*

## ARTICLE 35

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

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

CHAPTER V.—*On Armistices*

## ARTICLE 36

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

## ARTICLE 37

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

## ARTICLE 38

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

## ARTICLE 39

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

## ARTICLE 40

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

## ARTICLE 41

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

## SECTION III.—ON MILITARY AUTHORITY OVER HOSTILE TERRITORY

## ARTICLE 42

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

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

## ARTICLE 43

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

## ARTICLE 44

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

## ARTICLE 45

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

## ARTICLE 46

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

Private property cannot be confiscated.

## ARTICLE 47

Pillage is formally prohibited.

## ARTICLE 48

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

## ARTICLE 49

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

## ARTICLE 50

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

## ARTICLE 51

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

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

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

## ARTICLE 52

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

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

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

## ARTICLE 53

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

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

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

#### ARTICLE 54

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

#### ARTICLE 55

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

#### ARTICLE 56

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

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

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

#### ARTICLE 57

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

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

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

#### ARTICLE 58

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

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

## ARTICLE 59

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

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

## ARTICLE 60

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