

The Hague Convention

Laws of War: Laws and Customs of War on Land (Hague II); July 29, 1899

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 utilise the labour 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 authorised 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 authorise it, and, in such a case, they are bound, on their personal honour, scrupulously to fulfil, 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 cannot 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 honour, 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.