## HSTCMP 202 Digital World Wars - Read for Tuesday October 20

These are some of the articles passed at the 1907 Hague Convention, one of the first multi-lateral international agreements of the twentieth century. The 1907 meeting (which was attended by Russia, Britain, Japan, France, Germany, the Ottoman Empire, the United States, Austria-Hungary, among others) built upon an earlier meeting in 1899. Another important set of agreements that governed the treatment of the sick and wounded in WWI was the Geneva Convention of 1864.

### As you read, think about –

### What obligations do the signing nations of the 1907 treaty have to each other? What kinds of things do they agree to ban? Why do you think they agreed to these terms in 1907?

### Based on what you have read about the First World War, which of these articles were followed? Which were ignored?

### Laws of War: Laws and Customs of War on Land (Hague IV); October 18, 1907[[1]](#footnote-1)

ENTERED INTO FORCE: 26 January 1910

**[TRANSLATION]**

### IV

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

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

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

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

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

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

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

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

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

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### Art. 4.

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

They must be humanely treated.

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

### Art. 5.

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

### Art. 7.

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

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

### Art. 8.

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

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

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

### Art. 9.

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

### Art. 13.

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

### Art. 18.

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

**Art. 20.**

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

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### SECTION II HOSTILITIES

#### CHAPTER I Means of Injuring the Enemy, Sieges, and bombardments

### Art. 22.

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

### Art. 23.

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

To employ poison or poisoned weapons;

To kill or wound treacherously individuals belonging to the hostile nation or army;

To kill or wound an enemy who, having laid down his arms, or having no longer means of defence, has surrendered at discretion;

To declare that no quarter will be given;

To employ arms, projectiles, or material calculated to cause unnecessary suffering;

To make improper use of a flag of truce, of the national flag or of the military insignia and uniform of the enemy, as well as the distinctive badges of the Geneva Convention;

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

To declare abolished, suspended, or inadmissible in a court of law the rights and actions of the nationals of the hostile party. A belligerent is likewise forbidden to compel the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war.

### Art. 24.

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

### Art. 25.

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

### Art. 26.

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

### Art. 27.

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

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

### Art. 28.

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

1. “Laws of War: Laws and Customs of War on Land,” (1907), from *The Avalon Project: Documents in Law, History, and Diplomacy* at Yale Law School. <https://avalon.law.yale.edu/20th_century/hague04.asp#iart2> [↑](#footnote-ref-1)