CHAPTER 4
THE WOUNDED AND SICK

Section I. GENERAL PROVISIONS

208. Protected Persons
   a. Prisoners of War.  GWS applies to the wounded and sick belonging to the categories of persons listed in paragraph A of Article 4, GPW; paragraph 61 herein (GWS, art. 13).
   b. Other Persons.  Wounded and sick persons who are in the hands of the enemy but who are not prisoners of war benefit from those provisions of GC pertaining to the treatment and protection of the wounded and sick.

209. Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea
   a. Hospital Ships.  Military hospital ships, which are to be marked in the manner specified by Article 43, GWS Sea, may in no circumstances be attacked and captured but must be respected and protected, provided their names and descriptions have been notified to the Parties to the conflict ten days before those ships are employed. (GWS Sea, art. 22.) Any hospital ship in a port which falls into the hands of the enemy is to be authorized to leave the port. (GWS Sea, art. 29.)
   b. Treaty Provision.  Hospital ships entitled to the protection of the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, shall not be attacked from the land. (GWS, art. 20.)
   c. Coastal Rescue Craft.  Small craft employed by a State or by the officially recognized lifeboat institutions for coastal rescue operations are to be respected and protected, so far as operational requirements permit. (GWS Sea, art. 27.)
   d. Retained Personnel and Wounded and Sick Put Ashore.  The religious, medical, and hospital personnel of hospital ships retained to care for the wounded and sick are on landing subject to GWS. (GWS Sea, art. 37.) Other forces put ashore become subject to GWS. (GWS Sea, art. 4.)

210. Application by Neutral Powers
   Neutral Powers shall apply by analogy the provisions of the present Convention to the wounded and sick, and to members of the medical personnel and to chaplains of the armed forces of
the Parties to the conflict, received or interned in their territory, as well as to dead persons found. (GWS, art. 4.)

211. Duration of Application

For the protected persons who have fallen into the hands of the enemy, the present Convention shall apply until their final repatriation. (GWS, art. 5.)

212. Special Agreements

In addition to the agreements expressly provided for in Articles 10, 15, 23, 28, 31, 36, 37 and 52, 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 the wounded and sick, of members of the medical personnel or of chaplains, as defined by the present Convention, nor restrict the rights which it confers upon them.

Wounded and sick, as well as medical personnel and chaplains, 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. (GWS, art. 6.)

213. Non-renunciation of Rights

Wounded and sick, as well as members of the medical personnel and chaplains, 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. (GWS, art. 7.)

214. Prohibition of Reprisals

Reprisals against the wounded, sick, personnel, buildings or equipment protected by the Convention are prohibited. (GWS, art. 46.)

Section II. WOUNDED AND SICK

215. Protection and Care


   Members of the armed forces and other persons mentioned in the following Article, who are wounded or sick, shall be respected and protected in all circumstances.

   They shall be treated humanely and cared for by the Party to the conflict in whose power they may be, without any adverse distinction founded on sex, race, nationality, religion, political opinions, or any other similar criteria. Any attempts upon their
lives, or violence to their persons, shall be strictly prohibited; in particular, they shall not be murdered or exterminated, subjected to torture or to biological experiments; they shall not wilfully be left without medical assistance and care, nor shall conditions exposing them to contagion or infection be created.

Only urgent medical reasons will authorize priority in the order of treatment to be administered.

Women shall be treated with all consideration due to their sex.

The Party to the conflict which is compelled to abandon wounded or sick to the enemy shall, as far as military considerations permit, leave with them a part of its medical personnel and material to assist in their care. (GWS, art. 12.)

b. National Habits and Backgrounds. The foregoing is not intended to prohibit concessions, particularly with respect to food, clothing, and shelter, which take into account the different national habits and backgrounds of the wounded and sick.

216. Search for Casualties

At all times, and particularly after an engagement, Parties to the conflict shall, without delay, take all possible measures to search for and collect the wounded and sick, to protect them against pillage and ill-treatment, to ensure their adequate care, and to search for the dead and prevent their being despoiled.

Whenever circumstances permit, an armistice or a suspension of fire shall be arranged, or local arrangements made, to permit the removal, exchange and transport of the wounded left on the battlefield.

Likewise, local arrangements may be concluded between Parties to the conflict for the removal or exchange of wounded and sick from a besieged or encircled area, and for the passage of medical and religious personnel and equipment on their way to that area. (GWS, art. 15.)

217. Wounded Falling Into Enemy Hands

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

These records should if possible include:

(a) designation of the Power on which he depends;
(b) army, regimental, personal or serial number;
(c) surname;
(d) first name or names;
(e) date of birth;
(f) any other particulars shown on his identity card or disc;
(g) date and place of capture or death;
(h) particulars concerning wounds or illness, or cause of death.

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

Parties to the conflict shall prepare and forward to each other through the same bureau, certificates of death or duly authenticated lists of the dead. They shall likewise collect and forward through the same bureau one half of a double identity disc, last wills or other documents of importance to the next of kin, money and in general all articles of an intrinsic or sentimental value, which are found on the dead. These articles, together with unidentified articles, shall be sent in sealed packets, accompanied by statements giving all particulars necessary for the identification of the deceased owners, as well as by a complete list of the contents of the parcel. (GWS, art. 16.)

218. Graves Registration Service

Parties to the conflict shall ensure that burial or cremation of the dead, carried out individually as far as circumstances permit, is preceded by a careful examination, if possible by a medical examination, of the bodies, with a view to confirming death, establishing identity and enabling a report to be made. One half of the double identity disc, or the identity disc itself if it is a single disc, should remain on the body.

Bodies shall not be cremated except for imperative reasons of hygiene or for motives based on the religion of the deceased. In case of cremation, the circumstances and reasons for cremation shall be stated in detail in the death certificate or on the authenticated list of the dead.

They shall further ensure that the dead are honorably interred, if possible according to the rites of the religion to which they belonged, that their graves are respected, grouped if possible according to the nationality of the deceased, properly maintained and marked so that they may always be found. For this purpose, they shall organize at the commencement of hostilities an Official Graves Registration Service, to allow subsequent exhumations and to ensure the identification of bodies, whatever the site of the graves, and the possible transportation to the home country. These provisions shall likewise apply to the ashes, which shall be kept by the Graves Registration Service until proper disposal thereof in accordance with the wishes of the home country.
As soon as circumstances permit, and at latest at the end of hostilities, these Services shall exchange, through the Information Bureau mentioned in the second paragraph of Article 16, lists showing the exact location and markings of the graves, together with particulars of the dead interred therein. (GWS, art. 17.)

219. Voluntary Care

   The military authorities may appeal to the charity of the inhabitants voluntarily to collect and care for, under their direction, the wounded and sick, granting persons who have responded to this appeal the necessary protection and facilities. Should the adverse Party take or retake control of the area, he shall likewise grant these persons the same protection and the same facilities.

   The military authorities shall permit the inhabitants and relief societies, even in invaded or occupied areas, spontaneously to collect and care for wounded or sick of whatever nationality. The civilian population shall respect these wounded and sick, and in particular abstain from offering them violence.

   No one may ever be molested or convicted for having nursed the wounded or sick.

   The provisions of the present Article do not relieve the occupying Power of its obligation to give both physical and moral care to the wounded and sick. (GWS, art. 18.)

   b. Compulsion in Occupied Areas. An occupying authority may not bring pressure to bear on the population in order to induce them to give treatment to the wounded and sick.

Section III. MEDICAL UNITS, ESTABLISHMENTS, PERSONNEL AND TRANSFERS

220. Protection

   Fixed establishments and mobile medical units of the Medical Service may in no circumstances be attacked, but shall at all times be respected and protected by the Parties to the conflict. Should they fall into the hands of the adverse Party, their personnel shall be free to pursue their duties, as long as the capturing Power has not itself ensured the necessary care of the wounded and sick found in such establishments and units.

   The responsible authorities shall ensure that the said medical establishments and units are, as far as possible, situated in such a manner that attacks against military objectives cannot imperil their safety. (GWS, art. 19.)

   b. Nature of Protection Required. See paragraph 225b.
221. Search of Medical Units, Establishments, and Transports

GWS does not confer immunity from search by the enemy on medical units, establishments, or transports.

222. Discontinuance of Protection of Medical Establishments and Units

The protection to which fixed establishments and mobile medical units of the Medical Service are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after a due warning has been given, naming, in all appropriate cases, a reasonable time limit, and after such warning has remained unheeded. (GWS, art. 21.)

223. Conditions Not Depriving Medical Units and Establishments of Protection


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

(1) That the personnel of the unit or establishment are armed, and that they use the arms in their own defense, or in that of the wounded and sick in their charge.

(2) That in the absence of armed orderlies, the unit or establishment is protected by a picket or by sentries or by an escort.

(3) That small arms and ammunition taken from the wounded and sick and not yet handed to the proper service, are found in the unit or establishment.

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

(5) That the humanitarian activities of medical units and establishments or of their personnel extend to the care of civilian wounded or sick. (GWS, art. 22.)

b. Self-Defense Defined. Although medical personnel may carry arms for self-defense, they may not employ such arms against enemy forces acting in conformity with the law of war. These arms are for their personal defense and for the protection of the wounded and sick under their charge against marauders and other persons violating the law of war. Medical personnel who use their arms in circumstances not justified by the law of war expose themselves to penalties for violation of the law of war and, provided they have been given due warning to cease such acts, may also forfeit the protection of the medical unit or establishment of which they form part or which they are protecting.

c. Arms and Ammunition Taken From the Wounded and Sick.

As provided in substance by the foregoing article, the presence of such...
arms and ammunition in a medical unit or establishment is not of itself cause for denying the protection to be accorded such organizations under GWS. However, such arms and ammunition should be turned in as soon as practicable and, in any event, are subject to confiscation.

224. Hospital Zones and Localities

In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own territory and, if the need arises, in occupied areas, hospital zones and localities so organized as to protect the wounded and sick from the effects of war, as well as the personnel entrusted with the organization and administration of these zones and localities and with the care of the persons therein assembled.

Upon the outbreak and during the course of hostilities, the Parties concerned may conclude agreements on mutual recognition of the hospital zones and localities they have created. They may for this purpose implement the provisions of the Draft Agreement annexed to the present Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross are invited to lend their good offices in order to facilitate the institution and recognition of these hospital zones and localities (GWS, art. 23.)

225. Protection of Permanent Personnel

a. Treaty Provision. See Article 24, GWS (par. 67).

b. What Is Meant by Respect and Protection. The respect and protection accorded personnel of certain categories by Articles 19 (par. 220), 24 (par. 67), and 25 (par. 226), GWS, mean that they must not knowingly be attacked, fired upon, or unnecessarily prevented from discharging their proper functions. The accidental killing or wounding of such personnel, due to their presence among or in proximity to combatant elements actually engaged, by fire directed at the latter, gives no just cause for complaint.

226. Protection of Auxiliary Personnel


Members of the armed forces specially trained for employment, should the need arise, as hospital orderlies, nurses or auxiliary stretcher-bearers, in the search for or the collection, transport or treatment of the wounded and sick shall likewise be respected and protected if they are carrying out these duties at the time when they come into contact with the enemy or fall into his hands. (GWS, art. 25.)
b. Nature of Protection. See paragraph 225 b and Article 29, GWS (par. 68).

227. Personnel of Aid Societies
See Article 26, GWS (par. 69).

228. The American National Red Cross
The American National Red Cross is the only voluntary aid society now authorized by this Government to render aid to the Army Medical Service in time of war, and any other society desiring to render similar assistance can do so only through the American National Red Cross (Pres. Proc., 22 Aug. 1911, 37 Stat. 1716). The President is authorized to accept the assistance tendered by the Red Cross and to employ the same under the Armed Forces (Act 17 Jul 1953, 67 Stat. 178; 36 U.S.C. 17, 17a.) Personnel of the Red Cross serving with or accompanying an armed force in the field in time of war or serving with or accompanying the armed forces without the continental limits of the United States and certain named territories are subject to the Uniform Code of Military Justice (USMJ, Art. 2 (10) (11)).

229. Societies of Neutral Countries
A recognized Society of a neutral country can only lend the assistance of its medical personnel and units to a Party to the conflict with the previous consent of its own Government and the authorization of the Party to the conflict concerned. That personnel and those units shall be placed under the control of that Party to the conflict.

The neutral Government shall notify this consent to the adversary of the State which accepts such assistance. The Party to the conflict who accepts such assistance is bound to notify the adverse Party thereof before making any use of it.

In no circumstances shall this assistance be considered as interference in the conflict.

The members of the personnel named in the first paragraph shall be duly furnished with the identity cards provided for in Article 40 before leaving the neutral country to which they belong. (GWS, art. 97.)

230. Retained Personnel

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

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

(a) They shall be authorized to visit periodically the prisoners of war in labour units or hospitals outside the camp. The Detaining Power shall put at their disposal the means of transport required.

(b) In each camp the senior medical officer of the highest rank shall be responsible to the military authorities of the camp for the professional activity of the retained medical personnel. For this purpose, from the outbreak of hostilities, the Parties to the conflict shall agree regarding the corresponding seniority of the ranks of their medical personnel, including those of the societies designated in Article 26. In all questions arising out of their duties, this medical officer, and the chaplains, shall have direct access to the military and medical authorities of the camp who shall grant them the facilities they may require for correspondence relating to these questions.

(c) Although retained personnel in a camp shall be subject to its internal discipline, they shall not, however, be required to perform any work outside their medical or religious duties.

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

None of the preceding provisions shall relieve the Detaining Power of the obligations imposed upon it with regard to the medical and spiritual welfare of the prisoners of war. (GWS, art. 28.)

b. Discipline. See paragraph 67

231. Return of Religious and Medical Personnel


Personnel whose retention is not indispensable by virtue of the provisions of Article 28 shall be returned to the Party to the conflict to whom they belong, as soon as a road is open for their return and military requirements permit.

Pending their return, they shall not be deemed prisoners of war. Nevertheless they shall at least benefit by all the provisions of the
Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949. They shall continue to fulfill their duties under the orders of the adverse Party and shall preferably be engaged in the care of the wounded and sick of the Party to the conflict to which they themselves belong.

On their departure, they shall take with them the effects, personal belongings, valuables and instruments belonging to them.

(GWS, art. 30.)

b. Security Measures. Nothing in the foregoing article precludes reasonable measures to prevent such personnel, upon their return to their own army, from carrying information of strategic or tactical value. The movements and activities of religious and medical personnel whose return is contemplated may be restricted as far as reasonably necessary to prevent their acquisition of such information, provided they are not thereby denied the facilities afforded them by Article 28, GWS (par. 230). Should they become possessed of such information, their return to their own army may be delayed until the information has ceased to be of substantial value.

232. Selection of Personnel for Return

The selection of personnel for return under Article 30 shall be made irrespective of any consideration of race, religion or political opinion, but preferably according to the chronological order of their capture and their state of health.

As from the outbreak of hostilities, Parties to the conflict may determine by special agreement the percentage of personnel to be retained, in proportion to the number of prisoners and the distribution of the said personnel in the camps. (GWS, art. 31.)

233. Return of Personnel Belonging to Neutral Countries


Persons designated in Article 27 who have fallen into the hands of the adverse Party may not be detained.

Unless otherwise agreed, they shall have permission to return to their country, or if this is not possible, to the territory of the Party to the conflict in whose service they were, as soon as a route for their return is open and military considerations permit.

Pending their release, they shall continue their work under the direction of the adverse Party; they shall preferably be engaged in the care of the wounded and sick of the Party to the conflict in whose service they were.

On their departure, they shall take with them their effects, personal articles and valuables and the instruments, arms and if possible the means of transport belonging to them.

The Parties to the conflict shall secure to this personnel, while in their power, the same food, lodging, allowances and pay as are
granted to the corresponding personnel of their armed forces. The food shall in any case be sufficient as regards quantity, quality and variety to keep the said personnel in a normal state of health. (GWS, art. 32.)

b. Security Measures. Security measures similar to those taken with respect to religious and medical personnel (par. 231b) may be applied to personnel of aid societies of neutral countries.

234. Buildings and Stores


The material of mobile medical units of the armed forces which fall into the hands of the enemy, shall be reserved for the care of wounded and sick.

The buildings, material and stores of fixed medical establishments of the armed forces shall remain subject to the laws of war, but may not be diverted from their purpose as long as they are required for the care of wounded and sick. Nevertheless, the commanders of forces in the field may make use of them, in case of urgent military necessity, provided that they make previous arrangements for the welfare of the wounded and sick who are nursed in them.

The material and stores defined in the present Article shall not be intentionally destroyed. (GWS, art. 33.)

b. Material of Mobile Medical Units. The material of mobile medical units falling into the hands of the enemy need not be restored to the belligerent from whom it was taken. It must, however, be used only for the care of the wounded and sick, and does not constitute war booty, within the meaning of Article 53, HR (pars. 403, 408) or unwritten international law, until GWS ceases to be operative.

235. Property of Aid Societies

The real and personal property of aid societies which are admitted to the privileges of the Convention shall be regarded as private property.

The right of requisition recognized for belligerents by the laws and customs of war shall not be exercised except in case of urgent necessity, and only after the welfare of the wounded and sick has been ensured. (GWS, art. 34.)

236. Protection of Medical Transports


Transports of wounded and sick or of medical equipment shall be respected and protected in the same way as mobile medical units.

Should such transports or vehicles fall into the hands of the adverse Party, they shall be subject to the laws of war, on condi-
tion that the Party to the conflict who captures them shall in all cases ensure the care of the wounded and sick they contain. The civilian personnel and all means of transport obtained by requisition shall be subject to the general rules of international law. (GWS, art. 35.)

b. Civilian Personnel. The rules of international law applicable to civilians connected with medical transports may vary depending on whether such persons accompany the armed forces (GPW, art. 4A (4); par. 61 herein) are members of the staff of voluntary aid societies either of a belligerent State (GWS, art. 26; par. 69 herein) or of a neutral State (GWS, art 27; par. 229 herein), or are civilians not otherwise protected by GWS or GPW (GC, art. 4; par. 247 herein).

237. Medical Aircraft

a. Treaty Provision. Medical aircraft, that is to say, aircraft exclusively employed for the removal of wounded and sick and for the transport of medical personnel and equipment, shall not be attacked, but shall be respected by the belligerents, while flying at heights, times and on routes specifically agreed upon between the belligerents concerned.

They shall bear, clearly marked, the distinctive emblem prescribed in Article 38, together with their national colours, on their lower, upper and lateral surfaces. They shall be provided with any other markings or means of identification that may be agreed upon between the belligerents upon the outbreak or during the course of hostilities.

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

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

In the event of an involuntary landing in enemy or enemy-occupied territory, the wounded and sick, as well as the crew of the aircraft shall be prisoners of war. The medical personnel shall be treated according to Article 24 and the Articles following. (GWS, art. 36.)

b. Converted Aircraft. It is not necessary that the aircraft should have been specially built and equipped for medical purposes. There is no objection to converting ordinary aircraft into medical aircraft or to using former medical aircraft for other purposes, provided the distinctive markings are removed.
238. Emblem of the Convention


As a compliment to Switzerland, the heraldic emblem of the red cross on a white ground formed by reversing the Federal colours, is retained as the emblem and distinctive sign of the Medical Service of armed forces.

Nevertheless, in the case of countries which already use as emblem, in place of the red cross, the red crescent or the red lion and sun on a white ground, those emblems are also recognized by the terms of the present Convention. (GWS, art. 38.)

b. Emblems Other Than the Red Cross. Turkey uses the Red Crescent; Iran, the Red Lion and Sun. Israel signed GWS subject to the reservation that it will use a Red Shield of David as its distinctive sign.

c. Misuse of the Emblem. See Article 23 (f), HR (par. 52). See also pertinent United States statutes.

239. Use of the Emblem

Under the direction of the competent military authority, the emblem shall be displayed on the flags, armlets and on all equipment employed in the Medical Service. (GWS, art. 39.)

240. Identification of Medical and Religious Personnel

The personnel designated in Article 24 and in Articles 26 and 27 [Articles 36 and 37 of GWS Sea] shall wear, affixed to the left arm, a water-resistant armlet bearing the distinctive emblem, issued and stamped by the military authority.

Such personnel, in addition to wearing the identity disc mentioned in Article 16 [Article 19 of GWS Sea], shall also carry a special identity card bearing the distinctive emblem. This card shall be water-resistant and of such size that it can be carried in the pocket. It shall be worded in the national language, shall mention at least the surname and first names, the date of birth, the rank and the service number of the bearer, and shall state in what capacity he is entitled to the protection of the present Convention. The card shall bear the photograph of the owner and also either his signature or his finger-prints or both. It shall be embossed with the stamp of the military authority.

The identity card shall be uniform throughout the same armed forces and, as far as possible, of a similar type in the armed forces of the High Contracting Parties. The Parties to the conflict may be guided by the model which is annexed, by way of example, to the present Convention. They shall inform each other, at the outbreak of hostilities, of the model they are using. Identity
cards should be made out, if possible, at least in duplicate, one copy being kept by the home country. In no circumstances may the said personnel be deprived of their insignia or identity cards nor of the right to wear the armlet. In case of loss, they shall be entitled to receive duplicates of the cards and to have the insignia replaced. (GWS, art. 40.)

241. Identification of Auxiliary Personnel

The personnel designated in Article 25 shall wear, but only while carrying out medical duties, a white armlet bearing in its centre the distinctive sign in miniature; the armlet shall be issued and stamped by the military authority. Military identity documents to be carried by this type of personnel shall specify what special training they have received, the temporary character of the duties they are engaged upon, and their authority for wearing the armlet. (GWS, art. 41.)

242. Marking of Medical Units and Establishments

The distinctive flag of the Convention shall be hoisted only over such medical units and establishments as are entitled to be respected under the Convention, and only with the consent of the military authorities. In mobile units, as in fixed establishments, it may be accompanied by the national flag of the Party to the conflict to which the unit or establishment belongs.

Nevertheless, medical units which have fallen into the hands of the enemy shall not fly any flag other than that of the Convention. Parties to the conflict shall take the necessary steps, in so far as military considerations permit, to make the distinctive emblems indicating medical units and establishments clearly visible to the enemy land, air or naval forces, in order to obviate the possibility of any hostile action. (GWS, art. 42.)

243. Marking of Units of Neutral Countries

The medical units belonging to neutral countries which may have been authorized to lend their services to a belligerent under the conditions laid down in Article 27, shall fly, along with the flag of the Convention, the national flag of that belligerent, wherever the latter makes use of the faculty conferred on him by Article 42.

Subject to orders to the contrary by the responsible military authorities, they may, on all occasions, fly their national flag, even if they fall into the hands of the adverse Party. (GWS, art. 43.)

244. Restrictions in the Use of the Emblem

With the exception of the cases mentioned in the following paragraphs of the present Article, the emblem of the Red Cross on
a white ground and the words "Red Cross", or "Geneva Cross"
may not be employed, either in time of peace or in time of war,
extcept to indicate or to protect the medical units and establish-
ments, the personnel and material protected by the present Con-
vention and other Conventions dealing with similar matters. The
same shall apply to the emblems mentioned in Article 38, second
paragraph, in respect of the countries which use them. The Na-
tional Red Cross Societies and other Societies designated in
Article 26 shall have the right to use the distinctive emblem con-
ferring the protection of the Convention only within the frame-
work of the present paragraph.

Furthermore, National Red Cross (Red Crescent, Red Lion and
Sun) Societies may, in time of peace, in accordance with their
national legislation, make use of the name and emblem of the
Red Cross for their other activities which are in conformity with
the principles laid down by the International Red Cross Con-
ferences. When those activities are carried out in time of war,
the conditions for the use of the emblem shall be such that it can-
not be considered as conferring the protection of the Convention;
the emblem shall be comparatively small in size and may not be
placed on armlets or on the roofs of buildings.

The international Red Cross organizations and their duly
authorized personnel shall be permitted to make use, at all times,
of the emblem of the Red Cross on a white ground.

As an exceptional measure, in conformity with national legis-
lation and with the express permission of one of the National Red
Cross (Red Crescent, Red Lion and Sun) Societies, the emblem of
the Convention may be employed in time of peace to identify
vehicles used as ambulances and to mark the position of aid
stations exclusively assigned to the purpose of giving free treat-
ment to the wounded or sick. (GWS, art. 44.)

245. United States Reservation

The United States, in ratifying the Geneva Convention * * *
does so with the reservation that * * * nothing contained therein
shall make unlawful, or obligate the United States of America
to make unlawful, any use or right of use within the United States
of America and its territories and possessions of the Red Cross
emblem, sign, insignia, or words as was lawful by reason of do-
meric law and a use begun prior to January 5,1905, provided such
use by pre-1905 users does not extend to the placing of the Red
Cross emblem, sign, or insignia upon aircraft, vessels, vehicles,
builtgns or other structures, or upon the ground. (T. I. A. S.
3362.)