

ACC

10000/100/825

5pp.

10000/100/825

STATUS OF ENEMY DOCTORS, MEDICAL OFFICERS,
& CHAPLAINS, GENERAL POLICY
AUG., SEPT. 1943

5 pp.

FOLIO	REF No.	DATE	FROM/TO	Subject
1	326 HQ	25 Aug	From ESO	STATUS of Ensign DET. M.O.S. & Chaplain
2	"	19 "	To Sig Army APO 758	DISPOSITION of Priest Approved Priest
3	"	16 "	To Prov Marshall	Recommendation
4	"	18 Sept.	To C. S. O.	Pain of Ensign, Reported doctor, and chaplain.
5	326 HQ	25/9.	To all SCAOs	Taken out of Dept.
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				

RETURNED 2/63
PROVOST 7 HENRY
MARSHALL 4-6

7-8
 9
 326HQ
 25/9
 18 Sept.
 To C.S.O.
 To all SCAOs
 To Prov Marshal
 Recommendation
 Pats of enemy captured
 doctors, and chaplains.
 Taken out of bag

File

AMGOT/326/HQ
 AMGOT HQ SICILY
 September 25, 1943.

SUBJECT: Protected Personnel

TO: All S.C.A.O.s

1. In response to recent requests the following is quoted for your information:

"Protected personnel of the enemy may not be paroled. Not being Prisoners of War, there is no basis for requiring them to give their parole. The only way to control them is by giving them directions restricting their movements." (Protected personnel are Chaplains and Medical Personnel)

2. If medical personnel or chaplains captured in Sicily are residents of Sicily and are set free, they will be subject to the same Proclamations and Orders of the Allied Military Government in the same manner as all other persons in the territory.

3. Protected personnel are, until release or repatriation, a responsibility of G-1 or "A" Branch of the respective Armies, and not of AMGOT.

Agrigento	6	AMGOT 8th Army	} 10
Caltanissetta	6	Region 2	
Catania	6		
Enna	4	AMGOT 5th Army	} 10
Palermo	35	Region 3	
Ragusa	6	File 266 and original	
Siracusa	10	Float	1
Trapani	6	Division	9
Messina	8	M.G.S., A.F.H.Q.	12
AMGOT Liaison	1	Sparks	10

Charles M. Spofford
 CHARLES M. SPOFFORD,
 Colonel, G.S.C.,
 Chief Staff Officer

P/A
 26/9
 67

Subject:- Position of captured enemy doctors, medical personnel
and Chaplains.

ALICOT/326/HQ.

ALICOT. H.Q. SICILY.

To:- C.S.O.

18th Sept. 1943.

Article 9 of the Geneva Convention for the amelioration of the Condition of the Wounded and Sick (1929) provides as follows:-

"The personnel engaged exclusively in the collection, transport and treatment of the wounded and sick, and in the administration of medical formations and establishments, and chaplains attached to armies, shall be respected and protected under all circumstances. If they fall into the hands of the enemy they shall not be treated as prisoners of war.

Soldiers specially trained to be employed, in case of necessity, as auxiliary nurses or stretcher-bearers for the collection, transport and treatment of the wounded and sick, and furnished with a proof of identity, shall enjoy the same treatment as the permanent medical personnel if they are taken prisoners while carrying out these functions."

Article 12 of the same Convention provides:-

"The persons designated in articles 9, 10 and 11 may not be retained after they have fallen into the hands of the enemy.

In the absence of an agreement to the contrary, they shall be sent back to the belligerent to which they belong as soon as a route for their return shall be open and military considerations permit.

Pending their return they shall continue to carry out their duties under the direction of the enemy; they shall preferably be engaged in the care of the wounded and sick of the belligerent to which they belong.

On their departure, they shall take with them the effects, instruments, arms and means of transport belonging to them."

Article 13 of the same Convention further provides:-

"Belligerents shall secure to the personnel mentioned in articles 9, 10 and 11, while in their hands, the same food, the same lodging, the same allowances and the same pay as are granted to the corresponding personnel of their own armed forces.

At the outbreak of hostilities the belligerents will notify one another of the grades of their respective medical personnel."

In discussing these provisions the U.S. Field Manual, 27 - 10, "Rules of Land Warfare" says by way of interpretation:-

"Nothing in the foregoing article (i.e. Art. 12 set out above) precludes reasonable measures to prevent such personnel, upon their return to their own army, from carrying information or strategic or tactical value. Their movements and activities may be restricted as far as reasonably necessary to prevent their acquisition of such information, and if they should become possessed thereof, their return to their own army may be delayed until the

Article 12 of the same Convention provides:-

"The persons designated in articles 9, 10 and 11 may not be retained after they have fallen into the hands of the enemy."

In the absence of an agreement to the contrary, they shall be sent back to the belligerent to which they belong as soon as a route for their return shall be open and military considerations permit.

Pending their return they shall continue to carry out their duties under the direction of the enemy; they shall preferably be engaged in the care of the wounded and sick of the belligerent to which they belong.

On their departure, they shall take with them the effects, instruments, arms and means of transport belonging to them."

Article 13 of the same Convention further provides:-

"Belligerents shall secure to the personnel mentioned in articles 9, 10 and 11, while in their hands, the same food, the same lodging, the same allowances and the same pay as are granted to the corresponding personnel of their own armed forces."

At the outbreak of hostilities the belligerents will notify one another of the grades of their respective medical personnel."

In discussing these provisions the U.S. Field Manual, 27 - 10, "Rules of Land Warfare" says by way of interpretation:-

"Nothing in the foregoing article (i.e. Art. 12 set out above) precludes reasonable measures to prevent such personnel, upon their return to their own army, from carrying information or strategic or tactical value. Their movements and activities may be restricted as far as reasonably necessary to prevent their acquisition of such information, and if they should become possessed thereof, their return to their own army may be delayed until the information has ceased to be of substantial value."

It follows that medical personnel and chaplains are not and cannot be treated as Prisoners of War at all. They are "protected personnel" who are entitled to certain privileges but whose movements may be restricted and who may be compelled, if their movements are thus restricted, to continue in the exercise of their functions preferably in the care of the wounded and sick of their own nationality, or in the case of chaplains, to minister to the religious needs of Prisoners of War of their own nationality.

Under modern war conditions it is apparent that medical personnel within the lines of the capturing power must inevitably obtain valuable military information. Accordingly it has become customary in the present war to retain such personnel and use their services as above outlined. This is further of importance because of the obvious burden which would be thrown on the capturing Army in taking care of Prisoners of War, if it could not call upon captured medical personnel and chaplains to look after the wants of the Prisoners of War.

In fact, it would seem that it has now become an accepted custom to use such personnel for these purposes, without particular regard to the question of

PA
9.25.13
6

7

whether or not their retention is necessary in order to prevent the dissemination of military information.

It follows that protected personnel of the enemy may not be "paroled" as has been suggested in some quarters. Not being Prisoners of War, there is no basis for requiring them to give their parole. The only way to control them is by giving them directions restricting their movements.

If medical personnel or chaplains captured in Sicily are residents of Sicily and are set free, they will be subject to the same Proclamations and Orders of the Allied Military Government in the same manner as all other persons in the territory.

The British War Office has issued rules for the treatment of "protected personnel" and I have no doubt that the American War Dept. has done likewise. These should be carefully followed. Protected personnel are, until release or repatriation, a responsibility of "G.-1." or "A" Branch, as the case may be, and not of AMCOT.


H.E. ROWE, Lt. Col.
D.C.L.O.

in the same manner as all other persons in the territory.

The British War Office has issued rules for the treatment of "protected personnel" and I have no doubt that the American War Dept. has done likewise. These should be carefully followed. Protected personnel are, until release or repatriation, a responsibility of "G.-1." or "A" Branch, as the case may be, and not of ALGOT.


H.E. ROWE, Lt. Col.
D.C.I.O.

326
AMGOT/326/HQ

AMGOT SICILY

25 August 1943

SUBJECT: Status of Enemy Doctors, Medical Officers
and Chaplains

TO: Lt. Colonel Chanler, Chief Legal Officer

1. S.C.A.Os have recently been confronted with various problems in connection with enemy Doctors, Medical Officers, and Chaplains.

2. To clarify this matter please submit a short review of their position on this Island. Your views as to whether or not the Allied Armies have the right to keep them in prison camps, etc. if their work there is considered important either for the health of the prisoners or for their morale etc. would be appreciated.

CHARLES M. SPOFFORD,
Lt. Colonel, G.S.C.,
Chief Staff Officer.

4852

[2 0 5 9]

