

## Violation of International Conventions Relatively to the Treatment of Prisoners of War During the First World War

Gulzhaukhar Kokebayeva<sup>a</sup>, Kadyrzhan Smagulov<sup>a</sup> and Gulnara Mussabalina<sup>b</sup>

<sup>a</sup>Al-Farabi Kazakh National University, Almaty, KAZAKHSTAN; <sup>b</sup>L.N. Gumilyov Eurasian National University, Astana, KAZAKHSTAN

### ABSTRACT

This article attempts to address the issue of prisoners of war through the prism of international law. The object of research is the work of the Commission to investigate the Entente's complaints of violation of Hague Convention on Treatment of Prisoners of War by German authorities. After the armistice, the governments of the Entente sent notes to the German authorities on allegations contrary to international law actions in German POW camps. The study analyses the problems of war prisoners' life at the time, particularly their lifestyle, pastime, ceremonies, work, food. Also paper investigates the laws, introduced during ground warfare by the Hague Convention, as well as considers the position of war prisoners in Germany. The new German government (Council of the People's Deputies) set up a commission to investigate the claims of the Entente. During the First World War, all countries kept the international law relating to the treatment of prisoners of the war. Separate violations of articles of the Hague Convention of 1907 based on the objective reasons, they were not connected with the general thrust of internal policy of belligerent states.

### KEYWORDS

The World War I, prisoners of war, International Conventions, the Laws and Customs of War, Hague Convention

### ARTICLE HISTORY

Received 13 May 2016  
Revised 29 June 2016  
Accepted 10 July 2016

## Introduction

The XX century was marked by two World Wars, revolutions and civil wars that brought humanity innumerable misfortunes. The First World War was a pivotal era in world development. On the one hand it contributed to the collapse of empires and large multinational and absolute monarchies. On the other hand it has exacerbated the spiritual crisis of industrial civilization, ideological, spiritual

**CORRESPONDENCE** Kadyrzhan Smagulov ✉ Kadyrzhan.Smagulov@kaznu.kz

© 2016 Kokebayeva, Smagulov and Mussabalina. Open Access terms of the Creative Commons Attribution 4.0 International License (<http://creativecommons.org/licenses/by/4.0/>) apply. The license permits unrestricted use, distribution, and reproduction in any medium, on the condition that users give exact credit to the original author(s) and the source, provide a link to the Creative Commons license, and indicate if they made any changes.



ferment began in European society and even signs of degradation of morality manifested in some social strata. These phenomena in most developed countries led to the realization of the need to improve the political, economic and social systems, and generated new forms of spiritual quest, which resulted in the formation of new civilizational paradigms. The World War I was a reflection of deep crisis peculiar to the development of Western civilization in the first decades of the XX century. A war is not only the apogee of tension of international relations – a war is the fate of the individual. This aspect of the war history also covers the problem of prisoners of the war.

Studying the POW during WWI history started during the war and continues to this day. The situation of prisoners of war in Germany, its regulation by the governments of the belligerent countries were studied in book E. Krebs (1917). The most complete picture of the situation of the Entente prisoners of war in Germany can be found in book W. Dögen (1921), which was published under the auspices of the Military Ministry.

The paper gives a detailed description of prisoners' life in the camps: their rights and obligations, labor, spiritual life, religious rites, checking camps by representatives of Red Cross. The total number of prisoners, their national composition, the movement contingent camps, the death rate in the camps and other statistical data are presented as a table.

In the 90s the comprehensive study of the issue of prisoners of war was initiated. In this series, the collection "In the hands of the enemy: military prisoner from Antiquity to World War II" drew special attention, which included articles on various aspects of the history of prisoners of war. In particular, S. Oeter in his article (1999) deals with the improvement of the legal protection of prisoners of war (Oeter, 1999). The monograph J. Oltmer's (2005) presents the total military captivity in Europe during the First World War (Oltmer, 2005). In 2008, A. Krammer (2008) published a manual on dealing with prisoners of war, where the history of military captivity from biblical times to the present day was presented (Krammer, 2008). From the recent study, it is necessary to allocate a collection of articles edited by S. Scheipers (2010). This latest comprehensive study covers the history of prisoners of war and internees from the Crusades to the modern world and local wars (Scheipers, 2010). The fifth chapter on prisoners of World War I was written by A.R. Kramer (2010). Currently the German scholars have moved on to a detailed study of certain aspects of the history of POW. In general, the study of the history of the First World War prisoners is not characterized by polarization of researchers' positions.

The rules of war and the issue of POW have been provoking great interest recently due to the frequent local conflicts as well as the urgency of combating international terrorism. Heather Jones in her monograph (2011) studied the problem of violation the international detention norms of war prisoners, and showed evidence of the use of coercive measures against the prisoners of the First World War (Jones, 1920). In the first part of the book, H. Jones discusses violence against prisoners of war on the part of the civilian population in the belligerent countries. The second part examines the problem of labor use of war prisoners, observes some violations of French and German military authorities of the rules of international conventions on war prisoners labor organizations. Political and diplomatic efforts of belligerent countries' governments to comply with the war prisoner detention rules, established by international conventions, are shown in

the book of J. Yarnall (2011). The new German Government's creation of the Inquiry Commission on war prisoners detention rules violations in 1918, is mentioned in the book by Michael Dreyer and Oliver Lembcke (1993).

### ***Aim of the Study***

Purpose of the Study is to identify the causes and consequences of violations of the adopted by the international conventions laws on prisoners of war in World War I.

### ***Research questions***

1. Consider "the Laws and Customs of Ground Warfare" by Hague Convention, which deals with war prisoners detention, especially during the First World War.
2. To analyze the position of prisoners of war in German camps.
3. To study the principles, based on which the violations of Hague Convention laws were investigated.

### ***Method***

The paper uses methods of empirical research. Authors monitored early works of the researchers who raised the issue of war prisoners' position. Gathering the facts provided familiarity with archival documents and research papers. Authors compared and analyzed different theories on the conflict during the First World War concerning war prisoners, as well as linking the past and modern hypotheses.

### ***Data, Analysis, and Results***

Any war is accompanied by a captured enemy. In the ancient times captives were often killed on the battlefield or sacrificed to the gods. Saving their life meant turning them into slavery. Captured noble people were released for a ransom. Notable people, who were captured, were released for ransom. In the beginning of the Middle Ages, murder of war prisoners or turning them into slavery still existed. In subsequent periods, with the disappearance of slavery from the European historical scene, war prisoners were no longer turned into slaves. But no one denounced mistreatment of prisoners, as it was thought that the prisoners are at the mercy of people who have taken them captive. They could do with the prisoners at their discretion, but in most cases they took advantage by requesting a ransom for a captive. In the XVII century, it was a common notion that prisoners of war were in the power of the ruler, whose armed forces captured them. Rulers in their sole discretion could release them or keep in captivity, but often practiced exchange of prisoners or the ransom. In the XVIII century, the redemption procedure of war prisoners was regulated by special agreements between certain states. However, influenced by the ideas of the European Enlightenment on the "natural law" of a person, the idea of war prisoners starts to change, bilateral agreements appear, according to which the regulations on war prisoners detention was governed. Thus, a treaty of friendship between Prussia and the United States, concluded in 1785, contained an article on the duties of the contracting parties to protect prisoners of war. This agreement was the first to forbid the detention of war prisoners together with convicted criminals. Thus, the idea appeared that military captivity and a sentence for a criminal offense were fundamentally different. Prussian-American treaty also provided for the placement of prisoners in



live able buildings and areas. It is known that Russian generals have always tried to bring the Russian army in the spirit of the humane treatment of prisoners. Such ideas are also present in the army documents of the North and South during the Civil War in the United States. Although this war is not regarded as an international conflict, but the document adopted on the April 24, 1863, entitled "Lieber Code", article 56th of which prohibits inhuman treatment of prisoners of war, had a certain impact on European ideas about the protection of war prisoners (Kalshoven, 1984).

Until the middle of the XIX century there was no multilateral agreements determining the military captivity regime. In 1864, the Swiss government organized a conference of European states' representatives to define the principles of providing assistance to victims of war. The Conference adopted the Geneva Convention "For the Amelioration of the wounded and sick soldiers during ground warfare". The Convention stated that the medical aid during the war declared neutral and warring parties are obliged to provide it regardless of nationality, including persons belonging to the hostile army. The Convention was the first international instrument to define the status of war prisoner based on the idea of the humane treatment of prisoners.

The principles of humane treatment of POW were formulated in the Hague Conventions of 1899 and 1907 on the laws of war. During the First World War, the belligerents kept the Hague Convention "On the Laws and Customs of War on Land", which was adopted October 18, 1907 (Hinz & Rauch, 1984). According to German researcher H. Fischer (1994), effective international agreements for the protection of POW should answer the following questions: 1) Who is a prisoner of war (i.e. his status); 2) how prisoners of war should be treated; 3) how long and under what circumstances such treatment should be ensured; 4) which institution or organization should monitor the conditions of detention and responsible for the implementation of the principles of prisoners' of war protection. In the Hague Convention of 1907 the first three questions were solved.

In the first three articles of the Appendix to the Convention "On the Laws and Customs of War on Land" of 18 October 1907 the persons subject to certain conventions are enlisted. Military laws, rights and responsibilities are not only applied to armies, but also to militia and volunteer corps, if they meet the following conditions: 1) have a commander that is responsible for his subordinates; 2) have a definite and clearly visible from afar distinctive sign; 3) carry weapons openly; 4) keep the laws and customs of war in their actions. Militia or volunteer corps in the countries where they constitute the army, or the members of it are understood an army. In the threat of enemy's approaching the population of unoccupied territory which voluntarily take up arms to resist the invading forces, will be recognized as a belligerent, if they carry arms openly and will comply with the laws and customs of war. The armed forces of the belligerent parties may consist of combatants and noncombatants. Both categories in the event of captivity by an enemy equally enjoy the POW's rights.

The Convention also requires humane treatment of prisoners of war. All personal effects and articles of personal use – except for arms, horses, military equipment and military papers – shall remain in the possession of prisoners of war.

Prisoners' detention in the camp, or some other place, was used only as a necessary measure to ensure safety or due to other temporary circumstances. State

may employ prisoners with the exception of officers according to their rank and abilities. This work should not be excessive and should not have any relation to military action.

Prisoners' of wars work for the State is paid equally as for national soldiers for the performance of the same work, If there is no fixed rates for the prisoners' payment is done based on the cost of work. Prisoners' income is spent on themselves. The credit balances of their accounts shall be paid to the prisoners of war at the end of their captivity, after deducting the cost of their content. It is the responsibilities of the hostile government to support their prisoners. If there is no special agreement between the warring parties, the prisoners enjoy the same food, lodging, and clothing, as national troops, who captured them. Officers and persons of equivalent status who are prisoners of war shall receive from the detaining Power the same pay as officers of corresponding rank in the armed forces of that Power, provided, subject to reimbursement of the costs of their government.

Prisoners of war shall be subject to the laws, regulations and orders in force in the armed forces of the detaining Power. Any act of insubordination shall render them liable to the measures prescribed by such laws, regulations, and orders. Escaped prisoners of war who are re-captured before they have been able to rejoin their own armed forces or to leave the territory occupied by the armed forces which captured them shall be liable only to disciplinary punishment. Every prisoner of war is required to declare his true names and rank, if he infringes this rule, he exposes himself to a restriction of the privileges accorded to prisoners of his category.

With the outbreak of hostilities in each of the warring states, as well as in neutral countries that have adopted its territory belligerents established the information desk of the war. Bureau of nameplate on each prisoner of war, which specifies the number, name, surname, age, place of origin, rank, unit, date and place of capture, wounds or death, place of detention, as well as specific information. Name Table Card is sent to the Government of the other belligerent after the signing of peace. The Information Bureau shall keep all prisoners' things, letters and values released on parole, exchanged, escaped or died in captivity, and then send them to the proper. Information desks are exempt from paying the tax collection. Letters, remittance, parcels addressed to prisoners of war or dispatched by them, shall be exempt from all postal charges.

Prisoners of war shall be permitted complete freedom in the performance of their religious duties, including attendance at the services of their faith, on the sole condition that they comply with the routine and police regulations prescribed by the military authorities. Spiritual testament of war should be drawn up and accepted for storage as well as wills and soldiers of the national army. The same rules are followed in the preparation of death certificates and burial of the dead prisoners of war, taking into account their grade and rank. After the conclusion of peace the prisoners should sent to their homeland must be made as quickly as possible.

The Hague Convention of 1907 strengthened the international legal status of prisoners of war, based on the fact that the capture of hostile soldier is not revenge or punishment but a necessary measure with the aim of preventing the soldiers and officers participate in military actions. Hague Conventions of 1899 and 1907 enforce responsibilities on governments of warring states for the humane



treatment of POW. Subsequently, the main provisions of Convention of 1907 were concretized in bylaws joined the convention states.

### *Prisoners of war in German camps*

November 27, 1909 Germany joined the Hague Convention "On the Laws and Customs of War on Land." After the entry of Germany in World War I in August 1914, the Ministry of War in Germany developed "Regulations on the placement of prisoners of war" in accordance with the Convention, on the 11th August it is transferred to the Supreme Command of Imperial Forces. This document is governed by the law of detention, health care and using of labor captured officers, non-commissioned officers and soldiers of the Entente. During the World War First in captivity in Germany were 2,415,043 troops of the Entente (Doegen, 1931). In the early years of the war the German military authorities were not prepared to accept a large number of prisoners, so camps were adapted different rooms, so there were camps with different conditions of placement of POW. Due to the bad conditions of prisoners' living epidemics of typhus and other diseases occurred in the camps. During the World War First in German camps 1.9% Belgian, 2.08% English, French 2.41%, 4.61% Russian, 5.81% Serb, 28.64% Romanian, 5.46 % Italian, Portuguese 1.87%, 0.73% American, 2.44% of the Greek prisoners of war died from disease.

Food was not scarce for POW in most German concentration camps, the British and French prisoners of war always received extra rations, as the British and French governments allocate for them certain amount. In July 1915 the Moscow City Duma allocated the Committee 50 thousand rubles to assist prisoners of war, 100 thousand rubles were collected as a result of the one-day gathering under the slogan "Moscow - Russian soldiers in captivity" (Zhdanov, 1920). However, this amount would not be enough to provide material assistance to the small number of prisoners. Therefore, Russian prisoners of war had to rely only on their relatives. According to the report of the military-censorship commission on August 5, 1915: "The Correspondence of our prisoners of war for the most part limited to a few lines on the card with the same "alive and well", bows and requests for the dispatch of crackers. Our officers also asked to send them something to eat in their letters" (Zhdanov, 1920). In the early years of the war under the influence of the press Russian society believed that the parcels and letters did not reach the prisoners of war because the German government confiscate them. Subsequently, the efforts of the Red Cross and other NGOs, these misconceptions have been dispelled, however Russian prisoners of war for years in the German camps received much less letters and packages than other prisoners of the Entente. For example, in September 1915 the British prisoners of war in the camp of Göttingen received 13,363 parcels, French prisoners of war - 25,905 parcels, the Belgians - 2,678 parcels, and Russian prisoners of war, the majority in the camp, got 316 parcels (Stange, 1915).

In accordance with Article 6 of the Hague Convention in October 17, 1914 Military Ministry approved the "General Provisions attract prisoners-soldiers enlisted to work". Prisoners of war were used in the construction of camps, training grounds, channels, draining the marshes, in the cultivation of wastelands, repair and construction work to improve the roads in the industry. Work teams consisted of a large number of prisoners, formation of small working groups in construction and factories were forbidden, as it is difficult to protect and supervise the prisoners of war. Due to the shortage of seasonal workers Ministry of Agriculture asked to

allocate Russian prisoners of war to work on the harvest. The working teams of 30 people were formed. The Military Department instructed commandant camps and work teams to ensure the safety of prisoners of war and systematically report to the Ministry of bringing prisoners to work (Kriegsministerium, 1915-16). The Military Department established a single payment for the work of prisoners of war. Given that the army management assumes accommodation, food supply and protection of prisoners of war, the use of which form entrepreneurs, government construction companies and other manufacturing industries, wages war were to be determined as follows: for the excavation work in the construction of canals - per cubic meter of land 40 pfennig, of which about 17-20 pfennigs paid for shipping, 2-3 pfennig - for protection, 4 pfennig - for administrative costs, a prisoner got the rest (Kriegsministerium, 1915-16). In other types of work as the lion's share of money earned by prisoners charged for various expenses, and eventually POW received very little.

While in the first months of the war prisoners faced with an acute sense of sadness and hopelessness, with the improvement of living conditions and leisure activities they began to adapt to the living conditions in the camps. Educated prisoners tried to substitute the absence of their usual professional services with the German language, music lessons and reading various literature. Camp administrations organized courses in German, where taught these, who before the war lived and worked in Russia and other countries of the Entente a long time. Also other prisoners were allowed to teach – former teachers and students, who were encouraged to use their professional knowledge. Training courses were not limited to the study of languages – depending on the specific needs there were classes in mathematics, astronomy, accounting, geography, history, electricity, agriculture, law, music. The camps were German professors presented papers on the history, geography, on constitutional law and social legislation in Germany, on the history of music and the problems of theology. Göttingen camp of Russian war prisoners organized a chorus with a musical trio of balalaika, guitar and mandolin (Stange, 1915).

However, the organization of libraries, lectures and reports were caused not only by care about the leisure of war prisoners – they were the main targets of the German Empire in World War II. So, on June 18, 1915, the Military Committee of Lower Saxony wrote to the Department of Internal Affairs: “The presence of a large contingent of Russian prisoners of war in Germany, the number of which reached about a million, gives us the opportunity to even now use a variety of ways to prepare a favorable situation to increase German influence in Russia. Among the prisoners seem to be a significant number of educated and influential people who could easily fall under the influence of a high level of German culture, industry and technology, and that after their return to their homeland could conduct propaganda of German goods. In order to bring the implementation of these reasons, we are asking the Ministry of War their agreement to organize reports and lectures in the camps for Russian war prisoners, to make them acquainted with Germany’s economical potential and affect the future turning Russia into a distribution area for Germany after the war” (Kriegsministerium, 1915-16).

### ***Investigation of the Hague Convention violations***

During the war, according to the Russian government’s claims about the epidemic of typhus in Gottingen camp, a committee of German experts – doctors and lawyers – was set up. In May 1916, a committee member, Professor H.



Jacobson, who visited Gottingen camp, reported that the commandant of the camp quickly isolated the epicenter of the disease, and Russian prisoners did not show any complaints about treatment during the epidemic (Doegen, 1921). Constant attention to the governments of Britain, France and Belgium to the fate of their captured soldiers, frequent notes with complaints of poor maintenance and contrary to norms of international law, poor treatment of prisoners in Germany, to some extent contributed to the issues of improving conditions of detention, securing proper nutrition and taking care of war prisoners.

During the World War I, especially in the last years of the war, in the press of Entente countries, a number of publications about the suffering and violent death of prisoners of war in German camps appeared. After the armistice, the governments of the Entente sent a note to the German authorities on allegations, contrary to international law actions, in German POW camps. In November 30, 1918, the new German government (Council of the People's Deputies) created a commission to investigate claims of the Entente. Professor of Law, a member of the National Assembly, Walter Schücking was appointed the Chairman of the Commission. The Commission consisted of ten qualified specialists in international relations and law (Kriegsministerium, 1918-19). It was requested to check the violations of international law, or, as set out in the notes of the Entente governments, re-investigate all individual cases on them in a timely manner if no measures were taken. If it is a confirmed violation of international law in the treatment of prisoners of war, the Commission may bring the perpetrators to justice. If these violations classified as criminal offense, the case is referred to the relevant competent authorities and the Commission must wait for the results of the investigation. If it is necessary, the Commission forms the Judicial Board of three members appointed by the commission. The Judicial Board may impose a sentence on the warning, exile, or a fine, not exceeding the size of the annual salary. The investigation is completed by the establishment of the commission or Judicial Board a fact of international law violations. Report on the results of the investigation and establishing the fact of violations shall be heard at a public meeting of the Commission with a representative of the country-complainer (In: Politisches Archiv des Aus wärtigen Amts).

The Commission should consider all claims and complaints of the Entente, as set out in the notes for the entire period from the beginning of the war until the repatriation of prisoners of war.

The Commission conducted a thorough investigation based on the Spanish government's note about the murder of Russian war prisoners in the Sagan camp December 21, 1918 (the Kingdom of Spain during the First World War was the protector of Russian prisoners). The investigation revealed that on December 21, 1918 around 2,000 Russian prisoners took their personal effects and rose Russian banner headed toward the exit from the Sagan camp. Alerted armed guard pursued these prisoners. Despite the strict prohibition of weapon use without a special command, there was a sudden shot which resulted in mass shooting from the guard. As a result, four Russian prisoners were killed, ten wounded, two of whom subsequently died. An instigator was not identified so the case was transferred to the military investigative court. July 17, 1919 the second Trial Chamber found a violation of international law by the German military authorities, as well as international legal responsibility of German government for the incident.



The Entente governments brought charges in their notes about the violation of certain articles of the 1907 Hague Convention: using of prisoners in work of military nature, attracting educated captives in hard physical labor, using of weapons against them, lack of epidemic control in the camps, the attempt of political impact on the Muslim prisoners of war in the Zossen camp, poor placement of prisoners of war (overcrowding, inadequate ventilation and heating, parasites), bad clothes, scarce food, restriction of the right to appeal and the punishment for complaints, illegal disciplinary action (tying to a stake, immersion in water, deprivation of food, use of dogs against prisoners of war). As a result of the investigations, the Commission acknowledged some of these claims.

The governments of France and England raised claims about the epidemic of typhus in Wittenberg camp in 1914-1915. In a note dated February 2, 1916, the French government accused the German side of the deliberate infection of French prisoners with infectious disease, called typhus, placing French and Russian prisoners in one barrack. Allied governments accused the German authorities for doing nothing to prevent the spread of this dangerous infectious disease. The disease quickly spread through the camp due to the narrowness of accommodation and poor nutrition, lack of conditions for the patients' isolation as well as the scarce of necessary medicines. Schücking's Commission established that the given above facts are not the violation of international law based on the documents of the Prussian Military Ministry and town council of Wittenberg, Professor Gartner's report, the chief staff physician Dr. Aschenbach's testimony and former adjutant of the commandant of the camp as well as a competent Professor Könriha's opinion. The Commission stated that the accusation that keeping the Russian prisoners of war together with prisoners of the Western armies in order to infect them seems to be monstrous and groundless. In 1914 the co-location was due to unpreparedness of Germany to receive a great number of war prisoners. When the epidemic began, there were only two infirmary huts, but later six more infirmary huts were built, so the camp administration did its best to isolate the patients. German doctors and guard teams were ordered by Staff of the Army Corps to leave the camp immediately after the outbreak. This action is not contrary to international law, since it was caused by the need to prevent contamination of the civilian population of the Wittenberg city because the camp was located in the vibrant district.

Weimar Republic fulfilled all the requirements of the Entente countries according to the terms of the Versailles peace treaty. Thus, the new Republic in Germany, in contrast to the Bolshevik government, acknowledged itself as a successor of the old monarchical power in Germany and proved its legitimacy. During the World War I, all countries kept international law on treatment of war prisoners, of course, but there was a violation of separate of Hague Convention of 1907, but these violations were based on objective reasons, they were not connected with the general thrust of internal policy of warring States.

Modern humanity is experiencing preconception times of war and peace. There is no doubt – this process will be long and difficult. Rethinking will concern the understanding of relationship of warring parties' global political objectives, their proposed and realized ideas and people's lives.

### **Discussion and Conclusion**

This study allows to carry out a more detailed and in-depth study on the principle of creating laws, adopted by the Hague Convention, as well as their



consequences. Authors analyze the essence and prerequisites of the enactment of various laws on military policy, namely the protection and conduct of prisoners of war.

Previously paper considered a state of war in time of the First World War. Such treatment, as abuse and violence, became an integral part of warfare, even worse, being at the rear of the enemy as a prisoner.

For example, the work of Heather Jones (2011) was written about the violation of international norms with respect to prisoners of war during World War I, so the problem raised related to all countries and laws, where violence was used.

The issue of prisoner relationship dates back to the 90s. Monographs and works of authors such as the S. Oeter (1999), A. Krammer (2008), S. Scheipers (2010) have been written about the military captivity a long time before the Second World War, covering also the Crusades and their principles, as well as the general rules of conduct with prisoners of war and the position of war prisoners in Europe.

German scientists explored separate branches of prisoners' lives from different sides. By paying attention to this aspect, we decided to raise the problem of war prisoners treatment by German soldiers. After a detailed study of emergence history of certain laws, namely taken on the Hague Convention, and came to conclusions.

According to the 1907 Hague Convention, prisoners of war are in the power of the hostile government but not of individuals or formation, which captured them. Prisoners should be treated as captives of the state based on the fact that since the modern period the armed conflict is reviewed as a struggle between countries but not individuals or rulers. In the practice, this principle firstly protects military prisoner from the tyranny of individual members of the warring parties; secondly, charges governments of warring states certain international legal obligations to protect the rights of prisoners of war; thirdly, gives these governments right to claim for breaching rules relative to the Treatment of Prisoners of War.

It is well known that Germany has also joined the Hague Conference, but much later. Taking into account all ethical norms, which have been provided for in the laws of the Convention, Germany has agreed to the principles of introducing such military policy. But later it was found that the German concentration camp prisoners were in a terrible state. During and after the war a large number of investigations was carried out, opened to the complaints of many countries, particularly Entente.

We have found that the consequence of such a state of war prisoners was due to being cramped and poor nutrition, which attracted a huge number of infectious diseases, including typhus. Russians suffered especially, taking into account not only the absence of human treatment by the enemy, but also providing small country, the money sent to the aid of fellow citizens, lacked.

The courts and the investigations took place, but never sentenced anyone, and the charges in the direction of the German republic have been forgotten.

### **Implications and Recommendations**

The wartime problems were repeatedly raised by researchers and scientists, as well as many papers have been written by the eyewitnesses. Proceedings with regards to prisoners of war are enough, but these problems can be raised for a long time. Taking into account the small part of the works written about the prisoners

in German concentration camps and districts of the First World War, there is a need to research the industry.

That is why we pay attention to the situation of prisoners of war in Germany, the supporters of the Entente. Authors give an advanced information and facts from witnesses about the activities of the German soldiers in the camps. We analyzed the situation of the soldiers from different countries and have reached the conclusion that the Russian soldiers were in the most terrible state. The main reason was not the preparation of the German camps to accommodate new prisoners, and there were a large number. When entering the Hague Convention, Germany took responsibility for humane conditions for prisoners of war, but the points provided for by the laws were not made by them.

This topic is very controversial and still requires detailed investigation. We believe that this work is the initial stage in the study of the question of the violation of the rights war prisoner of during the First World War. This article is currently the latest, the early works devoted to this problem have been written in the 20th century. Still, it did not raise the problem of the German captivity and their conditions.

An advice for the exploration of this topic will be to consider the situation in the German camps for different countries of the Entente, a complete analysis and comparison, as well as find the difference between certain positions and what events were caused by this difference. Another advice is to find out the reasons for the incomplete legal process on war prisoner camps.

### Disclosure statement

No potential conflict of interest was reported by the authors.

### Notes on contributors

**Gulzhaukhar Kokebayeva** holds a Doctor of Historical Sciences, Professor of Department of World History, Historiography and Source Studies, Al-Farabi Kazakh National University, Almaty, Kazakhstan;

**Kadyrzhan Smagulov** holds a PhD, Lecturer of Department of Political Science and Political Technologies, Al-Farabi Kazakh National University, Almaty, Kazakhstan;

**Gulnara Mussabalina** holds a Doctor of Historical Sciences, Associate Professor of Department of History of Kazakhstan, L.N. Gumilyov Eurasian National University, Astana, Kazakhstan.

### References

- Doegen, W. (1921). *Kriegsgefangene Völker. Der Kriegsgefangenen Haltung und Schicksal in Deutschland*. Berlin: *Verlag für Politik und Wirtschaft*, 311 p.
- Doegen, W. (1930). *Jahrbuch des Lautwesens 1931*. Berlin: Lehner, 175 p..
- Dreyer, M. & Lembcke, O. (1993). *Die deutsche Diskussion um die Kriegsschuldfrage 1918*. Berlin: *Duncker & Humblot*, 272 p.
- Fischer, H. (1994). *Schutz der Kriegsgefangenen*. München: Becksche Verlagsbuchhandlung, 260 p.
- Hinz, J. & Rauch, E. (1984). *Kriegsvölkerrecht*. Köln: Carl Heymanns Verlag, 159 p.
- Jones, H. (2011). *Violence Against Prisoners of War in the First World War: Britain, France and Germany, 1914-1920*. Cambridge: Cambridge University Press, 468 p.
- Kalshoven, F. (1984). *Limitation of methods and means of warfare*. Moscow: *ICRC*, 160 p.
- Kramer, A. R. (2010). *Prisoners in the First World War, in Prisoners in War*. Oxford: Oxford University Press, 90 p.
- Krammer, A. (2008). *Prisoners of War*. Conn: Greenwood Publishing Group, 392 p.



- Krebs, E. (1917). *Die Behandlung der Kriegsgefangenen in Deutschland*. Berlin: Herdersche Verlagshandlung, 264 p.
- Kriegsministerium. (1915-1916). *Bundesarchiv*. Berlin, R 1501/112386.
- Kriegsministerium. (1918-1919). *Bundesarchiv*. Berlin, R 1501/112389.
- Oeter, S. (1999). *Die Entwicklung des Kriegsgefangenenrechts, in In der Hand des Feindes*. München: Böhlau, 241 p.
- Oltmer, J. (2005). *Kriegsgefangene im Europa des Ersten Weltkriegs*. Paderborn: Schöningh, 311 p.
- Scheipers, S. (2010). *Prisoners in War*. Oxford: Oxford University Press, 342 p.
- Stange, C., & Gefangenen-Lager, D. (1915). *Materials on Prisoners of War in the Central State Archive of the Republic of Kazakhstan*. Göttingen: Verlag Louis Hofer, 64 p.
- Yarnall, J. (2011). *Barbed Wire Disease: British and German Prisoners of War, 1914-19*. London: History Press, 224 p.
- Zhdanov, N. M. (1920). *Russian Prisoners of War in the World War*. Moscow: Union of State Book and Magazine Publishers, 289 p.