

Foreign Office,
October 30, 1911.

With reference to the notice published in the London Gazette of the 6th instant, His Majesty's Principal Secretary of State for Foreign Affairs has received from His Majesty's Ambassador at Rome the following translation of an Italian Decree, dated the 13th instant, respecting the right of capture and prize during the present hostilities between Italy and Turkey:—

EXERCISE OF THE RIGHT OF CAPTURE AND OF PRIZE IN TIME OF WAR.

By a Royal Decree, dated the 13th October, there were approved the following instructions in conformity with the Declaration of Paris of April 16th, 1856, which belligerent States are under the obligation to observe, and with the principles laid down in the Hague Convention of October 18th, 1907, as well as in the Declaration of London of February 26th, 1909, which the Royal Government desires should be equally observed in so far as the dispositions of the laws of the Kingdom allow, although they have not yet been ratified by Italy, and which are to regulate the conduct of naval commanders in operations relating to capture and prize during the war.

I.

Turkey having taken no action to show that she intends to abstain from the capture and making prize of Italian merchant ships, but having been the first to make prize of Italian ships, the capture and making prize of Turkish merchant vessels and of their cargoes, being enemy's property, is hereby authorized, with the exception of fishing boats and small coasting vessels.

II.

National or neutral merchant ships under any flag will be captured, according to the dispositions of the following paragraphs, if they:

- (a) Try to violate the blockade.
- (b) Carry contraband of war.
- (c) Give assistance to the enemy.
- (d) Forcibly resist visit.

III.

The blockade must be effective, that is, maintained by a force sufficient to prevent access to the blockaded ports and coast.

Violation of the blockade consists in an attempt to penetrate within the blockaded zone or to leave it during the period established by the declaration of blockade.

The capture of ships attempting to violate the blockade cannot take place outside the sphere of action of the ships charged with maintaining it.

IV.

If the vessel making for a blockaded place is in ignorance of the existence of the blockade, which has been declared after her departure from the last port of call, notification of the blockade shall be given her and an entry to that effect made in the ship's log by an officer of one of the blockading vessels.

V.

Vessels that under stress of necessity are obliged to touch at a blockaded port will be allowed to enter, after giving proof that they are compelled by *force majeure*, and to leave again, provided that they do not take in or discharge cargo there.

If, however, the vessel is carrying articles of contraband of war it shall be arranged that these shall be deposited on board one of the blockading ships.

Neutral warships shall always be allowed to pass freely through the blockading-line.

VI.

Contraband of war are: cannons, guns, carbines, revolvers, pistols, sabres and all sorts of portable firearms; munitions of war, military implements of all kinds, and in general everything which, without manipulation, can serve directly for land or sea armament.

Such articles are subject to capture or confiscation if it is proved that their destination is the enemy's territory or naval forces, whether transported directly or by means of transshipment or of transit overland.

VII.

If the articles of contraband constitute a small part of the cargo, the naval commanders can, if they think good, receive such articles in deposit, making an entry to this effect in the ship's log or, failing this, issuing a declaration to that effect, and then permit the vessel freely to continue her voyage.

VIII.

Ships are liable to capture for assisting the enemy, which

- (a) directly take part in operations of war in the enemy's favour,
- (b) are chartered by the Government of the enemy State, or placed under the orders or inspection of one of his agents or employed to carry troops or news in the enemy's interest.

IX.

Ships or goods captured or taken as prize will be conducted to the nearest port of the Kingdom, or, when that is not feasible, to a neutral port to be put at the disposition of the naval authorities or of the consular authorities, as the case may be, together with a detailed report of the capture or prize accompanied by the relative documents.

If the observance of this prescription might compromise the safety of the capturing vessel or the success of the warlike operations in which she is engaged, the commander shall have the faculty of destroying the prize, after having provided for the safety of the persons, papers and documents on board and of anything else which may be material to arriving at a decision as to the legality of the prize.

X.

Members of the enemy's armed forces found on board a neutral vessel may be made prisoners of war, even if the vessel—either in the absence of the conditions laid down in paragraph 8, or in circumstances where the captain's good faith is manifest—be not liable to capture.