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Spy

A person is considered a spy when, acting clandestinely or on false pretences, he obtains or endeavours to obtain military information in enemy-controlled territory.

A spy caught in the act must not be punished without previous trial. A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a **prisoner of war** ^[1] and incurs no responsibility for his previous acts of espionage.

A member of the armed forces who gathers or attempts to gather information in enemy-controlled territory may not be considered as engaging in espionage if while so acting he is in the uniform of his armed forces; he will be entitled to **prisoner-of-war** ^[1] status. The special case of members of the armed forces resident or non-resident in enemy-occupied territory is governed by specific rules.

Espionnage

The word commonly applied to the efforts made in territory under enemy control by a party to the conflict to collect all information on the enemy that may be useful to the conduct of the war in general and to that of hostilities in particular. Espionage as international law understands it is clandestine and takes place under false pretences. The collection of information by members of the armed forces wearing their own uniform is not espionage, but intelligence activities.

The word espionage is also applied to the collection by States, in peacetime as well as in

time of war, of political and military information regarding each other.

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