

International Law Studies—Volume 60

Documents on Prisoners of War

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DOCUMENT NO. 8

**DECREE OF 4 MAY 1792 OF THE FRENCH NATIONAL ASSEMBLY
CONCERNING PRISONERS OF WAR**

SOURCE
1 DeClercq 217

NOTE

This Decree was enacted by the French National Assembly on 4 May 1792, just two weeks after the Assembly had declared war on Austria and Prussia and when war with other European monarchies, deeply concerned lest the revolutionary developments in France overflow into their realms, could readily be foreseen. The Decree typifies the attitude since then frequently adopted by revolutionary regimes in an effort to demonstrate their humanitarian motivation, and in this case, in the hope that its promulgation would convince enemy soldiers that their future lay with the French Revolution and would thus encourage them to desert and surrender. It was undoubtedly inspired by the writings of Montesquieu and Rousseau.

TEXT

The National Assembly,

Desiring, at the commencement of a war undertaken for liberty, to regulate, in accordance with justice and humanity, the treatment of enemy soldiers whom the fortunes of war place in the power of the French nation:

Considering that under the terms of the Declaration of Rights [of Man and of the Citizen of 26 August 1789], when society is forced to deprive an individual of his liberty, all harshness which is unnecessary to retain him in custody ought to be severely repressed by the law:

Recognizing that this principle is particularly applicable to prisoners of war who, not having come under the civil power of the nation voluntarily, remain under the protection of the natural law of man and of nations,

Decrees that there is an emergency.

The National Assembly, after having decreed an emergency, decrees as follows:

1. Prisoners of war are under the protection of the French nation.
2. All cruel acts, all violence, and all insults committed against a prisoner of war shall be punished as if committed against a French citizen.
3. All prisoners of war shall be transported to special places in the rear of the army for which purpose the commanding generals shall have designated specific areas.
4. They shall thereafter be kept in the interior of the kingdom, at a distance of at least twenty leagues from any frontier, and they shall be kept primarily in the county seats and closed towns.
5. There shall be provisionally allocated to them for their maintenance,

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from extraordinary war funds, the full peacetime pay and allowances received by corresponding grades of the French infantry.

6. Prisoners of war shall be permitted to give, in the presence of municipal officials, their parole not to leave the place of residence to which they have been assigned; and in such a case, the entire town shall be the limits of their confinement and they shall not be subject to the roll calls which may be fixed by specific regulation.

7. Those who, apart from their parole, furnish security, shall only be required to present themselves for one roll call each day, without the right, nevertheless, to go more than two leagues beyond the limits of the town.

8. All prisoners of war shall be required to be dressed in their uniforms and may not, under any circumstances, possess or carry arms.

9. Those who do not give the security and refuse the parole mentioned in article 7 shall be held in closed national installations.

10. Those who, having given their parole or furnished security, disregard the obligations which are imposed upon them by articles 7, 8 and 9, shall be brought before a police correctional tribunal and shall be sentenced to remain in prison for a period of time based upon the gravity of the circumstances and which may be indefinite if an attempt to escape is proven.

11. Prisoners of war shall enjoy, in addition, the benefits of the common law of France; they may engage in any profession upon complying with the conditions prescribed by law; they shall be brought before the ordinary courts in case of the commission of a crime, tried there for acts of mutiny, and receive there reparations for injuries or damages for which they have a complaint.

12. The executive power shall present, as soon as possible, a set of regulations on the places to which prisoners of war shall be transferred, on the method of their transfer, on the number who may be sent to the same place, on the manner in which they shall be watched over and guarded, on the roll calls which shall be required of those who enjoy the benefits of articles 7 and 8, on the policing of the buildings in which those who do not enjoy this privilege shall be held, on the correspondence of all prisoners of war addressed to foreign lands; and, in sum, with all of the methods of executing the present decree.

13. The present decree shall be effective immediately.