

TABLE OF CHAPTERS

I. PRELIMINARY PROBLEMS	1
II. THE REGIME OF THE PRISONER OF WAR	97
III. THE EMPLOYMENT OF PRISONERS OF WAR	213
IV. PROTECTIVE AGENCIES	255
V. THE PUNISHMENT OF PRISONERS OF WAR	315
VI. SANCTIONS FOR MALTREATMENT OF PRISONERS OF WAR	343
VII. TERMINATION OF CAPTIVITY	395

APPENDICES

A. THE GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR OF AUGUST 12, 1949	481
B. LIST OF PARTIES TO THE 1949 GENEVA PRISONER-OF-WAR CONVENTION	507

TABLE OF CONTENTS

FOREWORD	III
PREFACE	V
TABLE OF CHAPTERS	XIII
TABLE OF CONTENTS	XIII
TABLE OF ABBREVIATIONS, ARTICLES, BOOKS, AND DOCUMENTS	XIX
TABLE OF STATUTES, DECREES, AND ORDERS	LV
TABLE OF TREATIES AND AGREEMENTS	LVII
TABLE OF CASES	LXV

CHAPTER I. PRELIMINARY PROBLEMS

A. Introductory	1
B. Historical	2
C. Applicability	11
D. Compliance	26
E. Entitlement to Prisoner-of-War Status	34
1. Members of the Armed Forces	36
2. Members of Other Militias, etc.	38
a. Members of Other Militias, etc.	38
b. Including Those of Organized Resistance Movements	39
c. Belonging to a Party to the Conflict	40
d. Operating in or outside Their Own Territory	43
e. The Four Conditions	44
3. Members of Regular Armed Forces Who Profess Allegiance to a Government or an Authority Not Recognized by the Detaining Power	59
4. Persons Who Accompany the Armed Forces without Actually Being Members Thereof	60
5. Members of Crews, etc.	63

XIII

6. Inhabitants of a Nonoccupied Territory	64
7. Members of the Armed Forces of an Occupied Country	66
8. Members of Belligerent Armed Forces in Neutral or Nonbelligerent Countries	68
9. Medical Personnel and Chaplains	70
10. Problems of General Import	74
a. Nationality	74
b. Deserters and Defectors	76
c. Commandos	81
d. Spies and Saboteurs	82
e. Others	83
11. Conclusions	84
F. Some General Problems	84
1. Agreements between Belligerents	84
2. Disputes between Belligerents	86
3. Prohibition against Renunciation of Rights	91
4. Dissemination of and Instruction on the Convention	93
CHAPTER II. THE REGIME OF THE PRISONER OF WAR	
A. Introductory	97
B. From Battlefield to Prisoner-of-War Camp	98
1. Evacuation from the Battlefield	98
2. Transfer of Prisoners of War between Detaining Powers	104
3. Interrogation of Prisoners of War	106
4. Property in the Possession of the Prisoner of War	110
5. Fingerprinting Prisoners of War	118
C. Life in the Prisoner-of-War Camp	120
1. Establishment of Prisoner-of-War Camps	120
2. Quarters	124
3. Food	126
4. Clothing	130
5. Hygiene and Medical Care	131
6. Morale	137
a. Religious Activities	138
b. Intellectual, Educational, and Recreational Pursuits	139
c. Physical Exercise and Sports	142
d. Canteens	143
7. Correspondence	145
8. Official Information concerning Prisoners of War	153
9. Relief Shipments	158
10. Internal Discipline	163
a. The Camp Commander	163
b. Knowledge of and Availability of the Convention	165
c. Regulations	167
d. Rank	167
11. Miscellaneous Protections	173
a. Common Treatment	173
b. Women Prisoners of War	178
c. Civil Rights	180
12. Transfers between Prisoner-of-War Camps	187
13. Financial Resources	194
a. Credits	195
(1) Sums Taken on Capture	195
(2) Advances of Pay	197
(3) Working Pay	201

(4) Amounts Derived from Other Sources	205
b. Debits	206
(1) Payments Made to the Prisoner of War	206
(2) Payments Made on Behalf of the Prisoner of War	207
(3) Sums Transferred at the Request of the Prisoner of War	207
c. Administrative Procedures	209
CHAPTER III. THE EMPLOYMENT OF PRISONERS OF WAR	
A. Introductory	213
B. Historical	213
C. Categories of Prisoners of War Who May Be Compelled to Work	218
1. Physical fitness	218
2. Rank	221
3. Other Prisoners of War Exempted from Working	224
D. Types of Work That Prisoners of War May Be Compelled to Perform	225
1. Camp Administration, Installation, or Maintenance	228
2. Agriculture	229
3. Production or Extraction of Raw Materials	229
4. Manufacturing Industries (except Metallurgical, Machinery, and Chemical)	230
5. Public Works and Building Operations Which Have No Military Character or Purpose	232
6. Transportation and Handling of Stores Which Are Not Military in Character or Purpose	235
7. Commercial Business and Arts and Crafts	236
8. Domestic Service	237
9. Public Utility Services Having No Military Character or Purpose	237
10. Limitations with Respect to Unhealthy, Dangerous, or Humiliating Work	238
E. Conditions of Employment	240
1. General Working Conditions	240
2. Labor Detachments	244
3. Working Hours, Holidays, and Vacations	247
4. Compensation and Other Monetary Benefits	249
5. Grievance Procedures	252
6. Special Agreements	252
F. Conclusions	253
CHAPTER IV. PROTECTIVE AGENCIES	
A. Introductory	255
B. The Protecting Power	255
1. Historical	255
2. The Modern Concept of the Protecting Power	262
a. Designation	262
b. Substitutes for Protecting Powers	269
c. Personnel of the Protecting Power	275
d. Functions of the Protecting Power	278
(1) Powers and Duties	279
(2) Liaison Functions	286
(3) Miscellaneous Functions	288
(4) Limitations on the Activities of Protecting Powers	289

3. Conclusions	292
C. The Prisoners' Representative	293
1. Historical	293
2. Selection of the Prisoners' Representative	295
3. Functions of the Prisoners' Representative	301
D. The International Committee of the Red Cross	307
1. Historical	307
2. The Position of the ICRC in an International Armed Conflict	308
3. Activities of the ICRC	309
E. Other Impartial Humanitarian Organizations	312
CHAPTER V. THE PUNISHMENT OF PRISONERS OF WAR	
A. Introductory	315
B. Provisions of General Applicability	318
1. Laws, Regulations, and Orders Applicable	318
2. Miscellaneous Rules	321
a. Decision as to the Nature of the Proceedings	321
b. Double Jeopardy	321
3. Limitations on Punishment	322
C. Provisions Applicable to Disciplinary Sanctions	324
1. Who May Impose Disciplinary Sanctions	324
2. Procedure	324
3. Prehearing Confinement	325
4. Authorized Disciplinary Punishments	326
a. Fines	326
b. Discontinuance of Privileges in Excess of Those Specified in the Convention	327
c. Fatigue Duties	327
d. Confinement	327
D. Provisions Applicable to Judicial Proceedings	330
1. Laws, Regulations, and Orders Applicable	330
2. Pretrial Procedures	331
3. Courts	335
4. Trial Procedure	336
5. Sentencing	337
6. Death Sentences	339
7. Confinement	340
E. Conclusions	342
CHAPTER VI. PENAL SANCTIONS FOR MALTREATMENT OF PRISONERS OF WAR	
A. Introductory	343
B. Substantive Offenses	352
1. Wilful Killing	353
2. Torture or Inhuman Treatment, Including Biological Experiments	355
a. Inhuman Treatment	355
b. Torture	357
c. Biological Experiments	358
3. Wilfully Causing Great Suffering or Serious Injury to Body or Health	360
4. Compelling a Prisoner of War to Serve in the Forces of the Hostile Power	361
5. Wilfully Depriving a Prisoner of War of the	

Rights of Fair and Regular Trial Prescribed in This Convention	363
6. Protection against	365
a. Acts of Violence or Intimidation	365
b. Insults and Public Curiosity	365
c. Reprisals	366
7. Other Offenses	369
C. Procedural Provisions	370
1. Undertaking to Enact Any Necessary Legislation	371
2. Undertaking to Suppress Other Violations	374
3. Undertaking to Search for and to Extradite or Try Accused Persons	375
4. Judicial Safeguards	379
D. Miscellaneous Problems	383
1. Type of Court	383
2. Time of Trial	384
3. Status of the Accused	386
4. The Defense of Superior Orders	387
5. Command Responsibility	390
6. Permissible Punishments	391
E. Conclusions	393
CHAPTER VII. TERMINATION OF CAPTIVITY	
A. Introductory	395
B. Types of Legal Termination of Prisoner-of-War Status	396
1. Death	396
2. Exchange	397
3. Parole	398
4. Escape	403
5. Repatriation or Accommodation in a Neutral Country during the Course of Hostilities	407
a. Wounded and Sick Prisoner of War	407
(1) Repatriation	407
(2) Accommodations in a Neutral Country	413
b. Other Prisoners of War	416
6. Repatriation After the Cessation of Active Hostilities	417
APPENDIX A. The Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949	431
APPENDIX B. List of Parties to the 1949 Geneva Convention relative to the Treatment of Prisoners of War	507
INDEX	511