*The following 20 or so pages are excerpts from documents created to establish guidelines for how to treat prisoners in times of war. Please note that the first time this was done for the United States was during the Civil War. Excerpts from the Geneva Convention rules for treating Prisoners of War and the Code of Conduct (written more recently) are also included here.*

**The Leiber Code**

In 1863, the Lieber Code was established as the first formal codification of behavior for the Army of the United States. The directive outlined the Federal army code of conduct during war, as well as the institution of Martial Law. It would later become the basis for all international treaties, including the Hague Conventions in 1907 and the Geneva Conventions of 1949.

Francis Lieber spent over a year working on the Code researching military procedures of the past, analyzing the current wartime climate, and conferring with an array of experts, including soldiers and politicians. The Lieber Code presented policies for four major aspects of war: martial law, military jurisdiction, punishment of spies/deserters, and the treatment of prisoners of war.

President Abraham Lincoln was pleased with Lieber’s proposal. He considered it an official code of conduct and an absolute necessity to maintain order and a sense of decency among the ranks. On April 24, 1863, President Lincoln gathered his White House Cabinet and formally adopted it.

Lieber Code Note: The Leiber Code is an exhaustive document consisting of 10 sections and 157 policies. The following are excerpts from the Code pertaining to POWs to aid in the focus of your exploration.

**INSTRUCTIONS FOR THE GOVERNMENT OF ARMIES OF THE UNITED STATES IN THE FIELD SECTION**

**III. Deserters–Prisoners of war–Hostages–Booty on the battle-field.**

49. A prisoner of war is a public enemy armed or attached to the hostile army for active aid, who has fallen into the hands of the captor, either fighting or wounded, on the field or in the hospital, by individual surrender or by capitulation. All soldiers, of whatever species of arms; all men who belong to the rising en masse of the hostile country; all those who are attached to the Army for its efficiency and promote directly the object of the war, except such as are hereinafter provided for; all disabled men or officers on the field or elsewhere, if captured; all enemies who have thrown away their arms and ask for quarter, are prisoners of war, and as such exposed to the inconveniences as well as entitled to the privileges of a prisoner of war.

50. Moreover, citizens who accompany an army for whatever purpose, such as sutlers, editors, or reporters of journals, or contractors, if captured, may be made prisoners of war and be detained as such. The monarch and members of the hostile reigning family, male or female, the chief, and chief officers of the hostile government, its diplomatic agents, and all persons who are of particular and singular use and benefit to the hostile army or its government, are, if captured on belligerent ground, and if unprovided with a safe-conduct granted by the captor's government, prisoners of war.

51. If the people of that portion of an invaded country which is not yet occupied by the enemy, or of the whole country, at the approach of a hostile army, rise, under a duly authorized levy, en masse to resist the invader, they are now treated as public enemies, and, if captured, are prisoners of war.

52. No belligerent has the right to declare that he will treat every captured man in arms of a levy en masse as a brigand or bandit. If, however, the people of a country, or any portion of the same, already occupied by an army, rise against it, they are violators of the laws of war and are not entitled to their protection.

53. The enemy's chaplains, officers of the medical staff, apothecaries, hospital nurses, and servants, if they fall into the hands of the American Army, are not prisoners of war, unless the commander has reasons to retain them. In this latter case, or if, at their own desire, they are allowed to remain with their captured companions, they are treated as prisoners of war, and may be exchanged if the commander sees fit.

56. A prisoner of war is subject to no punishment for being a public enemy, nor is any revenge wreaked upon him by the intentional infliction of any suffering, or disgrace, by cruel imprisonment, want of food, by mutilation, death, or any other barbarity.

57. So soon as a man is armed by a sovereign government and takes the soldier's oath of fidelity he is a belligerent; his killing, wounding, or other warlike acts are no individual crimes or offenses. No belligerent has a right to declare that enemies of a certain class, color, or condition, when properly organized as soldiers, will not be treated by him as public enemies.

58. The law of nations knows of no distinction of color, and if an enemy of the United States should enslave and sell any captured persons of their Army, it would be a case for the severest retaliation, if not redressed upon complaint. The United States cannot retaliate by enslavement; therefore death must be the retaliation for this crime against the law of nations.

59. A prisoner of war remains answerable for his crimes committed against the captor's army or people, committed before he was captured, and for which he has not been punished by his own authorities.

73. All officers, when captured, must surrender their side-arms to the captor. They may be restored to the prisoner in marked cases, by the commander, to signalize admiration of his distinguished bravery, or approbation of his humane treatment of prisoners before his capture. The captured officer to whom they may be restored cannot wear them during captivity.

74. A prisoner of war, being a public enemy, is the prisoner of the Government and not of the captor. No ransom can be paid by a prisoner of war to his individual captor, or to any officer in command. The Government alone releases captives, according to rules prescribed by itself.

75. Prisoners of war are subject to confinement or imprisonment such as may be deemed necessary on account of safety, but they are to be subjected to no other intentional suffering or indignity. The confinement and mode of treating a prisoner may be varied during his captivity according to the demands of safety.

76. Prisoners of war shall be fed upon plain and wholesome food, whenever practicable, and treated with humanity. They may be required to work for the benefit of the captor's government, according to their rank and condition.

77. A prisoner of war who escapes may be shot, or otherwise killed, in his flight; but neither death nor any other punishment shall be inflicted upon him simply for his attempt to escape, which the law of war does not consider a crime. Stricter means of security shall be used after an unsuccessful attempt at escape. If, however, a conspiracy is discovered, the purpose of which is a united or general escape, the conspirators may be rigorously punished, even with death; and capital punishment may also be inflicted upon prisoners of war discovered to have plotted rebellion against the authorities of the captors, whether in union with fellow-prisoners or other persons.

78. If prisoners of war, having given no pledge nor made any promise on their honor, forcibly or otherwise escape, and are captured again in battle, after having rejoined their own army, they shall not be punished for their escape, but shall be treated as simple prisoners of war, although they will be subjected to stricter confinement.

79. Every captured wounded enemy shall be medically treated, according to the ability of the medical staff.

80. Honorable men, when captured, will abstain from giving to the enemy information concerning their own army, and the modern law of war permits no longer the use of any violence against prisoners in order to extort the desired information, or to punish them for having given false information.

**SECTION VI. Exchange of prisoners–Flags of truce–Flags of protection.**

105. Exchanges of prisoners take place–number for number–rank for rank–wounded for wounded– with added condition for added condition–such, for instance, as not to serve for a certain period.

106. In exchanging prisoners of war, such numbers of persons of inferior rank may be substituted as an equivalent for one of superior rank as may be agreed upon by cartel, which requires the sanction of the Government, or of the commander of the army in the field.

107. A prisoner of war is in honor bound truly to state to the captor his rank; and he is not to assume a lower rank than belongs to him, in order to cause a more advantageous exchange, nor a higher rank, for the purpose of obtaining better treatment. Offenses to the contrary have been justly punished by the commanders of released prisoners, and may be good cause for refusing to release such prisoners.

108. The surplus number of prisoners of war remaining after an exchange has taken place is sometimes released either for the payment of a stipulated sum of money, or, in urgent cases, of provision, clothing, or other necessaries. Such arrangement, however, requires the sanction of the highest authority.

109. The exchange of prisoners of war is an act of convenience to both belligerents. If no general cartel has been concluded, it cannot be demanded by either of them. No belligerent is obliged to exchange prisoners of war. A cartel is voidable as soon as either party has violated it.

110. No exchange of prisoners shall be made except after complete capture, and after an accurate account of them, and a list of the captured officers, has been taken.

**The Code of Conduct**

Executive Order 10631, Code of Conduct for Members of the Armed Forces of the United States—As Amended by Executive Order 12017, November 3, 1977

*By virtue of the authority vested in me as President of the United States, and as Commander in Chief of the armed forces of the United States, I hereby prescribe the Code of Conduct for Members of the Armed Forces of the United States which is attached to this order and hereby made a part thereof. Every member of the armed forces of the United States is expected to measure up to the standards embodied in this Code of Conduct while he is in combat or in captivity. To ensure achievement of these standards, each member of the armed forces liable to capture shall be provided with specific training and instruction designed to better equip him to counter and withstand all enemy efforts against him, and shall be fully instructed as to the behavior and obligations expected of him during combat or captivity. The Secretary of Defense (and the Secretary of the Treasury with respect to the Coast Guard except when it is serving as part of the Navy) shall take such actions as is deemed necessary to implement this order and to disseminate and make the said Code known to all members of the armed forces of the United States.*

THE WHITE HOUSE DWIGHT D. EISENHOWER August 17, 1955

**Code of Conduct for Members of the United States Armed Forces**

I—I am an American fighting man, I serve in the forces which guard my country and our way of life. I am prepared to give my life in their defense.

II—I will never surrender of my own free will. If in command I will never surrender my men while they still have the means to resist.

III—If I am captured I will continue to resist by all means available. I will make every effort to escape and aid others to escape. I will accept neither parole nor special favors from the enemy.

IV—If I become a prisoner of war, I will keep faith with my fellow prisoners. I will give no information nor take part in any action which might be harmful to my comrades. If I am senior I will take command. If not, I will obey the lawful orders of those appointed over me and will back them up in every way.

V—When questioned, should I become a prisoner of war, I am required to give name, rank, service number, and date of birth. I will evade answering further questions to the utmost of my ability. I will make no oral or written statements disloyal to my country and its allies or harmful to their cause.

VI—I will never forget that I am an American fighting man, responsible for my actions, and dedicated to the principles which made my country free. I will trust in my God and in the United States of America.

**PRISONERS OF WAR: CHAPTER ONE**

***As a soldier, you may rarely think about being captured. It is not a pleasant subject and assuming that it can happen only to the other guy is easy. Though this attitude is natural, you must seriously consider the possibility of being captured and you must know the laws that apply to you as a PW. Knowing these laws will help you understand your rights and duties as a PW.***

**INTERNATIONAL LAW**

**THE GENEVA CONVENTION**

On 12 August 1949 at Geneva, Switzerland, representatives of 61 nations, including the US, completed work on four international agreements called The Geneva Convention for the Protection of War Victims. The Convention is part of US law as well as international law. They provide for more humane treatment for military personnel and civilians in time of war.

Three of the four Convention agreements are revisions of earlier international agreements dating back about 100 years. The first deals with the protection of sick and wounded soldiers on land. The second covers those at sea or shipwrecked. The third and most familiar covers the treatment of POWs. The fourth deals with the protection of civilians.

Soldiers should consider the possibility of being captured and should know the laws that apply, and understand their rights and duties as a POW.

The Convention applies not only to a formally declared war but to all forms of armed conflict. All four Convention agreements state that “the present convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more parties, even if the state of war is not recognized by one of them.” US policy requires you adhere to the Convention whenever you are engaged in conflict.

The Geneva Convention set up an inspection system that works through protecting powers. Any willing and able neutral country or impartial organization, agreed upon by the parties in a conflict, may act as a protecting power. Basically, the duty of a protecting power is to safeguard interests of the parties in conflict. Thus, a protecting power checks on proper application of the Convention rules. It also suggests corrective measures where necessary. For instance, a protecting power must periodically inspect POW camps. The detaining power must do nothing to discourage or hinder the inspections. Prisoners must be permitted to appeal to the inspectors for help in correcting any violations of the Convention. When no other arrangements exist, an organization such as the International Committee of the Red-Cross assumes the humanitarian functions of a protecting power.

**Why It Is Important to Adhere to the Convention**

The US and its allies adhere to the Convention became they express humanitarian principles in harmony with national beliefs and traditions. Our compliance will possibly influence the willingness of all governments to do so. In addition, you have a duty to defend the Constitution and uphold the laws of the US. Under the Constitution, treaties between the US and other nations are US law. One of those treaties is the Geneva Convention. In a citizens’ hands is the reputation of the US as a law-abiding member of the community of nations. The Convention can be effective only if governments and citizens abide by their provisions. In the past, certain parties to a conflict sometimes refused to acknowledge that the Geneva Convention applied to the conflict. Despite isolated incidents and atrocities that have occurred, an awareness that prisoners’ treatment should be humane seems to be growing.

**Who Is Covered by the Convention**

The Geneva Convention establishes those who qualify as POWs and are entitled to POW treatment. Those entitled to POW status include:

* Members of regular armed forces, including militias and volunteer corps that are part of the armed forces.
* Members of other militia, volunteer corps, and organized resistance movements, provided they meet the following criteria:
	+ Have a commander responsible for subordinates.
	+ Have a fixed, distinctive emblem recognizable at a distance.
	+ Carry arms openly.
	+ Conduct operations according to the laws and customs of war.
	+ Members of regular armed forces of governments not recognized by the detaining power (the party holding the prisoner). Even if the country capturing a person does not recognize the prisoner’s government, the person still gets POW treatment.
	+ Certain civilians accompanying the armed forces, including civilian members of military aircraft crews, war correspondents, supply contractors, and United Service Organization personnel.
* Members of the merchant marines and crews of civil aircraft.
* Inhabitants of an unoccupied territory who spontaneously resist invading forces without time to form into regular armed units. Persons belonging (or having belonged) to the armed forces of an occupied country, if the occupying forces consider it necessary to intern them.
* Military personnel interned in neutral countries.

In past wars, deciding who was a POW was fairly easy, because most captives wore uniforms that plainly identified them. While this is still generally true in conventional warfare, it may not be true in guerrilla or counterinsurgency warfare. In Vietnam, for example, a captive might have been dressed as a local civilian rather than in military uniform. Also, women and children were not generally regarded as POWs, but placing them in their proper category proved to be a problem. In combat, classifying captives as POWs is difficult or impossible. Therefore, treat all captives as POWs until you verify their status.

**CUSTOMARY LAWS OF WAR**

 Centuries of warfare have developed unwritten laws governing the conduct of war. Known as the customary laws of war, they stem from the lessons of history. They attempt to limit human suffering and destruction of nonmilitary targets. They also provide for humane treatment of all individuals under military control. The Geneva Convention adds to the customary laws of war but do not replace them. Where the Convention is not specific, the customary laws of war govern actions.

US LAWS AND GUIDELINES

THE UNIFORM CODE OF MILITARY JUSTICE The Uniform Code of Military Justice (UCMJ), which sets minimum standards of conduct for all US military personnel, continues to apply to you if you are captured. The UCMJ provides legal authority to enforce a captured commander’s or senior-ranking person’s orders.

Article 105 of the UCMJ prohibits a POW from improving his condition at the expense of fellow prisoners. Examples include revealing escape plans or disclosing secret caches of food, equipment, or arms of other POWs. A POW who is in a position of authority and mistreats other POWs is also chargeable under Article 105. The mistreatment can range from striking a POW to depriving him of benefits without justifiable cause.

Also, Article 104 of the UCMJ prohibits aiding the enemy by giving him intelligence or engaging in unauthorized communication. The offense occurs the moment the service member relays the communication, whether it reaches its destination or not. The means of communication, whether direct or indirect, has no bearing on the issue of guilt.

**THE US CODE OF CONDUCT**

The US Code of Conduct provides a form of mental defense if you are captured during conflict. It is a guide for you to use to resist illegal POW practices. It supports the intent of the Geneva Convention by preventing the use of POWs to further the enemy war effort.

The Code applies to all members of the active forces or reserve components. It dates back to the Revolutionary War; however, the current, revised Code stems from the experiences of American prisoners during the Korean and Vietnam Wars. Two influences prompted the revision: isolated incidents of improper actions by US prisoners and the new aspect of POW treatment-exploitation by the enemy.

The US Code of Conduct consists of six articles and accompanying explanations. The Code holds that an American fighting soldier should be ready to give his life for his country. US POWs must follow these guidelines:

* Never surrender of your own free will.
* If captured, make every effort to escape.
* Make no agreements to obtain parole or accept special favors.
* Keep faith with fellow prisoners.
* If you are the senior-ranking prisoner eligible for command, whether officer or enlisted, assume command (secretly, if necessary) within a POW camp or within a group of POWs, regardless of service.
* Obey the lawful orders of your superiors, regardless of service.

Following these guidelines requires that you give only your name, rank, social security number, and date of birth. You must resist, avoid, or evade, to the best of your ability, all enemy efforts to obtain statements or actions which further the enemy’s cause.

“Prisoners of War.” Headquarters, Department of the Army. Washington, DC. September 1991.

**RIGHTS OF PRISONERS OF WAR: CHAPTER TWO**

*Experience shows that if you are aware of your rights and duties, you get better treatment than other prisoners. Increased awareness also helps end illegal PW practices. Article 13 of the Geneva Convention Relative to the Treatment of PWs, for example, provides that PWs “must at all times be protected, particularly against acts of violence or intimidation, and against insults and public curiosity.”*

*The detaining power may not ask or force you to give up any rights under the Convention. Further, a party to the Convention can make no agreements or arrangements that deprive its own personnel, or the personnel of any other party to the Convention, of their rights and privileges.*

**PROTECTION**

The Convention prohibits the detaining power from holding you in areas exposed to fire in the combat zone. The detaining power must evacuate you from the battle area as swiftly, safely, and. humanely as possible. It may not use your presence to protect areas from military operations. For example, a detaining power cannot keep you in a place as a means of preventing the enemy from bombing it. It must tell the enemy the location of POW camps. When military considerations permit, the detaining power must mark the camps with letters large enough to be seen clearly from the air. Experience shows that if you are aware of your rights and duties, you get better treatment than other prisoners. Increased awareness also helps end illegal POW practices.

Article 13 of the Geneva Convention Relative to the Treatment of POWs, for example, provides that POWs “must at all times be protected, particularly against acts of violence or intimidation, and against insults and public curiosity.” The detaining power may not ask or force you to give up any rights under the Convention. Further, a party to the Convention can make no agreements or arrangements that deprive its own personnel, or the personnel of any other party to the Convention, of their rights and privileges.

**PROPER TRANSPORT**

The detaining power must ensure that you have food, safe drinking water, clothing, and medical attention during a transfer. The transit or screening camps through which you pass must meet the same general requirements as permanent camps. Within a week after you reach a POW camp, the detaining power must send a message on the standard capture card (see below).



The detaining power should also forward a copy of this card to the Central Prisoner of War Information Agency. This is a clearing house operated by the International Committee of the Red Cross in Geneva. The detaining power must also notify this agency whenever a prisoner transfers to another camp or hospital.

**SEPARATION**

The detaining power must separate you along with other POWs in camps or compounds according to your nationality, language, and customs. POWs from the same armed forces must remain together unless they agree to the separation. Every camp must have copies of the Conventions, in each POW’s language, posted in places where prisoners can read them. All camp notices, regulations, and orders must be in a language the POWs understand.

According to the Geneva Convention Relative to the Treatment of POWs, a protecting power must periodically inspect POW camps. The detaining power must do nothing to discourage or hinder the inspections. They must let you appeal to the inspectors for help in correcting violations of this Convention.

**FAVORABLE WORK CONDITIONS**

The working conditions for you as an employed POW must be at least as favorable as those of the detaining power’s forces under similar circumstances. The detaining power’s laws for the safety and protection of workers apply to you.

If you are an officer, you may request work; camp officials may not force you to work. If you are a noncommissioned officer (NCO), you shall only be required to supervise, but you may request other kinds of work.

As a working prisoner, you get paid for your services. Your work cannot harm your health, and it may not have any military character or purpose. You may not perform any humiliating or hazardous work such as removing mines or booby traps. Yon may rest for one hour during a full work day and may work no more than six days per week. Camp officials should not force you to work when ill or in poor physical condition.

If you are an enlisted prisoner, you may be compelled to perform certain kinds of work as described in the Convention in areas such as:

* Administration, maintenance, and construction of the camp.
* Agriculture.
* Industries connected with raw materials and manufacturing (but not metallurgical, chemical, or machinery industries).
* Public works and construction that have no military character or purpose.
* Transport and handling of stores that are not military in character or purpose.
* Public utility services having no military character or purpose.
* Commercial business and arts and crafts.
* Domestic service.

**PERSONAL EFFECTS**

As a POW, you keep all your personal effects, including your clothing and mess gear, insignia of rank or nationality, decorations, identification cards, and articles of sentimental value, even during transit from one camp to another. Medical personnel can retain aid bags. Only officers may order you to give up your money or valuables. In all such cases, captors must give you receipts. You must keep your protective masks, metal helmets, and other items issued for personal protection. Of course, this does not include arms, military equipment, or military documents.

**MAIL**

Camp officials must allow you, as soon as possible after your capture, to inform your family of your whereabouts and health. You have the right to send letters as frequently as the captor’s censorship and postal facilities allow. You may also receive letters and relief packages forwarded through neutral agencies.

**MILITARY PAY**

You continue to accrue your military pay during captivity. Normally, the US government holds it for you until your release. The detaining power must provide you a monthly advance of pay, a stated sum that varies according to rank.

**QUARTERS**

The Geneva Conventions declare that “prisoners of war shall be quartered under conditions as favorable as those for the forces of the detaining power who are billeted in the same area.” These are the minimum standards of treatment. Camp conditions may never endanger your health.

**CLOTHING**

The detaining power must provide clothing, underwear, footwear, and work clothing, and must mend or replace these items regularly. If possible, the detaining power should supply clothing from stocks of uniforms captured from your own forces.

**FOOD**

To the extent possible, every camp should establish a canteen where you can buy foodstuffs, soap, tobacco, and ordinary articles in daily use. Prices can be no higher than those charged civilians in the area. Any profits are for the benefit of the prisoners.

The 1929 Prisoner of War Convention provided that prisoners get the same rations as troops of the detaining power. During World War II, however, this proved unrealistic. For example, American and British prisoners in the Far East could not easily digest the fish head and rice part of the diet that their Japanese captors provided.

In 1949, the Prisoner of War Conventionwas revised to state that food must be “sufficient in quantity, quality and variety” to keep the prisoners in good health without loss of weight. Further, the detaining power must consider the dietary habits of all prisoners. It must provide mess halls and kitchens where prisoners can assist in preparing their own food. Restricting food as a form of mass punishment is forbidden.

The captor must also furnish sufficient safe drinking water and must allow prisoners to use tobacco if they wish.

**HEALTH AND MEDICAL CARE**

The Geneva Convention includes detailed provisions for meeting your health and medical needs. They ensure at least a minimum standard of health. For example, camps must include adequate latrines, showers, and laundry facilities. According to the Geneva Convention Relative to the Treatment of POWs, the captor “shall be bound to take all sanitary measures necessary to ensure the cleanliness and healthfulness of camps and to prevent epidemics.”

Every camp shall have an adequate infirmary. In the infirmary, you should receive treatment from medical personnel from your own captured forces, if possible. Sick call must occur regularly. Camp officials must conduct medical inspections of PWs at least monthly. Such inspections will include periodic X-ray examinations for tuberculosis and tests for other infections and contagious diseases.

Captors should let captured medical personnel visit prisoners inside and outside enclosures. They fit into the special category of retained persons and must perform only the duties of their profession for the benefit of prisoners.

**RELIGIOUS, RECREATIONAL, AND INTELLECTUAL ACTIVITIES**

Camp officials must allow you to attend services of your faith and otherwise practice your religion. They must allow chaplains, who are considered retained persons, to perform only the duties of their profession for the benefit of prisoners. Chaplains should have maximum freedom to minister to the religious needs of prisoners.

Camp officials must also allow you the right to exercise, including playing sports and games, and to participate in intellectual and educational activities.

Article 80 of the Geneva Conventions provides for the establishment of PW organizations for welfare and morale purposes. All PWs should organize for activity such as studies, sports, and other recreation.

**FAIR TRIAL**

You must be tried in the same court and according to the same procedures as members of the armed forces of the detaining power. Regardless of the charge, you may not get a sentence more severe than .a member of the detaining power’s forces could receive for the same offense. If you are charged with an offense requiring a trial, a military court hears the case. The only exception is if a member of the detaining power’s forces commits an offense and would be tried in civil court, you could also be tried in civil court for a similar offense. You have a right to appeal as provided under laws that apply to the detaining power’s armed forces. You may not be punished more than once for the same act or on the same charges.

Additional safeguards include your right to counsel, advance knowledge of the charges, the services of a competent interpreter, and ample time for preparation of the defense. The detaining power must provide advance notice of a trial to a representative of your protecting power as he is entitled to attend the proceedings.

**SUITABLE DISCIPLINARY PUNISHMENT**

Whenever discipline is imposed, POWs should know the rights afforded them by the Convention.

FORMS OF PUNISHMENT Under the Geneva Convention, whenever possible, you should get the lightest punishment authorized for a violation. The Geneva Convention lists forms of disciplinary punishment suitable for minor offenses. Disciplinary punishment may include:

* Fines up to one-half of your advance of pay. and working pay for not more than 30 days.
* Withdrawal of any privileges granted beyond those required by the Geneva Convention (no required privilege may be withdrawn).
* Not more than two hours a day of fatigue duty such as kitchen police, fire watch, or other tasks performed outside normal duty hours for the common welfare of the PWs (officers may not be forced to work).
* Simple confinement for not more than 30 days.

LIMITATIONS ON PUNISHMENT

Even when your captors find you guilty of several minor offenses in the same proceedings, the Geneva Convention limits the disciplinary punishment to 30 days. If you receive consecutive 30 -day sentences, at least 3 days must elapse between sentences. You must be informed of the offense and have an opportunity to defend yourself. You may also call witnesses to testify on your behalf.

In addition, captors cannot give you undue punishment if you escape and get recaptured. The attempt to escape is not a criminal offense and entails only disciplinary punishment. If, when trying to escape, you commit a minor crime to help you escape, such as forging identification papers or stealing civilian clothes, you may be appropriately disciplined. However, the fact that you were trying to escape is not an excuse to impose extra punishment. If you help a fellow prisoner escape, you are subject only to disciplinary punishment, unless your participation includes violence or acts not solely to aid the escape.

Even during disciplinary punishment, you must receive medical attention. The camp commander must also allow you time to read and write and at least two hours of open-air exercise each day.

DISTRIBUTION OF PUNISHMENT

Only the camp commander or a designated representative can impose disciplinary punishment. He cannot delegate this power to a prisoner, regardless of grade. The camp commander records all punishments. He must make these records available for the representative of the protecting power to inspect.

**ORGANIZATION**

PRISONERS’ REPRESENTATIVE

Organization in a POW camp is very important. Prisoners need a solid structure that allows them to be responsible to someone or for something. The Geneva Convention Relative to the Treatment of POWs authorizes establishment of POW organizations. The organizations normally are responsible to the prisoners’ representatives. For USPWs, the senior officer among the POWs becomes the prisoners’ representative.

A detaining power may seek to damage morale or weaken certain POW organizations by trying to install a cooperative prisoner as the prisoners’ representative. In camps with no officers, camp authorities may refuse to accept the senior representative. They may demand more elections until nomination of a weak person appropriate for the detaining power’s purposes. They design these tactics to break down the prisoners’ internal control. US policy, however, is that the senior person is always in charge.

Under provisions of the Geneva Convention, the prisoners’ representative monitors the physical, spiritual, and intellectual well-being of the prisoners. He represents them before the military authorities of the detaining power, the protecting power, the International Committee of the Red Cross, and any other outside organization that may assist the prisoners. Various committees should be established to deal with the general problems of camp administration.

SENIOR RANKING OFFICER

According to the US Code of Conduct and for their own benefit, POWs should organize in a military manner under the senior person eligible for command, the senior ranking officer (SRO). He can be either an officer or enlisted soldier. The SRO should assume command within the camp or within a group of prisoners according to rank. He should do so regardless of branch of military service. The US Code of Conduct (Article IV) places clear responsibility of command squarely on the shoulders of the senior ranking person. Subordinates must obey the orders of the SRO. The SRO should ensure proper behavior of those under him. Enlisted prisoners must salute officers of the detaining power and show them the same respect required by their own forces. Officer prisoners must salute higher-ranking officers of the detaining power and the camp commander, regardless of his rank. Prisoners may wear their decorations and rank insignia.

If for any reason the senior person is unable to act, the next senior person must assume command. Chaplains and medical personnel are normally ineligible for command because of the nature of their duties and the special protected status accorded them under the Conventions.

Common sense and camp conditions determine how the SRO and other prisoners organize and carry out their responsibilities. The SRO must inform the other prisoners that he is taking command. He must designate the chain of command and inform all prisoners of it so they can identify the representatives who deal with enemy authorities. He must ensure that POWs in his organization understand their duties and the chain of command.

The enemy probably knows about the US Code of Conduct and the duties and responsibilities it imposes on the SRO. Experience shows that POWs most likely can have an SRO and a command organization only secretly; that is, the organization will be unknown to camp authorities. The enemy may not allow an organization-based on the normal military command structure-to form or function openly. In that case, the organization may elect prisoner’s representatives. However, even if such representatives are elected, the SRO must continue to secretly exercise military command authority over all POW matters.

**GUIDELINES FOR COMMUNICATION, INTERROGATION, AND RESISTANCE - CHAPTER THREE**

 ***You must resist, avoid, or evade, to the best of your ability, all enemy efforts to secure statements or actions which further the enemy’s cause. The Geneva Convention requires that you give only your name, rank, social security number, and date of birth. If you unwillingly or accidentally disclose unauthorized information, you must regroup, renew resistance, and use a fresh approach or an alternate line of mental defense.***

**INTERROGATION**

If you are captured, you must know certain things about the interrogation process. Your captors must question you in a language you understand. They must not use physical or mental torture or other coercion to obtain information nor should they punish you if you fail to respond. Most countries issue identification cards to members of their armed forces. Although POWs must show them to their captors on demand, as a POW, you have the right to keep your card.

Captors view POWs as valuable sources of military information and propaganda and will use every bit of information for their own purposes. Therefore, during enemy interrogation, indoctrination, and other exploitation attempts, you should follow the guidelines below—

* Give only your name, rank, service number, and date of birth.
* Be respectful but not give the impression that you are willing to cooperate through politeness. Such an impression might prolong the interrogation.
* Act ignorant of possessing information useful to the enemy.
* Be aware of informants such as prison camp medical personnel who may be used to collect information.
* Do not reveal knowledge of the enemy’s language; your concealed understanding of their language may help you escape.
* Do not believe that fellow prisoners have talked. This is a common procedure to catch prisoners off guard and encourage them to talk.
* Avoid looking the interrogator directly in the eye. Your eyes can give information even if you do not answer directly. Select a spot between the interrogator’s eyes or on his forehead and concentrate on it.
* Be courteous but firm in refusing to give information during interrogation.
* Salute all senior officer interrogators.
* Never give information about other prisoners. If a fellow prisoner is mentioned during interrogation, report the circumstances to your superior. The other prisoner may be under surveillance.
* Information from one POW may be used against the other. Do not try to impress interrogators by boasting of exploits, either true or invented.
* Do not be tricked into filling out innocent looking questionnaires or writing statements that require more than name, rank, service number, and date of birth.
* Do not attempt to deceive the enemy by volunteering false information. A skilled interrogator is able to extract needed information once you start talking on the subject.
* Stay confident of yourself, your family, your unit, your country, and your religion. Above all, keep the will to survive.

**COMMUNICATION**

As a POW you are not supposed to provide information to your captor. However, to expect you to remain confined for years without some communication with the enemy is unrealistic. Certain types of communications are acceptable. You should know these exceptions and exercise . great caution when communicating with the enemy.

You may, when appropriate, talk to captors on matters of health and welfare. Medical personnel may communicate with the detaining power concerning medical requirements, sanitary conditions, and related matters. The SRO has a duty to represent prisoners in matters of camp administration, health, welfare, and grievances.

You may also communicate with your families through letters. However, you must understand that the enemy will read them and may distort and use the information to demoralize you, your family at home, and your comrades in the field. Thus, if you become a POW, you should keep personal correspondence brief and general.

**RESISTANCE**

Under the Geneva Convention, the detaining power cannot subject a prisoner to physical or mental torture, or any other force, to secure information. However, do not rely on the enemy to abide by the Geneva Convention. If you are captured and tortured, you must resist, avoid, or evade, to the best of your ability, all enemy efforts to obtain statements or actions that will help the enemy. Examples of statements or actions to resist that are harmful to the US, its allies, or other prisoners, include—

* Oral or written confessions.
* Questionnaires or personal history statements.
* Propaganda recordings and broadcasts.
* Appeals to other POWs and appeals for surrender or peace.
* Engagement in self-criticism.
* Oral or written statements or communications on behalf of the enemy.

The enemy might use any confession or statement to convict you as a war criminal. It prolongs your right to repatriation until you serve a prison sentence. If as a POW you unwillingly or accidentally disclose unauthorized information, you must regroup and renew resistance. You must use a fresh approach or a different line of mental defense. Experience shows that a prisoner with the will to resist can withstand intense levels of mistreatment even though enemy interrogation sessions are harsh and cruel.