

Contents:

| | |
|--|-----|
| Foreword and Introduction to Reprint | iii |
| Comparative Tables of the Draft Articles and the Final Text of Additional Protocols I and II | vii |
| Preface | 3 |
| Contents | 5 |
| Abbreviations | 9 |
| Chapter I: The Object and Purpose of the Study | 11 |
| Chapter II: General Aspects on the Limitation of Warfare | 15 |
| 2.1 Introduction | 15 |
| 2.2 War and Its Legal Regulation | 16 |
| 2.3 Twentieth Century Developments in the Regulation of Warfare | 27 |
| Chapter III: Evolution of the Law Relating to Prisoners of War | 43 |
| 3.1 Introduction | 43 |
| 3.2 Prehistoric Times and Antiquity | 44 |
| 3.3 The Middle Ages | 45 |
| 3.4 Modern Times up to the French Revolution | 49 |
| 3.5 From the French Revolution to the Hague Conferences | 59 |
| 3.6 From the Hague Conferences to the Geneva Conference of 1949 | 75 |
| 3.7 Concluding Remarks | 81 |
| Chapter IV: The Legal Framework | 85 |
| 4.1 Introduction | 85 |
| 4.2 The Present Treaty Law | 86 |
| 4.3 The Draft Additional Protocols | 95 |
| 4.4 Customary International Law and <i>ius cogens</i> | 96 |
| 4.5 The Binding Force of the Third Convention | 105 |
| 4.6 Reservations to the Third Convention | 117 |
| 4.7 The Status of the Individual under the Third Convention | 121 |
| Chapter V: The Social Context of the Law | 126 |
| 5.1 A General Political Setting | 126 |
| 5.2 Quantitative Aspects | 131 |
| 5.3 The Impact of Certain Military and Political Interests on the Application of the Law .. | 134 |
| Chapter VI: Survey of Recent Practice | 141 |
| 6.1 Introduction | 141 |
| 6.2 Summary of Official Positions on the Applicability of the Third Convention | 143 |
| 6.3 Consideration of Individual Conflicts | 146 |
| Chapter VII: The Legal Conditions for Prisoner-of-War Status | 219 |
| 7.1 Introduction | 219 |
| 7.2 Some Political and Legal Implications of the Granting of Prisoner-of-War Status | 221 |
| 7.3 The Existence of an Armed Conflict | 224 |
| 7.4 The Existence of an International Armed Conflict | 239 |
| 7.5 The Categories of Persons Entitled to Prisoner-of-War Status | 293 |
| 7.6 When Is an Enemy Combatant <i>hors de combat</i> ? | 420 |

| | |
|---|---------|
| Chapter VIII: The Treatment of Prisoners of War | 425 |
| 8.1 Introduction | 425 |
| 8.2 The Identification of the Detaining Power | 426 |
| 8.3 Conflicts of Interest between the Detaining Power and the Power on which the Prisoners of War Depend | 430 |
| 8.4 Wilful Killing, Torture or Inhuman Treatment | 439 |
| 8.5 Reprisals | 445 |
| 8.6 Labour | 449 |
| 8.7 Relations with the Exterior | 452 |
| 8.8 Penal and Disciplinary Sanctions | 453 |
| 8.9 Guarantees for Ensuring Compliance with the Third Convention | 458 |
| Chapter IX: Release and Repatriation | 470 |
| 9.1 Introduction | 470 |
| 9.2 Repatriation during Hostilities | 471 |
| 9.3 Repatriation after Hostilities | 478 |
| Chapter X: Conclusions | 491 |
| Sources | 499 |