

UNITED STATES MARINE CORPS
FIELD MEDICAL TRAINING BATTALION
Camp Lejeune, NC 28542-0042

FMST 409/410

Code of Conduct and the Rights of POWs

TERMINAL LEARNING OBJECTIVES

1. Without the aid of references, **describe the Code of Conduct** without omitting key components. (HSS-MCCS-1026)
2. Without the aid of references **describe your rights as a Prisoner of War (POW)** without omitting key components. (HSS-MCCS-1027)
3. Without the aid of references **describe your obligations as a Prisoner of War (POW)** without omitting key components. (HSS-MCCS-1028)

ENABLING LEARNING OBJECTIVES

1. Without the aid of reference and in writing, **identify the origin of the Code of Conduct** within 80% accuracy and in accordance with NAVMC 2681. (HSS-MCCS-1026a)
2. Without the aid of reference and in writing, **identify the six articles of the Code of Conduct** within 80% accuracy and in accordance with NAVMC 2681. (HSS-MCCS-1026b)
3. Without the aid of reference and in writing, **identify the origin of POW rights** within 80% accuracy and in accordance with MCRP 5-12.1A. (HSS-MCCS-1027a)
4. Without the aid of reference and in writing, **identify the 12 rights of POW's** within 80% accuracy and in accordance with MCRP 5-12.1A. (HSS-MCCS-1027b)
5. Without the aid of reference and in writing, **identify responsibilities of a POW** with 80% accuracy and in accordance with MCRP 5-12.1A. (HSS-MCCS-1028a)

1. **ORIGIN OF THE CODE OF CONDUCT.** The Code of Conduct for members of the Armed Forces of the United States was first promulgated by President Dwight D. Eisenhower Aug. 17, 1955. The code, including its basic philosophy, was reaffirmed on July 8, 1964 in DoD Directive No. 1300.7. In March 1988, President Ronald Reagan issued Executive Order 12633, amending the code with language that is gender-neutral. The code, although first expressed in written form in 1955, is based on time honored concepts and traditions that date back to the days of the American Revolution.

Purpose. As a member of the armed forces of the United States, you are protecting your nation. It is your duty to oppose all enemies of the United States in combat or, if a captive, in a prisoner of war compound. Your behavior is guided by the Code of Conduct, which has evolved from the heroic lives, experiences and deeds of Americans from the Revolutionary War to the Southeast Asian Conflict. Your obligations as a U.S. citizen and a member of the armed forces result from the traditional values that underlie the American experience as a nation. These values are best expressed in the U.S. Constitution and Bill of Rights, which you have sworn to uphold and defend. You would have these obligations-to your country, your service and unit and your fellow Americans-even if the Code of Conduct had never been formulated as a high standard of general behavior.

The Code is not intended to provide guidance on every aspect of military life. For that purpose there are military regulations, rules of military courtesy, and established customs and traditions. The Code of Conduct is in no way connected with the Uniform Code of Military Justice (UCMJ). The UCMJ has punitive powers; the Code of Conduct does not.

2. **ARTICLES OF THE CODE OF CONDUCT (CoC).** The six articles of the Code can be divided into three categories. Articles I & VI are general statements of dedication to country and freedom. Conduct on the battlefield is the subject of Article II. Articles III, IV and V concern conduct as a prisoner of war. The Code of Conduct as related to Medical Personnel and/or Chaplains.

a. **Article I - I am an American, fighting in the forces which guard my country and our way of life. I am prepared to give my life in their defense.**

Medical personnel who are exclusively engaged in the medical service and chaplains who fall into the hands of the enemy are considered “retained personnel,” **not** POWs. This allows flexibility to perform their job; but, does not relieve their obligation to abide by the CoC. They are still held accountable for their actions.

b. **Article II - I will never surrender of my own free will. If in command, I will never surrender the members of my command while they still have the means to resist.**

No additional flexibility for medical personnel or chaplains; however, still are subject to lawful capture. They may only resort to arms in self-defense or in defense of their charges attacked in violation of the Geneva Convention. They must refrain from aggressive action and may not use force to prevent their capture or that of their unit. On the other hand, it is perfectly legitimate for a medical unit to withdraw in the face of the enemy.

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

Since medical personnel and chaplains are “retained personnel” and not considered POWs, the terms of the Geneva Conventions require the enemy to allow them to continue to perform their medical and religious duties for the benefit of the POWs and must take every opportunity to do so.

If the captor permits the performance of these professional functions for the POW community, then special latitude is authorized under the CoC in regards to escape. As individuals, medical personnel and chaplains do not have a duty to escape or to actively aid others in escaping as long as they are being treated as “retained personnel” (although history shows that this is rarely the case and medical personnel and chaplains must be prepared to be treated as other POWs).

d. **Article IV - If I become a prisoner of war, I will keep faith with my fellow prisoners. I will give no information or 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.**

Medical personnel shall not assume command over nonmedical personnel and chaplains will not assume command over military personnel of any branch.

e. **Article 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.**

The requirement for medical and chaplain personnel to communicate with a captor in connection with their professional responsibilities is subject to certain restraints. For example, when questioned, a POW is only to provide name, rank, service number, and date of birth. Also, a POW must resist, avoid, or evade, even when physically and mentally coerced, all enemy efforts to secure statements or actions that may further the enemy’s cause.

f. **Article VI - I will never forget that I am an American, fighting for freedom, 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.**

All members of the Armed Forces, including medical personnel and chaplains, are responsible for their action at all times and they must fulfill their responsibilities and survive captivity with honor. Failure to abide by these requirements could possibly subject a service member to disposition under the UCMJ.

3. **ORIGIN OF POW RIGHTS.**

The 1949 Geneva Conventions for the Protection of War Victims have been ratified by the United States and came into force for this country on 2 February 1956. Respectively, each of the Hague Conventions of 1899 and 1907 and each of the Geneva Conventions of 1864, 1906, and 1929 will, of course, continue in force as between the United States and such of the other parties to the respective conventions as have not yet ratified or adhered to the later, superseding convention(s) governing the same subject matter.

Moreover, even though States may not be parties to, or strictly bound by, the 1907 Hague Conventions and the 1929 Geneva Convention relative to the Treatment of Prisoners of War, the general principles of these conventions have been held declaratory of the customary law of war to which all States are subject. For this reason, the United States has adopted the policy of observing and enforcing the terms of these conventions.

Purpose of POW rights. POW rights are inspired by the desire to diminish the evils of war by:

- Protecting both combatants and noncombatants from unnecessary suffering.
- Safeguarding certain fundamental human rights of persons who fall into the hands of the enemy, particularly prisoners of war, the wounded and sick, and civilians.
- Facilitating the restoration of peace.

POW rights stems from the Laws of War as outlined in the Geneva Conventions.

The nine principles of the law of war are:

- (1) Fight only enemy combatants.
- (2) Do not harm enemies who surrender: disarm them and turn them over to your superior.
- (3) Do not kill or torture prisoners.
- (4) Collect and care for the wounded, whether friend or foe.
- (5) Do not attack medical personnel, facilities, or equipment.
- (6) Do not destroy more than the mission requires.
- (7) Treat all civilians humanely.
- (8) Do not steal; respect private property and possessions.
- (9) Do your best to prevent violations of the law of war; report all violations to your superiors, a military lawyer, a chaplain, or provost marshal.

4. **THE 12 RIGHTS OF POWs.**

a. **The right to receive sanitary, protective housing and clothing.**

- 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. The said conditions shall make

allowance for the habits and customs of the prisoners and shall in no case be prejudicial to their health.

- Clothing, underwear, and footwear shall be supplied to POWs in sufficient quantities by the Detaining Power which shall make allowance for the climate of the region where the prisoners are detained.

b. **The right to receive a sufficient amount of food to sustain good health.**

- The basic daily food rations shall be sufficient in quantity, quality, and variety to keep POWs in good health and prevent loss of weight or the development of nutritional deficiencies. Account shall also be taken of the habitual diet of the prisoners. The

- Detaining Power shall supply work POWs with such additional rations necessary for the labor on which they are employed.

- Sufficient drinking water shall be supplied to POWs. The use of tobacco shall be permitted. Prisoners of war shall be associated with the preparation of their meals; they may be employed for that purpose in the kitchens. Furthermore, they shall be given the means of preparing themselves the additional food in their possession. Adequate premises shall be provided for messing. Collective disciplinary measures affecting food are prohibited.

c. **The right to receive adequate medical care.**

- Every camp shall have an adequate infirmary where POWs may have the attention they require as well as appropriate diet. Isolation wards shall, if necessary, be set aside for cases of contagious or mental disease. Prisoners of war suffering from serious disease or whose condition necessitates special treatment, a surgical operation, or hospital care must be admitted to any military or civilian medical unit where such treatment can be given, even if their repatriation is contemplated in the near future. Special facilities shall be afforded for the care to be given to the disabled, in particular to the blind, and for their rehabilitation pending repatriation.

- Prisoners of war shall have the attention, preferably, of medical personnel of the power on which they depend and, if possible, of their nationality. Prisoners of war may not be prevented from presenting themselves to the medical authorities for examination. The detaining authorities shall, upon request, issue to every prisoner who has undergone treatment, an official certificate indicating the nature of his or her illness or injury and the duration and kind of treatment received. A duplicate of this certificate shall be forwarded to the Central Prisoners of War Agency. The costs of treatment, including those of any apparatus necessary for the maintenance of POWs in good health, particularly dentures and other artificial appliances and spectacles shall be borne by the Detaining Power.

- Medical inspections of POWs shall be held at least once a month. They shall include the checking and the recording of the weight of each POW. Their purpose shall be, in particular, to supervise the general state of health, nutrition, and cleanliness of prisoners and detect

contagious diseases, especially tuberculosis, malaria, and venereal disease. For this purpose, the most efficient methods available shall be employed, e.g., periodic mass miniature radiography for the early detection of tuberculosis.

d. **The right to receive necessary facilities for proper hygiene.**

- Prisoners of war may be interned only in premises located on land and affording every guarantee of hygiene and healthfulness. Except in particular cases, which are justified by the interest of the prisoners themselves, they shall not be interned in penitentiaries. Prisoners of war interned in unhealthy areas, or where the climate is injurious for them, shall be removed as soon as possible to a more favorable climate.

e. **The right to practice religious faith.**

- Prisoners of war shall enjoy complete latitude in the exercise of their religious duties, including attendance at the service of their faith on condition that they comply with the disciplinary routine prescribed by the military authorities. Adequate premises shall be provided where religious services may be held.

f. **The right to keep personal property except weapons, military equipment, and military documents.**

- All effects and articles of personal use except arms, horses, military equipment, and military documents shall remain in the possession of POWs, likewise their metal helmets and gas masks and like articles issued for personal protection. Effects and articles used for their clothing or feeding shall likewise remain in their possession, even if such effects and articles belong to their regulation military equipment. At no time should POWs be without identity documents. The Detaining Power shall supply such documents to POWs who possess none.

- Badges of rank and nationality, decorations, and articles having above all a personal or sentimental value may not be taken from POWs. Sums of money carried by POWs may not be taken away from them except by order of an officer, after the amount and particulars of the owner have been recorded in a special register, and an itemized receipt has been given legibly inscribed with the name, rank, and unit of the person issuing the said receipt. Sums in the currency of the Detaining Power of which are changed into such currency at the prisoner's request shall be placed to the prisoner's credit.

g. **The right to send and receive mail.**

- Prisoners of war shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each POW, the said number shall not be less than two letters and four cards monthly, exclusive of the capture cards provided for in Article 70, and conforming as closely as possible to the models annexed to the present convention. Further limitations may be imposed only if the Protecting Power is satisfied that it would be in the interests of the POWs concerned to do so owing to difficulties of

translation caused by the Detaining Power's inability to find sufficient qualified linguists to carry out the necessary censorship.

- If limitations must be placed on the correspondence addressed to POWs, they may be ordered only by the power on which the prisoners depend, possibly at the request of the Detaining Power. Such letters and cards must be conveyed by the most rapid method at the disposal of the Detaining Power; they may not be delayed or retained for disciplinary reasons. Prisoners of war who have been without news for a long period, are unable to receive news from their next of kin, or given news by the ordinary postal route, as well as those who are at a great distance from their homes shall be permitted to send telegrams, the fees being charged against the POW's accounts with the Detaining Power or paid in the currency at their disposal. They shall likewise benefit by this measure in cases of urgency. As a general rule, the correspondence of POW shall be written in their native language. The parties to the conflict may allow correspondence in other languages. Sacks containing POW mail must be securely sealed and labeled so as clearly to indicate their contents, and must be addressed to offices of destination.

h. The right to receive packages containing no contraband items such as food, clothing, educational, religious, and recreational materials.

- Prisoners of war shall be allowed to receive, by post or by any other means, individual parcels or collective shipments containing in particular foodstuffs, clothing, medical supplies, and articles of a religious, educational, or recreational character which may meet their needs; including books, devotional articles, scientific equipment, examination papers, musical instruments, sports outfits, and materials allowing POWs to pursue their studies or their cultural activities.

- Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present convention. The only limits which may be placed on these shipments shall be those proposed by the Protecting Power in the interest of the prisoners themselves, by the International Committee of the Red Cross, or any other organization giving assistance to the prisoners, in respect of their own shipments only, on account of exceptional strain on transport or communications.

i. The right to select a fellow POW to represent you.

- In all places where there are POWs, except in those where there are officers, the prisoners shall freely elect by secret ballot every 6 months, and also in case of vacancies, prisoners' representatives entrusted with representing them before the military authorities, the Protecting Powers, the International Committee of the Red Cross, and any other organization which may assist them. These prisoners' representatives shall be eligible for reelection.

- In camps for officers and persons of equivalent status or in mixed camps, the senior officer among the POWs shall be recognized as the camp prisoners' representative. In camps for officers, he or she shall be assisted by one or more advisers chosen by the officers; in mixed camps, his or her assistants shall be chosen from among the POWs who are not officers and shall be elected by them.

- Officer POWs of the same nationality shall be stationed in labor camps for POWs to carry out the camp administration duties for which the POWs are responsible. These officers may be elected as prisoners' representatives under the first paragraph of this article. In such a case, the assistants to the prisoners' representatives shall be chosen from among those POWs who are not officers.

- Every representative elected must be approved by the Detaining Power before he or she has the right to commence his or her duties. Where the Detaining Power refuses to approve a POW elected by his or her fellow POWs, it must inform the Protecting Power of the reason for such refusal.

- In all cases, the prisoners' representative must have the same nationality, language, and customs as the POWs whom he or she represents. Thus, POWs distributed in different sections of a camp, according to their nationality, language or customs shall have for each section their own prisoners' representative in accordance with the foregoing paragraphs.

j. **The right to receive humane treatment.**

- Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a POW in its custody is prohibited and will be regarded as a serious breach of the present convention. In particular, no POW may be subjected to physical mutilation or to medical or scientific experiments of any kind, which are not justified by the medical, dental, or hospital treatment of the prisoner concerned and carried out in his or her interest.

k. **The right to have a copy of the Geneva Convention and its annexes, including any special agreements, posted where it can be read. The Geneva Convention and its annexes, etc., must be written in the proper language and available upon request.**

- Every POW camp shall be put under the immediate authority of a responsible commissioned officer belonging to the regular Armed Forces of the Detaining Power. Such officer shall have in his or her possession a copy of the present convention. He or she shall ensure that its provisions are known to the camp staff and the guard and shall be responsible, under the direction of his government, for its application.

- In every camp, the text of the present convention and its annexes and the contents of any special agreement provided for in Article 6, shall be posted, in the prisoners' own language, in places where all may read them. Copies shall be supplied, on request, to the prisoners who cannot have access to the copy which has been posted.

l. **The right to have a copy of all camp regulations, notices, orders, and publications about POW conduct posted where it can be read. Regulations, notices, etc., must be in the proper language for POWs to understand and available upon request.**

- Regulations, orders, notices and publications of every kind relating to the conduct of POWs shall be issued to them in a language which they understand. Such regulations, orders,

and publications shall be posted in the manner described above and copies shall be handed to the prisoners' representative. Every order and command addressed to POWs individually must likewise be given in a language which they understand.

5. RESPONSIBILITIES OF A POW.

Every prisoner of war, when questioned on the subject, is bound to give only four items of information.

- (1) Name
- (2) Rank
- (3) Service number (social security number)
- (4) Date of birth

If one willfully infringes this rule, they may render themselves liable to a restriction of the privileges accorded to ones rank or status.

Lawful obedience to rules and regulations.

Obey lawful rules and regulations.

Responsibility to perform paid labor. (As required).

- Labor that is not military
- Not degrading
- Not dangerous
- Not unhealthy

Responsibility to maintain military discipline, courtesy, and rendering of honors.

- Maintain military discipline in accordance with the rules and regulations governing the armed forces.
- Maintain courtesy and honors to all officers regardless of the branch of the service (U.S. or allied nation).

REFERENCES

NAVMC 2681 Code of the US Fighting Force
MCRP 5-12 .1A The Law of Land Warfare

Code of Conduct and the Rights of POW's Review

1. Define the purpose of the Code of Conduct.
2. Explain the six articles of the code of conduct.
3. Explain the origin and purpose of POW rights.
4. Explain the responsibilities of a POW.
5. Are medical personnel considered POW's or retained personnel under the Articles of the Code of Conduct?