

BOOKS AND REVIEWS

THE LEGAL STATUS OF PRISONERS OF WAR ¹

The doctoral thesis presented in English by Mr. Allan Rosas at the Faculty of Law of the University of Turku on the subject "The Legal Status of Prisoners of War, a Study in International Humanitarian Law applicable in Armed Conflict", has just been published.

After an introductory chapter followed by an account of the general aspects of the law of war, the author gives the historical background to the law relating to prisoners of war, from prehistoric times to 1949, and analyses the innovations which the Geneva Conventions of 1929 and 1949 brought to it. He then examines the military and political factors which influence the treatment of prisoners of war, and presents a range of examples of the manner prisoners were treated in recent conflicts (Algeria, Congo, Yemen, Viet Nam, India, Pakistan, the Middle East, etc.). In another section, Mr. Rosas considers the legal conditions required (categories of conflicts and of prisoners) for captured combatants to obtain prisoner-of-war status. In the concluding section, he deals with the treatment of prisoners of war: detaining powers, executions, torture, reprisals, labour, disciplinary sanctions and so forth. This section concludes with a chapter on the release and repatriation of prisoners of war during or after hostilities.

This very well documented study closes with the conclusions drawn by the author and with a voluminous list of the sources he consulted for his work, which though mainly concerned with the legal aspects also deal with the sociological problems of prisoners of war, in their historical and contemporary contexts (for instance, he mentions the most recent deliberations of the Diplomatic Conference on mercenaries and guerrilleros).

Unlike some previous studies on this subject, Mr. Rosas' work is not confined to a more or less critical synthesis of the various Conferences

¹ *Annales Academiae Scientiarum Fennicae: Dissertationes Humanarum Litterarum* 9. Helsinki, 1976, 523 pp.

which have been held, from the 1874 Conference in Brussels to the 1976 Conference in Geneva. He gives factual examples of application and examines the difficulties as well as the possibilities of ensuring, for captured combatants, the guarantees to which prisoners of war are *de jure* and *de facto* entitled. A large amount of space is given over by the author to ICRC documentation and action in this field, and he expresses the hope that the ICRC might be able not only to keep up but to develop its activities in aid of prisoners of war.

In his conclusions, the author recalls briefly the gradual development of the concept of prisoners of war throughout the years and refers to the growing influence of *jus ad bellum* over *jus in bello* (which is to be found in the reservations to article 85 of the Third Convention, and also in the current discussions on mercenaries and liberation movements). He discusses also the problem of unconventional warfare, in which the application of the Conventions has been governed more by political and military considerations than by a legal obligation. He also mentions that the difference between the treatment of prisoners of war and that of other detainees has diminished and concludes that in any future humanitarian law the human rights aspect will be stronger than certain other notions connected with juridical classifications originating from nineteenth century practice.

PHILIP SELBY: "HEALTH IN 1980-1990" ¹

This study, published under the auspices of the Henry Dunant Institute in Geneva and Sandoz S.A. in Basle, provides a look into the future for some of the physical aspects of human well-being. Dealing with nearly every aspect of health protection, it sheds light on many fundamental problems we face today and those we shall confront during the next two decades. What will these problems be, and how shall we set about solving them?

To find answers to such questions, inquiries were made of 63 prominent experts in 19 countries in the fields of clinical medicine, public

¹ Editions S. Karger, Basle, and the Sandoz Laboratories.