

PRISONERS OF WAR. By R. C. Hingorani. [Bombay: Tripathi. 1963. xxviii + 327 pp. Rs. 30.]

Dr. Hingorani describes the legal position of prisoners of war in the light of the Second World War, the Geneva Convention of 1949 and the hostilities in Korea. In his view the Convention should be amended, for the draftsmen, 'in their anxiety to protect the prisoner, have failed to take account of many of the problems facing the detaining power under conditions of modern warfare'. He believes that any new code should be based on the recognition of human dignity, with provision for supervision by a neutral power or agency, accompanied by the promulgation of a world criminal code, providing a maximum penalty of ten years imprisonment, and enforced by an international criminal court.

It is submitted, however, that he does not make clear how the Convention falls short of the needs of modern war. Moreover, when he attempts to describe practical issues such as those which arose in the Second World War, his account is somewhat unrealistic. He states, for example, that Commandos 'did not have to face the ordinary risks of combatancy in the sense that they never participated in active or direct hostilities with the belligerent forces; their main strategy was to run away or surrender whenever they were apprehended. They, as such, had almost no chance to be killed as an ordinary combatant'. Again, how many members of the Intelligence Corps, of Force 136 or of O.S.S., and how many intelligence officers attached to ordinary units, would agree that intelligence staff are among the 'non-combatant personnel of the armed forces'? Again, will military historians agree that guerrilla forces were nowhere effective 'except partly in Yugoslavia and Greece'?

The author seems to treat the Universal Declaration of Human Rights as binding law, and considers that prisoners should be liable to trial for disciplinary reasons by military courts, 'because civil courts are prone to be misguided by war psychology and propaganda, while military courts would comparatively be sympathetic.' Would either a military or a civil court agree that 'war criminals do not possess criminal intent to perpetrate the crime'? Dr. Hingorani also appears unaware of any difference between the Axis occupation of Europe and the post-surrender Allied occupation of Germany.

As is to be expected, *Prisoners of War* deals with the capture of prisoners, their treatment during captivity and the termination of that captivity. Dr. Hingorani

states that capture does not imply the right to dispose of prisoners of war at pleasure. This statement appears in the section relating to 'transformation from prisoner status'. It is therefore somewhat surprising to find no reference in this work to the Indian National Army, the largest prisoner army ever to be transferred by its captor to an officer who had deserted from his own side to that of the captor. Nor is the *Gozawa* trial mentioned among the cases referred to, even though this was directed against the Japanese officer who pleaded that he could execute an Indian prisoner without trial, since the victim had been enlisted in the I.N.A. and was therefore subject to ordinary Japanese law. In view of the number of cases that are mentioned, and the war crimes that are referred to, it is strange to read that 'no belligerent, either during World War II or during the Korean conflict, has shown contempt for international agreements'.

It is clear from what has been said, that the reviewer does not consider this a serious contribution to the subject that could be recommended to any student. But not only the substance is at fault. The printing, the typographical errors, and the basic mistakes and omissions in the bibliography all contribute to *Prisoners of War* being cited to students as a warning of what to avoid.