

Escape is flight from a place in which a person is confined or under surveillance. A prisoner of war who attempts to escape is liable only for disciplinary punishment <sup>[1]</sup>, even if the escape is a repeated offence. A prisoner of war <sup>[2]</sup> who has succeeded in escaping (i.e., who has joined the armed forces of the Power on which he depends, joined the armed forces <sup>[3]</sup> of an allied Power, or left the territory under the control of the Detaining Power <sup>[4]</sup> or of an ally of that Power) and is recaptured is not liable for punishment with respect to his previous escape. The use of weapons <sup>[5]</sup> against a prisoner of war who is escaping or attempting to escape is an extreme measure which must always be preceded by warnings appropriate under the circumstances. A civilian internee <sup>[6]</sup> who is recaptured after having escaped is liable only for disciplinary punishment regarding the act of escaping, even if the escape is a repeated offence. These rules apply only to escape or attempted escape. They do not concern offenses committed by the prisoner of war or the civilian internee in the planning, attempting, or execution of the escape.

## OUTLINE

Chapter 6, Limits to punishment for escape <sup>[7]</sup>

## LEGAL SOURCE

of POWs

GCIII, 91 <sup>[8]</sup>-94 <sup>[9]</sup>

## of civil internees

GCIV, 120 <sup>[10]</sup>-122 <sup>[11]</sup>

## CASES

US Military Tribunal at Nuremberg, The Ministries Case <sup>[12]</sup>

## BIBLIOGRAPHIC RESOURCES

WILSON Robert R., “Escaped Prisoners of War in Neutral Jurisdiction”, in *AJIL*, Vol. 35, 1941, pp. 519-530

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**Source URL:** <https://casebook.icrc.org/glossary/escape>

### Links

[1] <https://casebook.icrc.org/glossary/disciplinary-sanctions>

[2] <https://casebook.icrc.org/glossary/prisoners-war>

[3] <https://casebook.icrc.org/glossary/armed-forces>

[4] <https://casebook.icrc.org/glossary/detaining-power>

[5] <https://casebook.icrc.org/glossary/weapons>

[6] <https://casebook.icrc.org/glossary/civilian-internees>

[7] [https://casebook.icrc.org/law/combatants-and-pows#chapter4\\_i](https://casebook.icrc.org/law/combatants-and-pows#chapter4_i)

[8]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=3EB0DF5E7909A466C12563CD00000000>

[9]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=3E35CEF0403D35AEC12563CD00000000>

[10]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=8099995237F17F56C12563CD00000000>

[11]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=FD734780014B998EC12563CD00000000>

[12] <https://casebook.icrc.org/case-study/united-states-military-tribunal-nuremberg-ministries-case>