



The Laws of War

The Lieber Codes



Francis Lieber
Lawyer who primarily authored what
became known as The Lieber Code

The Lieber Codes, or General Orders 100, were issued by President Abraham Lincoln in April 1863. The Lieber Code was intended to govern the conduct of soldiers during the Civil War and to protect the rights of both civilians and soldiers. Many of the individual laws of war outlined in the Lieber Code specifically outlined how the United States government expected prisoners of war to be treated. After the Civil War, the Lieber Codes were used as the basis for around 1,000 military tribunals, including the Trial of Henry Wirz.

Listed below are specific laws of war in the Lieber Codes that address treatment of prisoners of war.

56. A prisoner of war is subject to no punishment for being a public enemy, nor is any revenge wreaked upon him by the intentional infliction of any suffering, or disgrace, by cruel punishment, want of food, by mutilation, death or any other barbarity.

58. The law of nations knows no distinction of color, and if an enemy of the United States should enslave and sell any captured persons of their army, it would be a case for the severest retaliation.

75. Prisoners of war are subject to confinement or imprisonment such as may be deemed necessary on account of safety, but they are to be subjected to no other intentional suffering or indignity.

76. Prisoners of war shall be fed upon plain and wholesome food whenever practicable, and treated with humanity.

77. A prisoner of war who escapes may be shot, or otherwise killed in his flight, but neither death nor any other punishment shall be inflicted upon him simply for the attempt to escape, which the law of war does not consider a crime.

79. Every captured wounded enemy shall be medically treated, according to the ability of the medical staff.