

What the Geneva Convention says on prisoners of war

Human rights. 8.2.02. Nation

GENEVA (AFP) - Following international concern over the treatment of prisoners captured in Afghanistan and detained at a US naval base in Cuba, the White House on Thursday declared that the Geneva Convention applies to Taliban forces, but not to members of Osama bin Laden's al-Qaeda network.

Washington had said it considers the prisoners "unlawful combatants" not prisoners of war, and as such is not required to treat them under the provisions laid out in the Geneva Conventions, despite entreaties from US allies and demands from other nations to do so.

Of the four conventions signed in Geneva in **August 1949** concerning the treatment of victims of war, it is the third which lays down the minimum requirements that any authority must respect to protect prisoners of war.

The first concerns the treatment

of the sick and injured among the armed forces, the second deals with naval personnel and the fourth with the protection of civilians.

Following is an outline of the terms of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949, concerning the rights and obligations of any power towards those it detains:

The Convention is based on the premise that a prisoner of war is not a criminal, merely an adversary one does not wish to see resume armed combat. As such, he must be treated humanely and released once the conflict is at an end.

Article 13 stipulates that prisoners of war must be "at all times humanely treated". Article 3 says they must be treated alike regardless of race, religion or political beliefs.

"Any unlawful act or omission

by the detaining power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited," it says.

In particular, no prisoner of war 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 interest.

"Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity."

The same article also prohibits what are termed "measures of reprisal against prisoners of war".

According to **Article 14**, prisoners of war are entitled to "respect for their persons and their honour. Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favourable as that

granted to men".

Prisoners "shall retain the full civil capacity which they enjoyed at the time of their capture". The International Red Cross, which has the task of supervising the treatment of prisoners under the terms of the convention, recommends that no photograph be published or film shown which could be degrading for the prisoner or allow him to be identified.

Articles 25 and 26 stipulate that prisoners of war must be given sufficient food and drinking water and "be quartered under conditions as favourable as those for the forces of the detaining powers who are billeted in the same area".

The Convention sets down precise rules on penal and disciplinary sanctions. When such sanctions are not justifiable under the Convention, prisoners "may not be held in close confinement except where necessary to safeguard their health" and then only as long

as such confinement is essential, **Article 21** says.

Article 17 says every prisoner when questioned "is bound to give only his surname, first names and rank, date of birth, and army, regimental, personal or serial number, or failing this, equivalent information".

In addition, "no physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever".

The article stipulates that although the deliberate withholding of information may render a prisoner "liable to a restriction of the privileges accorded to his rank or status", he may not be "threatened, insulted or exposed to unpleasant or disadvantageous treatment of any kind".

Similarly, prisoners who, "owing to their physical or mental condition, are unable to state their

identity, shall be handed over to the medical service".

All prisoners have the right to be questioned in a language which they understand.

The use of prisoners of war as a "human shield" is prohibited by **Article 23**, which asserts: "No prisoner of war may at any time be sent to, or detained in, areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations."

They are also to be provided with adequate shelter against air bombardment "and other hazards of war, to the same extent as the local civilian population".

The "detaining powers" must also clearly indicate the location of prison camps and, where practicable, these must be "indicated in the day-time by the letters PW or PG, placed so as to be clearly visible from the air".