

# **THE STATUS OF PRISONERS OF WARS YESTERDAY AND TODAY**

**TOPIC: 63**

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## **ABSTRACT**

*This paper explores the evolving status of prisoners of war (POWs) from historical contexts to contemporary scenarios. Historically, POWs were often subject to harsh treatment, minimal legal protections, and used as leverage in diplomatic negotiations. The advent of international humanitarian law, particularly the Geneva Conventions of the mid-20th century, marked a significant shift towards the humane treatment of POWs, establishing clear rights and protections. Today, the status of POWs is governed by these international treaties, yet challenges persist. Modern conflicts, characterized by asymmetrical warfare, non-state actors, and the war on terror, complicate the application of traditional POW protections. Instances of unlawful detention, torture, and ambiguous legal statuses highlight ongoing issues. This paper examines these historical transformations, current legal frameworks, and the realities of enforcement, aiming to provide a comprehensive understanding of the status of POWs in both past and present contexts. Through this analysis, the paper underscores the importance of continued vigilance and adaptation of legal standards to uphold the rights and dignity of POWs in an ever-changing global landscape.*

## **LIST OF ABBREVIATIONS**

POWs - Prisoners of Wars.

ICRC - International Committee of the Red Cross

UCMJ- Uniform Code of Military Justice

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## INTRODUCTION

The treatment and status of prisoners of war (POWs) have long been contentious and evolving issues in the realm of international conflict. Throughout history, captured soldiers often faced brutal conditions, including forced labor, inadequate shelter, and even execution. These harsh realities underscored the dire need for a legal and humanitarian framework to protect individuals who find themselves in the unfortunate position of being a POW.

The mid-20th century brought significant advancements in the form of the Geneva Conventions, particularly the Third Geneva Convention of 1949, which established comprehensive rights and protections for POWs. These international treaties aimed to ensure humane treatment, adequate living conditions, and the prohibition of torture and other forms of mistreatment. The conventions marked a critical turning point, reflecting a global consensus on the necessity of protecting human dignity even amidst the ravages of war.

However, the landscape of modern warfare presents new challenges to the established norms and protections for POWs. The rise of asymmetrical warfare, involving non-state actors and terrorist groups, complicates the clear application of POW status and the corresponding legal protections. Additionally, contemporary conflicts often see violations of these protections, with reports of unlawful detention, torture, and ambiguous legal statuses becoming increasingly common.

This paper aims to explore the status of prisoners of war from both historical and contemporary perspectives. By examining the evolution of legal frameworks, the implementation of these standards in various conflicts, and the challenges faced in today's complex geopolitical environment, we seek to provide a comprehensive understanding of the progress made and the ongoing issues in the treatment of POWs. Through this analysis, the paper will highlight the critical importance of adapting and enforcing international laws to protect the rights and dignity of POWs in a constantly changing global landscape.

## **PART ONE**

### **1.0 CONCEPTUAL CLARIFICATION: Status of Prisoners of War, Yesterday and Today**

To comprehensively understand the status of prisoners of war (POWs), it is essential to clarify the fundamental concepts and legal definitions that underpin their treatment and rights. Historically, the term "prisoner of war" has referred to combatants who are captured and held by an enemy power during an armed conflict. These individuals are distinct from civilian detainees and are recognized under international law, which grants them specific protections and responsibilities.

#### **1.1 Legal Frameworks and Protections**

The modern understanding of POWs is largely shaped by international humanitarian law, particularly the Geneva Conventions. The Third Geneva Convention of 1949 is the cornerstone document that outlines the treatment and rights of POWs. According to this convention, POWs are entitled to humane treatment, adequate food and shelter, and medical care. They are also protected against acts of violence, intimidation, insults, and public curiosity<sup>1</sup>.

Article 4 of the Third Geneva Convention<sup>2</sup> specifically defines who qualifies as a POW, including members of the armed forces, militias, and volunteer corps, provided they meet certain criteria such as carrying arms openly and operating under a command structure.

#### **1.2 Contemporary Challenges and Interpretations**

In today's complex geopolitical environment, the clear-cut definitions and protections offered by the Geneva Conventions face new challenges. Asymmetrical warfare, involving state and non-state actors, guerrilla tactics, and terrorism, blurs the lines of combatant status. For example, the detention of individuals in conflicts such as the Global War on Terror has raised significant legal and ethical questions about the application of POW status and protections.

Moreover, the treatment of POWs in contemporary conflicts often reveals gaps between legal standards and actual practice. Reports of torture, indefinite detention, and inadequate legal recourse highlight the discrepancies between international norms and their enforcement.

#### **1.3 Importance of Conceptual Clarity**

Clear conceptual understanding is crucial for ensuring the protection and humane treatment of POWs. It enables policymakers, military personnel, and humanitarian organizations to apply international laws correctly and advocate for the rights of POWs effectively. By delineating the historical evolution, legal definitions, and contemporary challenges, this paper aims to provide a solid foundation for analyzing the status of POWs, emphasizing the need for ongoing adaptation and vigilance in upholding their rights.

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<sup>1</sup> The Third Geneva Convention of 1949

<sup>2</sup> Article 4 of the Third Geneva Convention

## **1.4 BACKGROUND OF THE STUDY:**

**1.5** The status and treatment of prisoners of war (POWs) have undergone profound transformations from ancient times to the present day. This background section delves into the historical evolution, legal milestones, and contemporary challenges surrounding POWs, providing a comprehensive context for the study.

### **Legal Milestones**

The late 19th and early 20th centuries saw significant developments in international humanitarian law. The Hague Conventions of 1899 and 1907 included provisions related to the treatment of POWs, emphasizing the need for humane treatment and setting out basic rights and responsibilities. However, it was the aftermath of the World Wars that catalyzed the most significant legal advancements.

The Geneva Conventions, particularly the Third Geneva Convention of 1949, represent a cornerstone in the protection of POWs. This convention provided a comprehensive legal framework defining the status, treatment, and rights of POWs. It detailed provisions for humane treatment, adequate living conditions, medical care, and protection against violence and intimidation. The convention also established mechanisms for the exchange of information about POWs through the International Committee of the Red Cross (ICRC).

### **Contemporary Challenges**

Despite the robust legal framework established by the Geneva Conventions, the treatment of POWs in modern conflicts presents ongoing challenges. The nature of warfare has evolved, with asymmetrical conflicts, involving non-state actors and terrorist organizations, complicating the application of traditional POW protections. These actors often do not adhere to international laws, leading to instances of unlawful detention and mistreatment.

The Global War on Terror, with its unique and complex dynamics, has further strained the conventional understanding of POW status. Detainees in conflicts such as those in Afghanistan and Iraq have faced ambiguous legal statuses, raising significant ethical and legal questions about their treatment. Reports of torture, indefinite detention without trial, and lack of access to legal recourse highlight the discrepancies between international norms and their enforcement.

### **Importance of the Study**

This study aims to provide a thorough analysis of the status of POWs from historical and contemporary perspectives. By examining the evolution of legal frameworks, the implementation of these standards in various conflicts and the ongoing challenges in today's geopolitical landscape, the study seeks to underscore the importance of upholding the rights and dignity of POWs. It highlights the need for continuous adaptation and vigilance in the application of international humanitarian law to ensure the humane treatment of all individuals captured during armed conflicts.

## 1.5 RESEARCH OBJECTIVES

### 1. Historical Analysis of Prisoner of War (POW) Treatment:

- To investigate the treatment and conditions of POWs during major historical conflicts, such as the World Wars.
- To analyze the evolution of international laws and conventions, such as the Geneva Conventions, regarding the treatment of POWs.
- To examine case studies of POW camps and their administration in different historical contexts.

### 2. Contemporary Status and Treatment of POWs:

- To assess the current status and treatment of POWs in modern conflicts, including the wars in Afghanistan, Iraq, and ongoing conflicts in regions such as the Middle East and Africa.
- To evaluate the adherence to and implementation of international laws and conventions in the treatment of modern POWs.
- To identify the challenges and issues faced by POWs in contemporary conflicts.

### 3. Comparative Analysis of Historical and Modern POW Conditions:

- To compare and contrast the living conditions, treatment, and rights of POWs in historical versus modern contexts.
- To identify patterns, improvements, or regressions in the treatment of POWs over time.
- To analyze the impact of technological advancements and modern warfare on the status and treatment of POWs.

### 4. Legal and Ethical Perspectives:

- To explore the legal frameworks governing the treatment of POWs, both historically and in contemporary settings.
- To investigate ethical considerations and human rights issues related to the treatment of POWs.
- To assess the role/nexus of international organizations, such as the International Committee of the Red Cross (ICRC), in monitoring and advocating for the rights of POWs.

### 5. Case Studies and Personal Narratives:

- To document and analyze personal narratives and testimonies of former and current POWs to gain insight into their experiences.
- To conduct case studies of specific POW incidents or camps to understand the complexities and nuances of POW treatment.
- To highlight stories of resilience, survival, and the psychological impact of being a POW.

### 6. Policy Recommendations:

- To develop policy recommendations for improving the treatment and conditions of POWs based on historical and contemporary analysis.
- To propose measures for better enforcement of international laws and conventions related to POWs.
- To suggest ways in which international cooperation and monitoring can be enhanced to protect the rights of POWs.

### 7. Future Research Directions:

- To identify gaps in existing research on POWs and propose areas for future study.



- To recommend methodologies for more comprehensive and interdisciplinary research on the status of POWs.
- To encourage the inclusion of diverse perspectives and voices in research related to POWs.

By achieving these objectives, this research aims to provide a comprehensive understanding of the status of prisoners of war, highlighting changes over time and proposing ways to improve their treatment and conditions in the future.

## 1.6 RESEARCH QUESTIONS

### 1. Can Civilians be Prisoners of War?

### 2. Historical Analysis of Prisoner of War (POW) Treatment:

- How were POWs treated during major historical conflicts such as the World Wars, the Vietnam War, and the Korean War?
- What were the key differences in POW treatment across various historical conflicts and regions?
- How did the development of international laws, particularly the Geneva Conventions, influence the treatment of POWs over time?
- What were the living conditions and administrative structures of POW camps in different historical contexts?

### 4. Contemporary Status and Treatment of POWs:

- What are the current conditions and treatment of POWs in modern conflicts, such as those in Afghanistan, Iraq, and ongoing conflicts in the Middle East and Africa?
- How do modern practices of POW treatment compare with the standards set by international laws and conventions?
- What are the primary challenges and issues faced by POWs in contemporary warfare?
- How do different countries adhere to and implement international laws regarding the treatment of POWs in modern conflicts?

### 5. Comparative Analysis of Historical and Modern POW Conditions:

- In what ways have the living conditions, treatment, and rights of POWs changed from historical conflicts to modern-day conflicts?
- What patterns or trends can be identified in the evolution of POW treatment over time?
- How have technological advancements and changes in warfare tactics impacted the status and treatment of POWs?
- What improvements or regressions in POW treatment can be observed when comparing historical and contemporary contexts?

### 6. Legal and Ethical Perspectives:

- What are the key legal frameworks that govern the treatment of POWs, both historically and in contemporary settings?
- How have international laws, such as the Geneva Conventions, been enforced or violated in the treatment of POWs?
- What ethical considerations and human rights issues are involved in the treatment of POWs?
- What role do international organizations, such as the International Committee of the Red Cross (ICRC), play in monitoring and advocating for the rights of POWs?

**7. Case Studies and Personal Narratives:**

- What insights can be gained from the personal narratives and testimonies of former and current POWs regarding their experiences?
- How do specific case studies of POW incidents or camps help to understand the complexities and nuances of POW treatment?
- What psychological impacts do POWs endure, and how do these impacts vary across different historical and contemporary contexts?
- How do stories of resilience and survival among POWs inform our understanding of their experiences and treatment?

**8. Policy Recommendations:**

- Based on historical and contemporary analysis, what policy recommendations can be made to improve the treatment and conditions of POWs?
- What measures can be proposed to ensure better enforcement of international laws and conventions related to POWs?
- How can international cooperation and monitoring be enhanced to protect the rights of POWs in future conflicts?
- What role can national and international policy changes play in improving the welfare of POWs?

**9. Future Research Directions:**

- What gaps exist in the current research on POWs, and what areas require further study?
- What methodologies would be most effective for conducting comprehensive and interdisciplinary research on the status of POWs?
- How can diverse perspectives and voices be better included in research related to the treatment of POWs?
- What future trends in warfare and international relations might impact the status and treatment of POWs, and how should research adapt to these changes?

By addressing these research questions, this study aims to provide a thorough and nuanced understanding of the status of prisoners of war, identifying historical trends, contemporary issues, and potential improvements for future practices.

## **1.7 SCOPE OF THE RESEARCH**

This research aims to comprehensively examine the status and treatment of prisoners of war (POWs) from historical and contemporary perspectives. The scope of the research is defined by several key dimensions:

**1. Temporal Scope:**

- The study covers a broad historical range, from the early 20th century to the present day, focusing on significant conflicts such as World War I, World War II, the Korean War, the Vietnam War, and more recent conflicts in Afghanistan, Iraq, and various ongoing regional conflicts.
- It examines the evolution of international laws and conventions over time and their impact on POW treatment.

**2. Geographical Scope:**

- The research includes a diverse set of geographical contexts, analyzing POW treatment in different regions such as Europe, Asia, the Middle East, and Africa.

- It considers the variations in POW treatment across different countries and cultures, emphasizing both Western and non-Western perspectives.
- 3. Legal and Ethical Frameworks:**
- The study investigates the legal frameworks that have governed the treatment of POWs, particularly focusing on international laws such as the Geneva Conventions.
  - It explores the ethical considerations and human rights issues involved in the treatment of POWs, analyzing compliance and violations of these legal standards.
- 4. Comparative Analysis:**
- The research involves a comparative analysis of historical and contemporary treatment of POWs, identifying trends, patterns, and changes over time.
  - It examines the impact of technological advancements and modern warfare tactics on the conditions and treatment of POWs.
- 5. Case Studies and Personal Narratives:**
- The study includes detailed case studies of specific POW incidents, camps, and experiences to provide a nuanced understanding of the complexities involved.
  - It incorporates personal narratives and testimonies of former and current POWs to highlight individual experiences and psychological impacts.
- 6. Policy Implications:**
- The research aims to develop policy recommendations based on the historical and contemporary analysis of POW treatment.
  - It suggests measures for improving the enforcement of international laws and conventions, enhancing international cooperation, and protecting the rights of POWs.
- 7. Interdisciplinary Approach:**
- The study employs an interdisciplinary approach, integrating insights from history, law, ethics, political science, and psychology.
  - It encourages the inclusion of diverse perspectives and methodologies to provide a comprehensive understanding of the status of POWs.
- 8. Future Directions:**
- The research identifies gaps in existing studies and proposes areas for future investigation.
  - It considers future trends in warfare and international relations that might affect the status and treatment of POWs, recommending adaptive research strategies.

By defining this scope, the research aims to provide an in-depth and balanced examination of the status of prisoners of war, highlighting both historical trends and contemporary issues, and offering actionable insights for improving the treatment and conditions of POWs in the future.

## PART TWO

### 2.0 MEANING AND STATUTORY PROVISIONS GOVERNING PRISONERS OF WARS

#### 2.1 DEFINITION OF PRISONERS OF WARS

Prisoner of war according to Black's Law Dictionary<sup>3</sup> ... **a person usually a soldier who is captured by or surrenders to the enemy in war time...** Prisoners of War (POWs) are members of the armed forces of a party to a conflict who fall into the hands of the enemy. The status and treatment of POWs are governed primarily by international law, particularly the Geneva Conventions. The Geneva Conventions<sup>4</sup> and their Additional Protocols form the core of international humanitarian law, which **regulates the conduct of armed conflict and seeks to limit its effects**. They protect people not taking part in hostilities and those who are no longer doing so. The Geneva Conventions and their Additional Protocols are at the core of international humanitarian law, the body of international law that regulates the conduct of armed conflict and seeks to limit its effects. They specifically protect people who are not taking part in the hostilities (civilians, health workers and aid workers) and those who are no longer participating in the hostilities, such as wounded, sick and shipwrecked soldiers and **prisoners of war**. The Conventions and their Protocols call for measures to be taken to prevent or put an end to all breaches. They contain stringent rules to deal with what are known as "**grave breaches**". Those responsible for grave breaches must be sought, tried or extradited, whatever nationality they may hold.<sup>5</sup> **The first Geneva Convention<sup>6</sup> protects wounded and sick soldiers on land during war; the second Geneva Convention<sup>7</sup> protects wounded, sick and shipwrecked military personnel at sea during war, The third Geneva Convention<sup>8</sup>**

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<sup>3</sup> Ninth Edition, Bryan A. Garner at page 1233. According to Black's law lexicon . also termed captive.

<sup>4</sup> The Geneva Conventions are rules that apply only in times of armed conflict and seek to protect people who are not or are no longer taking part in hostilities.

<sup>5</sup> <https://www.icrc.org/en/doc/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm>

<sup>6</sup> <<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/365?OpenDocument>> (Retrieved on the 14<sup>th</sup> July 2024)

<sup>7</sup> <<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/370?OpenDocument>> (Retrieved on the 14<sup>th</sup> July 2024)

<sup>8</sup> <<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/375?OpenDocument>> (Retrieved on the 14<sup>th</sup> July 2024)

applies to prisoners of war, The [fourth Geneva Convention](#)<sup>9</sup> affords protection to civilians, including in occupied territory.

The **Geneva Conventions** are international humanitarian laws consisting of four treaties and three additional protocols that establish international legal standards for humanitarian treatment in war. The singular term *Geneva Convention* colloquially denotes the agreements of 1949, negotiated in the aftermath of the Second World War (1939–1945), which updated the terms of the two 1929 treaties and added two new conventions. The Geneva Conventions extensively define the basic rights of wartime prisoners, civilians and military personnel; establish protections for the wounded and sick; and provide protections for the civilians in and around a war-zone<sup>10</sup>. The Geneva Conventions define the rights and protections afforded to non-combatants who fulfill the criteria of being *protected persons*. The treaties of 1949 were ratified, in their entirety or with reservations, by 196 countries<sup>11</sup>. The Geneva Conventions concern only protected non-combatants in war. The use of wartime conventional weapons is addressed by the Hague Conventions of 1899 and 1907 and the 1980 Convention on Certain Conventional Weapons, while the biological and chemical warfare in international armed conflicts is addressed by the 1925 Geneva Protocol.

## **2.2 BRIEF HISTORY ON THE STATUS OF PRISONERS OF WAR YESTERDAY AND TODAY.**

The Swiss businessman Henry Dunant went to visit wounded soldiers after the Battle of Solferino in 1859. He was shocked by the lack of facilities, personnel, and medical aid available to help these soldiers. As a result, he published his book, *A Memory of Solferino*, in 1862, on the horrors of war<sup>12</sup>. His wartime experiences inspired Dunant to propose:

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<sup>9</sup> <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/380?OpenDocument> (Retrieved on the 14<sup>th</sup> July 2024)

<sup>10</sup> *"The Practical Guide to Humanitarian Law: Protected Persons"*. [Doctors Without Borders](#).

<sup>11</sup> *"United Nations Treaty Collection | Chapter IV: Human Rights"*. [treaties.un.org](#). United Nations. (Retrieved on the 14<sup>th</sup> July 2024)

<sup>12</sup> *Dunant, Henry (December 2015). A Memory of Solferino*. English version, full text online.

- A permanent relief agency for humanitarian aid in times of war
- A government treaty recognizing the neutrality of the agency and allowing it to provide aid in a war zone

The former proposal led to the establishment of the Red Cross in Geneva. The latter led to the 1864 Geneva Convention, the first codified international treaty that covered the sick and wounded soldiers on the battlefield. On 22 August 1864, the Swiss government invited the governments of all European countries, as well as the United States, Brazil, and Mexico, to attend an official diplomatic conference. Sixteen countries sent a total of twenty-six delegates to Geneva. On 22 August 1864, the conference adopted the first Geneva Convention "for the Amelioration of the Condition of the Wounded Armies in the Field". Representatives of 12 states and kingdoms signed the convention<sup>13</sup>

-  Swiss Confederation
-  Grand Duchy of Baden
-  Kingdom of Belgium
-  Kingdom of Denmark
-  Kingdom of Spain
-  French Empire
-  Grand Duchy of Hesse
-  Kingdom of Italy
-  Kingdom of the Netherlands
-  Kingdom of Portugal and the Algarves
-  Kingdom of Prussia
-  Kingdom of Württemberg

For both of these accomplishments, Henry Dunant became co recipient of the first Nobel Peace Prize in 1901<sup>14</sup>

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<sup>13</sup> [\*"Convention for the Amelioration of the Condition of the Wounded in Armies in the Field. Geneva, 22 August 1864". Geneva, Switzerland: International Committee of the Red Cross ICRC. \(Retrieved on the 14<sup>th</sup> July 2024\). Roxburgh, Ronald \(1920\). \*International Law: A Treatise\*. London: Longmans, Green and co. p. 707. \(Retrieved on the 14<sup>th</sup> July 2024\)\*](#)

<sup>14</sup> [\*Abrams, Irwin \(2001\). \*The Nobel Peace Prize and the Laureates: An Illustrated Biographical History, 1901–2001\*. US: Science History Publications. ISBN 9780881353884. \(Retrieved on the 14<sup>th</sup> July 2024\). \*The story of an idea\*, film on the creation of the Red Cross, Red Crescent Movement and the Geneva Conventions.\*](#)

Despite the length of these documents, they were found over time to be incomplete. The nature of armed conflicts had changed with the beginning of the Cold War era, leading many to believe that the 1949 Geneva Conventions were addressing a largely extinct reality<sup>15</sup>. On the one hand, most armed conflicts had become internal, or civil wars, while on the other, most wars had become increasingly asymmetric. Modern armed conflicts were inflicting an increasingly higher toll on civilians, which brought the need to provide civilian persons and objects with tangible protections in time of combat, bringing a much needed update to the Hague Conventions of 1899 and 1907.

In light of these developments, two Protocols were adopted in 1977 that extended the terms of the 1949 Conventions with additional protections. In 2005, a third brief Protocol was added establishing an additional protective sign for medical services, the Red Crystal, as an alternative to the ubiquitous Red Cross and Red Crescent emblems, for those countries that find them objectionable.

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<sup>15</sup> Kolb, Robert (2009). *Ius in bello*. Basel: Helbing Lichtenhahn. [ISBN 978-2-8027-2848-1](https://doi.org/10.1007/978-2-8027-2848-1).

## **PART 3**

### **3.0 THE POSITION OF INTERNATIONAL CHARTERS AND CONVENTIONS ON PRISONERS OF WAR YESTERDAY.**

In ancient and medieval times, the fate of captured soldiers was grim. Conquerors often executed, enslaved, or mistreated their captives with little regard for their well-being. These practices were driven by the lack of formalized rules of war and the prevailing norms of retribution and exploitation. Over time, as societies evolved and interactions between states became more structured, the need for standardized treatment of POWs became apparent. The early efforts to codify the treatment of POWs can be traced back to the Lieber Code of 1863, developed during the American Civil War. This code laid down rules for the humane treatment of POWs, setting a precedent for future international regulations. It was one of the first instances where a formal attempt was made to balance military necessity with humanitarian concerns. The history of prisoners of war is as old as the history of warfare. In primitive times, the captured warriors were considered the personal property of the captor and were forced into slavery. During the Middle Ages, when the concept of ransom was developed, it became beneficial for warriors to capture wealthy soldiers. Holding prisoners required expenses for their upkeep; therefore, prisoners were not kept unless it was expedient to the captor to do so. Soldiers of little status or wealth were killed to reduce the enemy's numbers. During the 17th and 18th centuries, more modern thinking on the status of prisoners of war began to develop as war began to be considered strictly a relationship between states. Individual soldiers were enemies only so long as they were armed and the captor's only rights over prisoners were to keep them from returning to the battle lines. This way of thinking resulted in more humane treatment for those officially classified as prisoners of war. Captured Americans during the Revolution were not accorded this special status as prisoners of war. The British considered the freedom fighters to be criminals and thus treated them harshly. American prisoners were held in



extremely crowded ships off the coast where thousands died from starvation and exposure. Initially during the Civil War, a system of paroles and exchanges was used. Paroled prisoners were released to their homes after signing a document pledging not to bear arms until formally exchanged. A formal exchange system was developed with the two sides meeting on the battlefield and exchanging men of equal rank. Accusations and confusion about the number of equivalent prisoners and the South's refusal to exchange black prisoners led to a break-down of the exchange system in mid-1863. After this cessation of the exchange system, the number and size of prison camps increased drastically. The prison that was to hold the most number of men at one time, Camp Sumter, commonly called Andersonville, has since come to be considered the epitome of prison camp suffering. However, the debilitating problems at Andersonville of overcrowding and inadequate food, shelter and sanitation were present in almost all the 150 Civil War military prisons, though not on the same scale. Concern over the treatment of civilians, prisoners and soldiers led to President Lincoln's request to Professor Francis Lieber of Columbia College to develop a set of uniform rules for treatment of prisoners of war. The 1863 "Lieber Code" on treatment of prisoners accorded basic rights to the POWs and designated a POW to be the "prisoner of the government and not the captor." From the first Geneva Convention in 1864, to Hague Conferences in 1899, 1907, and 1914, international rules of war and universal standards for the treatment of prisoners were developed. The Geneva Convention of 1929 provided that prisoners must be treated humanely, the captive nations must supply information about any prisoners held and must permit visits to prison camps by representatives of neutral states. Of the 46 nations attending the convention, these provisions were signed by 33 nations. The 1949 Geneva Convention that was signed by 57 nations greatly expanded and detailed rules of conduct for the protection of prisoners throughout their captivity. Humane and decent treatment of prisoners is to be a right and is not subject to the whim of the captor. The prisoners of war are to be clearly recognized as victims of events and not criminals. Conditions

confronting and treatment accorded prisoners of war are affected by such factors as climate and geography, a nation's concept of the armed forces, its view of reprisals as a "legitimate" activity of war, its acceptance or rejection of international conventions on the rights of human beings, and something as simple as the whim of individual captors. Tremendous suffering has been endured by prisoners because of cultural differences between countries. For example, during World War II, because Russia and Japan considered those that surrendered to be totally disgraced, they treated their prisoners with utmost contempt. Despite the standards developed after the Civil War, American prisoners of war have endured many hardships. Many prisoners have lived for months and years with a crushing sense of doom, seeing their comrades dying from disease, starvation, exposure, misguided bombardments, lack of medical care, and murder by firearm, bludgeon, bayonet, and sword. Thousands have suffered through forced marches on little or no rations, while exposed to extreme weather and cruel brutalization. If too injured or ill to keep up, men were left to die. They have been victims of such war crimes as torture and mutilation, beatings, and forced labor under inhumane conditions. Prisoners have been targets of intense interrogation and political indoctrination. Most prisoners of war carry physical or psychological scars from their experiences as captives. Just as the responsibilities of the captor nation have changed and evolved over the years, so has the responsibility of the individual prisoner. By 1952, the United Nations Command recognized that a prisoner of war can still be "an active soldier determined to fight on", implying that surrender need not necessarily be an offer of peace. In 1953 United States soldiers were issued orders that anyone taken prisoner is duty bound to try to escape. The Code of Conduct, issued on executive order by President Eisenhower in 1955, requires the military prisoner to give only name, rank, service number, and date of birth. Among its six articles are ones which require the captive to continue to resist the enemy and to escape if at all possible.<sup>16</sup>

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<sup>16</sup>History and Legal Status of Prisoners <<https://www.nps.gov/ande/learn/historyculture/history-legal-status->

## PART 4

### 4.0 THE POSITION OF INTERNATIONAL CHARTERS AND CONVENTIONS ON PRISONERS OF WAR TODAY.

#### 4.1 HUMANE TREATMENT

The obligation of humane treatment is expressed in few words but is nonetheless fundamental. It imposes a minimum standard, namely a duty to respect prisoners' inherent human dignity and inviolable quality as human beings. Humane treatment of prisoners of war is not merely a recommendation or a moral appeal. The word 'must' leave no doubt as to the obligatory character of this paragraph. The obligation goes beyond abstaining from inhumane treatment and may require positive action. While the social, cultural and economic environment has to be taken into account when assessing the treatment of prisoners of war by a Detaining Power, any treatment that falls below the standard of humane treatment violates the obligation.<sup>17</sup>

The obligation of humane treatment pervades all aspects of the treatment of prisoners of war; it is relevant in a myriad of circumstances and it would be impossible and even unduly restrictive to attempt a comprehensive definition of it. It is for this reason that the Geneva Conventions and their Additional Protocols have abstained from providing such a definition.<sup>18</sup>

In accordance with the ordinary meaning of the word 'humane', what is called for is treatment that is 'compassionate or benevolent'.<sup>19</sup> This is more directly reflected in the French version of the text in which the obligation is formulated as requiring that persons protected under Article 13 be 'treated with humanity' ('traitées avec humanité'). In addition, the type of treatment required is context-specific and dependent on a wide range of factors, including the prisoner's cultural, social or religious background, gender and age. Given that it is based on the fundamental concept of human dignity, the standard of humane treatment applies equally to all

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pows.html. (Retrieved on the 14<sup>th</sup> July 2024)

<sup>17</sup> See also Eritrea-Ethiopia Claims Commission, *Prisoners of War, Eritrea's Claim*, Partial Award, 2003, paras 11–12 and 138, and *Prisoners of War, Ethiopia's Claim*, Partial Award, 2003, paras 12–13 and 125. See also Sanna, 2009, p. 317.

<sup>18</sup> Human rights law is similarly based on the principle of humane treatment of persons. In particular, human rights instruments stress the requirement of humane treatment and respect for human dignity of persons deprived of their liberty. See American Declaration on the Rights and Duties of Man (1948), Article XXV; International Covenant on Civil and Political Rights (1966), Article 10(1); American Convention on Human Rights (1969), Article 5(1); European Prison Rules (2006), Rule 1; Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988), Principle 1; and Basic Principles for the Treatment of Prisoners (1990), para. 1.

<sup>19</sup> *Concise Oxford English Dictionary*, 12th edition, Oxford University Press, 2011, p. 693, adding 'inflicting the minimum of pain' as another element.

categories of protected persons in both international and non-international armed conflict.<sup>20</sup> Thus, practice regarding other humanitarian law provisions may serve as useful guidance on what humane treatment requires under Article 13(1) and on what kind of treatment would fall below that threshold. State practice has called for treatment that respects a person's inherent dignity as a human being.<sup>21</sup> The ways States have elaborated on the obligation in their military manuals, codes of conduct and policy documents may give further indications of what humane treatment entails. These documents not only list practices incompatible with the notion of humane treatment, but also, mirroring the specific provisions on the treatment of prisoners of war in the Third Convention, provide examples of humane treatment. Such examples include treatment with all due regard to the person's sex;<sup>22</sup> respect for convictions and religious practices;<sup>23</sup> provision of adequate food and drinking water;<sup>24</sup> provision of adequate clothing;<sup>25</sup>

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<sup>20</sup> See First Convention, Article 12(1); Second Convention, Article 12(1); Fourth Convention, Articles 5 and 27(1); and Additional Protocol I, Article 75(1). For the requirement of humane treatment of detainees in non-international armed conflict, see Article 3(1)(1) and Additional Protocol II, Article 4(1).

<sup>21</sup> See e.g. Colombia, Constitutional Court, *Constitutional Case No. C-291/07*, Judgment, 2007, section III-D-5: 'La garantía general de trato humano provee el principio guía general subyacente a las convenciones de Ginebra, en el sentido de que su objeto mismo es la tarea humanitaria de proteger al individuo en tanto persona, salvaguardando los derechos que de allí se derivan.' ('The general guarantee of humane treatment provides the overall guiding principle behind the Geneva Conventions, in the sense that the object itself is the humanitarian task of protecting the individual as a person, safeguarding the rights derived from it.'). See also Central African Republic, *Instructor's Manual*, 1999, p. 5 ('Les combattants capturés et les civils qui se trouvent sous l'autorité de la partie adverse ont droit au respect de leur vie, de leur dignité, de leurs droits personnels et de leurs convictions.');

France, *Doctrine on Management of Captured Persons*, 2011, para. 312 ('Tout individu capturé au cours d'un engagement militaire bénéficie d'un traitement respectueux de sa condition d'être humain, du droit de la guerre, du droit national et du droit international.');

Netherlands, *Military Manual*, 2005, p. 159 ('Every detainee should be treated with human dignity.');

New Zealand, *Military Manual*, 2019, Vol. 4, p. 12-11, para. 12.3.1 ('Members of the NZDF [New Zealand Defence Force] are to treat all persons deprived of their liberty or under NZDF control humanely regardless of their legal status or any other consideration. They are to respect the honour, dignity, person, convictions and religious beliefs of all such persons.');

Sri Lanka, *Military Manual*, 2003, para. 1043 ('Prisoners of war must always be humanely treated. That means that: ... their dignity and person must be respected');

United Kingdom, *Joint Doctrine Captured Persons*, 2015, pp. 10-3-10-4, para. 1006 ('Our UK Armed Forces must treat all CPERS [captured persons] humanely in all circumstances and at all times. ... It is important that staff treat every CPERS on admission with dignity and respect, regardless of their status or demeanour.');

and United States, *Naval Handbook*, 20107, paras 11.1-11.2 ('Humane Treatment ... All detainees shall: .... Be respected as human beings.'). Department of Defense (DoD) Directive No. 2310.01E, DoD Detainee Program, 19 August 2014, para. 3(b) ('It is DoD policy that: ... All detainees will be treated humanely and with respect for their dignity, in accordance with applicable U.S. law and policy and the law of war. The humane treatment requirements in this section apply during all military operations, however characterized.'). and *Operational Law Handbook*, 2017, p. 104: 'Treat all prisoners humanely and with respect and dignity.'

<sup>22</sup> See e.g. Australia, *Manual of the Law of Armed Conflict*, 2006, paras 9.48 and 9.49; Canada, *Code of Conduct*, 2002, p. 2-9; Djibouti, *Manual on International Humanitarian Law*, 2004, p. 23; Sri Lanka, *Military Manual*, 2003, para. 1603; and Turkey, *LOAC Manual*, 2001, p. 49.

<sup>23</sup> See e.g. Australia, *Manual of the Law of Armed Conflict*, 2006, para. 9.58; Chad, *IHL Manual*, 1996, p. 28 (version before Chad ratified Additional Protocol II); Nepal, *Army Handbook*, 2011, p. 6; Sri Lanka, *Military Manual*, 2003, para. 1222; Turkey, *LOAC Manual*, 2001, p. 158; United Kingdom, *Joint Doctrine Captured Persons*, 2015, p. 2-7, para. 211(i); and United States, *Naval Handbook*, 20107, para. 11.2.

<sup>24</sup> See e.g. Chad, *IHL Manual*, 1996, p. 28; Denmark, *Military Manual*, 2016, p. 476; Sri Lanka, *Military Manual*, 2003, para. 1221; Turkey, *LOAC Manual*, 2001, p. 158; United Kingdom, *Joint Doctrine Captured Persons*, 2015, p. 2-5, para. 211(b); and United States, *Naval Handbook*, 20107, para. 11.2.

safeguards for health and hygiene;<sup>26</sup> provision of suitable medical care;<sup>27</sup> protection from violence and against the dangers of the armed conflict;<sup>28</sup> entitlement to sleep;<sup>29</sup> and the right to maintain appropriate contacts with the outside world.<sup>30</sup> Because of its broad protective dimension and to make its application to a specific situation more manageable in judicial practice, the obligation of humane treatment is sometimes depicted merely as a prohibition of ‘inhumane treatment’.<sup>31</sup> Hence, the obligation to treat prisoners of war humanely logically includes all prohibitions on treatment that is inhumane or degrading. The use of the wording ‘in particular’ in the third sentence of Article 13(1) indicates that the prohibitions that are listed are not exhaustive. Other forms of ill-treatment not explicitly listed in Article 13, but mentioned in Article 130, such as willful killing and torture, are also prohibited. Reference can also be made to common Article 3, which gives expression to particular aspects of what humane treatment requires and what kinds of behaviour would clearly fall below that standard. While Article 13 does not explicitly prohibit sexual violence, it does so implicitly because it establishes an obligation of humane treatment and requires protection against violence or intimidation.<sup>32</sup> The term ‘sexual violence’ is used to describe any act of a sexual nature committed against any person under circumstances which are coercive.<sup>33</sup> Situations of detention can constitute coercive circumstances, as can fear of violence, duress, psychological oppression or abuse of power.<sup>34</sup> Prisoners of war can therefore be at particular risk of such coercion.<sup>35</sup> Women and

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<sup>25</sup> See e.g. United Kingdom, *Joint Doctrine Captured Persons*, 2015, p. 2-6, para. 211(f), and United States, *Naval Handbook*, 20107, para. 11.2.

<sup>26</sup> See e.g. Chad, *IHL Manual*, 1996, p. 28; Sri Lanka, *Military Manual*, 2003, para. 1228; Turkey *LOAC Manual*, 2001, p. 158; and United Kingdom, *Joint Doctrine Captured Persons*, 2015, p. 2-6, para. 211(d).

<sup>27</sup> See e.g. Canada, *Prisoner of War Handling Manual*, 2004, p. 1B-4; Chad, *IHL Manual*, 1996, p. 28; Denmark, *Military Manual*, 2016, p. 475; Sri Lanka, *Military Manual*, 2003, para. 1228; Turkey, *LOAC Manual*, 2001, pp. 159–160; United Kingdom, *Joint Doctrine Captured Persons*, 2015, p. 2-7, para. 211(h); and United States, *Naval Handbook*, 20107, para. 11.2.

<sup>28</sup> See e.g. Chad, *IHL Manual*, 1996, p. 28; Denmark, *Military Manual*, 2016, p. 476; Sri Lanka, *Military Manual*, 2003, para. 1228; and Turkey, *LOAC Manual*, 2001, p. 158.

<sup>29</sup> See e.g. New Zealand, *Military Manual*, 2019, Vol. 4, p. 12-14, para. 12.3.7, and United States, Department of Defense, *Review of Department Compliance with President’s Executive Order on Detainee Conditions of Confinement*, 2009, p. 29.

<sup>30</sup> See e.g. Chad, *IHL Manual*, 1996, p. 28; Nepal, *Army Handbook*, 2011, p. 3; Sri Lanka, *Military Manual*, 2003, para. 1228; Turkey, *LOAC Manual*, 2001, pp. 159–160; United Kingdom, *Joint Doctrine Captured Persons*, 2015, p. 2-7, para. 211(i); and United States, Department of Defense (DoD), *DoD Detainee Program*, Directive No. 2310.01E, 19 August 2014, section 3(b)(1) (‘Policy’). See also Copenhagen Process: Principles and Guidelines (2012), paras 2, 9 and 10

<sup>31</sup> ICTY, *Delalić* Trial Judgment, 1998, paras 520–543.

<sup>32</sup> For further details on the prohibition of sexual violence, see the commentaries on Article 3, section M.6, and on Article 14, paras 1664 and 1684.

<sup>33</sup> See ICTR, *Akayesu* Trial Judgment, 1998, para. 688. For an overview of this concept in armed conflicts, see e.g. Durham; Gardam/Jarvis; Haeri/Puechguirbal; Brammertz/Jarvis; and Visser Sellers/Rosenthal

<sup>34</sup> See ICC Elements of Crimes (2002), Article 8(2) (e)(vi)-6; see also Articles 7(1)(g)-6 and 8(2)(b)(xxii)-6.

<sup>35</sup> See ICTY, *Kunarac* Appeal Judgment, 2002, paras 125–133. In this case, the Appeals Chamber found that situations of detention amounted to circumstances that were so coercive as to negate any possibility of consent.

young prisoners, including children, are at high risk of being the target of sexual violence. Practice has also shown that men in prisoner-of-war camps are also subjected to rape and other forms of sexual abuse, such as being stripped naked in public, subjected to genital violence or forced sterilization.<sup>36</sup>

#### **4.2 THIRD SENTENCE: SPECIFICALLY PROHIBITED ACTS PHYSICAL MUTILATION**

Article 13(1) goes on to list examples of unlawful acts or omissions which either cause death or seriously endanger health. The prohibition of mutilation<sup>37</sup> is a longstanding rule of humanitarian law. It is included in common Article 3 and in Article 42 of the Fourth Convention and is reaffirmed in the Additional Protocols. The prohibition is also part of customary international law.<sup>38</sup>

#### **4.3 PARAGRAPH 3: PROHIBITION OF REPRISALS.**

Traditionally, international law did not contain a centralized enforcement mechanism. It was against this background that injured States resorted to reprisals as a self-help or self-protection measure. Reprisals would be contrary to international law unless they were taken by the injured State in response to an internationally wrongful act committed by a responsible State, in order to induce the latter to comply with its obligations. ‘Reprisal’ or ‘belligerent reprisal’ is the terms commonly used in the context of international armed conflict, whereas they have become known as ‘countermeasures’ outside of this context<sup>39</sup>. Article 13(3) prohibits the taking of reprisals against prisoners of war. Recourse to reprisals would expose prisoners on all sides of an armed conflict to the risk of the escalating severity of measures against them. The prohibition of reprisals against prisoners of war is absolute. It applies in all circumstances. The possibility of derogating from this rule by invoking military necessity is excluded. Furthermore, the 1969 Vienna Convention on the Law of Treaties provides that the possibilities for

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<sup>36</sup> Sivakumaran, pp. 265–267; see also pp. 257–258 for examples of conflicts in which violence against men took place. See also Sassòli, p. 283, para. 8.135.

<sup>37</sup> According to the 2002 ICC Elements of Crimes, mutilation consists ‘in particular’ of ‘permanently disfiguring the person or persons’ or ‘permanently disabling or removing an organ or appendage.’

<sup>38</sup> ICRC Study on Customary International Humanitarian Law (2005), Rule 92. (Exception Mutilation may be justified only on strict medical grounds, namely if it is conducive to improving the state of health of the person concerned, such as through the amputation of a gangrenous limb. A clear formulation of this exception is found in Article 13(1), according to which ‘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).

<sup>39</sup> Belligerent reprisals are measures taken in the context of an international armed conflict by a Party in reaction to a violation of international humanitarian law by an adversary.

suspension or termination of a treaty in case of material breach<sup>40</sup> of the treaty by a State Party ‘do not apply to provisions relating to the protection of the human person contained in treaties of a humanitarian character, in particular to provisions prohibiting any form of reprisals against persons protected by such treaties’.<sup>41</sup> This article does not apply retroactively to Article 13 of the Third Convention. However, the object of this provision is a clear reaffirmation of the prohibition of reprisals against protected persons in all circumstances and the non-opposability of the suspension or termination of the treaty in case of a material breach.<sup>42</sup> The prohibition contained in Article 13 being absolute, it is clear that a material breach of the Geneva Conventions might lead a State to denounce them, but does not give them the right to direct reprisals against prisoners of war. Among the numerous instances of ill-treatment of prisoners of war in conflicts since 1949, in violation of Article 13,<sup>43</sup> many amounted to retaliation or revenge for similar conduct carried out by the other Party towards its prisoners, rather than reprisals. Such acts cannot be deemed reprisals as they were carried out for the purpose of revenge or punishment, and not with the aim of putting an end to a violation and inducing the adversary to comply with the law.

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<sup>40</sup> A material breach of a treaty is ‘the violation of a provision essential to the accomplishment of the object or purpose of the treaty’; Vienna Convention on the Law of Treaties (1969), Article 60(3).

<sup>41</sup> Article 60(5). Vienna Convention on the Law of Treaties.

<sup>42</sup> See the proposal made by Switzerland and the motivation behind the inclusion of Article 60(5), *Official Records of the United Nations Conference on the Law of Treaties*, First Session, UN Doc. A/CONF.39/C.1/SR.61, in particular pp. 354–359.

<sup>43</sup> For a statistical analysis presenting the frequency of retaliations against prisoners of war, see Wallace, in particular pp. 84–90, who argues that retaliations against prisoners of war occurred frequently in the post-1949 period

## **PART 5**

### **4.0 A COMPARATIVE ANALYSIS OF VARIOUS JURISDICTIONS IN RELATION TO THE STATUS OF PRISONERS OF YESTERDAY AND TODAY.**

As of 2024, the situation for prisoners of war (POWs) in the Russia-Ukraine conflict remains dire, marked by serious allegations of abuse and violations of international law.

Ukrainian POWs have reported being subjected to torture, inhumane treatment, and inadequate living conditions in Russian detention facilities. Instances of physical abuse, such as beatings and the use of electric shocks, as well as threats of rape, have been documented. These conditions have led to severe physical and mental trauma for the detainees<sup>44</sup> despite these challenges; there have been some positive developments. For instance, a significant exchange of prisoners took place in early January 2024, facilitated by the United Arab Emirates, in which 230 Ukrainian and 248 Russian POWs were swapped. This exchange was the largest since the beginning of the full-scale invasion by Russia in February 2022 and was welcomed by the United Nations as a hopeful step towards further de-escalation and potential future exchanges.<sup>45</sup>

The treatment of POWs is governed by the Third Geneva Convention, which mandates humane treatment and prohibits prosecution for acts of war that are not war crimes. However, reports indicate that some Ukrainian POWs, particularly members of the Azov Brigade, have been subjected to sham trials and prosecutions by Russian authorities, which is a violation of these protections<sup>46</sup>

Overall, while there are efforts to improve the situation through prisoner exchanges and international scrutiny, the conditions for many POWs in this conflict remain harsh and fraught with violations of international humanitarian law<sup>47</sup>.

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<sup>44</sup> <<https://news.un.org/en/story/2024/03/1147611>> (Retrieved on the 15<sup>th</sup> July 2024)

<sup>45</sup> <<https://press.un.org/en/2024/sgsm22102.doc.htm>> (Retrieved on the 15<sup>th</sup> July 2024)

<sup>46</sup> <<https://www.hrw.org/news/2023/07/06/russias-sham-trial-ukrainian-prisoners-war>> (Retrieved on the 15<sup>th</sup> July 2024)

<sup>47</sup> <<https://www.icrc.org/en/war-and-law/protected-persons/prisoners-war-detainees>> (Retrieved on the 15<sup>th</sup> July 2024)



As of May 27 and 28, 2024, the status of prisoners of war (POWs) in various conflicts remains dynamic and complex.

### **Russia-Ukraine Conflict**

In the ongoing war between Russia and Ukraine, the situation of POWs continues to be a significant issue. Both sides have conducted numerous exchanges of prisoners over the past few months. Recently, Russia and Ukraine completed a prisoner exchange on May 27, involving over 200 soldiers from both sides. This exchange is part of ongoing efforts to negotiate and release detained military personnel amid the protracted conflict.<sup>48</sup>

### **Israel-Palestine Conflict**

In the Gaza Strip, the situation involving hostages and POWs is tense. Hamas has been holding several Israeli hostages and has recently rejected a US-proposed ceasefire and hostage-for-prisoner exchange deal. Hamas demands new concessions from Israel, including the release of more Palestinian prisoners held under life sentences.<sup>49</sup> This ongoing negotiation reflects the broader instability and continuous conflict in the region.

### **Broader Middle Eastern Conflicts**

In Yemen, where a complex civil war involving multiple factions continues, there have been recent reports of POW exchanges facilitated by international organizations. These efforts aim to alleviate some of the humanitarian crises stemming from the prolonged conflict.

### **General Overview**

The status of POWs in other conflicts, such as those in Myanmar, Syria, and various parts of Africa, remains fraught with challenges. Human rights organizations and international bodies

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<sup>48</sup> <<https://worldpopulationreview.com/country-rankings/countries-currently-at-war>> (Retrieved on the 15<sup>th</sup> July 2024)

<sup>49</sup> <<https://www.understandingwar.org/backgrounder/iran-update-april-18-2024>> (Retrieved on the 15<sup>th</sup> July 2024)

are continually working to address the legal and humanitarian needs of these prisoners, though progress is often slow due to the complexities of these conflicts.<sup>50</sup>

For more detailed and up-to-date information, it's advisable to follow reports from reliable news sources and international organizations actively monitoring these conflicts.

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<sup>50</sup> *Ibid*

## PART 6

### FINDINGS, RECOMMENDATION AND CONCLUSION

#### FINDINGS

A thorough examination of the rights of POWs now encompasses various elements, including legal principles, procedural safeguards, and practical considerations. Here are some key findings on POWs:

1. Individuals who fall into the hands of the enemy during an armed conflict are protected under humanitarian law. If the individual is a combatant, he or she is accorded protection as a prisoner of war. **If the individual is a civilian, he or she is protected as such.**<sup>51</sup>
2. The obligation laid down in Article 13(1) applies ‘at all times’. The phrase ‘at all times’ indicates that humane treatment of prisoners of war is a continuous obligation that applies for the entire period of time that the prisoners are in the power of the enemy. International case law confirms that, consistent with Article 5(1), the obligation to treat prisoners of war humanely and to protect them ‘applies from the time they fall into the power of the enemy until their final release and repatriation.
3. This obligation in findings 1 (one) is especially apposite at the beginning of captivity and during questioning, when prisoners are in a particularly vulnerable position.
4. Since the Second World War, it has become universally accepted that military necessity may not be invoked to override rules of humanitarian law unless specifically provided for. The obligation of humane treatment in Article 13 is not subject to any explicit qualification based on military necessity. Military necessity arguments therefore do not justify acts or omissions inconsistent with the requirement of humane treatment.
5. The second sentence of Article 13(1) is a direct correlative of the obligation to treat prisoners of war humanely. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner is prohibited and will be regarded as a serious breach of the Convention.
6. ICRC delegates have observed that where violence and abuse in prisoner-of-war camps occurs, it is usually systemic and institutionalized and not sporadic. The abuses are mostly perpetrated by camp guards, but outsiders are sometimes allowed in by the camp authorities and engage in such acts.

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<sup>51</sup> This position was corroborated by **Dr. Asika Karibi-Whyte** in one of her pocket lecture in an LLM class in University of Lagos in 2024.

7. Medical officers have themselves been responsible for violating this provision by causing the death or seriously endangering the health of a prisoner through unnecessary medical procedures aimed at causing harm to the prisoner.
8. Enhancing legal literacy among the general population, including vulnerable groups, is crucial for empowering individuals to understand their rights and obligations in legal proceedings. Governments, legal institutions, and civil society organizations should invest in legal education programs, workshops, and outreach initiatives to raise awareness about POWs Rights.

## RECOMMENDATION

1. Prisoners of war must at all times be **humanely treated**. 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, and will be regarded as a serious breach of the present Convention.
2. **Prisoners of war are** also supposed to be allowed to receive and send mail as well as receive parcels of a humanitarian nature from the Red Cross or similar organization.

## CONCLUSION

Article 13 serves to ensure that all prisoners of war are treated humanely from the moment they fall into the power of the enemy until their final release and repatriation.<sup>52</sup> The obligation of humane treatment is the cornerstone of the protection conferred by the four Geneva Conventions.<sup>53</sup> The specific prohibitions under Article 13(1) derive from the obligation. It is further reflected in many of the provisions of the Third Convention that deal with the treatment during captivity and conditions of internment of prisoners of war.<sup>54</sup>

As a correlative of the obligation to treat all prisoners of war humanely, Article 13(2) comprises an obligation on the Detaining Power to protect prisoners of war at all times, in particular against acts of violence or intimidation and against insults and public curiosity. This obligation

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*Commentary on the Fourth Geneva Convention*, ICRC, 1958, p. 204 (humane treatment 'is in truth the leitmotiv of the four Geneva Conventions'). *Commentary on the Fourth Geneva Convention*, ICRC, 1958, p. 204 (humane treatment 'is in truth the leitmotiv of the four Geneva Conventions').

<sup>52</sup> For the temporal scope of application of the Third Convention, see Article 5(1).

41. Obiter of Solagbade Oluwole, Esq.

<sup>54</sup> See, in particular, Articles 25–38.

involves protecting them from any physical or psychological abuse or threat thereof, and encompasses a prohibition on humiliating them, in particular by way of insults or exposure to public curiosity. Protection from public curiosity has gained particular relevance in the recent past owing to the rapid developments in communication technology and the growing involvement of mass media in the coverage of armed conflicts, together with the ubiquity of social media as a means of distributing both images and comment.

Article 121 complements Article 13, by adding a procedural safeguard that requires the Detaining Power to open an official enquiry as soon as the death or serious injury of a prisoner of war is caused or suspected to have been caused by a sentry, a prisoner of war or any other person. The last paragraph of Article 13 prohibits the taking of belligerent reprisals against prisoners of war.<sup>55</sup> While reprisals by a Party to a conflict in response to a violation of international humanitarian law by an adversary are not unlawful as such, Article 13(3) makes clear that such measures may not be directed against prisoners of war.<sup>56</sup>

Serious breaches of the Convention. The obligation to protect prisoners of war against acts of violence, intimidation, insults and public curiosity was further strengthened by being placed in a separate paragraph. During the Diplomatic Conference in 1949, the examples added to the fundamental principle of humane treatment in the second and third sentences of Article 13(1) were the subject of lengthy discussion. While some delegates noted that it gave a rule greater force to merely state its fundamental principle, others were concerned that the wording was not sufficiently imperative.

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<sup>55</sup> Hereinafter, 'belligerent reprisal' is referred to simply as 'reprisal'. For a definition of the term 'reprisal' and regarding the concept of reprisal measures under international law, see section E.1. For the applicability of this concept in non-international armed conflict, see the commentary on Article 3, section M.6.

<sup>56</sup> The prohibition of reprisals against protected persons can be found in all four Conventions; see First Convention (Article 46); Second Convention (Article 47); and Fourth Convention (Article 33(3)).

## BIBLIOGRAPHY

### BOOKS/CHAPTERS IN BOOK

1. HELEN DURHAM AND TRACEY GURD, 'THE IMPACT OF ARMED CONFLICT ON WOMEN', IN (EDS), *LISTENING TO THE SILENCES: WOMEN AND WAR*, MARTINUS NIJHOFF PUBLISHERS, LEIDEN, 2005, PP. 21–35.
2. VIOLATIONS OF COMMON ARTICLE 3', IN ROY S. LEE (ED.), *THE INTERNATIONAL CRIMINAL COURT: ELEMENTS OF CRIMES AND RULES OF PROCEDURE AND EVIDENCE*, TRANSNATIONAL PUBLISHERS, 2001, PP. 207–213.
3. BRAMMERTZ, SERGE AND JARVIS, MICHELLE (EDS), *PROSECUTING CONFLICT-RELATED SEXUAL VIOLENCE AT THE ICTY*, OXFORD UNIVERSITY PRESS, 2016.
4. CHANGING PRISONS BY J. E. WILLIAMS, (1975), PUBLISHED BY PETER OWEN LIMITED.
5. CONSTITUTIONAL RIGHTS OF PRISONERS BY JOHN W. PALMER (1973), BY W.H. ANDERSON COMPANY.
6. DÖRMANN, KNUT AND COLASSIS, LAURENT, 'INTERNATIONAL HUMANITARIAN LAW IN THE IRAQ CONFLICT', *GERMAN YEARBOOK OF INTERNATIONAL LAW*, VOL. 47, 2004, PP. 293–342, AT 334–337.
7. DÖRMANN, KNUT, *ELEMENTS OF WAR CRIMES UNDER THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT: SOURCES AND COMMENTARY*, CAMBRIDGE UNIVERSITY PRESS, 2003.
8. DÖRMANN, KNUT, *ELEMENTS OF WAR CRIMES UNDER THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT: SOURCES AND COMMENTARY*, CAMBRIDGE UNIVERSITY PRESS, 2003.
9. DOSWALD-BECK, LOUISE, *HUMAN RIGHTS IN TIMES OF CONFLICT AND TERRORISM*, OXFORD UNIVERSITY PRESS, 2011, PP. 194–227.
10. EVANS, MALCOLM, 'GETTING TO GRIPS WITH TORTURE', IN *THE DEFINITION OF TORTURE: PROCEEDINGS OF AN EXPERT SEMINAR*, ASSOCIATION FOR THE PREVENTION OF TORTURE, GENEVA, 2001, PP. 33–49.
11. GLOVER, JONATHAN, *HUMANITY, A MORAL HISTORY OF THE TWENTIETH CENTURY*, PIMLICO, LONDON, 2001.
12. GOWLLAND-DEBBAS, VERA, 'THE RIGHT TO LIFE AND THE RELATIONSHIP BETWEEN HUMAN RIGHTS AND HUMANITARIAN LAW', IN CHRISTIAN TOMUSCHAT, EVELYNE LAGRANGE AND STEFAN OETER (EDS), *THE RIGHT TO LIFE*, MARTINUS NIJHOFF PUBLISHERS, LEIDEN, 2010, PP. 121–150.
13. HARRIS, SHELDON H., 'MEDICAL EXPERIMENTS ON POWS', IN ROY GUTMAN, DAVID RIEFF AND ANTHONY DWORKIN (EDS), *CRIMES OF WAR: WHAT THE PUBLIC SHOULD KNOW*, 2ND EDITION, W.W. NORTON & COMPANY, NEW YORK, 2007, P. 287.
14. HENCKAERTS, JEAN-MARIE AND DOSWALD-BECK, LOUISE (EDS), *CUSTOMARY INTERNATIONAL HUMANITARIAN LAW, VOLUME I: RULES*, CAMBRIDGE UNIVERSITY PRESS, 2005, RULES 92 AND 113.
15. HENCKAERTS, JEAN-MARIE AND DOSWALD-BECK, LOUISE, *CUSTOMARY INTERNATIONAL HUMANITARIAN LAW, VOLUME I: RULES*, CAMBRIDGE UNIVERSITY PRESS, 2005..
16. KALSHOVEN, FRITS AND ZEGVELD, LIESBETH, *CONSTRAINTS ON THE WAGING OF WAR: AN INTRODUCTION TO INTERNATIONAL HUMANITARIAN LAW*, 4TH EDITION, ICRC/CAMBRIDGE UNIVERSITY PRESS, 2011.
17. KLEFFNER, JANN K., 'PROTECTION OF THE WOUNDED, SICK, AND SHIPWRECKED', IN DIETER FLECK (ED.), *THE HANDBOOK OF INTERNATIONAL HUMANITARIAN LAW*, 3RD EDITION, OXFORD UNIVERSITY PRESS, 2013, PP. 321–357.
18. KRÄHENMANN, SANDRA, 'PROTECTION OF PRISONERS IN ARMED CONFLICT', IN DIETER FLECK (ED.), *THE HANDBOOK OF INTERNATIONAL HUMANITARIAN LAW*, 3RD EDITION, OXFORD UNIVERSITY PRESS, 2013, PP. 359–411.
19. LA HAYE, EVE, 'MUTILATION AND MEDICAL OR SCIENTIFIC EXPERIMENTS: ARTICLE 8(2)(B)(X) AND 'VIOLENCE TO LIFE AND PERSON, IN PARTICULAR MURDER OF ALL KINDS, MUTILATION, CRUEL TREATMENT AND TORTURE: ARTICLE 8(2)(C)(I)', IN ROY S. LEE (ED.), *THE INTERNATIONAL CRIMINAL COURT: ELEMENTS OF CRIMES AND RULES OF PROCEDURE AND EVIDENCE*, TRANSNATIONAL PUBLISHERS, 2001, PP. 164–165 AND 208–210.
20. LEVIE, HOWARD S., *PRISONERS OF WAR IN INTERNATIONAL ARMED CONFLICTS*, INTERNATIONAL LAW STUDIES, U.S. NAVAL WAR COLLEGE, VOL. 59, 1978.

21. LINDSEY, CHARLOTTE, *WOMEN FACING WAR: ICRC STUDY ON THE IMPACT OF ARMED CONFLICT ON WOMEN*, ICRC, GENEVA, 2001.
22. LIVING IN PRISON BY HANS TOCH, (1977), MACMILLIAN PUBLISHING CO. INC.
23. METTRAUX, GUÉNAËL, *INTERNATIONAL CRIMES AND THE AD HOC TRIBUNALS*, OXFORD UNIVERSITY PRESS, 2005.
24. MOIR, LINDSAY, *THE LAW OF INTERNAL ARMED CONFLICT*, CAMBRIDGE UNIVERSITY PRESS, 2002.
25. NOWAK, MANFRED AND JANIK, RALPH R.A., 'TORTURE, CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT', IN ANDREW CLAPHAM, PAOLA GAETA AND MARCO SASSÒLI (EDS), *THE 1949 GENEVA CONVENTIONS: A COMMENTARY*, OXFORD UNIVERSITY PRESS, 2015, PP. 317–342.
26. NOWAK, MANFRED, *U.N. COVENANT ON CIVIL AND POLITICAL RIGHTS, CCPR COMMENTARY*, 2ND REVISED EDITION, N.P. ENGEL, KEHL AM RHEIN, 2005.
27. O'CONNELL, MARY ELLEN, 'HISTORICAL DEVELOPMENT AND LEGAL BASIS', IN DIETER FLECK (ED.), *THE HANDBOOK OF INTERNATIONAL HUMANITARIAN LAW*, 3RD EDITION, OXFORD UNIVERSITY PRESS, 2013, PP. 1–42.
28. PRISON DECONGESTION OUR RESPONSIBILITY BY A.A. SANDA.(2007), PRINTED BY GOLDEN WALLET PRESS, IBADAN.
29. PROTECTION OF WAR VICTIMS VOL. IV BY HOWARD S. LEVIE (1981), USA.
30. PUNISHMENT AND MADNESS GOVERNING PRISONERS WITH MENTAL HEALTH PROBLEMS BY TOBY SEDDON, (2007), USA.
31. RODLEY, NIGEL S. AND POLLARD, MATT, *THE TREATMENT OF PRISONERS UNDER INTERNATIONAL LAW*, 3RD EDITION, OXFORD UNIVERSITY PRESS, 2009.
32. ROGERS, A.P.V., *LAW ON THE BATTLEFIELD*, 3RD EDITION, MANCHESTER UNIVERSITY PRESS, 2012.
33. RONA, GABOR AND MCGUIRE, ROBERT J., 'THE PRINCIPLE OF NON-DISCRIMINATION', IN ANDREW CLAPHAM, PAOLA GAETA AND MARCO SASSÒLI (EDS), *THE 1949 GENEVA CONVENTIONS: A COMMENTARY*, OXFORD UNIVERSITY PRESS, 2015, PP. 191–205.
34. SANNA, SILVIA, 'INTERNATIONAL HUMANITARIAN LAW AND THE TREATMENT OF PROTECTED PERSONS', IN ANDREA DE GUTTRY, HARRY H.G. POST, GABRIELLA VENTURINI (EDS), *THE 1998-2000 WAR BETWEEN ERITREA AND ETHIOPIA: AN INTERNATIONAL LEGAL PERSPECTIVE*, T.M.C. ASSER PRESS, THE HAGUE, 2009, PP. 307–339.
35. SANNA, SILVIA, 'TREATMENT OF PRISONERS OF WAR', IN ANDREW CLAPHAM, PAOLA GAETA AND MARCO SASSÒLI (EDS), *THE 1949 GENEVA CONVENTIONS: A COMMENTARY*, OXFORD UNIVERSITY PRESS, 2015, PP. 977–1012.
36. SASSÒLI, MARCO, *INTERNATIONAL HUMANITARIAN LAW: RULES, CONTROVERSIES, AND SOLUTIONS TO PROBLEMS ARISING IN WARFARE*, EDWARD ELGAR PUBLISHING, CHELTENHAM, 2019.
37. THE LAW OF CORRECTIONS AND PRISONERS RIGHTS, CASES AND MATERIALS BY SHELDON KRANTZ, (1973) WEST PUBLISHING CO.
38. THE RIGHTS OF CONVICTS BY HERBERT IRA HANDMAN (1932), PRINTED IN THE UNITED STATE OF AMERICA.
39. THE WAR LORDS BY A.J.P TAYLOR (1977), PUBLISHED IN GREAT BRITAIN BY HAMISH HAMILTON.
40. VISEUR SELLERS, PATRICIA AND ROSENTHAL, INDIRA, 'RAPE AND OTHER SEXUAL VIOLENCE', IN ANDREW CLAPHAM, PAOLA GAETA AND MARCO SASSÒLI (EDS), *THE 1949 GENEVA CONVENTIONS: A COMMENTARY*, OXFORD UNIVERSITY PRESS, 2015, PP. 343–368.
41. ZIMMERMANN, ANDREAS, 'MUTILATION', IN OTTO TRIFTERER (ED.), *COMMENTARY ON THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT OBSERVERS' NOTES, ARTICLE BY ARTICLE*, 2ND EDITION, HART PUBLISHING, OXFORD, 2008, PP. 380–383, 489–490 AND 499.

## JOURNALS

1. TSUCHIYA, TAKASHI, 'WHY JAPANESE DOCTORS PERFORMED HUMAN EXPERIMENTS IN CHINA IN 1933–1945', *EUBIOS JOURNAL OF ASIAN AND INTERNATIONAL BIOETHICS*, VOL. 10, NO. 6, NOVEMBER 2000, PP. 179–180.
2. SIVAKUMARAN, SANDESH, 'SEXUAL VIOLENCE AGAINST MEN IN ARMED CONFLICT', *EUROPEAN JOURNAL OF INTERNATIONAL LAW*, VOL. 18, NO. 2, 2007, PP. 253–276.
3. RÖLING, B.V.A. AND RÜTER, C.F., *THE TOKYO JUDGMENT: THE INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST (I.M.T.F.E.), 29 APRIL 1946–12 NOVEMBER 1948*, 2 VOLUMES, UNIVERSITY PRESS, AMSTERDAM, 1977.
4. NOWAK, MANFRED, 'CHALLENGES TO THE ABSOLUTE NATURE OF THE PROHIBITION OF TORTURE AND ILL-TREATMENT', *NETHERLANDS QUARTERLY OF HUMAN RIGHTS*, VOL. 23, NO. 4, 2005, PP. 674–688.
5. GASSER, HANS-PETER, 'THE SIXTH ANNUAL AMERICAN RED CROSS-WASHINGTON COLLEGE OF LAW CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW: A WORKSHOP ON CUSTOMARY INTERNATIONAL LAW AND THE 1977 PROTOCOLS ADDITIONAL TO THE 1949 GENEVA CONVENTIONS; REMARKS OF HANS-PETER GASSER', *AMERICAN UNIVERSITY JOURNAL OF INTERNATIONAL LAW AND POLICY*, VOL. 2, NO. 2, 1987, PP. 415–538, AT 477–481.
6. WHAT PRACTICES CONSTITUTE TORTURE? US AND UN STANDARDS', *HUMAN RIGHTS QUARTERLY*, VOL. 28, NO. 4, 2006, PP. 809–841.
7. HAERI, MEDINA AND PUECHGUIRBAL, NADINE, 'FROM HELPLESSNESS TO AGENCY: EXAMINING THE PLURALITY OF WOMEN'S EXPERIENCES IN ARMED CONFLICT', *INTERNATIONAL REVIEW OF THE RED CROSS*, VOL. 92, NO. 877, MARCH 2010, PP. 103–122.
8. REYES, HERNÁN, 'THE WORST SCARS ARE IN THE MIND: PSYCHOLOGICAL TORTURE', *INTERNATIONAL REVIEW OF THE RED CROSS*, VOL. 89, NO. 867, SEPTEMBER 2007, PP. 591–617.
9. PINZAUTI, GIULIA, 'PROTECTING PRISONERS OF WAR: THE MRKŠIĆ ET AL. APPEAL JUDGMENT', *JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE*, VOL. 8, NO. 1, 2010, PP. 199–219.
10. DOSWALD-BECK, LOUISE, 'THE RIGHT TO LIFE IN ARMED CONFLICT: DOES INTERNATIONAL HUMANITARIAN LAW PROVIDE ALL THE ANSWERS?', *INTERNATIONAL REVIEW OF THE RED CROSS*, VOL. 88, NO. 864, DECEMBER 2006, PP. 881–904.
11. DROEGE, CORDULA, "'IN TRUTH THE LEITMOTIV": THE PROHIBITION OF TORTURE AND OTHER FORMS OF ILL-TREATMENT IN INTERNATIONAL HUMANITARIAN LAW', *INTERNATIONAL REVIEW OF THE RED CROSS*, VOL. 89, NO. 867, SEPTEMBER 2007, PP. 515–541.

## ONLINE SOURCES:

1. <https://guide-humanitarian-law.org/content/article/3/prisoners-of-war/>.
2. <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/380?OpenDocument>
3. <https://ihl-databases.icrc.org/en/ihl-treaties/gcii-1949/article-13/commentary/2020>
4. <https://news.un.org/en/story/2024/03/1147611>
5. <https://press.un.org/en/2024/sgsm22102.doc.htm>
6. <https://worldpopulationreview.com/country-rankings/countries-currently-at-war>
7. <https://www.google.com/search?client=firefox-b-e&q=suitable+recomendation+on+the+status+of+the+prisoners+of+war+in+>
8. [https://www.google.com/search?client=firefox-b-e&sca\\_esv=c03bf29a755b9ec4&sca\\_upv=1&q=Can+civilians+be+prisoners+of+war&sa=X&ved=2ahUKEwjIjMCnuqHAXWeU0EAHfDHBByMQ1QJ6BAg1EAE](https://www.google.com/search?client=firefox-b-e&sca_esv=c03bf29a755b9ec4&sca_upv=1&q=Can+civilians+be+prisoners+of+war&sa=X&ved=2ahUKEwjIjMCnuqHAXWeU0EAHfDHBByMQ1QJ6BAg1EAE).
9. <https://www.hrw.org/news/2023/07/06/russias-sham-trial-ukrainian-prisoners-war>
10. <https://www.icrc.org/customary-ihl/eng/docs/v1>.
11. <https://www.icrc.org/customary-ihl/eng/docs/v1>.
12. [https://www.icrc.org/customary-ihl/eng/docs/v1\\_rul](https://www.icrc.org/customary-ihl/eng/docs/v1_rul).
13. <https://www.icrc.org/en/war-and-law/protected-persons/prisoners-war-detainees>



14. <https://www.nps.gov/ande/learn/historyculture/history-legal-status-pows.htm>.
15. <https://www.nps.gov/ande/learn/historyculture/history-legal-status-pows.html>.
16. <https://www.quora.com/What-can-be-done-to-ensure-that-prisoners-of-war-are-treated-properly-and-receive-the-necessary-s>.
17. <https://www.understandingwar.org/backgrounder/iran-update-april-18-2024>
18. <https://www.icrc.org/en/doc/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm>
19. <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/365?OpenDocument>
20. <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/370?OpenDocument>
21. <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/375?OpenDocument>
22. <https://www.nps.gov/ande/learn/historyculture/history-legal-status-pows.html>.

### **LIST OF STATUTES**

1. Additional Protocol I (1977): ICRC - Protocol Additional to the Geneva Conventions
2. Constitution of the Federal Republic of Nigeria, 1999 as amended.
3. Customary International Humanitarian Law: ICRC - Customary IHL Database
4. Geneva Conventions Act 1957 (UK): Legislation.gov.uk - Geneva Conventions Act
5. Rome Statutes.
6. Third Geneva Convention (1949): International Committee of the Red Cross (ICRC) - Third Geneva Convention
7. Uniform Code of Military Justice (UCMJ): Legal Information Institute - UCMJ