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The safety net of the prisoners of war with reference to the 3rd Geneva Convention' 1949: An overview

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Abstract

We know that war or conflict has been going on for long years ago on inland and international level. It is real fact that at the time of conflict or war manifold harmful and destructive acts are done for which the combatants and non-combatants may be fallen into great troublesome and heinous situation which is not acceptable from any point of view. At the time armed conflict any concerned person at warfare arena may be captured by other or enemy party who is regarded as war prisoner who also faces more terrible situation and for the protection of the war prisoners the Geneva Convention-3 was adopted where relevant guiding principles are available as regards the safeguard of the war prisoners at the warfare area.

Keywords: Safety net, prisoners of war, Geneva Convention-3

Introduction

It is observed that at the conflicting area one party may capture the area of other party and one party member may be kept under the incarceration of other party and the caught persons are measured as war prisoners at the warfare arena. It is actual fact that the imprisoned persons may be harassed in different ways at the war area which is really unfortunate. The war prisoners are incapable to participate in the war and as human beings they are entitled to be privileged to enjoy basic rights at the warfare area. In regard to the shield of the war prisoners the Geneva Convention-3 is more relevant. After proper discussion of the guidelines as stated in the Geneva Convention-3 it will be clear to us about the legal principles as to the safety net of the rights of the war prisoners at conflicting area.

Who are considered as prisoners of war?

- The person who is under enemy combatants and enemy territory is regarded as prisoner of war.
- The jurist namely Mr. Frits Kalshoven defined the prisoners of war as the combatants who fall into enemy hands are prisoners of war from the very moment of capture.
- According to Article-12 of this convention we can say that those who are under enemy hands are called as prisoners of war but sole person or a military unit is not considered as prisoners of war.

The main provisions in relation to the protection of the different enormous essential rights of war prisoners are stated categorically as below

1. Protection and care of war prisoners

- Article nos. 13 and 14 of this convention are connected with this.
- To ensure humane services to the war prisoners in all times and in all phases.
- Voluntary or intentional murder or homicide is strictly forbidden.
- Prohibition to inhuman actions against war prisoners.
- To do revengeful acts against war prisoners is also strongly barred.
- To give proper honor to war prisoners concerning their respective personalities and status etc.

2. Right to information of war prisoners

- Article 17 of this convention is linked with this.

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- To make sure the right to information of war prisoners.
- The authentic information concerning war prisoners, such as-name, status, birth date, army regimental no., serial no. and other information should be prepared properly and placed to proper authority.

3. Proper safety to the concerned camp, release as parole and carrying everyday expenditure of war prisoners

- Article nos. 15, 19, 21 of this convention are related with this.
- It is the obligation of both parties to keep free the camp of the war prisoners from any types of danger.
- Parole release may be ensured by both parties of war if it is necessity to the concerned affected war prisoners.
- Expenses related to the fulfillment of basic demands of war prisoners would be carried by the concerned parties of war.

4. Maintenance of camp and language of war prisoners:

- Article 41 of this convention is related with this.
- The camp of war prisoners is maintained by a commissioned officer.
- The concerned occupying authority or concerned party of the war should speak with war prisoners in the respective language of war prisoners.

5. To ensure good behavior to war prisoners and permanent release of war prisoners

- Article nos. 21, 109, 118 and 120 of this convention are associated with this.
- Inhuman behavior to war prisoners is restricted.
- Proper initiatives are taken by both parties of war for permanent release of war prisoners if it is required by concerned affected war prisoners.
- To give chance to the released war prisoners for leaving the occupying state and returning to their respective country.
- If it is possible, the dead bodies of the war prisoners may be sent to their own state.
- To give privileges to the concerned war prisoners to go to any perfect place for better treatment.
- It is ensured properly to less ill but more influential persons to leave the occupying state to go their personal country for playing vital role in the development of their respective home land.

6. Surety to fulfillment of basic needs or demands of war prisoners

- To give proper security to life of war prisoners.
- To make sure concerning fulfillment of basic demands of war prisoners, i.e., food, residence, cloth, treatment and religion etc.

7. To employ the war prisoners with the different jobs:

- Article nos. 49 and 50 of this convention are allied with this.
- Physically competent persons may be in employment.
- Commissioned officer may not be engaged with any types of jobs.
- Non-commissioned officer may only be in use for supervisory functions.
- Any war prisoner may not be busy or engaged for military purpose.

- Not to engage the war prisoners for metallic or machinery or chemical industry related works which are actually more injurious to human body.

8. Right to upholding of communication

- Article nos. 70, 71 and 72 of this convention are interrelated with this.
- To make sure to the war prisoners to maintain the proper communication with their relatives.
- To give opportunity to the concerned war prisoners to go to perfect hospital for better treatment of them.
- To provide proper privileges and advantages to the war prisoners to write letter to their respective relatives by using capture or postal card under the supervision of occupying state.
- To render proper safety to the war prisoners relating to the receipt of postal parcel or collective shipments, i.e., Red Cross Parcel.

9. Right to placement of complaint

- Article 78 of this convention is interconnected with this.
- The concerned affected war prisoners may place complaint to the proper authority regarding the nature of their actions and others and accordingly the located complaint should be resolved in proper way.

10. To ensure rule of law and neutral criminal judicial proceedings

- Article nos. 82 and 85 of this convention are correlated with this.
- War prisoners may take requisite lawful sanctuary (protection) under laws of war, regulations, orders and rules of war.
- Occupying state should behave with war prisoners subject to proper protection of law.
- The laws of war should be maintained properly by both parties of war and it is more important for both parties of war to give perfect honor to the laws of war.
- The trial should be maintained by considering the laws of war.
- To give opportunity to the concerned affected war prisoners to defend.
- Trial should be held in a good, free, fair, neutral environment and it should be considered as open trial.

Conclusion

As concluded remark, we can say that the main focus of the 3rd Geneva Convention' 1949 is the protection of the different rights of war prisoners in war time and the 3rd Geneva Convention mainly deals the prohibition of inhuman actions against war prisoners, the prohibition of intentional homicide against war prisoners, proper security to life, maintenance of neutral criminal judicial proceedings etc. We know that in war time war prisoners are really helpless people and in danger period war prisoners face more bothersome which is evidenced by different prison i.e., Guantanamo bay of war prisoners of the contemporary world. Besides, UNO (United Nations Organization) and ICRC may play vital role in protecting the rights of war prisoners and promoting the guidelines as mentioned in the Geneva Convention-3. In addition, it can be said that in maximum cases different developed and influential state of

the world does not properly maintain the provisions of this convention and my opinion is that every concerned state should follow the above-mentioned provisions in the war time and we also know that war prisoners are considered men and it is the moral obligation of both parties of war to pay proper respect to the war prisoners and to execute properly the different concerned provisions of this convention in relation to the protection of the war prisoners and accordingly proper preservation of the laws of this convention the world will be more peaceful and my expectation is also like that.

References

1. Geneva Convention Relative to the Treatment of Prisoners of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 135.
2. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 3.
3. Kalshoven F, Zegveld L. Constraints on the Waging of War: An Introduction to International Humanitarian Law. 4th ed. Cambridge University Press; 2011.
4. Melzer N. International Humanitarian Law: A Comprehensive Introduction. International Committee of the Red Cross; 2016.
5. International Committee of the Red Cross. Commentary on the Third Geneva Convention: Convention (III) Relative to the Treatment of Prisoners of War. ICRC; 2020.
6. Salman HA, Ismail SM, Nordin R. Prisoners of War: Classification and Legal Protection under International Humanitarian Law. UUM Journal of Legal Studies. 2023;14(2):677-700.
7. International Committee of the Red Cross. Prisoners of War and Detainees Protected under International Humanitarian Law. ICRC; 2020.
8. Kolb R. Ius in Bello: The Conduct of Hostilities in International Humanitarian Law. Helbing Lichtenhahn; 2010.
9. International Committee of the Red Cross. Commentary on the Geneva Conventions of 12 August 1949. Volume III. ICRC; 1960.
10. International Committee of the Red Cross. Geneva Convention (III) on Prisoners of War, 1949. ICRC; 1949.