

## **The Legal System for the Protection of War Prisoners in International Humanitarian Law**

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### **INTRODUCTION**

The captives were treated badly. They killed, tortured, and made fun of work and service. They were closer to the status of slaves, as their captivity was a punishment for them, so they did not enjoy the most basic of their rights. Then he took humanitarian considerations show some governments gradually P t m holding friendship between America and Russia treaty that was signed in 1785 as under which decided the treatment of prisoners humanely, and in the year ,1874 the Conference of Brussels, a draft convention on prisoners but did not write them acknowledge until the conference The Hague in 1899 and 1907 emphasized the humane treatment of prisoners. When the First World War broke out in ,1914 The countries revealed the existence of loopholes in the texts of the two conventions, as representatives of forty-seven countries met at the request of the Swiss government in order to fill the gaps that appeared in the two Hague Conventions, one of them related to the treatment of wounded and

sick soldiers who fall into captivity and it consisted of forty -nine articles and after the signing of the Geneva Convention In July 1929 and put into operation. When broke out war , the second world in 1939 the need for further measures that have emerged regarding the treatment of prisoners of war and to protect them as a result Summarize No .international conventions The Swiss government was held by the Diplomatic Conference in Geneva on / 21 April to / 12 in August 1949 and resulted in the conference four agreements which called the Geneva Conventions the four which , including the third Geneva Convention relative to the treatment of prisoners of war , which included the most important provisions that provide respect and protection of prisoners of war during armed conflicts and to ensure the protection of the best of the prisoners and combatants and civilians by commercial countries . the result was adding two protocols to the Geneva conventions of 1949 and in the year 1977 as regard to the Protocol first to protect the victims of our international armed Zat Protocol II Vijts protection of victims of aphids Azat non - international armed.

In order to show the protection that prisoners of war enjoy; we have divided the subject of our research (the legal system for the protection of prisoners of war in international humanitarian law) into three sections.

**The first topic :Introducing prisoners of war**

**The second topic :Persons who are described as prisoners of war**

**The third topic : Legal protection for prisoners of war**

**The first topic**

**Introducing prisoners of war**

Captivity has existed since wars existed , and it is a natural result of them , and man has resorted to wars since ancient times , and it is the most dangerous means of resolving conflict between the quarreling countries<sup>11</sup>.

As the issue of prisoners is considered as one of the inevitable results of war , the prisoners were killed, slaughtered, mutilated, and their meat was eaten in the era of the first barbarism by paying revenge and eliminating the opponent. vented feed and terrorism for their people , and then saw mostly to benefit from the prisoner and became the prisoner p appeared for the victor and part of his luggage , and such as Christianity and the emergence in the early days became the redemption of prisoners and exchanges in the familiar wars and circumstances in the Middle Ages have changed and changed the treatment of prisoners and began the treatment of prisoners is improving , and the religious teachings of the impact of this improvement in the Islamic religion acknowledged the humane treatment of prisoners of war<sup>12</sup> .

With the collective effort of the international community, the war became a battle between two armies, and the human spirit in the war emerged clearly through treaties between states, and a kind of real international customary law emerged, which requires the preservation of the life of a prisoner of war<sup>13</sup> .

To determine the concept of war prisoners , we will divide this section into two demands we will discuss in the first requirement definition of prisoners of war , and we divided this requirement to have fled the eye we will discuss in the first section definition of prisoners of war language either in section II Fsntnol the definition of prisoners of war in international humanitarian law and order n select the definition of prisoners of war With some accuracy, we will deal in the second requirement to distinguish prisoners of war from similar concepts, and we will divide this requirement into two sections. The first section will be to distinguish prisoners of war from detainees, and the second section will be about distinguishing prisoners of war from prisoners.

**The first requirement**

**Definition of prisoners of war**

There is a lot of talk about protected persons and groups during armed conflicts . It has been defined by international humanitarian law applied to these conflicts and read the principle of respect and protection , and is a prisoner of war among these groups , which are protected under the provisions of international humanitarian law<sup>14</sup> .

It is a phenomenon inherent in families of all wars , old and new , e y can be said that the Atakhlu war without incurring the prisoners , families Palmqatl system is associated with it must be certain conditions

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Palmaqtl available even applies to him and a row prisoner of war to enjoy the protection established under international conventions that ensured Protection for the captive from the moment he falls into captivity) [15\]](#) (.

It addressed the Convention Third Geneva on the treatment of prisoners of war in .1949 The conditions that a combatant must fulfill to enjoy the status of a prisoner of war in Article )4( paragraph ,)2( which are the same conditions dealt with in the Regulations Concerning the Laws and Customs of War on Land at The Hague for the year .1907 As stipulated in The Hague Regulations on the n members of the regular forces and the army in general , they have the right to combatant status and militia elements volunteer corps where the following conditions are met) [16\]](#) ( :

- 1- To be headed by a person responsible for his subordinates.
- 2- To have a fixed distinctive badge that can be recognized from a distance.
- 3- To carry weapons openly.
- 4-To comply in its operations with the laws and customs of war.

The status of combatants also granted to the population of land is suggested to him who carry arms on their own when approaching the enemy to resist the invading forces in the gift of a mass Aonver year , provided that Ihamlo arms and visibly Ihtermu laws and customs of war) [17\]](#) ( \_

After we explained that the fighter is the one who enjoys the description of a prisoner of war after he enjoys the description of a prisoner of war, he is only the fighter, as there are other categories other than fighters who enjoy the description of a prisoner of war and this will be the focus of our research in the second topic, but the goal of the fighter's statement is so that we can define a prisoner of war Therefore, we will divide this requirement into two sections. In the first section, we will deal with the definition of prisoners of war in language, while the second section will deal with the definition of prisoners of war in international humanitarian law.

### **First branch**

#### **Definition of prisoners of war**

Prisoners are the plural of captives , and the captive is the one who is taken , bound, and imprisoned) [18\]](#)( .

Meaning families tongue : is the tensile thing , and Ellasar Mcharbh , and Hoagayd, and be a mountain Alctav, and called him captive, and Kano Ahdouna enrollment ) [19\]](#) ( . So every Akhith is called a prisoner, even if he is not held tight to him) [110\]](#)).

And he says that the perspective : the prisoner is the prisoner and his origin is from that, and everyone who is imprisoned in a chain or prison is a prisoner.) [111\]](#)(

And the captive is every prisoner imprisoned in a captive or prison prison , and the plural is captives or captives and captives, and it is said that every track of the enemy is : captive because taking it is secured from him by captivity, and it is the cuff so that he does not escape. He is arrested and strangled) [112\]](#).

## **second branch**

### **Definition of prisoners of war in international humanitarian law**

Although the various international instruments shown interest in the category of prisoners of war and inflicted within the categories of persons who are victims of armed conflicts that require special protection, but the mediator in those instruments notes free of any definition of the term prisoners of war, perhaps due this is the large number of situations in which it has a person of armed conflict time and prove to him under the legal status of a prisoner of war, and this is reflected on the text of Article 4( of the third Geneva Convention on the treatment of prisoners of war of , 1949 which did not include a definition of a prisoner of war but positions prove which person status a prisoner of war.

Prisoners of war were defined as persons who were temporarily captured by the enemy in an armed conflict, not for a crime they had committed, but for military reasons) [113](#) ( .

A prisoner of war also means every combatant who falls into the hands of the enemy or into the hands of the opponent . The prisoner of war is not limited only to the members of the armed forces, but there are categories at other prisoners of war) [114](#)( .

This is stated in Article 4( of the Third Geneva Convention of.1949

What distinguishes these definitions is that it guarantees soldiers who are nationals of the belligerent state and civilians who acquire this status from international law if they fall into the hands of the opponent to benefit from the status of prisoners of war. Immediately after the end of the hostilities, in addition to counting the persons detained not for committing criminal acts, but as a result of acts permitted by international law, and holding these persons to the status of prisoners of war necessarily requires the duty of humane treatment as their person, protecting them from aggression and enjoying the guarantees and privileges established under the rules of international humanitarian law) [115](#)( .

## **The second requirement**

### **Distinguishing prisoners of war from similar concepts**

The concept of prisoners of war is considered with other concepts, including detainees and prisoners, in terms of restricting freedom, but this does not mean that these concepts are completely compatible with the concept of prisoners of war, as there are some differences between them, and this is what we will show through this requirement, as we will deal with that in two sections. The first section will be about Distinguishing prisoners of war from detainees As for the second section, it will be about distinguishing prisoners of war from prisoners.

## **First branch**

### **Distinguishing prisoners of war from the sick**

Arrest means the act of depriving a person of his or her liberty by virtue of a governing authority for reasons that this authority deems to justify his arrest. Arrest is a form of deprivation of liberty, a procedure based on the case of suspected danger of a person to security and public order in an

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atmosphere governed by emergency laws or national safety law ) [116](#)(. Oopalmany contained in the Fourth Geneva Convention) [117](#)( .1949

The similarity between a detainee and a prisoner of war is that both are restricted to freedom , but in fact the detention system differs from the captivity system in several aspects. Detention applies to civilians and may be forced and against the will of the person and may be based on his request for circumstances that make arrest necessary) [118](#)( .

One of the differences between the captive and the detainee is that the captive is transferred from the battlefield to the territory of the state that is being arrested , i.e. the detainee is transferred to its territory, and that the captive is neither subject to investigation nor to the court, while the detainee is subject to investigation and trial, and that the captive after the end of the conflict situation returns to his country as for the detainee He does not return to his family until after the expiry of his sentence, and the prisoner has the right to communicate with his family through the International Committee of the Red Cross by phone call or messages and pictures only. As for the detainee, he has the right to communicate directly with his family and relatives through periodic visits, and it applies to prisoners of war The Third Geneva Convention of . 1949 As for detainees, the section relating to political detainees of the Fourth Geneva Convention of 1949 applies to them) [119](#)( .

If the system E .At said civilians is characterized by being less stringent than the provisions governing them prisoners of war, as the people of detainees are protected by the provisions of no in the prisoners of war system, including , for example , provisions relating to personal property of detainees management, and those Beltsuhalat related to family life of detainees who are entitled to On the basis of this, the request to arrest their children with them if there is no other provider for them, and there is an important difference between the detention system and the prisoner-of-war system, with regard to the conditions of work for each of them, since at a time when prisoners of war are forced to work with the exception of officers among them , the detainees civilians can not be forced to work and Maajd t his statement that the provisions of detention is similar to a large extent to the provisions governing the prisoners of war despite the differences that we have mentioned and this similarity in terms of conditions to be met in the place of detention, and those with food, clothing and health aspects of medical care ,property and so on which It is required by the necessities of respecting human dignity under all circumstances and conditions) [120](#)( .

### **second branch**

#### **Distinguishing prisoners of war from prisoners**

A prisoner is any person deprived of personal liberty because of a conviction for a crime) [121](#)( .

He is the one who has passed the first stage and a final and final judgment has been issued against him by a competent court, and he is transferred from the custody to the Prisons Authority) [122](#)( .

The prisoner has several rights recognized in international conventions and can not be argued that the state recognized as a lesser degree , and treats all persons subjected to any form of detention or imprisonment , humane treatment and respect for the dignity of the person human of) [123](#)( .

Thus, the prisoner is similar or close to the provisions of protection enjoyed by the detainee and the prisoner of war in terms of the appropriateness of the place of detention, as we have already indicated, food, clothing, health aspects, and other rights. The enemy is only allowed to continue fighting, while a prisoner is anyone who has been deprived of his liberty by a government authority as a result of his conviction for a criminal offence) [124](#) ( .

### **The second topic**

#### **Persons who qualify as prisoners of war**

After the stages through which the legal status of the prisoner of war has passed, and the rights he has acquired or the guarantees that he has been recognized for, the legal description of the prisoner has become of great importance for the person who enjoys it, because this description guarantees the person enjoying many advantages, the most important of which is that he may not be tried or punished simply for the sake of Acts of hostility in times of armed conflict . Accordingly, we have divided this topic into two demands. In the first requirement, we will deal with persons who enjoy the description of prisoners of war under the Third Geneva Convention of .1949 The second requirement is for persons who enjoy the status of prisoners of war under the First Additional Protocol of .1977

#### **The first requirement**

#### **Persons who qualify as prisoners of war**

##### **Under the Third Geneva Convention of 1949**

As a result of the increasing severity and seriousness of the violations committed during First to Third World War II during the occurrence of personnel of combat forces in captivity, the authors of the Geneva Convention of Third 1949 the competent setting of international standards relating to the treatment of prisoners of war, to expand the concept of a prisoner of war, as the agreement included six categories gaining The status of prisoners of war in the event that one of its members falls into the hands of the enemy) [125](#) ( .

And the six categories stipulated in the Third Geneva Convention of 1949 in Article 4( of it, where the aforementioned article stated that prisoners of war within the meaning of this Convention are persons who belong to one of the following categories and fall into the hands of the enemy.

- 1- Members of the armed forces of a party to the conflict, and militias or volunteer units that are part of such armed forces.
- 2-Members of other militias and other volunteer units, including members of organized resistance movements, who belong to one of the parties to the conflict and work inside or outside their territory even if this territory is occupied, provided that they meet the four conditions for the aforementioned combatant capacity.
- 3- Members of the regular armed forces who declare their allegiance to a government or authority not recognized by the Detaining Power.

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4- Persons who accompany the armed forces without actually being part of them, such as civilian persons who are part of the military aircraft crews, war correspondents, supply contractors, and members of labor units or services concerned with the welfare of the military, provided that they have a permit from the armed forces that accompany them.

5- Members of the crew, including captains, navigators and their assistants, of merchant ships and crews of civil aircraft of Parties to the conflict, who do not benefit from favorable treatment under any other provisions of international law.

6- Residents of non-occupied lands who take up arms on their own when the enemy approaches to resist the invading forces without having time to form regular armed units, provided that they carry arms openly and observe the laws and customs of war.

It is noted on Article 4( of the Third Geneva Convention of 1949 that it did not set a specific meaning for the armed forces, nor the militias or volunteer units that may be formed from them, leaving this issue to the law of the state itself, as the latter is the main reference in determining the size, composition and organization of the state's armed forces This is because this matter is an internal matter that falls within the scope of the national sovereignty of each state, and there is no restriction in this regard and no obstacle standing in its way) [126](#)( .

Except for the international obligations that limit the freedom of the state in this field, so that its regular army does not exceed a certain number of soldiers or something similar to that which may have been mentioned in one of the bilateral or collective treaties) [127](#) ( .

It is noted on Article 4( with regard to Paragraph 6( b ,with regard to the civilian population of the territories being invaded, that it has relieved the population standing in the face of the invading enemy from two conditions, namely, the presence of a responsible chief and carrying a distinctive sign, because the speed and the urgent need to defend the territory can not be tolerated. Postponing or slowing down until they organize themselves under the leadership of a responsible chief or prepare themselves to wear a distinctive sign, and accordingly one individual is considered a legal combatant and retains the advantage of the regular armies fighting and the possibility of conducting military operations) [128](#) ( .

The Third Convention adds two other categories that have the right to be treated as a prisoner of war but not in the legal capacity of a prisoner of war:

1- People who follow or Kano followers of the armed forces of the occupied country if it considers the state of the occupation should be arrested because of this affiliation , even if they had left them free to Lightbody it during the course of hostilities outside the territory it occupies, and of which the particularly in the event that these persons failed attempt to because the accession to the armed forces to which they belong) [129](#)( .

2- Persons belonging to one of the categories set forth in Article 4( of the Third Geneva Convention of ,1949 who are received by a neutral or non-belligerent state in its territory and which is obliged to detain them in accordance with international law, taking into account any more appropriate treatment that these states may deem appropriate to transfer them and with the exception of the provisions of Articles ( )8and )1( and , )15( the fifth paragraph of Article )30( and Articles )92( , )58-67( and , 129 and provisions relating to the Protecting Power when there are political relations between the parties to the



conflict and the neutral or non-belligerent Power concerned . In the case of the existence of these political relations, the parties to the conflict to which these persons belong are allowed to exercise the functions carried out by the Protecting Power against them in accordance with the Third Geneva Convention of , 1949 without prejudice to their duties in accordance with the customs and political and consular treaties) ]30[( . \_

It is noted that the international law was concerned with the elements of the armed resistance after the harsh treatment that the resistance suffered during the Second World War , and they were executed as common criminals, as it was concerned with the elements of the government or the authority not recognized by the detaining power, and mention for example the forces of the exile governments against Germany, including the forces loyal to the General French de Gaulle) ]31[( ,,

### **The second requirement**

#### **Persons entitled to prisoner of war status under Additional Protocol I of 1977**

Despite the comprehensiveness of Article )4( of the Third Geneva Convention of , 1949 the fighters of the wars of national liberation remained outside the framework of international rules originally established to govern hostile relations between states) ]32[( .

As the Geneva Convention of Third 1949 it was unable to protect members of national liberation movements and which Ataatovr them certain conditions stipulated by the Convention and these conditions as Benaha in the previous pages are respect for the law of war, and the need for a responsible person to them , and the presence of a distinctive mark them ,and get them weapons in public . The agreement was satisfied with setting the minimum level of humanity that should be observed for them, without having the rest of the rights and privileges of the legal warriors stipulated in them, despite the fact that the history of the national liberation movements indicates that the members of these movements rarely meet the four conditions stipulated in the agreement) ]33[( .

In fact, these individuals deal with war in their own way , a method that is not subject to specific and clear legal controls, they do not have distinctive signs, they do not have a uniform, and they do not carry arms openly, so they cannot be included in Article )4( of the 1949 Geneva Convention ,which It secures the guarantees given to the prisoner of war.

Because of the demands of the third world countries that the revolutionaries enjoy a legal status similar to the legal status of the prisoner of war, and then enjoy the same benefits and guarantees, since 1960 the resistance and national liberation movements have appeared in different regions of the world , especially after the issuance of the United Nations General Assembly Resolution No 1514 .in 1960 special With the decolonization, and other resolutions that confirm the legitimacy of national liberation movements and the recognition of the legal status of the individuals involved in those movements. In addition, the First Additional Protocol to the Geneva Conventions of 1977 gave them some protection under Articles )43( and )44( and Article )43( gives a general concept Inclusive of the warrior, it does not concern the members of the armed forces only. It does not extend to any individual who carries a rifle for any reason and for any capacity. This definition applies to everyone, whether it is a warring state, wars of liberation or revolutionaries) ]34[( .



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Then Article )44( transformed the definition of the concept of a prisoner of war so that it is characterized by the same comprehensiveness contained in the definition of the armed forces, by stipulating that every combatant described by Article )43( is considered a prisoner of war if he falls into the hands of the enemy, provided that one condition is met, which is to distinguish themselves from civilians while they are engaged in an attack or in the process of preparing for an attack, but on the grounds that there are situations in which the nature of the attacks and military battles which do not allow the distinction of combatants themselves from civilians, as is the case of the guerrilla war that rely on hit - and - run and prepare ULC m organism which may take days and sometimes Weeks before the operation was finally carried out, this condition was eased, which is included in the text of Article )44( Paragraph ),3( as combatants are obligated to distinguish themselves from the civilian population by carrying their arms openly in such a situation:

- During any military engagement
- Throughout that time, the fighter remains visible to the opponent while he is busy distributing forces in their positions in preparation for fighting before launching an attack in which he must participate) ]35[( .

### **The third topic**

#### **Legal protection for prisoners of war**

The principles and provisions contained in the Third Geneva Convention on the Treatment of Prisoners of War of 1949 and the First Additional Protocol of 1977 are a link in the chain of great international progress in establishing human rights within the scope of international law, whether in peacetime or in time of war, and the study of these rights is of great importance at the time. The present, to find international protection for human rights, whether through the United Nations or through international conventions regulating those rights, including the Third Geneva Convention for Prisoners of War, which protects the human being and preserves his dignity in time of war, including the rights and privileges of prisoners targeted by the basic principles of human rights, which are consistent with mainly we look at the current international community for war prisoners as expressed by the Court of Nour MP Rigg saying : ((The prisoner of war is not revenge or punishment, but rather is just a precautionary arrest whose sole purpose is to prevent the prisoner from returning to participate in the killing) ]36[( .))

The Third Geneva Convention for Prisoners of War established protection at the beginning and during captivity of three demands, as follows:

**The first requirement : the protection granted to prisoners of war at the beginning of captivity.**

**The second requirement : the protection granted to prisoners of war during captivity.**

**The third requirement : protection for prisoners of war at the end of captivity.**

**The first requirement**

**Protection for prisoners of war at the start of captivity**

Determining the time of the beginning of captivity is of great importance with regard to respecting the application of the protection granted to prisoners under the Third Geneva Convention of 1949 and the First Additional Protocol of , 1977 and the Third Convention referred to the beginning of captivity as the time when the captive falls under the authority of the hostile state ,whether the family is known to an individual or a unit Military affiliated with the army of the state family and bears responsibility for the prisoners from the moment they fall into captivity until they are released and returned to their homeland) [137](#)( . —

If prisoners of war fall under the authority of the state hostile to you allow the individuals or military units who have captured them, and the state must respect the detaining prisoners down the moral of and the material of from the moment of their families until their release and their return to their country) [138](#)( .

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The family state must provide the prisoner with identification documents in accordance with the provisions of the Third Convention, which states that “ prisoners may not at any time be without identification documents, and the Detaining Power must provide them to prisoners who do not carry them) [139](#)” .

Likewise, the prisoner may not be stripped of his rank, medal, and nationality, as well as items of personal or souvenir value. The family state must transfer the prisoners as soon as possible to camps located in areas far enough away from the combat zone, to protect the prisoners from the danger of military operations, and their transfer is taken into account. that is humanely and to prevent their exposure to risk, which was organized by the provisions of articles )19 , 20( of the third Geneva Convention of 1949 as follows) [140](#)( :

Article )19( that (( : the evacuation of prisoners of war as soon as possible after their families, and transferred to camps situated in an area far enough from the logic of fighting. ))

Article )20( stipulates that “ : Prisoners of war must always be evacuated in a humane manner and in conditions similar to those provided for the forces of the Detaining Power in their movements.

The Detaining Power shall provide the prisoners of war who are being evacuated with sufficient quantities of drinking water and food ,and with the necessary clothing and medical care . It shall take all precautions to ensure their safety during their transportation, and shall prepare, as soon as possible, a list of the prisoners of war who are to be evacuated.

If necessary, the free passage of prisoners by their transfer during transit camps , and the Jeb to be the duration of their stay in these camps are shorter can. ))

As for the interrogation of prisoners by the Detaining Power, the prisoner is committed to only buckets in his name in full, and military rank and date of birth, and army, regimental or personal or serial number . If he could not, then similar information . If he refuses to answer, he may be deprived of some of the advantages granted to his military rank or status . The family state may not resort to physical or mental torture or any other form of coercion to force prisoners to provide information of any kind . Prisoners of war who refuse to answer may not be threatened, insulted, or subjected to any inconvenience or prejudice) [141](#)( . —

Remains the prisoner retains Bmtalqath personal and any relevant personal valuable tools and can not be stripped prisoner of his rank and insignia or belongings of value flexures j of humanitarian or moral such as letters, photos , and other Maad Z weapons and documents of war and other things dangerous to family state forces, and the origin of the inadmissibility of the withdrawal of The money in the prisoner's possession when he was captured, and if the state decides for the family to withdraw it, then the order is issued by an officer and it is kept in his account ,because the families do not detract from the civil capacity of the captive) [142](#)( .

It is noted that the Third Geneva Convention of 1949 has brought about a great development by expanding the scope of protection for prisoners of war, after which captivity begins from the moment when the state enables the family to have effective control over the prisoners and the prisoner loses his effectiveness and has no desire to continue fighting and resisting captivity . Thus, the aforementioned agreement worked on a balance between providing protection to the prisoner at an early stage for fear of killing them in the battlefield, as well as taking into account the interest of the security and protection of the prisoner's life from the risk of being subjected to resistance by the captives during their captivity) [143](#)( . \_

### **The second requirement**

#### **Protection of prisoners of war during captivity**

During the period of captivity, the prisoner enjoys a number of rights and privileges and at the same time he abides by some duties and bears the responsibility to depart from them: .

##### **1. The right to humane treatment**

Prisoners of war must at all times be treated humanely. It is forbidden for the Detaining Power to approach any unlawful act or omission on account of the death of a prisoner in its custody) [144](#)( .

##### **2. Right to physical integrity**

May not be subjected to a prisoner of war physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical treatment of prisoners eye first be in his interest and must protect prisoners of war at all times, and particularly against acts of violence or intimidation and against insults and public curiosity and prohibit measures cropping of prisoners of war) [145](#)( .

##### **3. The right to respect for their person and their honor**

Prisoners of war have the right to respect for their persons and their honor in all circumstances. Women prisoners of war must take all due consideration to their gender, and in any case they must receive treatment no less favorable than that accorded to men . Prisoners of war retain their full civil capacity which they had when they were captured, and the Detaining Power may not restrict the exercise of the rights complemented by this capacity, whether in its territory or outside it, except to the extent required by the prisoner) [146](#)].

#### **4. The right to take care of them**

The state that detains prisoners of war shall guarantee their subsistence free of charge and provide the medical care required by their state of health free of charge ) [147](#)( . They are detained in appropriate places) [148](#)( .

#### **5. The right to equality**

The Detaining Power shall treat all prisoners of war on an equal footing, without distinction as to race, nationality , religion, political opinion, or any other similar criteria) [149](#)( .

#### **6. The right to food, shelter and clothing**

Decided the Geneva Convention of Third 1949 that meals basic daily should be sufficient in quantity, quality and diversity, so as to ensure the safety of the health status of the prisoners and shall ensure the detaining State to carry out prisoners ' affairs without charge of shelter , food and did not b o hygiene and public health or private, and take into account the Alnahitan The security and food security of the prisoners, as the customs and traditions of the prisoners must be respected) [150](#)( .

#### **7. The right to practice religious rites**

The Third Geneva Convention of 1949 decided that prisoners of war have complete freedom to practice their religious rites related to their faith, provided that the legal procedures specified by the military authorities are observed, and the latter must prepare suitable places for the establishment of these rites) [151](#)( .

#### **8. The right to engage in intellectual and physical activities**

The Detaining Power shall encourage prisoners of war to engage in mental, educational, recreational and sports activities, and shall take measures to ensure their exercise, and provide appropriate places and tools for this . It also provides prisoners with opportunities to exercise and go to the fresh air, with sufficient spaces for this purpose in all camps) [152](#)( .

#### **9. The right to contact the outside world**

In the prisoners ' relationship with their surroundings outside ,the most important right is to contact their parents and their parents or some other actors for example humanitarian organizations through the messages posted for the Wen or receive parcels of individual mailing or group against them Owalthoilat finance them and to them, correspondence and parcels and transfers are exempt from fees, but they are subject to regular monitoring It infringes upon the rights of prisoners, including sending and receiving legal documents) [153](#)( .

#### **10- Prisoners operating system**

The Detaining Power has the right to employ prisoners of war who are not officers, and they may work at their own choice . Dangerous or occupational work is prohibited, unless the prisoner voluntarily performs such work, and daily and weekly rest periods, appropriate wages, and medical supervision must be observed) [154](#)( .

### **11- Prisoners' complaints and demands**

The right of prisoners directing their complaints to the authority directly concerned in the event of breach of the State family to apply the provisions of the Third Geneva Convention of , 1949 which put its provisions to protect them and the right of prisoners elected persons representing them in the prosecution for them before the state authorities of the family , and the state garrison if any ,and the International Committee of the Red Cross or any Another humanitarian organization, and the elected prisoners enjoy job privileges that help them take care of the affairs of their colleagues within the framework of what the agreement allows) ]55[( . \_

### **12- Discipline and punishment**

The prisoners are subject to the laws of the family state and its system applied to its armed forces , and the rule is to equate them with members of these forces, taking into account the status of the prisoners as citizens of another state, and they can be partially or disciplinarily punished according to the applicable procedures and respect for the judicial principles and conditions stipulated in the Third Geneva Convention of 1949 regarding the stages of investigation The aforementioned agreement guarantees the right of defense, appeal, or petition for reconsideration of the judgment against the prisoner) ]56[( .

### **The third requirement**

#### **Protection for prisoners of war at the end of captivity**

The state of families to achieve the cases provided for in Part IV of the Third Geneva Convention of , 1949 which will be described in the following points:

#### **1- The case of the prisoner's escape and his success in escaping from the grip of the enemy**

The Third Geneva Convention clarifies the cases in which the escape of a prisoner of war is considered a success, and these cases are if he joins the armed forces of the state to which he belongs or the forces of an allied state, and if he leaves the territories under the authority of the Detaining Power or an allied state, and if he joins a ship flying the flag of the state. which it follows . or the flag of an allied Power in the territorial waters of the Detaining Power, provided that the said ship is not under the authority of the family Power.

Prisoners of war who succeed in escaping, as in the above-mentioned cases , if they are captured again , shall not be subject to any punishment because of their previous escape) ]57[( . \_

#### **2- The case of releasing a prisoner in return for his pledge that he will not return to fight the forces of the state that captured him**

The Third Geneva Convention , Article )21( deals with the case of releasing a prisoner in return for giving an explicit pledge from him to the families' authorities not to return to fight, and that is at any time, whether before the cessation of hostilities between the conflicting countries or before that, provided that the prisoner signs a written pledge or give a word of honor not to return to fight against it again after his release, and this pledge is not conditional on serious injury, wounding or disability, and the prisoner may not be compelled to sign this pledge in return for his release, and the Detaining Power is not bound to release the prisoner at his request. The agreement clarified that the pledge has no effect if It was in

violation of the law to which the prisoner is subject, and this pledge results in the prisoner not returning to fight again) [158](#)( .

### **3- The case of direct repatriation or accommodation in a neutral country for health reasons**

The Third Convention provides for the direct repatriation, even during hostilities, and accommodation in a neutral country, of the wounded and sick who are seriously impaired in physical and mental condition) [159](#)( .

A prisoner of war may not be repatriated against his will during hostilities, any wounded or sick prisoner of war who is eligible for repatriation) [160](#)( .

Under Articles 110( and )109 of the Third Geneva Convention of , 1949 the Detaining Power is obligated to return prisoners of war who are seriously ill, regardless of number and rank ,after they have received a sufficient amount of medical care to enable them to travel, and they are:

- 1- The wounded and sick awaiting their recovery within a year from the date of injury.
- 2- Prisoners of war whose mental and physical health would be seriously threatened if their family continued) [161](#)( .

### **4- Prisoner's death case**

Death is one of the cases in which captivity ends, as every prisoner has the right to write an appropriate will that fulfills the conditions of its validity according to the requirements of the legislation of his country to ensure its enforcement. as soon as the information office of prisoners of war , the country of origin certificates fulfilled also send a certificate to fulfill Aouguaim by a responsible officer showing the prisoners names of the deceased, to include all the information related to the character of the prisoner, as well as showing the place and cause of death and place of burial and all wrapped p woes necessary to distinguish the graves ) [162](#)( In the event that there is any suspicion of the cause of death, an urgent investigation is conducted on this subject by the family state, and the result of the investigation is sent to the Protecting Power, including the statements of witnesses, especially colleagues of the deceased's families. If the investigation proves that the death is criminal, the family state must take all Judicial criminal proceedings against the person or persons responsible for the death) [163](#)( .

### **5- Prisoner exchange case**

The situation of captivity between the conflicting countries ends with the process of exchange, and this is the most common method in international action. The Third Geneva Convention of 1949 confirmed the obligation to release prisoners after the end of hostilities without delay. The Convention established the possibility of concluding special agreements to settle contentious issues between the conflicting countries without violating the Third Geneva Convention or to catch Aldharra and restrict the rights of prisoners and prisoners may not waive their rights being granted them minimum protection) [164](#)(

### **6-The case of the prisoner returning to his homeland after the end of the war**

Prisoners of war shall be released and repatriated after the end of mental hostilities . The costs of repatriating prisoners of war shall, in any case, be equitably distributed between the state of

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the family and the state on which the prisoners depend . For this purpose, the following principles are taken into account in this distribution:

- 1- If the two states are adjacent, the state to which the prisoners belong shall bear the costs of returning them to it, starting from the borders of the family state.
- 2- If the two non - contiguous, the State assumes the families of the costs of the transfer of prisoners of war in its territory until its borders or to the nearest port is not a sailor captive of the territory of the State followed by either either with respect to the rest of the costs, the parties concerned agree to equitably distributed among them . In no case may the conclusion of such an agreement be used to justify any delay in repatriating prisoners of war) [165\]\(.](#)

### Conclusion

From the foregoing, it becomes clear to us that international humanitarian law provided the necessary legal protection for prisoners of war through the provisions to which the family state is bound from the beginning of captivity through the period of captivity to its end. term prisoners of war Geneva Convention III of 11949 on the treatment of prisoners of war did not t t within the definition of a prisoner of war , but merely a statement and positions tube T which for someone recipe a prisoner of war and it was better for the development of a definition indicating the Malmqsod prisoners of war specifically if he had dealt with situations which is the prisoner of war , and this necessity came from being a competent Convention on the protection of prisoners must include a definition of Lvi of which are protected.

It is also noted on the Third Geneva Convention of 1949 that it did not address the protection of members of the national liberation movements, despite its comprehensiveness, but this deficiency was addressed by the First Additional Protocol of.1977

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