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**Iraq: What the Geneva Conventions say about
the future of persons deprived of their freedom**

Geneva (ICRC) -There has recently been a degree of publicly expressed confusion regarding the future of persons currently deprived of their freedom in Iraq. The Geneva Conventions require the States to ensure that all persons who have violated international humanitarian law are held accountable for their actions. This rule also applies to anyone currently held in Iraq as a prisoner of war and therefore protected by the Third Geneva Convention, or as a civilian internee or detainee and thus protected by the Fourth Geneva Convention. Any serious violation of international humanitarian law must be properly investigated. Those allegedly responsible must be prosecuted before an impartial and independent court affording all judicial guarantees stipulated by international humanitarian law.

Therefore - and contrary to certain media reports - the ICRC has never called for all Iraqi prisoners of war to be released.

The Geneva Conventions state that in the framework of an international armed conflict, prisoners of war and civilian internees must be released as soon as possible after the end of hostilities unless criminal charges are pending against them or unless they are serving a prison sentence. The Conventions do not rule out the possibility that a prisoner of war or civilian released following the end of hostilities may be immediately rearrested and subsequently prosecuted for crimes that he or she may have committed.

Under international humanitarian law, the rules applicable to a situation are determined by the facts on the ground.

The ICRC will endeavour to continue visiting persons in Iraq who have been, or are in future, deprived of their freedom in connection with the armed conflict. The objective of these visits is strictly humanitarian. The ICRC works to ensure that the conditions of detention and the treatment of persons deprived of their freedom meet the standards laid down by the Geneva Conventions and customary international law.

For further information, please contact:

Nada Doumani, ICRC Baghdad, tel. ++ 964 79 019 22 453 or ++1 914 360 94 73 Antonella Notari, ICRC Geneva, tel. ++41 22 730 22 82 or ++41 79 217 32 80 Florian Westphal, ICRC Geneva, tel. ++ 41 22 730 29 30 or ++41 79 217 32 26 or visit our website: www.icrc.org