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*file: ICR-  
Detainees*

L Press Guidance  
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RELEASED IN FULL

(G30)

IRAQ: Geneva Convention – Treatment of POWs

Key points:

- THE UNITED STATES AND IRAQ ARE PARTIES TO THE 1949 GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR (POWs). THE UNITED STATES HAS AND WILL CONTINUE TO ABIDE BY ITS OBLIGATIONS UNDER THE GENEVA CONVENTION, AND EXPECTS IRAQ TO DO THE SAME.
- THE GENEVA CONVENTION STATES THAT THE POWER HOLDING POWS ARE RESPONSIBLE FOR THEIR HEALTH AND SAFETY.
- POWS MUST BE TREATED HUMANELY AT ALL TIMES AND MUST BE PROTECTED FROM:
  - TORTURE AND OTHER ACTS OF VIOLENCE
  - INTIMIDATION
  - BEING SUBJECT TO INSULTS AND PUBLIC CURIOSITY
- PRISONERS OF WAR HAVE THE FOLLOWING RIGHTS:
  - PROVIDE CAPTORS ONLY THEIR NAME, RANK, SERIAL NUMBER AND DATE OF BIRTH.
  - ACCESS TO REPRESENTATIVES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS AS SOON AS PRACTICAL
  - FOOD, SHELTER, CLOTHING AND HEALTH CARE AS NEEDED.

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- BE REPATRIATED WITHOUT DELAY AFTER THE CESSATION OF HOSTILITIES.
- FEMALES MUST BE PROTECTED AGAINST SEXUAL ASSAULT. FEMALE PRISONERS OF WAR SHALL BE TREATED WITH REGARD DUE TO THEIR SEX AND ARE ENTITLED TO RESPECT FOR THEIR PERSONS AND THEIR HONOR.
- WILFUL KILLING, TORTURE OR INHUMANE TREATMENT, WILFULLING CAUSING GREAT SUFFERING OR SERIOUS INJURY TO BODY OR HEALTH OF A POW ARE GRAVE BREACHES OF THE GENEVA CONVENTION AND SUBJECT TO PROSECUTION AS WAR CRIMES.

### IF ASKED

Q. Are U.S. embassies being asked to voice their concerns with foreign broadcasters over re-transmission of Iraqi footage showing POWS?

- THE MEDIA SHOULD NOT ALLOW ITSELF TO BE USED BY IRAQ TO FURTHER ITS PROPAGANDA GOALS, ESPECIALLY WHEN IRAQ HAS VIOLATED ITS OBLIGATION UNDER THE GENEVA CONVENTION BY SUBJECTING ENEMY POWS TO INSULTS AND PUBLIC CURIOSITY.

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## BACKGROUND

Following the capture of coalition soldiers by Iraqi forces, media questions have focused on the rights of POWs under the Geneva Conventions.

Rights of POWs:

- **Questioning:** Prisoners of war are required to give only their name, rank, date of birth, serial number, or equivalent information. The detaining power may not subject them to any physical or mental torture, or to any form of coercion, in order to obtain information.
- **Repatriation:** Prisoners of war must be "released and repatriated without delay after the cessation of hostilities."
- **Legal Treatment:** Prisoners of war are subject to the laws, regulations, and orders in force in the armed forces of the detaining power. They may be tried only in a military forum unless the laws of the detaining power expressly permit civil courts to try a member of the armed forces for the offense in question.

### **Geneva Convention relative to the Treatment of Prisoners of War, 1949**

- Article 12 - Prisoners of war are in the hands of the enemy Power, but not of the individuals or military units who have captured them. Irrespective of the individual responsibilities that may exist, the Detaining Power is responsible for the treatment given them. Prisoners of war may only be transferred by the Detaining Power to a Power which is a party to the Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the Convention. When prisoners of war are transferred under such circumstances, responsibility for the application of the Convention rests on the Power accepting them while they are in its custody. Nevertheless if that Power fails to carry out the provisions of the Convention in any important respect, the Power by whom the prisoners of war were transferred shall, upon being notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the prisoners of war. Such requests must be complied with.
- Article 13 - 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. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest. Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity. Measures of reprisal against prisoners of war are prohibited.

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- Article 14 - Prisoners of war are entitled in all circumstances to respect for their persons and their honor. Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favorable as that granted to men. Prisoners of war shall retain the full civil capacity which they enjoyed at the time of their capture. The Detaining Power may not restrict the exercise, either within or without its own territory, of the rights such capacity confers except in so far as the captivity requires.

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