



## Geneva Convention for Prisoner of Wars

In response to Indian action against terrorists camp in Balakot, Pakistani Airforce attacked Indian military installations.

- In this engagement, India lost one MiG 21. The pilot is missing in action and Pakistan has claimed that he is in their custody.
- India has cited the **Geneva Conventions, 1949** while demanding the release of Wing Commander Abhinandan, who is in Pakistan's custody.

### Geneva Convention

- **What are the Geneva Conventions?**
  - The 1949 Geneva Conventions are a set of international treaties that ensure that warring parties conduct themselves in a humane way with non-combatants such as civilians and medical personnel, as well as with combatants who are no longer actively engaged in fighting, such as prisoners of war (POW), and wounded or sick soldiers.
  - **All countries are signatories to the Geneva Conventions.**
- **Does the captured pilot count as a prisoner of war?**
  - The provisions of the conventions apply in **peacetime situations, in declared wars, and in conflicts that are not recognized as war by one or more of the parties.**
  - India has said its airstrikes were a “non-military” intelligence-led operation — both sides are bound by the Geneva Conventions. **This means the IAF officer is a prisoner of war, and his treatment has to be in accordance with the provisions for PoWs under the Geneva Conventions.**
- **What are the provisions for PoWs?**
  - The convention is very exhaustive and **deals with every kind of situation that may arise for a captive and captor, including the place of internment, religious needs, recreation, financial resources, the kinds of work that captors can make PoWs do, the treatment of captured officers, and the repatriation of prisoners.**
  - **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.
- **What rights is a PoW entitled to?**
  - Article 14 of the Convention lays down that PoWs are “entitled to in all circumstances to respect for their persons and their honour”.
  - **In captivity, a PoW must not be forced to provide information of any kind under “physical or mental torture, nor any other form of coercion”.** Refusal to answer questions should not invite punishment. A PoW must be protected from exposure to fighting. **Use of PoWs as hostages or human shields is prohibited, and a PoW has to be given the same access to safety and evacuation facilities as those affiliated to the detaining power.**

- Access to health facilities, prayer, recreation, and exercise are also written into the Convention. The detaining power has to facilitate correspondence between the PoW and his family and must ensure that this is done without delays. A PoW is also entitled to receive books or care packages from the outside world.
- **What do the provisions say about the release of prisoners?**
  - Parties to the conflict “are bound to send back” or repatriate PoWs, regardless of rank, who are seriously wounded or sick, after having cared for them until they are fit to travel”. The conflicting parties are expected to write into any agreement they may reach to end hostilities the expeditious return of PoWs. Parties to the conflict can also arrive at special arrangements for the improvement of the conditions of the internment of PoWs, or for their release and repatriation.
  - At the end of the 1971 war, India had more than 80,000 Pakistani troops who had surrendered to the Indian Army after the liberation of Dhaka. India agreed to release them under the Shimla Agreement of 1972.
- **In such situations, who monitors whether the Geneva Conventions are being followed?**
  - The **Geneva Conventions have a system of “Protecting Powers” who ensure that the provisions of the conventions are being followed by the parties in a conflict.** In theory, each side must designate states that are not the party to the conflict as their “Protecting Powers”. **In practice, the International Committee of the Red Cross (ICRC) usually plays this role.**
  - During the Kargil War, Pakistan returned Flt Lt Nachiketa, who was captured after ejecting from his burning Mi27, after keeping him for eight days. This was after intense diplomatic efforts by the Vajpayee government and by ICRC. Another PoW, Squadron Ldr Ajay Ahuja, was killed in captivity.

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