Geneva Conventions on PoWs:

Context:

- The Geneva Conventions are an international agreement, a series of treaties that the military of numerous countries must abide by in times of war.
- They were first implemented by the International Committee for Relief to the Wounded, which later became the International Committee for the Red Cross and Red Crescent.
- The conventions ensure that warring nations conduct themselves in a humane way with non-combatants such as civilians and medical personnel.
- The Geneva Conventions were also intended to protect soldiers who were no longer engaged in combat. This included the sick and wounded, shipwrecked members of armed forces at sea and prisoners of war, and certain auxiliary civilians.

Background:

- The aerial confrontation began after Pakistan sent several aircrafts to the Line of Control (LoC) in retaliation for the Indian Air Force's Balakot strike on JeM camp.
- The Indian government said that IAF jets shot down an F-16 jet of the Pakistan Air Force.
- However, Pakistan's military denied the loss of any aircraft.
- Wing Commander Abhinandan had to eject over the LoC after his MiG-21 was shot by a Pakistani plane.
- He then eventually landed in Pakistan-occupied Kashmir and was taken into custody by the Pakistan Army.
- The Ministry of External Affairs works through diplomatic and official channels and demands the safe and immediate return of the Indian pilot.
• Meanwhile, various amateur videos were on circulation in which Wing Commander Abhinandan was seen being manhandled by a crowd in PoK.
• India strongly objected to Pakistan's vulgar display of an injured personnel, in violation of norms of International Humanitarian Law and the Geneva Conventions.

**List of Conventions:**

Overall, the Geneva Conventions comprise four treaties and three additional protocols.

First Geneva Convention:
- First adopted in 1864 then finally in 1949
- This deals with improving the condition of the wounded and sick soldiers in the field during the war.
- This convention contains 64 articles.

Second Geneva Convention:
- This protects wounded and sick combatants while on board ship or at sea during the war.
- This convention contains 63 articles.

Third Geneva Convention:
- First adopted in 1949 and successor of the Hague Convention of 1907
- This is associated to the treatment of Prisoners of War (POWs). It states that prisoners of war (POWs) must be treated humanely, provided adequate houses, receive sufficient food, clothing and medical care.
- This convention contains 143 articles.

Fourth Geneva Convention:
First adopted in 1949, based on parts of the Hague Convention. This is related to the protection of civilians in areas of armed conflict during the time of war. It contains 159 articles.

In total, 196 "states parties" or countries have signed and ratified the 1949 Conventions over the years, including many that did not participate or sign until decades later. These include Angola, Bangladesh, and Iran.

**Rights granted to PoWs under third convention:**

- Article 14 of the Convention lays down that PoWs are entitled to, in all circumstances, 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, or 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.
- 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 in 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.

**Release of PoWs according conventions:**

- According to Article 118 of the third Geneva Convention, prisoners of war shall be released and repatriated without delay when the hostilities between the two nations end and any unjustifiable delay in the
repatriation of the prisoner of war will be a grave breach of the Protocol.

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.
- Each side must designate states that are not party to the conflict as their “Protecting Powers”. In practice, the International Committee of the Red Cross usually plays the role.
- The conventions were, in fact, established as a result of Red Cross founder Henri Dunant pushing for negotiations to help the wounded in time of war in 1864.

Past Instance:

- 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
- 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.

Source: IE, UN, Balance