

## **PROTECTION OF PRISONERS OF WAR: A LEGAL APPRAISAL**

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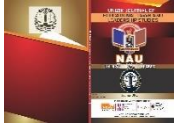
### **ABSTRACT**

*Humane treatment to prisoners of war is legalized, however, in some instances, states and warring faction's abased on this obligation and abuse soldiers and combatants that have either surrounded or held in captivity after being captured. This work aims at finding out the protection available to prisoners of war under international humanitarian law and the extent of such protection if any. This is because in many situations of warfare, the detaining power holding the surrendered soldiers or those captured most often torture the POWs and some other times deny them basic needs of food, medicals, clothing, clothing etc. thus, the work looked at the basic treatment that POWs are entitled under humanitarian law and the possible challenges towards realizing them. The method adopted in this research is doctrinal and primary and secondary sources of data namely textbooks, statutes, legislations, and library sources were used as well as journals, periodicals and judicial authorities. It was found out in this work that elaborate provisions have been made under humanitarian law treaties and conventions for the protection of POWs but the challenge is that most of the time the basic provisions and rules of armed conflict are not obeyed by the parties to the conflicts, there is always violations which cause more problem than expected. The strong parties to the conflict often exploit the weak side by sometimes adopting strategies which negatively impact on the sensibilities and physical realities of the conditions of combatants in captivity under the detaining power. It is recommended in this work that the extant rules of armed conflict not only as it relates to POW's but to other categories of victims are obeyed and complied with while non-compliance should attract sanctions including holding perpetrators of such criminal actions and violations accountable. It is concluded that humanitarian law recognizes the POWs as world citizens and should like every other person be protected under the law irrespective of the situation, they find themselves.*

**Keywords:** Humanitarian Law, Armed Conflict, Protection and Prisoners of War.

### **Introduction**

The word "Prisoner" as noted by Okaforcha, and Iloka (2025) and Ekwesianya, (2022) is often associated with some stigma attributing some wrong doing on his part. According to Ezeaku, and Okoye (2025); Osegbue (2022); Ibe, (2019), the ordinary people may believe firmly that a prisoner did a wrong thing during war and that is why they are called the name prisoners and held in prison. However, as Hingorani reasoned, this is a wrong impression and completely far from the truth (Abonyi, 2020; Hingorani, 1982). According to the scholar, the prisoners of war did nothing wrong other than that they are defending their country and, in the process, they may be captured by the other belligerent. They are mere unfortunate victims of war as the Geneva Conventions of 1949 indicate. It is important to also note that there are a number of categories included under the label victims of war, enemy



armed personnel captured during war are given a separate label of “Prisoners of war” prisoners of war are quite different from ordinary prisoners. While ordinary prisoners are detested by the society, prisoners of war occupy places of honour in their country.

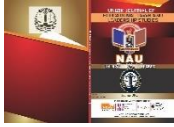
By article 43.1 of Protocol 1 Addition to the Geneva Convention, the armed forces of a state consist all organized armed forces, units which are under a command responsible to that party. As noted by Nonyem and Chimaa (2020), Ojimba, (2020), the commander controls the subordinates under him, the purport of the above is that any of the soldiers in this command who is captured or surrenders is recognized as a prisoner of war and accorded that status.

Practices also indicate a four-tier formula which a potential Pows should fulfill namely responsible commander, distinct uniform, or symbol, carrying of arms, openly and law-abiding altitude in respect of rules of warfare. Conditions 1 and 4 above are designed to enforce discipline and respect or rules of warfare among the combatants who may otherwise run amuck with the wide power to kill. Condition 2 and 3 are motivated with a twin purpose of maintaining population and forewarning the enemy whether he is facing a combatant who can kill him or be killed or a civilian who should be spared (Abonyi,2021). It is important to note that any deviation from the requirements above may land members of the armed forces in difficulty and cause them denial of Pows status, sometimes temporarily and sometimes during the whole period of their captivity. It means from the above that a member of the armed forces seeking protection in times of difficulties as a Pows must show that at the time of the said difficulties, he was under a responsible commander and that he was also openly carrying arms and, in his uniform, or symbol of the force and obeyed the rules of warfare.

The ICRC (2023) commentary on the Geneva Convention opined that a combatant who falls into the hands of the adverse party to a conflict in the course of international armed conflict is a prisoner of war, such individuals falling into the hands of the enemy during an armed conflict are protected by humanitarian law. As noted by Enwezor, (2021); Onyekwelu and Adinna (2022), if the individual is a combatant, he or she is accorded protection as a prisoner of war.

According to Ucheagwu-Okoye (2025); Okaforcha, and Okeke (2020), the Third Geneva Convention regulates the treatment of prisoners of war. Even civilians are protected, combatants in non-international armed conflict, the combatant status is not officially recognized for members of the non-state actors. However, humanitarian law applicable to non-international armed conflict provides specific regime of protection of persons deprived of their liberty for reasons related to the conflict.

Ezeaku (2019); Ekwesianya, Okaforcha and Okeke (2020), noted that the Additional Protocol to the Geneva Convention relating to the protection of victims of international armed conflict takes a different approach to the question of prisoners of war, it enumerated the categories of persons who must of war if captured by an adverse party. The goal, according to Onyekwelu (2024); Adinna and Onyekwelu, (2021), is to ensure that individuals are not denied this status if an authority chooses an excessively restrictive interpretation of the Geneva Convention



definition. Additional protocol to the Geneva Convention under its Article 45 established guarantees to prevent the status from being denied to a person who is entitled to it.

As observed Anushiem, (2017); Iloka and Nwakoby (2025), during an armed conflict, an individual who directly participates in hostilities and falls into the hands of the enemy will enjoy protection under the 3<sup>rd</sup> Geneva Convention until such a time his/her surrenders or is captured. Status is determined by a competent independent and impartial tribunal according to the rule of law. This provision, according to Ucheagwu-Okoye (2021); Ezeaku, (2025), is vital and in our reasoned view acceptable in the sense that it provides temporary and immediate protection for such individual pending the time a concrete decision is made regarding the status for which the person be accorded.

As stated by Nwakoby and Iloka (2025); Osegbue (2021), where combatants have violated humanitarian law, including perpetration of crime and terrorist acts, they may not be denied POWs status but may be prosecuted for crimes committed according to the rule of law and judicial guarantees recognized by humanitarian law. Combatants have the legitimate right to use violence until they are captured. Capture is not a form of revenge, through POWs may be asked questions, no physical torture or mental torture or coercion is allowed to get the information needed.

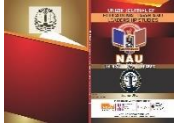
The Third Geneva Convention of 1949 defined the categories of persons entitled to Pows status. The Pows are persons that can be fixed into the categories including:

- a. Condition of being commanded by a person responsible for his subordinates.
- b. Condition of having distinctive sign “uniform or symbol recognizable and identifiable from a distance.
- c. Condition of carrying arms openly.
- d. Condition of conducting their operations in accordance with the laws and customs of war.

What the above signify is that a person seeking to enjoy recognition as a Pows or to be protected as such must show that he or she satisfies the above conditions or that he or she falls into the categories.

Others that will enjoy protection are the following:

- i. Members of regular forces professing allegiance to a government or an authority but not recognized by the detaining power.
- ii. Persons who accompany the armed forces without being members such civilian members of military aircraft crews, war correspondent, supply contractors, members of the labour units or services responsible for welfare of the armed forces. It is noted that all these persons must have received authorization from the armed forces which they accompany who shall provide them for that purpose with an identify land.
- iii. Inhabitants of a non-occupied territory who on the approach of the enemy spontaneously take up arms to resist the invading forces without having time to form themselves into regular armed units provided they carry arms openly and respect the law and custom of war. The above classification is explained and provided under Article 4 (A) of GC III.



We observe that the above persons and condition are fundamental for consideration in determining whether a person is a Pows or not deserving protection. Apart from identifying the classes above and the conditions, the following persons likewise shall be treated as Pows. They are:

- a. Persons belonging or having belonged to armed forces of the occupying country and they have made efforts to rejoin the armed forces which they belong.
- b. Persons belonging to any of the classes above but have been received by a neutral power on their territory as provided under Article 4 (B) of GC III.

Interestingly, Nwankwo (2022); Ugwaka and Igbokwe (2020) noted that the 1977 Additional Protocol 1 expanded the definition of a prisoner of war to take into consideration the evolving motion of combatants' tide to new military techniques under the new definition provided by Article 43 and 44 of API, prisoners of war status may be granted to armed groups that do not formally belong to regular army and to those including civilians who take part in the conflict. In summary, Ojimba, (2024); Okeke, Okaforcha, and Ekwesianya, (2019), stated that the effect of provisions of API Article 43 and 44 is that the status of prisoner of war is linked with the objective criteria based on direct participation in conflict rather than the legal criteria based on formal belonging to armed forces.

Therefore, both combatants and civilians directly taking part in a conflict may claim prisoner of war status when captured and the protection attached to it. Anushiem, (2022). Obumse, (2022); Ofozoba (2020) noted that a person who takes part in hostility and falls into the hands of the enemy is presumed a prisoner of war. The individual will be afforded protection under the Third Geneva Convention if he claims status of Pows, if it appears he is entitled to it or if the party he depends claiming such status on his behalf by notifying the detaining power or the protecting power (ICRC, 2010).

In summary, Osegbue (2019); Anushiem and Anushiem, (2023) observed that a prisoner of war, in line with the laws driving international humanitarian law means a person or persons who once participated in conflict directing but presently are no longer participating in hostility either because he falls into the of the enemy and is taken captive or he surrenders as well as even noncombatants, civilians, media personnel, contractors, aid workers who accompany the armed forces and are authorized to do so by the said armed forces. This definition is completed in accord with the provisions of the additional protocol I to the Geneva Convention and widened the scope of persons granted Pows status under the principal convention.

## **Conceptual Explanation**

### **i. Humanitarian Law:**

International humanitarian law, according to Ibe, (2022); Okoye and Ezeaku (2025) is a body of rules that regulates armed conflict. It prescribes the method and means of warfare and ensures that parties to a conflict have no choice or liberty on their own to decide or choose the method and means to adopt in warfare.

Humanitarian law governs the treatment of prisoners of war. The humanitarian law is a broad aspect of international law with human rights law being the second aspect. It is commonly referred as law of war but has been expanded in scope as it now applies any situation where there is humanitarian crisis.



The draft rules of Henry Dunant after the war of Solferino facilitated the drafting and adoption of IHL rules by the United Nations as a body of law to regulate armed conflict. Thus, with the adoption, the rules of war became a template and a body of law regulating the execution of armed conflict. IHL prescribes the rules regulating the following:

- i. Method and means of warfare.
- ii. Rules relating to those participating in armed conflict and those who for one incapacity or the other, they are no longer participating in conflict and should be protected namely:
  - a. The prisoners of war
  - b. The wounded soldiers
  - c. The sick combatants and the shipwrecked,
  - d. The old and the aged members of the armed forces
- iii. Civilian population and their properties should not be subject of military attack or military objective.
- iv. Prisoners of war or those held in captivity after surrendering to the enemy should be protected and not killed or tortured by or under a detaining power.
- v. The ship wrecked combatants should be collected and not killed or left to die.
- vi. The cultural properties “places of monument should not be subject of attack or military objective.
- vii. Furthermore, the media personnel, medical personnel, aid workers and medical property as well medical equipment should not be subject of attack.
- viii. Weapons that cause excruciating hardship suffering or that will lead to death of many civilians shall not be used in armed conflict.

The above rules are rules of IHL and they are made to advance the protection and humane treatment of victims of hostility and other incidence of events that create humanitarian crisis. According to Azubuike, (2024); Okoye (2021), the international humanitarian law regulating armed conflicts is driven and reinforced by conventions and instruments put in place by regional blocks and the United Nations that promote international peace, order and security as well as accountability and responsibility for actions that affect the world irrespective of the place such action took place. Some conventions that come to mind are the Geneva Conventions with its Additional Protocol I and II, the Hague Convention, Rome Statute etc.

## **ii. Armed Conflict:**

According to the Black’s Law Dictionary, Armed Conflict is a conflict between two or more warring parties over issue or issues of disagreement among them (Black’s Law Dictionary, 2019). From the above, an armed conflict is a dispute between two or more parties having differences or dispute and each of them have one interest or the other at stake which ought to be protected. By extension too, an armed conflict refers to conflict or dispute where the parties use “arms’ or weapons to settle or show their dissatisfaction of the other parties position and stand.

The rules of IHL and indeed the body of law was developed in the first place to ensure that the use of weapons in conflict does not cause or lead to excruciating human suffering or death of civilians. It also ensures that the parties have no choice of their own exclusively to determine the means, method of warfare to be adopted in execution of war. Armed conflict refers to conflict or disaster between two or three opposed armed forces and when we talk of





armed forces, we refer to group commissioned to commit hostilities against the enemy. The armed forces exhibit their enemy character by wearing uniform and carrying arms openly. They, according to Ofozoba and Ofozoba (2023); Anushiem, (2023), also constitute a disciplined contingent commanded by a responsible officer. So, when the states constituting the armed forces are in an armed conflict, the soldiers see themselves as enemies because none will like her own state to be defeated or disgraced. The effect of this also reflects the position of Roseau, Rhodes and Wades as well as other philosophers when they postulated that the ordinary soldiers who find themselves are not legally enemies to their colleagues as individuals but are enemies as contingents in their respective armed forces and would do everything possible to defeat the opposing forces and it is the forces or states in armed conflict that are enemies. Okechukwu (2025) and Ugwaka and Igbokwe (2023) noted that the soldiers are mere tools in the hands of the states to demonstrate their military capability and supremacy against the other side.

### **iii. Protection:**

Webster's Dictionary Online Version defined the term protection to mean "guard" safeguard and to defend so that it will exist (Meriam Webster's Dictionary, 2022). In the same vein, Oxford Dictionary defined the word protection to mean "to safeguard" to promote the existence of something and secure from being damaged or destroyed (Oxford Dictionary, n.d).

From the community reading of the definitions above, it can be conceded that the word protection means and refers to safeguard of something or somebody or something to save it from being damaged, killed or put in a situation of danger.

Relating the above definition to the prisoners of war, many conventions and instruments driving humanitarian law of armed conflict have made provisions to protect the soldiers that either surrender or are captured and fall into the hands of detaining power. Some of the instruments include the Geneva Convention, Hague Convention and Protocol Additions to the conventions of Geneva as well as the UN charter on Human Rights. The prisoners of war by the rules of humanitarian law reinforced in the treaties should not be killed but should be treated humanely with respect to their dignity maintained and sustained.

### **iv. Prisoners Of War:**

The word "prisoner" according to Hingorani (1982), is associated with some stigma attributing some wrong doing on his part. A layman according to him may think that prisoners of war may have done something wrong during war and it is as a result of this that there is usually a stigma attached to the word prisoner. The truth remains that prisoners of war did nothing other than that they are fighting for their country and they get captured by the belligerent, they are mere unfortunate victims of war as indicated by the Geneva Convention.

Prisoners of war are different from ordinary prisoners. Ordinary prisoners are detested by the society they live in as they are seen as common or serial criminals. On the contrary prisoners of war occupy a special place and honour within his national society. Winston Churchill considered the prisoners of war to be in the power of the captor whose humanity spares their life and whose compassion gives them their daily bread. The prisoners of war enjoy rights and privileges under the Third Geneva Convention of 1949 relative to prisoners of war irrespective of the compassion and humanity of the detaining power. During the process of war, a number of enemy persons are captured by the other belligerents. All the persons captured are not necessarily accorded prisoners of war



status. Only selected categories of soldiers from among the captured personnel qualify to be treated as prisoners of war and given the privileged status to entitle them to protection.

Article 4 of the Third Geneva Convention 1949 enumerates the categories of persons or personnel that qualify to be treated as Pows in case of their capture. The provisions are supplemented by Article 43 and 44 of 1977 Protocol 1 Addition to the Geneva Convention of 1949. The provisions of Article 43.1 of the Protocol state, that the armed forces of a party consist of all organized armed forces and units under a command responsible to that partly for the conduct of subordinates and who are subject to internal disciplinary system. Armed forces of a country would include national military or volunteer corps which forms part of the armed forces Article 44(1) confers pow status on such combatant groups listed under Article 43 (1) of the protocol.

From the community reading of Article 43 (1) and 44 (1) of API, it means that prisoners of war status is not accorded to just any person rather, the person or persons seeking to be protected under the recognition as Pows must come within the window under Article 43 and once she or he has satisfied the provisions under Article 43, then he or she or they are entitled to Pows status under Article 44(1). It is important to point out the key points under Article 43(1) of the protocol which include:

1. The person seeking Pows status must be a member or they are members of organized armed forces in ware fare.
2. The person must be a member of a group or unit under a command.
3. The command must be responsible to that partly for the conduct of the subordinates.
4. The subordinates are subject to an internal disciplinary system.
5. The armed forces also include national militia and volunteer corps.

What it means is that a person who satisfies the conditions above is entitled to be granted Pows status once captured and is accordingly entitled to protection. Such a person must have a responsible commander, distinct uniform or symbol carrying of arms openly and law-abiding attitude in respect of rules of ware fare. In cases of members of armed forces, while Geneva Convention assumes that the four conditions must be fulfilled, the Protocol insists on responsible commander and internal discipline among the members of armed forces. Any deviation of the above requirements may land a member of the armed forces in difficulties and cause them denial of POW status and protection. It is noted that some members of armed forces are not entitled to POW status namely.

1. Members of the armed forces that have committed war crimes are not entitled to protection and POWs status. They cannot be punished until found guilty by competent tribunal (Art, 4 and 5)
2. Paratroopers (commanders) airborne personnel that seek to operate behind enemy lines for purposes of sabotaging, transmission of intelligence and assistance to incoming enemy, they cannot go blame free. Paratroopers operated during World War II, Vietnam war, Arab Israeli wars, indo-Pakistan wars etc. During World War II, Nazi troops were ordered to kill commander's troops on the spot than take them as POWs.
3. Traitors/deserters: traitors and deserters in the enemy forces are not treated as POWs. A traitor is one against his state ideology. He is a noncomfonist or a traitor; they are not entitled to POWs statues.



4. Foreign participants in the armed forces of another state's armed forces are Pows when captured. However they may be labeled as mercenaries under Article 47 of Protocol Addition to Geneva Convention, mercenaries participate in armed conflict because of their personal or private gain and so are not protected as POWs.
5. Armed forces after surrender: those who continue combatant activities after surrender are not granted Pows status.
6. Armed forces of unrecognized states: Article 4 (a) 3 of Additional Protocol provides that members of regular armed forces who profess allegiance to a government not recognized by the capturing powers will be entitled to Pows status. This clause was inserted because of what happened during the World War II when De Gaulle's Free French forces and Badoglio's Italian forces were having difficulties in being treated as POWs because their state was not recognized by the capturing power.

**v. Armed Forces:**

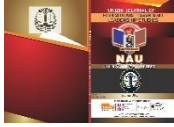
Armed forces refer to a group of soldiers or combatants who are commissioned to commit hostilities against the enemy. They exhibit their enemy character by wearing an identifiable uniform and marks for which they are known and they are usually disciplined and under the command of a responsible commander who gives order and directions observed and obeyed by the subordinates. There are no armed forces without a commander and without rules of engagement. The word disciplined is used because the members of the armed forces are committed to obey the rules dictated by the commander.

It must be noted that armed forces must be commissioned group of personnel by the state and they legitimately bear arms against the enemy who may attempt or have indeed threatened the sovereignty of their state. However, other armed bearing groups in a state that are not commissioned and are not approved by the state to work and co-operate with the armed forces are not members of the armed forces including some militia groups, rebels, dissidents and some other terrorist gangs etc that are usually found in some states like "ISIS" Islamic Society of West Africa "ISWA" and even the members of Boko Haram Jihadists in the North Eastern Nigeria and El Shabab Militia in Kenya. These groups are rather established to run down the state for their selfish ideological interest. Ideological interest and most often to the disadvantage of the state where they operate and to the advantage of international collaboration that constituted them.

**vi. Active Participation in Conflict:**

This is a principle that is very important in the consideration of protecting prisoners of war and other combatants that deserve protection in armed conflict. Under international humanitarian law, a soldier or combatant is in active participation in armed conflict when he is face to face with the enemy forces and participate in the actual conflict in the battle field. To that extent, the combatant participating actively in conflict unless captured or taken captive cannot seek protection because as he works to conquer his enemy so the enemy wants to get him conquered (Abonyi, 2022). In the same vein, a mercenary or spy who infiltrates into enemy camp for purposes of getting information on the "tactics" "method" "strategy" and "intelligence" from the enemy and gives such information to the opponent is also seen as participating actively in conflict.





Individuals who are captured, who are wounded or shipwrecked, or aged or injured are no longer in active participation in conflict, they therefore need protection and are protected by the rules of IHL including the prisoners of war.

**vii. Detaining Power:**

A detaining power is the armed forces and the authority that captured the Pows and took him captive and under whose custody and control the Pows finds himself (Wikipedia free encyclopedia, 2023). It is the same thing as the command or the authority that has taken the Pows captive and such power controls both the movement and other issues concerning the Pows namely provisions of his needs like food, shelter, medication and protection of his life and safety as well as respect for his personal liberty and dignity of his human person. The POWs is while under the detaining power entitled to all judicial guarantees as case may be especially with respect to any act against him that may violate his human rights and cause abuse on him including torture and any other deprivations while in captivity. International humanitarian law made it a rule that fair and humane treatment must be accorded the POWs by the detaining power and any deviation is regarded as a breach of IHL Rules. The implication of this is that minimum treatment must be given by the detaining power to the POWs and any degrading, inhuman treatment and cruel punishment of Pows by the detaining power is prohibited.

**Laws And Institutions Protecting Prisoners of War**

Prisoners of war are not protected in vacuum, rather there must be laws driving the promoting of rights of Pows and the laws also creates the institutions in place to ensure the protection. The following highlights are the laws and institutions promoting the welfare and protection of prisoners of war (Pows).

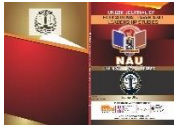
**(a) The Geneva Convention of 1949:**

The Geneva Convention of 1949 that came into or entered into force in 1950 is the Third Geneva Convention and made with reference to treatment of prisoners of war (University of Minesota Human Rights Library Review, 2023). By Article 2 of the convention, the convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more High contracting parties even if the state of war is not recognized by one of them. Being applicable in any war or armed conflict between one state and another or more than one states, it signifies that it occurs in international armed conflict. If there is occupation of territory and no resistance is made, the convention also applies. However, by Article 3 of the Convention, where the conflict is non-international but occurs in the territory of a party to be convention, each party to the conflict shall be bound to apply as a minimum the following provisions:

- i. Those no longer taking part in hostility including members of armed forces who have laid down their arms or are taken captive or those that are sick, wounded or under detention or other causes, shall in all circumstances be treated humanely without any advance distinction founded on race, colour religion or faith, sex, birth or wealth or any other similar criteria.

From the above, the convention is completely against treatment of any victim of warfare on the basis of sex, colour, race and other considerations. A further and closer look of the provisions of Article 3 of the convention shows that the following acts are prohibited:

- a. Violence to life and person in particular numbers of all kinds, mutilation, cruel treatment and torture.
- b. Taking of hostages.



- c. Outrages upon personal dignity particularly humiliation and degrading treatment.
- d. Passing of sentences and carrying of executions without previous judgments pronounced by a regular constituted court.

It is also observed that by subsection 2 of the Article, the wounded and the sick must be collected and cared for and an impartial body like the ICRC may offer its services to the parties to the conflict. Interestingly and as it concerns POW, the convention under its Article 4 defined POWs as persons belonging to one of the following categories who have fallen into the power of the enemy.

The Geneva Convention III protecting the Pows required them to give information relating to their names, ranks, serial numbers to their captors and the member states to the convention are disallowed from using torture to extract the above information from the prisoners of war. The convention like the other Geneva Conventions apply in cases of declared war between signatory nations and this has always been the original sense of applicability. The convention also applies where many signatory states are in armed conflict even without declaration of war. This language was added in 1949 to accommodate situations of armed conflict where there is no formal declaration of war.

The general convention provides for universal jurisdiction as opposed to other treaties with limited or territorial jurisdiction. This is because, some crimes are exceptionally grave and capable if not checked to cause threat to international community. The Third Geneva Convention in the authoritative statement concerning the prisoners of war (Article 5 (2) GCII). An outstanding innovation of the convention in addition to its application to all other armed conflict is that it makes reference to internal wars (International Law Cases and Materials, n.d).

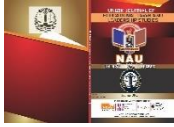
The convention defined prisoners in a way calculated to include every person likely to be captured in hostilities. Full and primary responsibility for the treatment of prisoners of war fall upon the detaining power not upon the individuals. The detaining power under the convention is under obligation to treat the POWs humanely and protect them from danger. They must be supplied with food, clothing and medical attention.

They should also be protected from public curiosity (Article 20 GCIII) and elaborate due guarantees including trials by court that respect the same standards of justice. Medical and scientific experiments are prohibited and POWs are to be treated alike irrespective of race, nationality, religious beliefs and political opinions (Article 16 GCIII). It is also important that the condition at the detention camp must meet the standards provided by the convention (Article 22 GCIII) and should not be subjected to torture (Article 17 GCIII). The work the Pows are required to do should not be dangerous, humiliation or directly connected with operation of war (Article 51 and 56 GCIII). They must have access to their families and correspondence privileges (Article 70-73 GCIII), and procedures created for registering complaints against authorities in the detention camps (Article 78-90 GCIII). The Pows properties should not be disposed when they are arrested (Article 18 GCIII) and when hostility is over, the Pows must be repatriated (Article 118 GCIII).

The above provisions are valuable provisions promoting protection of Pows.

#### **(b) The Hague Convention, 1929:**

The Hague Convention preceded the law of Geneva and made salient provisions and rules over armed conflict. It also recognized the Pows as vital elements in war and expressed the need for the protection of these



elements emphasizing the fact that humane treatment is necessary for all men of the world and those who participated in war but here either surrendered or were capture should not be killed but protected and their life saved.

**(c) The United Nations Charter:**

The United Nations Charter is a charter of the World body which declared and recognized the human rights of all human beings as inalienable and indivisible too and no human being should be denied or deprived of his human rights.

By extension, the prisoners of war are individuals and soldiers who have not committed a crime but rather were captured in war defending the sovereignty of his state in war or surrenders to the enemy either due to injury or other reasons. The Pows are men of honour and committed no crime like ordinary prisoners hence the provisions of the UN Charter applies to them fully and completely like every other citizen of the world.

**(d) International Convention for Protection of Civil and Political Rights:**

In the same respect and manner the UN Charter protects the human rights of all citizens of the world, the ICCPR also recognize the fact that the civil and political rights of citizens are fundamental and should be protected namely right to life, personal liberty, freedom of expression etc. These are extended to the POWs.

**(e) International Convention for the Protection of Economic, Social and Cultural Rights:**

There are rights that are recognized as economic, social and cultural rights. There is no discrimination in the enjoyment and protection of those rights. Thus, the Pows even through under the detaining powers are entitled to these rights namely right to food, housing medication and other things that make life worth living including conducive environment like the detention camp.

**(f) Convention Against Torture:**

This convention prohibits torture generally for all persons. The Pows under the detaining power should not be torture or subjected to any task so dangerous to endanger their life.

**(g) European Convention on Human Rights:**

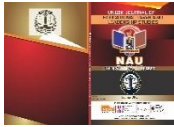
This is a regional human right treating among the European states it provides for the protection of the human rights of citizens of member states. The Pows in these states are protected like any other citizen.

**(h) Inter American Convention on Human Rights:**

This is the convention by American Organization of states. It is made by them for promotion of the rights of all citizens and people within those states, the Pows in such states cannot be exempted from such protection.

**(i) African Charter on Human and People's Rights:**

This is another regional human right bill made by the African states under the auspices of organization of African Unity now African union.



It promotes the protection of both the civil and political rights of citizens as well as the third generation rights. All the citizens of member's states to the charter are protection, by implication the Pows in such countries in times of war and hostilities are protected.

**(j) Rome Statute Establishing International Criminal Court:**

This statute created the ICC and made provisions that ensure accountability for crimes of international concern. When the prisoners of war are detained, it will amount to serious crime of international concern if they are killed or murdered "mass murder" by detaining power without allowing them to exploit all available judicial guarantees.

**(k) The 1977 Additional Protocol to The Third Geneva Convention:**

The additional protocol 1 made provisions protecting the Pows and the provisions of the protocol enhanced and facilitated their protection.

**(ii) Institutional Framework:**

Some institutions exist and promote the protection of prisoners of war and work towards realization of their rights.

**(a) United Nations and Its Relevant Organs:**

The United Nations is formidable international organization that almost all countries of the world are signatories. The UN has adopted many instruments protecting and promoting rights of many categories of persons since its inception and will likely continue to do so as need arises. In addition to driving the adoption of these instruments, the UN also promotes the implementation and enforcement of the provisions of the instrument through its agencies and collaborations with other relevant regional associations and international organizations including its commissions and human rights, the ICC, the UN High Commission on Human Rights and the UN Rapporteur on Human Rights, the UN General Assembly, UN Security Council and others.

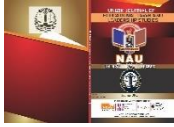
The organization through its relevant organs protects and promotes the rights of the prisoners of war and ensure that they enjoying all their entitlements and their judicial guarantees under international Humanitarian Law.

Of importance is the ICC established by the Rome Statute, all perpetrators of grave violations and breaches of IHL leading to serious crimes of international concern including mass murder, crime against humanity etc are accounted for and the court is put in place to probe the perpetrators and this also include torture, killing and unlawful detention of Pows.

**(b) The Inter American Commissions on Human Rights:**

The commission was established by the inter-American convention on human rights to drive the implementation of the right by the member states of the organization of American states. The commission protects and promotes the rights of citizens of member state/parties to be convention and the Pows are not exempted from such protection.

**(c) The European Court Of Human Rights:**



Similarly, among the European state or council of Europe, there is the European court of human rights established by the European Convention on Human Rights to protect and promote the rights of citizens of states parties to the convention, the Pows in such states are included.

**(d) The African Court of Human Rights or African Commission for Human Rights:**

It is a commission/court established and created by the African Charter on Human and people's rights which is the convention adopted by the OAU now AU which is African Continental Organization. The Charter captures both the civil and political rights in addition to the third regime or generation of rights. The court ensures that perpetrators who violate these rights are not left without giving explanation for their actions. The Charter protects all citizens in the member state of the African Union and Pows are also included.

**(e) The International Committee of The Redcross:**

This is an international non profitable organization dedicated to giving humanitarian assistance to people in humanitarian crisis and situation. The ICRC facilitates the draft of rules of armed conflict and the rules including the treatment to prisoners of war.

**(f) Non-Governmental Organizations/Aid Agencies and The Media** NGO's, Aid Agencies and media organizations promote and protect the rights of Pows. They assist in the form of providing them conducive environment, food, medicals and other facilities etc.

**Recommendations**

The following recommendations are made:

1. Urgent proactive steps by UN (Abonyi, 2023):  
UN must stand up and take the issues of Pows serious especially in the face of Russia/Ukraine war.
2. This is serious threat to international peace and Dialogue must be used than military option:  
Unless the above step is taken, the situation in Ukraine will not stop, the impending trouble and war in Niger Republic is also a threat.
3. The challenges to effective protections of rights of Pows must be addressed, steps must be taken to identify them, register them, reunite them with their families, give them their due respect and bury them properly if they die and repatriate them if they are sick and old.
4. Grave breaches of IHL should be accounted for and there should be no sacred "Pows" like it is the case of big five countries or super powers.
5. Advocacy and sensitization on rights of Pows needed to remove stigma of seeing them in the same category of common criminals convicted for offences they committed, Pows are men of honour (Abonyi, 2019).





## REFERENCES

- Abonyi, A. U. (2013). amnesty for Niger-Delta militants, political solution to the crisis” being paper presented at workshop on policy framework to end Niger-Delta crisis, Rano suits, Asaba, 2022
- Abonyi, A. U. (2020). Powers Of Economic and Financial Crimes Commission Department for State Security Service and Prosecution of Serving Judicial Officers. *Chukwuemeka Odumegwu Ojukwu University Journal of Private and Public Law*, 2(1).
- Abonyi, A. U. (2021). An Appraisal of the Constitutionality of the Amnesty Programme for Members of Boko Haram Sect in Northern Nigeria. *Journal Of Current Issues in Nigerian Law*, 2(1).
- Abonyi, A. U. (2021). Invasion of Ukraine by Russia: The Legal Implications. *LASJURE*, 2, 176.
- Abonyi, A. U. (2021). Protection Of Rights of Victims of Internal Displacement in Nigeria: A Task Impossible Without an Enabling Legal Framework. *The Journal of Property Law and Contemporary Issues*, 11(1).
- Abonyi, A. U. (2021). Trafficking In Persons and Irregular Domestic and Cross Border Migration in Nigeria. *The Journal of Property Law and Contemporary Issues*, 11(2).
- Abonyi, A. U. (2022). Democratisation of Corruption in Nigeria: Analysis of Its Socio-Political, Economic and Legal Implications. *IRLJ*, 4, 148.
- Abonyi, A. U. (2022). Organ Harvesting: A Critical Review of Nigerian Law and Lessons from International Instruments. *IJOCLLEP*, 4, 45.
- Abonyi, A. U. (2022). Sustaining a Claim or Counterclaim for a Declaration of Title to Land: A Review of David Nwankwo Egemonye v Peter Obichukwu Egemonye. *IRLJ*, 4, 160.
- Abonyi, A. U. (2022). The Constitutionality of RUGA as a Land Policy in Nigeria. *AJLHR*, 6, 52.
- Abonyi, A. U. (2023). Judicial Corruption and Its Challenges to the Administration of Justice in Nigeria. *IJOCLLEP*, 5, 15.
- Abonyi, A. U. (2023). The Protection of Prisoners of War under International Humanitarian Law. *LASJURE*, 4, 115.
- Abonyi, A.U. (2019). *A Handbook on International Humanitarian Law*. Nnewi: Chemag Press Ltd.
- Adinna, I. P., & Onyekwelu, R. A. (2021). Evaluation Of Supervision Related Challenges on The Implementation of National Policy on Secondary Education in Anambra State Nigeria. *Online Journal of Arts, Management and Social Sciences (OJAMSS)*; 5(2), pg.272 – 281
- Anushiem, M.I. & Anushiem, U.M.J. (2023). Leave to Sue a Company in Liquidation Under section 580 of Companies and Allied Matters Act 2020: Imperative for Legislative Intervention. *Frontline Bar Journal (FBJ)*; 1(2), available in google scholar at [http:// www. nigerianjournalonline.com](http://www.nigerianjournalonline.com).
- Anushiem, U.M.J. (2017). A Constitutionality of the Exclusive Jurisdiction of the Investments and Securities Tribunal (IST). *African Journal of Constitutional and Administrative Law (AJCAL)* 1; 64-77 available in google scholar at [http:// www.journals.ezenwaohaetorc.org](http://www.journals.ezenwaohaetorc.org)
- Anushiem, U.M.J. (2022). Intervention of Finance Act (2019) as Amended on Taxation of Dividends in Nigeria: A Legal Appraisal’ *Nnamdi Azikiwe University, Journal of Commercial and Property Law*, 9 (1); available in google scholar at [http:// www.journals.unizik.edu.ng](http://www.journals.unizik.edu.ng)



- Anushiem, U.M.J. (2022). The Intervention of Finance Act on Taxation of Non-Resident Companies in Nigeria: An Appraisal', *Chukwuemeka Odumegwu Ojukwu University Journal of Private and Public Law (COOUJPPL)* 4 (1).
- Anushiem, U.M.J. (2023). Appraisal of the Prospects for Taxation of Digital Economy in Nigeria', *Unizik Law Journal*, 19 (2), available on online on journals.ezenwaohaetorc.org.
- Azubuikwe, O. R. (2024). Perceived Influence of Principal Leadership Styles on Teachers' job Performance in Public Secondary Schools in Awka South LGA. *Top Educational Review Journal*; 15(12);24-32. <https://zapjournals.com/Journals/index.php/terj>
- Azubuikwe, O. R. (2024). Perceived Influence of Welfare Packages on Teachers Job Performance in Public Secondary Schools in Anambra State. *International Journal of Education, Research and Scientific Development*; 5(3), 1-14. <https://www.ijresd.org>
- Camus, A. (2022). *The Practical Guide to Humanitarian Law, Documenting on Geneva Conventions*. Albert Camus. Advanced research.com.online(6/6/2022).
- Ekwesianya, A. A. (2022). Principals' school-Community Relationship Management Strategies for School Plant Maintenance in Secondary Schools in Awka Education Zone of Anambra State. *African Journal of Educational Management, Teaching and Entrepreneurship Studies*, 6(1), 191-200.
- Ekwesianya, A. A., Okaforcha, C., & Okeke, N. I. (2020). Principals' Capacity-Building Needs for Conflict Resolution in Secondary Schools in Anambra State. *International Journal of Innovative Science and Research Technology*; 6 (5); 513-516.
- Enwezor, C. H. (2021). Relationship Between Principals' human Resource Management Practices and Teachers' job Satisfaction in Secondary Schools in Anambra State. *UNIZIK Journal of Educational Research and Policy Studies*, 2, 137-150.
- Enwezor, H. C. (2021). Perceived Impact of School Climate on Academic Performance of Secondary School Students in Onitsha North Local Government Area, Anambra State. *UNIZIK Journal of Educational Research and Policy Studies*, 4, 117-136.
- Ezeaku S. N (2019). Creative Quality of Educational Managers in functional Education as a panacea to Achieving Sustainable Development in Anambra State, Nigeria. *Journal of Education, Society and Behavioral Science* Vol. 31 (issued) (Pg 1-9).
- Ezeaku, S. N. (2025). Instructional Leadership in The Era of Ai: Correlates to Open School Climate in Secondary Schools in Anambra State. *UNIZIK Journal of Educational Research and Policy Studies*, 19(1).
- Ezeaku, S. N., & Okoye, A. C. (2025). Best Strategies for Ensuring a Good Organizational Climate in Secondary Schools in Anambra State. *Unizik Journal of Educational Laws and Leadership Studies*, 1(1).
- Gordion, R & Meyer, M. A. (2017). The protection of prisoners of war against insults and public curiosity. *Hague Journal Review*, 2(3),
- Hingorani R.C. (1982). Who are the Prisoners of War? *Australian Year Book of Law*.
- Human Rights Library (University Of Minnesota) [hronline.minnesota.treatment.to.prisoners.of.war.com](http://hronline.minnesota.treatment.to.prisoners.of.war.com).
- Ibe, I. U. (2019). An Appraisal of The Legal and Administrative Framework for Taxation in Nigeria. *African Journal of Constitutional and Administrative Law*, 1.
- Ibe, I. U. (2022). An Analysis of The Legal Framework for The Administration of Companies Income Tax in Nigeria. *Chukwuemeka Odumegwu Ojukwu University Law Journal*, 6(1).



- Iloka, P. C., & Nwakoby, C. S. (2025). Examination Of the Legal Rights of Teachers: A Case Study of The Anambra State Legal Provisions. *Unizik Journal of Educational Laws and Leadership Studies*, 1(1).
- Iloka, P. C., & Nwakoby, C. S. (2025). Safety And Security in Managing School Facilities. *Unizik Journal of Educational Laws and Leadership Studies*, 1(1).
- Inter-American Commission (Organization of America States) on Human Rights  
[lachr.research.Pows.com.org](http://lachr.research.Pows.com.org).
- Mahnad, R. (2022). Prisoners of war, what you need to know. *ICRC Review*,
- Mariner, J. (2022). "Russia/Ukraine, prisoners of war must be protected from public curiosity under Geneva Convention" Amnesty Publication, 2022, (Mariner Joane is the Director of Amnesty International Crisis Response Programme.)
- Morrow, J. D. (2001). The institutional features of the prisoners of war treaties international organization. *Review Autumn*, Pg 971.
- Nonyem, O. I., & Chimaa, O. C. (2020). Principals' auditing practices as predictors of teachers' job involvement in secondary schools in Anambra State. *African Journal of Educational Management, Teaching and Entrepreneurship Studies*, 1(1), 1-7.
- Nwakoby, C. S., & Iloka, P. C. (2025). Examining Education Law of Torts in Public Secondary Schools in Anambra State. *UNIZIK Journal of Educational Laws and Leadership Studies*, 1(1).
- Nwakoby, C. S., & Iloka, P. C. (2025). Regulatory Challenges in Implementing Digital Education in Anambra State for Sustainable Development. *Unizik Journal of Educational Laws and Leadership Studies*, 1(1).
- Nwankwo, A. A. (2022). Green business strategies and performance of breweries in South-East Nigeria. *International Journal of Innovative Social Sciences & Humanities Research*, 10(1), 127-138.
- Nwankwo, A. A. (2022). Impact of Emerging Digital Technology on Organizational Performance: A Study of Fidelity Bank in Anambra State. *International Journal of Business Systems and Economics*, 13(5), 156-168.
- Nwankwo, I. N. (2022). Management practices for controlling fund wastages and misappropriation in secondary schools In Anambra State. *Unizik Journal of Educational Research and Policy Studies*, 14(1), 177-190.
- Nwankwo, I.N. (2022). Management Practices for Controlling Fund Wastages and Misappropriation in Secondary Schools in Anambra State. *Unizik Journal of Educational Research and Policy Studies (UNIJERPS)* 14 (1); 177-190.
- Obumse, N. A. (2022). Influence of Parents Socio-Economic Factors on Psychosocial Adjustment Levels of Anglophone Adolescents Residents in Burkina-Faso, Francophone Speaking West Africa. *Sapientia Global Journal of Arts, Humanities and Development Studies (SGOJAHDS)*, 5(3) p.g. 147 – 161
- Obumse, N. A. (2022). Relationship Between Family Levels of Expenditures and Socio-Cognitive Adjustment Levels of Adolescents in Anambra State Nigeria. *Sapientia Foundation Journal of Education, Sciences and Gender Studies*, 4(3). pg. 213 – 223
- Obumse, N. A. P. (2022). Influence of Parenting Styles and Nurturance on the Psychosocial Development of Adolescents in Enugu State: Implication for Employability and Global Competitiveness in The New Normal. *Sapientia Global Journal of Arts, Humanities and Development Studies (SGOJAHDS)*, 5(3); p.g. 59– 68



- Ofozoba C. A. (2020), “A Philosophical Reflection on Gender Inequality and the Status of Women in the 21st Century Nigeria Social Environment”. *The International Journal of Humanities & Social Studies*; 8(10) DOI No: 10.24940/theijhss/2020/v8/i10/HS2010-036. [www.theijhss.com](http://www.theijhss.com)
- Ofozoba C.A., Ofozoba O.P. (2023) “Rule of Law: A Recipe for Sustainable Education in Nigeria”. *International Journal of Educational Research and Policy Making (IJERPM)*; 6 (1),1231-1242.
- Ojimba, C. C. (2024). Commercial Dispute Resolution in Nigeria and Selected Jurisdiction; Issues and Prospects. *UNIZIK Journal of Educational Research and Policy Studies*, 18(2).
- Ojimba, C. C. (2024). Effect Of National Industrial Court and Industrial Arbitration Panel in Resolution of Corporate Dispute. *African Journal of Educational Management, Teaching and Entrepreneurship Studies*, 13(2).
- Ojimba, C.C. (2020). Legal Implications of Technology Transfer to Nigeria. *Chukwuemeka Odumegwu Ojukwu University Journal of Commercial and Property Law*, 2(1).
- Okaforcha, C. C., & Iloka, C. P. (2025). Disciplinary Measures as Correlates of Students’ misbehaviour in Public Secondary Schools in Anambra State. *UNIZIK Journal of Educational Research and Policy Studies*, 19(1).
- Okaforcha, C. C., & Okeke, I. N. (2020). School Leadership as A Correlate of Teachers’ job Satisfaction in Public Secondary Schools in Awka Education Zone of Anambra State. *UNIZIK Journal of Educational Research and Policy Studies*, 1, 1-7.
- Okechukwu, E. (2025). Legal Protections of Teachers for Sustainable Workforce. *Unizik Journal of Educational Laws and Leadership Studies (UNILAWS)*, 1 (1).
- Okechukwu, E. (2025). Teachers Rights and Responsibilities and Societal Expectations. *Unizik Journal of Educational Laws and Leadership Studies (UNILAWS)*, 1 (1).
- Okeke, N. I., Okaforcha, C., & Ekwesianya, A. (2019). Attrition and strategies for teacher retention in secondary schools in Anambra State. *Global Journal of Education, Humanities and Management Sciences*, 1(1), 148–156.
- Okeke, N. I., Okaforcha, C., & Ekwesianya, A. (2019). Principals’ School Self-Assessment Practices for Secondary School Improvement in Awka Education Zone of Anambra State. *Global Journal of Education, Humanities and Management Sciences (GOJEHMS)*; 1(1), pg.128 - 136
- Okoye, A. C. (2021). Strategies for developing sustainable business education for economic development. *International Journal of Management Studies and Social Science Research*, 3(2), 76-81.
- Okoye, A. C., & Ezeaku, S. N. (2025). Digitalization in Teaching and Learning and The Challenges Hampering Its Smooth Flow. *African Journal of Educational Management, Teaching and Entrepreneurship Studies*, 14(1).
- Onyekwelu, R. A. (2024). Students’ use of Search Engines as Correlate of Students Academic Performance in Senior Secondary Schools in Ogidi Education Zone. *Multi-Disciplinary Research and Development Journals Int’l*, 5(1), 11-11.
- Onyekwelu, R. A. (2024). Teachers’ Professional Competencies as correlates of Student’s Academic Achievement in Public Secondary Schools in Anambra State. *AJSTME*, Volume. 10 (3); 404-411; <https://www.ajstme.com.ng>





- Onyekwelu, R. A., & Adinna, P. I. (2022). Influence Of Covid-19 On the Nigeria Secondary Education System: Effective Virtual Learning, The Way Forward (A Case Study of Anambra State). *Journal of Educational Research & Development*, 5(2).
- Osegbue, G.C. (2019). Perceived impact of effective educational planning on education system for national cohesion and global competitiveness. *International Journal of Educational Practice (IISTE)*, 10(11), 108-117.
- Osegbue, G.C. (2021). Principal' management of students' personnel services for attainment of educational goals in Anambra State. *Journal of Educational Research and Development*, 4(1), 85-92.
- Osegbue, G.C. (2022). Effectiveness of visual video tutoring on students' learning in coping with COVID 19 in the new normal. *International Journal of Educational Practice (IISTE)*, 13(21) 110-122.
- Ucheagwu-Okoye, O. M. (2021). The Need for Arbitration as An Alternative Dispute Resolution Mechanism in Tax Disputes Resolution in Nigeria. *Idemili Bar Journal*, 2.
- Ucheagwu-Okoye, O. M. (2025). Role Of School Leaders in Promoting Mental Health Awareness Among Secondary School Students in Anambra State for Sustainable Development. *African Journal of Educational Management, Teaching and Entrepreneurship Studies*, 14(1).
- Ugwaka, K.A. and Igbokwe S.O. (2020). Effect of ration level on the growth and development of clarias gariepinus. *International Journal of Agricultural Research and Food Production*, 5(3); 1-9.
- Ugwaka, K.A. and Igbokwe, S.O. (2023). Effect of Phthalates from Plastic Culture Materials on the Growth and Survival of African Catfish. *International Journal of Agricultural Research*; 18 (1): 36-44.
- United Nations Human Rights (Office of the High Commissioner) unhr.geneva convention.treatment to prisoners of war.com.org.
- Wikipedia, free encyclopedia. Geneva Convention on prisoners of war" 1929 wikipediaonline.com.research.prisonersofwar.