**Committee: LEGAL**

**Country: Palestine**

**Topic: Legal Framework Concerning the Protection of Prisoners of War During War Times and Its Safe Conduct**

The Third Geneva Convention regarding the treatment of prisoners of war was founded in 1949. It defines PoW’s (prisoners of war) as “Members of armed forces/accompanying persons of a party that have fallen into the power of the enemy.” In 1977, this definition was expanded to include inhabitants of non-occupied territory without proper forces and civilians that are part of movements and uprisings. The convention’s purpose is to protect human rights of captured civilians and/or combatants. The term dates back to the 1600s with the concept and the practice dating back to earlier in time being used as a war strategy. The purpose of the practice is to hold the armed military forces of the opposing party to isolate them from combatants and achieve military victory. However, due to the ethnic, religious or political reasons of war, PoWs are highly under the risk of being harmed and treated inhumanely by their captors. The social hostility between two opposing forces can cause the captors to torture, physically and mentally harm, rape and not provide basic human rights like appropriate shelter, food or clothing. Therefore there have been several attempts to disable barbaric and inhumane war internationally. The Lieber Instructions and Hauber Convention lead to The Geneva Convention which all discuss the ethics of war, what should be legal and what should be considered a war crime and puts regulations internationally to protect the bystanders of both sides and keeping a civil environment. The Third Geneva Convention focuses on the topic of prisoners of war. This convention’s purpose overall is to protect the rights of PoWs so the tragedies that captured citizens went through in the past in wars like the World Wars can be avoided. Despite the precautions and regulations of these conventions, we have seen that even in the current years with the Ukraine-Russia war and Palestine- Israel war that countries do not obey the Conventions due to several reasons and inhumane acts are done in wars. PoWs are not treated the way they are meant to and their rights are being taken away actively.

The current situation of the Palestinian-Israeli war shows that the Geneva Convention by itself is not enough to protect prisoners of war, as the regulations are being heavily violated by Israel against Palestinian combaters and citizens. Israel has captured many Palestinians for illegitimate reasons and have punished them without courting or with heavily biased courting with unfair sentences for non-relevant offenses like ‘rock throwing’. Most are caught without offences through random arrest operations. Despite this fact, Israeli captors heavily and unfairly punish their prisoners with physical, psychological and sexual torture in forms of rape, beating, stripping and verbal abuse. The Geneva Convention states that violence against combatants can only be done if they are not captured. After imprisonment, the only applicable punishments are fines, privilege discontinuations, fatigue duties and confinement. All forms of torture and group punishment are forbidden. Through the stretching and disobedience to the articles, Israel tortures their prisoners in captivity. The main issue in the treatment of PoWs comes in the ignorance of basic human rights by captors. Palestinian captives are not fed properly, given non-habitable spaces to accommodate in and are not given proper medical care. This treatment is not only against the Geneva Convention, but also against human rights. This and many other factors proven by Palestinian escapees and monitoring organizations show that the Geneva Convention is actively being breached by governments like Israel that have technically accepted the convention like all other countries.

Organizations like the ICRC has acknowledged the war crimes committed by Israel, yet their current aid is not even close to enough compared to the scale of the conflict between the two countries. Other non-governmental organizations like HRC and Amnesty International have helped in protesting against Israel and documenting in detail and calling for ceasefire. United Nations has proven to be the most effective with the call for ceasefire and increase in aid. Considering the current state of the war, it is clear that the real solution to stopping the abuse of prisoners of war would lie not only in ceasefire and aid support, but also in acknowledging and forbidding the violations of the Geneva Convention and giving the necessary response to the violator according to international law. This fact applies not only to the current Palestinian- Israeli war but to all wars that may occur. The Geneva Convention, especially the third convention, covers all aspects of prisoners of war successfully. It is up to organizations and United Nations to act upon the convention and international law properly. All nations should be encouraged to help NGO’s or their own organizations to bring justice to prisoners of war, especially countries like the USA who have either stayed silent or sided with the dominant party in the recent wars yet could significantly help with providing justice. Documentations by informative forces like NGOs should also be moderated and supported as well. The war in Gaza and other significant wars have shown that protecting war prisoners can be done by firstly identifying issues through moderating the opposing forces and misinformation or biased information should not be spread. During wars, countries should all follow the Geneva Convention and behave according to human rights. Prisoners should be provided basic human needs and nations should not be allowed to stretch the limitations of the convention. Being stricter against human right violations is necessary and when these violations occur, aid should be provided accordingly to PoWs. Prisoners of war can be protected and returned to their homeland as soon as possible if all nations follow the Geneva Convention strictly.

**Resources:**

1. Palestinian prisoners are victims of torture and systematic executions as international organisations are silent [en/ar] - occupied Palestinian territory. ReliefWeb. (2024, March 9). <https://reliefweb.int/report/occupied-palestinian-territory/palestinian-prisoners-are-victims-torture-and-systematic-executions-international-organisations-are-silent-enar>
2. The Practical Guide to Humanitarian Law. Doctors without borders <https://guide-humanitarian-law.org/content/article/3/prisoners-of-war/>
3. 3- Global Red Cross Movement responds as Israel and Gaza conflict continues – occupied Palestinian territory. ReliefWeb. (2023, November 4).
4. [https://reliefweb.int/report/occupied-palestinian-territory/global-red-cross-movement-responds-israel-and-gaza-conflict-continues](https://reliefweb.int/report/occupied-palestinian-territory/global-red-cross-movement-responds-israel-and-gaza-conflict-continues )
5. IHL <https://ihl-databases.icrc.org/en/ihl-treaties/gciii-1949/article-89/commentary/2020#:~:text=3736%20Article%2089%20restricts%20disciplinary,health%20of%20the%20prisoner%20concerned>.
6. Summary of the Geneva Conventions of 1949 and their Additional Protocols <https://www.redcross.org/content/dam/redcross/atg/PDF_s/International_Services/International_Humanitarian_Law/IHL_SummaryGenevaConv.pdf>