

INTERNATIONAL STATUS OF PRISONERS AND INSURGENTS

General

Treatment of Prisoners

GENERAL

Insurgency occurs within a particular state when revolutionaries who have banded together for political reasons attempt to displace the established government by force. An insurgency attains belligerent status under international law when it meets the requirement for civil war (see glossary).

Under international law, another country is permitted to assist an established government threatened by an insurgent movement; however, as a general rule, another country is NOT permitted to assist the insurgents.

TREATMENT OF PRISONERS

Under the 1949 Geneva Convention Relative to the Treatment of Prisoners of War, captured guerrillas who meet the criteria for and are accorded belligerent status must be accorded prisoner-of-war status.

Insurgents usually cannot meet the criteria for belligerents. Historically, insurgency has been accorded little international legal status because the condition had no status in international law before 1949. The Geneva Conventions of 1949 gave cognizance to an "armed conflict not of an international character" - - essentially, insurgency. The Conventions furnish protection to captives of these conflicts by prohibiting - -

- Violence to life and person; in particular, murder of all kinds, mutilation, cruel treatment, and torture.
- Taking hostages.
- Outrages upon personal dignity; in particular, humiliating and degrading treatment.
- Passing sentences and carrying out executions without previous judgment pronounced by a regularly constituted court that affords all the judicial guarantees considered indispensable by civilized peoples.