

# PRISONER OF WAR (POW)

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## PRISONER OF WAR (POW)

**Primary Disciplinary Field(s):** International Law, Military History, Conflict Studies

### 1. Core Definition and Status

A **Prisoner of War (POW)** is an individual, typically a combatant, who is captured and held by an opposing belligerent power during or immediately after an armed conflict. This designation is conferred upon members of the armed forces, militias, and authorized volunteer corps who meet specific criteria defined by international humanitarian law. The fundamental distinction of the POW status is that it is not a criminal designation; rather, it is an acknowledgment that the individual was acting lawfully as an authorized combatant, and their detention serves purely the pragmatic military purpose of preventing their return to active fighting status.

The treatment of POWs is nominally governed by a comprehensive framework of international treaties, designed specifically to mitigate the inherent dangers and abuses associated with wartime captivity. While these conventions provide strong legal protection, the reality of detention frequently involves exposure to inhumane and degrading conditions, as noted throughout history. The armed force running the detention is often tempted toward acts of reprisal or severe punishment, occasionally leading to severe violations of the protective framework that defines the status of a POW.

### 2. Historical Evolution and Early Practices

Historically, the fate of captured soldiers varied drastically, ranging from enslavement or summary execution to ransom, paroling, and eventual release. Prior to the widespread adoption of formal international law in the 19th and 20th centuries, there existed little universal protection for captured combatants. Early concepts of honorable warfare suggested that captured officers might be treated with greater deference than rank-and-file soldiers, often based on their social standing or potential value for exchange.

Significant strides toward codifying protections began in the mid-19th century with documents such as the Lieber Code (1863), commissioned during the American Civil War, which established rudimentary rules regarding the humane treatment of prisoners. This evolution culminated in global efforts to standardize protections, driven by the realization that reciprocal brutality in the treatment of POWs only escalated the overall savagery of conflict. These early frameworks established the vital principle that detention must be protective and administrative, rather than punitive, recognizing the humanity of captured personnel.

### 3. The Geneva Conventions and Legal Protections

The definitive legal framework governing the treatment of POWs is established by the Third Geneva Convention (GCIII) relative to the Treatment of Prisoners of War, adopted in 1949. This convention meticulously defines who qualifies for POW status, detailing the strict obligations of the Detaining Power. GCIII mandates that POWs must be treated humanely at all times and must be protected specifically against acts of violence, intimidation, insults, and undue public curiosity.

The convention sets forth minimum standards for living arrangements, health, and communication. It ensures that POWs retain their civil capacity and that their capture does not equate to a loss of rights, only a temporary deprivation of liberty for military necessity. The Detaining Power is strictly accountable for the welfare and safety of the POWs from the moment of capture until their final release and repatriation.

### 4. Key Rights and Detention Conditions

Under GCIII, POWs possess a variety of non-derogable rights concerning their daily existence and interaction with their captors. These rights are fundamental to preventing abuse and maintaining order within detention facilities.

**Identification and Interrogation:** A POW is only required to provide their name, rank, date of birth, and service number to their captors. They may not be subjected to physical or mental torture to extract information.

**Medical Care and Hygiene:** The Detaining Power must provide adequate medical attention and facilities comparable to those provided to its own troops, including specialized care for wounds sustained in combat.

**Labor Restrictions:** POWs may only be compelled to perform non-military labor suitable to their rank and physical condition. Hazardous, unhealthy, or humiliating work is strictly forbidden. Officer POWs cannot be compelled to work.

**Communications:** POWs must be allowed to correspond with their families and receive relief shipments containing food, clothing, and medical supplies.

These provisions collectively aim to uphold the dignity of the captured soldier, establishing a critical distinction between a prisoner of war and a common criminal.

### 5. Conduct of the POW and Military Doctrine

While the Geneva Conventions outline the protections offered to the POW, various national military doctrines stipulate specific expected conduct during captivity, often emphasizing continued resistance. For instance, the American military Code of Conduct requires captured personnel to maintain military discipline, resist exploitation, and never willingly accept their confinement.

The ultimate objective for the captured American fighting man or woman is clearly defined as **escaping or eluding their captors** and returning to fighting status. This philosophy underscores the belief that captivity is a continuation of the military struggle, albeit under constrained circumstances. However, the harsh realities of detention centers and the constant vigilance of the Detaining Power mean that few are ultimately able to succeed in their attempts to escape or elude capture.

## 6. Challenges to Compliance and Abuse

Despite the robust legal framework provided by the Geneva Conventions, compliance is often severely challenged during conflict, leading to significant humanitarian crises. Detention conditions in many historical facilities have been notoriously inhumane, involving severe deprivation, forced starvation, torture, and psychological warfare. Such violations frequently occur when belligerents operate outside the strictures of international law or deny captured individuals the official status of POW, particularly when dealing with irregular or guerrilla forces.

The systemic denial of basic humanitarian standards, sometimes escalating to confirmed war crimes, demonstrates the inherent fragility of international law when political objectives or desires for reprisal supersede treaty obligations. Ensuring accountability relies heavily on the monitoring efforts of neutral organizations like the International Committee of the Red Cross (ICRC) and sustained international diplomatic pressure.

## 7. Case Study: Senator John McCain

The experiences of Senator **John McCain** (R-Arizona) provide a profound modern example of the severe conditions and ethical pressures faced by POWs. During the Vietnam War, McCain, then a naval aviator, was captured in October 1967. He was subsequently held for seven years in various North Vietnamese prisons, including the infamous Hanoi Hilton, which American POWs grimly nicknamed the "Hanoi Hilton."

McCain's prolonged captivity involved systematic torture and isolation, highlighting the potential for severe physical and psychological abuse, particularly for high-value prisoners used for propaganda. His widely publicized refusal of an early release offer--which was politically motivated by the North Vietnamese due to his father being a high-ranking admiral--was an act consistent with the Code of Conduct, ensuring that other, more vulnerable prisoners were not disadvantaged by his acceptance. This case demonstrates the immense endurance required of POWs and the complex moral obligations imposed upon them during confinement.

## Further Reading

International Committee of the Red Cross (ICRC): Third Geneva Convention relative to the

Treatment of Prisoners of War

Wikipedia: Lieber Code

International Committee of the Red Cross (ICRC) Official Website

Wikipedia: H?a Lò Prison (Hanoi Hilton)

Wikipedia: Vietnam War

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