Abstract

Legal Status of Prisoners of War

The thesis *"Legal Status of Prisoners of War"* deals with the issue of war captivity in the context of international humanitarian law *(also referred to as **"IHL"**),* or more precisely in the context of the Law of Geneva. In the field of war captivity, both IHL legislation and a number of other international legal branches (e.g. general international law, international criminal law, or international human rights law) are confronted.

The thesis pursues two objectives: descriptive and analytical. The descriptive aim is to give a comprehensive overview of the development of the legal regime of war captivity and to familiarize readers with the legal regime of war captivity and the treatment of prisoners of war *(also referred to as **"POW"**),* according to the valid sources of international humanitarian law. The analytical aim of the thesis is to find the answer to the research question, *who is the combatant, or more precisely who is entitled to the POW status after falling into the enemy's power?*

The thesis consists of the introduction, which are divided into three parts, and the conclusion. The introduction presents the theme of the thesis, pursued objectives including the research question and outlines the structure of the text itself.

The first part of the thesis introduces the legal regulation of war captivity in the context of international humanitarian law. The IHL is defined in the first chapter, which is further divided into the streams of the Law of Geneva and the Law of the Hague. The relationship between IHL international human rights law is also mentioned. The second chapter deals with time, local and personal scope of IHL sources. Chapter three classifies armed conflicts at international and national levels. The fourth chapter is divided into two subchapters. The first subchapter focuses on the general sources of the IHL; the second subchapter reflects the development of the regime of war captivity in the context of the development of the IHL from the absence of legal regulation to the up to date sources of the Law of Geneva. The fifth chapter gives an overview of fundamental principles of IHL and summarizes principles that apply to the prisoners of war.

The second part of thesis consists of two main chapters. The first chapter deals

with the definition of the term "prisoner of war", not forgetting even the people with controversial legal status. The second chapter focuses on the general overview of the regime for the protection and treatment of POW in seven subchapters. The first subchapter discusses the interception of POW. The second subchapter briefly presents the activities of information bureaux and mentions relief societies for POW. The third and fourth subchapters contain the conditions for the treatment of POW, and the way of internment and the labor of the POW. The fifth subchapter focuses on internal discipline in camps. The sixth subchapter includes the disciplinary and criminal responsibility of POW and the seventh subchapter deals with possible ways of ending captivity.

The third part of the thesis focuses on the obligations and responsibility for violation of IHL standards. The first chapter introduces the so called the Law of New York, whose particular mechanisms are further discussed in the following chapters. Implementing mechanisms in the second chapter are understood to interpret the commitment of States to disseminate knowledge of international humanitarian law standards, as well as the obligation to respect and enforce these standards. The third chapter classifies Protecting Powers and the International Committee of the Red Cross as control mechanisms that apply to prisoners of war. The scope of the International Humanitarian Fact-Finding Commission is also outlined. Lastly, the fourth chapter briefly introduces the responsibility of states for violation of international humanitarian law standards and individual criminal responsibility of individuals.

The conclusion of the thesis offers an overall evaluation of the topic and the answer to the research question.