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Protecting Prisoners of War

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Bush administration officials aren't generally viewed as big boosters of international law. But the humiliating questioning of captive Americans on Iraqi television — in plain violation of international rules on prisoners of war — made converts of them. The fear evident on the faces of the televised Americans was chilling, bringing to mind the abusive way Iraq treated some of its American captives during the first Persian Gulf war.

America, as the world's most far-flung military power, has a strong interest in how captured soldiers are treated. This means insisting that other governments honor the Geneva Convention's requirements, and scrupulously following them itself. That applies not only to the handling of Iraqi captives in this war, but also to Washington's highly irregular treatment of battlefield captives from Afghanistan held in Guantánamo Bay, Cuba.

The Third Geneva Convention was signed by the United States, Iraq and more than 180 other governments. It is designed to protect the lives, health and dignity of uniformed combatants; the civilians accompanying them, like war correspondents; and some guerrilla fighters. It includes guarantees of things like food, clothing and shelter, and protections against torture, coercion and humiliation.

Because the rules were written before the television age, they do not refer to parading prisoners before TV cameras. But they guarantee protection from intimidation and "against insults and public curiosity." There is a clear line between coverage of battlefield surrenders and broadcasts of frightened captives far from the front. The Pentagon, not the news media, is legally responsible for making sure that Iraqi prisoners of war are not subjected to similarly abusive treatment.

In this kind of conventional conflict it is easy for Washington to grasp its own self-interest in upholding the Geneva Convention. It has shown far less wisdom, however, in regard to the battlefield captives now being held in Guantánamo. The administration belatedly acknowledged that the convention applied to Taliban prisoners held there, though not to Al Qaeda members. But then it failed to follow the convention's procedures for determining prisoner of war status, arbitrarily declaring that no Guantánamo captives qualified.

Many of these detainees are probably not legitimate P.O.W.'s. The Geneva Convention was written to protect national armies and popular resistance forces, not terrorist groups. But that is not a decision for the administration to make on its own. The convention stipulates that if the status of captives is disputed, they are entitled to some kind of due process hearing. No such hearings have been held.

Washington will obviously demand that Americans captured in Iraq be treated in full accordance with all relevant Geneva Conventions. It should make sure that its own handling of battlefield captives sets the desired example.