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Peace can start in a prison cell: how IHL and humane detention can build pathways to peace

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When wars end, peace rarely begins overnight. It's built, slowly and painstakingly, through acts that restore a sense of humanity where it was once suspended. Among these, how a society treats people

it detains may seem peripheral, yet it can determine whether trust survives long enough for peace to take root. Humane detention, often overshadowed by more visible aspects of conflict recovery, is in fact one of the earliest and most concrete tests of readiness for peace. Each act of respect for law and dignity – registering a detainee, allowing a family visit, providing medical care, or releasing a prisoner when the reason for detention has ceased – helps reduce the harm that fuels revenge and instead preserves the fragile threads of trust that can bind divided societies.

In this post, Terry Hackett, ICRC’s Head of the Persons Deprived of Liberty Unit, and Audrey Purcell-O’Dwyer, ICRC’s Legal Adviser with the Global Initiative on IHL, show how compliance with international humanitarian law (IHL) in detention – while not a direct path to peace – can serve as a legal and moral bridge towards it, one rooted in dignity, accountability, and the quiet rebuilding of trust. By limiting suffering and safeguarding dignity, it helps prevent conflicts from eroding the institutions and confidence that societies need to recover.

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Many elements contribute to rebuilding peace after conflict: protecting civilians, preserving essential services, ensuring accountability for violations, and helping communities recover. Among these, the way people deprived of liberty are treated during and after conflict is often overlooked, but it can play a pivotal role in restoring trust and enabling dialogue. In armed conflicts defined by a profound lack of trust between adversaries, even the most basic agreements can feel out of reach. Yet seemingly limited steps – such as the release of detainees – can reopen lines of communication and lay the groundwork for broader political progress.

Compliance with IHL in detention offers a tangible way for that process to begin. When detainees are registered and visited, when families are notified, when conditions are monitored, and when detainees are released because the reasons for their detention no longer exist, legal commitments become lived experiences of reliability and dignity. Even amid conflict, such acts of respect can help sustain a measure of trust – one verified name, one safe visit, one return home at a time. By upholding these rules, particularly those on humane detention and accountability for the missing, states help preserve the minimal trust and coherence that peace requires and safeguard the foundations on which reconciliation can take root.

As ICRC President Mirjana Spoljaric told the UN Security Council in May 2025, “The path to peace starts in a prison cell. It starts with treating prisoners with the very same dignity that you would demand for yourself.” Seen through this lens, detention is not a peripheral concern but a frontline test of humanity – and of readiness for peace.

Translating this vision into reality, however, requires clarity about what “humane” treatment actually entails under international humanitarian law. The rules governing detention are precise and practical: they set out how dignity, humane conditions (e.g. access to water, food, and health care), and oversight of detaining authorities must be ensured for every person deprived of liberty, even in the midst of war. Understanding and applying these rules is what transforms principle into practice, and makes humane detention a genuine building block for peace.

Detention under IHL: essential protections when people are at their most vulnerable

People deprived of liberty in armed conflict are inherently vulnerable, in the hands of the perceived enemy, often far from home and family, and at risk of disappearance, ill-treatment and isolation. Their vulnerability also extends beyond how they are treated to the environment they are held in. IHL provides a myriad of layered protections to counter this vulnerability, beginning with the positive obligation of humane treatment.

But what is humane treatment in practice? At its foundation, the treatment of people deprived of liberty and the conditions they are held in must respect human dignity and preserve their physical and psychological integrity. This begins with the absolute prohibition of torture or ill-treatment^[1] in any form and at any time. Humane treatment also encompasses several other positive obligations *enshrined in IHL* in relation to the dignified and humane conditions of detention. This includes access to basic services, such as health care and clean water and sanitation; ensuring prison infrastructure is properly designed and maintained to ensure adequate ventilation; and the provision of sufficient and nutritious food.

Beyond humane treatment, IHL provides other critical protections to people deprived of liberty that contribute to the preservation of their physical and psychological integrity. This includes ensuring families of those who have been detained are notified of their detention and are able to reestablish and maintain contact with their loved ones through correspondence, calls or face-to-face visits.^[2]

Safeguards to prevent enforced or administrative disappearance must also be in place. This includes the respect for judicial guarantees, and ensuring accurate records are maintained and protected from physical damage or cyber-attacks. In an international armed conflict (IAC) this also includes the establishment of National Information Bureaus by belligerents and the transmission of information to and through the International Committee of the Red Cross (ICRC) Central Tracing Agency.

Other protections afforded in IHL towards civilians and persons *hors de combat*, including people deprived of liberty, are just as critical. For example, the obligation for parties to a conflict to take every feasible precaution to protect detainees, as well as the infrastructure in which they are accommodated, from the effects of hostilities. Operationally, this includes never targeting a place of detention as well as the obligation of detaining authorities to evacuate detainees to a safe location and away from active hostilities whenever possible.^[3]

ICRC access to people deprived of liberty in relation to the conflict to verify their conditions of detention and restore connections to their families is also solidified under IHL.^[4] This includes ICRC's right of access in IAC and its humanitarian imperative to offer its services in non-international armed conflicts (NIAC). This access not only allows the ICRC to work with authorities to support their efforts to fulfill their obligations under IHL, but also often gives something that is intangible: a lifeline to families and the outside community and, above all, hope.

Beyond a legal duty: a practical investment in the path to peace

By fulfilling the protections afforded to people deprived of liberty under IHL, parties to a conflict not only meet their legal obligations, but also build institutional and social stability, as well as trust – essential building blocks of peace and reconciliation. By taking active steps to prevent torture and ill-treatment, authorities pre-empt indescribable trauma and harm not only on the victim, but also on communities spanning generations that otherwise would impede eventual reconciliation and recovery. Humane treatment and conditions of detention are also an indication of respect for human dignity, a common ground that binds us together as humanity.

Ensuring that families of detainees are in contact with their loved ones also sends a message across front lines, not only of hope, but of common humanity. Family bonds transcend cultures and political constructs. Every one of us is a son or daughter, and many are mothers or fathers. The relief that your loved one is alive and able to share and receive family news is something we can all relate to at the core of our being. The simple act of respecting these bonds and facilitating family contact for those detained during armed conflict can be a small step towards eventual peace and social cohesion.

Further, respecting judicial guarantees and strong record keeping provide essential safeguards to prevent those who have been detained from going missing. These measures, when taken during armed conflict, can *prevent disappearances*, and can also build trust in institutions and act as a driver of peace.

Confidence-building in practice: detainee releases and the act of being a neutral intermediary

Drawing from the case of Yemen between 2016 and 2020, [Diego Stöcklin](#) identifies four ways humanitarian interventions, including seemingly limited actions such as detainee releases, can contribute to peace dynamics. Stöcklin asserts these actions can open communication channels and reinforce trust between parties through concrete acts of cooperation. Further, agreements on technical issues, such as the release and repatriation of detainees, create valuable space for dialogue and can serve as initial steps in a broader sequence of confidence-building measures that support more wide-ranging peace negotiations in the future.

Moreover, when a neutral intermediary such as the ICRC is directly involved in the operational aspects of repatriation and helping detainees to return to their home communities, it can help to humanize both sides of a conflict. By ensuring the safe and dignified return of detainees, such interventions emphasize shared human values amid political divides.

We are not asserting that detainee releases lead directly to peace. [Rather](#), through “demonstrating concrete progress, preventing communication breakdown and facilitating dialogue, they contribute to an alleviation of tensions and to confidence-building that can lay the ground for parties to make progress on other issues, or to preserve peace when it is threatened”. Detainee releases don’t “make peace”, but can prevent breakdowns and keep doors open.

Post-conflict transitions: where detention meets transitional justice

Obligations to release some categories of people deprived of liberty in relation to armed conflict and the humane treatment of those who remain lawfully detained do not stop when the guns fall silent. Instead, IHL protections form a bridge to transitional justice by preserving human dignity, accountability, and institutional continuity when they are most fragile. Treaty as well as customary law both require the release of detainees when the reason that necessitated the detention has ceased or as soon as possible after active hostilities have ceased.^[5] These actions pave a way for important elements of transitional justice, including amnesties for acts that do not amount to serious violations of IHL, and a return to family and communities.

Obligations such as humane treatment, family contact, the prohibition of torture, judicial guarantees (e.g. right to due process and impartial review) and the preservation of detainee records^[6] are present in both IHL and international human rights law, ensuring there is no gap in protection during a transition. These obligations help societies emerging from conflict to recover and rebuild the institutional trust necessary for reconciliation, especially following armed conflicts that are internal in nature. For example, maintaining accurate records of detainees, including the reason for detention and the eventual fate of the detainee, enables families to trace the missing, supports judicial processes and provides an evidentiary foundation for truth and reconciliation mechanisms.

Respect for human dignity in prison may seem like common sense; ensuring humane treatment, safety, registration, clean water, sanitation and decent living conditions. However, in many conflict-affected states, this remains a significant concern that needs urgent attention. As the ICRC observes in its work around the world, neglecting such issues during the conflict can have long-term consequences: increased violence within places of detention, public health crises, and greater social stigmatization of released detainees. Overburdened or abusive detention systems corrode institutional legitimacy and hinder transitional justice efforts.

To prevent this, states must redouble efforts to ensure humane treatment and adequate conditions of detention for those detained during conflict. Doing so not only fulfils legal obligations but creates the condition for trust, accountability and reconciliation, cornerstones of any lasting peace.

Galvanizing political commitment: the Global Initiative on IHL as a platform for action

At a time when respect for IHL is being tested, the [Global Initiative on IHL](#) offers a moment of shared purpose. Over ninety states are now engaged, including through a dedicated IHL and Peace workstream, an unprecedented platform to translate principle into practice.

Within this space, humane detention has emerged as a tangible and politically meaningful area where states can collectively make progress. It provides an opportunity to turn shared humanitarian principles into practical cooperation. Upholding humane treatment, maintaining family contact, ensuring proper registration, and facilitating repatriation of persons deprived of liberty can serve as measurable indicators of compliance and political will. Framing detention in this way moves the discussion beyond legal obligation to one of collaboration, where states demonstrate commitment not only to IHL but also to the conditions that make reconciliation possible.

The upcoming ICRC consultation on IHL in post-conflict transitions, together with supporting events on detention and peace, will help transform this political momentum into concrete outcomes. They provide a venue to examine how humane detention, registration, and repatriation can be embedded in transition frameworks, ensuring that the protection of detainees remains a central pillar of peacebuilding efforts.

From commitment to implementation

Peace can indeed start in a prison cell, if that cell is governed by law, humanity, and readiness for what comes next. Humane detention under IHL is more than a legal duty; it is a strategic investment in social and institutional stability. It keeps family bonds alive, averts disappearances that leave unhealed wounds, and builds the trust needed for safe and orderly releases when the time is right.^[7]

As discussions advance under the Global Initiative on IHL and through upcoming state consultations, several practical avenues for progress are emerging. States can consolidate trust by including clear frameworks for the identification, registration, and timely repatriation of prisoners of war and internees in peace agreements. Maintaining functional National Information Bureaus and cooperating with neutral intermediaries such as the ICRC ensures accountability, transparency, and contact with families. In non-international armed conflicts, early release or transfer of detainees to civilian authorities, consistent with humanitarian standards, can further strengthen reconciliation. Preparedness through training, infrastructure, and coordination ensures that when detention does occur, it reinforces rather than undermines the path to peace.

The next step is to turn political affirmation into implementation; ensuring that humane detention, registration, and release mechanisms are at the heart of conflict preparedness, humanitarian response, and peacebuilding, where they belong.

References

^[1] The term ‘ill treatment’ is not a legal term however is used by the ICRC to refer to all acts related to cruel or inhuman treatment which cause serious mental pain or suffering, or which constitute a serious outrage upon individual dignity as well as humiliating or degrading treatment consisting of acts which involve real and serious humiliation or a serious outrage upon human dignity, and whose intensity is such that any reasonable person would feel outraged.

^[2] See customary IHL rules *105– Respect for Family Life*, *125–Correspondence of People Deprived of their Liberty*, *126–Visits to Persons Deprived of their Liberty*

^[3] GC III Art 19 & 23, GC IV Art 83, 85, 88, & 95(3), AP II Art 5(1b) & (2c), *Customary Rule 121*

[4] GCIII Art 126, GC IV 143, Common Article 3, [Customary](#) Rule 128

[5] GC III Art 118, GC IV Art 132, 133, APII Art 2,2, Customary Rule 128. The exact obligation depends on the category of detainee in question.

[6] Common Art 3 of the Geneva Conventions.

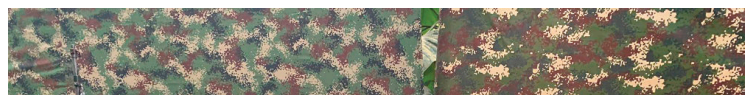
[7] ICRC president: *"It is possible to protect civilians in war"*

See also:

- André Smit, Kelisiana Thynne, [The humanity compass: navigating the protection of civilians in naval warfare](#), October 28, 2025
- Ariana Lopes Morey, Avigail Shai, [Dialogue, dignity, and the humanitarian contribution to peace](#), October 2, 2025
- Supriya Rao, Alexander Breitegger, [Reaffirming IHL's specific protection of hospitals](#), May 27, 2025
- Mirjana Spoljaric, [A call to make international humanitarian law a political priority](#), February 6, 2025

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