

Protection of Prisoners of War from Torture with Proper Selection of Soldiers Taking Care of POWs: An Ethical View

Ali Khaji^{1*}, Seyed Mahmoud Tabatabaei², Ahmad Mashkooi³

¹ Sina Trauma and Surgery Research Center, Sina General Hospital, Tehran University of Medical Sciences, Tehran, Iran

² Medical Ethics and History of Medicine Research Center, Tehran University of Medical Sciences, Tehran, Iran

³ Spiritual Health Research Center, Qom University of Medical Sciences, Qom, Iran

* **Corresponding Author:** Sina Trauma and Surgery Research Center, Sina General Hospital, Tehran University of Medical Sciences, Tehran, Iran. Email: alikhaji94@gmail.com

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Abstract

Background: Prisoners of War (POWs) undergo different physical and/or psychological tortures. According to the Third Geneva Convention, each government is obliged to protect POWs from any harm, especially torture. Although torture of POWs has been considered in international documents such as the 3rd Red Cross Convention for Prevention of Torture, this issue seems to have been ignored so far. Thus, the current article discusses this issue.

Objectives: This review aimed to describe an important, yet neglected, way to protect POWs from torture.

Methods: The behaviors of Iraqi and Iranian authorities toward the soldiers that were selected to take care of POWs were compared. This review study is based on a narrative search that included articles published on the Iraq-Iran war (1980-88).

Results: According to international laws, there is no ethical justification for the torture of POWs, especially after many years of captivity. During the Iraq-Iran war, Iraqi authorities recruited soldiers who had been harmed in some way by the war to handle Iranian POWs. The presence of war victims as care providers to POWs in detention camps may provide grounds for the torture and maltreatment of POWs.

Conclusion: Prohibiting the presence of war victims in detention camps could be one important and effective way to protect POWs from torture and maltreatment.

Keywords: Iraq-Iran War, Prisoners of War, Torture, Ethics.

Introduction

Human history is full of war and military conflict. Groups of war victims are distant from the battlefield, while others struggle on the battlefield itself. Among these victims, prisoners of war (POWs) have a special situation, because they are not usually well taken care of, and it is unclear how they are treated. They become subject to various kinds of physical and/or psychological torture (1-3). The world is usually informed about their situation only after they have been released, which may be years after torture has been inflicted and it is too late or too difficult to control the consequences of torture and the tensions from which the POWs have suffered.

As a result of World War II, several international laws were passed to protect POWs from torture. In 1949, the Geneva Conventions were passed. These four conventions and their additional protocols aimed to protect the victims of war, specifically those who do not take part in the war itself, including members of military forces that are injured or captured by either side of the conflict, occupants of ships that

are targeted or sunk, health workers who provide medical services to war victims, civilians, etc. (4). The Third Geneva Convention is related to POWs. Despite all efforts, however, it seems that there has been no significant progress in protecting POWs from severe situations and the risk of torture (5).

The crux of the issue lies in the factors that put POWs at such risk and the elements that convince guards and soldiers to participate in the procedure of torture either directly or indirectly. In the literature, several methods for convincing soldiers to torture POWs have been examined, of which racial, ethnical, and religious differences have a long history, since most wars have been justified to soldiers by means of race or ethnicity, such as WWII. Similar behaviors can be seen in recent decades (6-8).

Objectives

We previously mentioned a type of torture that, in addition to being psychologically destructive itself, prepared the grounds for another physical and psychological torture (2).

In this review, a different situation that is popular among detention camp managers for torturing POWs is discussed and ethical reasons for why torture should be prohibited are presented.

Materials and Methods

This study is a narrative review. Using keywords such as Prisoners of War, Torture, and Iraq-Iran War, PubMed and Google databases were searched for the information used in this review. Torture was defined in Article 1 of the United Nations Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (UNCAT). It is summarized as follows:

“Any behavior or action that intentionally inflicts pain and suffering on a person achieved to punish or obtaining information from him or a third person. The inflicted person may be suspected of an act of discrimination or has information of it. This behavior is applied by a person, an authority, or someone acting in the capacity of an official.” (9)

Because the “Iranian Commission of Missing Soldiers and Prisoners of War” was the main decision-making body regarding Iraqi POWs in Iran during the Iran-Iraq war, the information used in this report about Iranian behavior towards Iraqi POWs was obtained from this organization. In addition, many published memories from Iranian ex-prisoners of war were reviewed. These memoirs were the source of data used in this study for the behavior of Iraqis toward Iranian prisoners of war. As a prisoner of war in Iraq (March 2, 1985 – August 25, 1990), the author has experienced this situation himself.

Results

Prisoners of the Iraq-Iran War (1980-88): During the Iraq-Iran war (1980-88), approximately 40,000 Iranian soldiers were captured by Iraqi forces and sent to detention camps. They were accommodated in 20 camps: four in Mosul (northern Iraq), six in Ramadi, and ten in Tikrit (1). About half of the prisoners were registered by delegates from the International Committee of Red Cross (ICRC), while the rest, most of whom were held mainly in Tikrit, remained undetected for years (2). Approximately 3000 of the prisoners were civilians, and 24 were women (1). A few of these women were sent to detention camps with one of their family members, such as a husband and/or child(ren) (10).

On the opposite side, Iranian forces captured about 70,000 Iraqi soldiers. They were held in 18 detention camps, mainly in the northern and eastern parts of Iran.

The war began on September 28, 1980 and ended on September 1, 1988, but despite the ceasefire, POWs had to wait an additional two years before the mass prisoner exchange that began on September 1, 1990 (1).

Soldier selection for POW treatment: The two countries had different policies in choosing the soldiers who would provide service to POWs.

1. Iraq: The majority of Iraqi soldiers chosen to work in detention camps were selected from the victims of the war with Iran or from among their relatives (11). It is worth noting that Iraqi soldiers were obligated to serve until the end of war; having a victim among one's relatives could be rewarded by the privilege of serving far from the battlefield.

2. Iran: The Iranian Commission of Missing Soldiers and Prisoners of War prohibited the presence of Iranian soldiers who had been harmed physically and/or psychologically, directly or indirectly (parent(s) or family member(s) harmed), in Iraqi POW detention camps. For example, soldiers that had lost a relative (e.g., father, mother, brother, sister, uncle, cousin, husband, or grandparent) or were injured or captured as a POW were not allowed access to the detention camps for Iraqi POWs. This rule applied to all soldiers, noncommissioned officers, and officers.

Iranian experiences in Iraqi detention camps: In their memoirs, Iranian ex-POWs frequently point to the presence of Iraqi soldiers who had been victims of the war in detention camps. According to these ex-POWs, the majority of Iraqi soldiers in each camp had been damaged by the war. For all of the Iraqi soldiers, passing military service in camps was very convenient, because camps provided better food, and the soldiers were exempt from serving during extreme weather conditions. However, soldiers who treated Iranian prisoners in a humane way and did not participate in their torture had to abandon the camps. This was one way to encourage soldiers to take part in torturing POWs.

“One of the Iraqi officers said that an important feature of the Iraqi soldiers [serving in detention camps] was that they were the survivors and relatives of those killed or injured in the war and had been somehow damaged because of the war,” (12).

"The majority of them (Iraqi soldiers) were hurt during the war, for example they were injured or had lost a family member and/or close relative. In addition, as a result of the Baath Party propaganda, Iraqi soldiers despised Iranian prisoners. Barbarity and cruelty was [only] one of their characteristics," (13).

"When they were beating the prisoners, one of the soldiers named said, 'He's the one who killed my brother,'" (15).

According to Amanzadeh (14), the Iraqi soldiers serving in the camps could be categorized into three groups:

1. Soldiers whose father or brothers were killed or captured in the war. Service away from the battlefield was a privilege for them. This group made up the majority of soldiers serving in detention camps.
2. Soldiers who were injured in the battlefield or had a birth defect.
3. Soldiers who were sons of senior Iraqi army officers.

Discussion

In this review, the torture of POWs has been discussed from two perspectives, ethically and international law.

Ethical view: There are different approaches to the ethics of torture. According to the deontological approach, torture is completely unjustified, regardless of the situation. Proponents of this approach argue that an action must be measured apart from its results. If an action is determined to be unjustified, it we must be refrained from, even if it brings many positive results. Deontology asserts that there are certain moral rules that determine acceptable behavior, such as honesty, not harming others, etc. These rules are constant and are subject to no exception (16, 17). The action itself should be considered, not the results. Respecting the dignity and health of POWs is a duty so important that even great benefits such as extracting confessions by torture cannot undermine it (18, 19).

Conversely, utilitarianism focuses on results. If an action brings good results for the majority of the people, it is ethically justified. According to this approach, the relationship between the actor and the values is an instrumental one. Good results may be achieved from a bad action. Actions do not need to be accepted or justified themselves; rather, the results determine whether the actions are ethical or not (19). Utilitarianism permits torture in specific situations, for example, a terrorist that has important information about an attack, or the location of a hidden incendiary device that could result in the death of hundreds

of innocent people if not defused (20). According to this argument, if torture saves the lives of a lot of people or prevents more harm, it is justified.

The "ticking bomb scenario" and "the necessity doctrine" are stated in the shadow of the utilitarianism approach (21,22); however, such a scenario rarely every occurs. Other hypothetical scenarios may not provide enough reasons for justifying the torture of prisoners (21). As reported from prisoners in Abu Ghraib, approximately 70%-90% of them were not suspected terrorists, and it is unclear how many of the rest actually had vital information that linked them to terrorist acts. (20). Setting aside the discussion on the definition of terrorism and the result of torture to prod prisoners into confessing, the situation for POWs is different. Terrorists may have information that is dangerous to the military forces that have arrested them; for prisoners of war, however, it is hard to imagine that they could possess any information valuable for protecting civilians, especially after several years of captivity.

Iranian POWs were tortured in groups or individually, beginning from the first moment of their captivity until their freedom. Torture was used routinely, for instance, beating a mother in front of her son, a brother in front of his brother, or forcing two prisoners to slap one another in the face while others were watching. This had no other purpose but to break and destroy the dignity of the prisoners (2, 23).

International Law: Forces are obliged to protect enemy soldiers that they capture. It is a law and the right of POWs to be protected from torture and a duty upon the authorities. According to the Third Geneva Convention, the government is obliged to protect POWs from any kind of harm, especially torture. Any torture, physical or psychological, is forbidden, regardless of what the intention may be, even for extracting confessions. Prisoners may not be prodded into giving information by methods such as threats, mistreatment, discomfort, or deprivation from facilities (4).

Conclusions

It can be concluded that no reason can justify torturing POWs, especially when several years have passed since their captivity began. According to international law, torturing POWs is forbidden morally and legally, while protecting them from torture is the ethical duty of their captors and the authorities. How personnel are selected to serve in detention camps is a vital part of protecting prisoners from torture.

People, military or not, who have suffered from war should not be used in detention camps because of their potential to mistreat POWs, consequently causing physical and/or psychological harm to the prisoners.

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