

Running head: TREATMENT OF PRISONER OF WAR IS IRREVELANT

Treatment of Prisoners of War is inappropriate

SGM Thomas

United States Army Sergeant Major Academy

Class # 58

Sergeant Major Brian K. Kinsey

18 March 2008

Treatment of Prisoners of War Is Inappropriate

The U.S. and several nations agreed to abide to the Geneva Convention, a defining guideline and ethical rules for the treatment of prisoners of war. Article 17 of the Geneva Convention clearly states “No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to extract from them information” (TC 27-10-3, The law of War, 1995, p. 9). The United States have partly failed to uphold the Geneva Convention, and Habeus Corpus making it irrelevant. This violation during our fight on the War on Global Terrorism in the past three years relates to treatment of the United States enemy combatants previously held in Abu Ghraib prison, and those unlawfully imprisoned at Guantanamo Bay prison camp, Cuba.

The breach of the Geneva Convention relates to torture and inhumane treatment of enemy combatants currently held in Guantanamo Bay Cuba, and previously Abu Ghraib prison, Iraq. The U.S. address its prisoners by using specific language, in order to distract from the binding laws of the Geneva Convention, notably if they identify them as enemy combatants and not prisoners of war, would clearly deny them the protection of the Geneva Convention. This deliberate and unlawful tactic comes from nation states that have no regard for basic human dignity. The U.S. constitution advocates humane treatment for all, even our enemies. During past military conflicts we have clearly demonstrated ethical treatment for Prisoners of War (POW) regardless if their intentions were to do us harm.

The American population is misled by our government’s policies towards the treatment of our enemies imprison at Guantanamo Cuba, and past Geneva Violations committed at Abu Ghraib prison. The truth of the matter is that very few actually know of the details of violations committed such as religious denial, water boarding, and much more. To justify the legality for this there are deceptions, like the Combatant Status Review Tribunals (CRST), that have no other

goal than to mislead members of congress, the judiciary, and the U.S. citizens to believe our actions is justify and lawful. Human rights watch organizations such as the International Red Cross, and our own U.S. Military personnel voiced their concern for the health and mental conditions of detainees held in these prisons. International watch group document reports of tortures towards specific detainees (Kaleed Sheik Mohamed) imprison by our government as potential threat to our National Security. The U.S. has even indefinitely imprisoned detainees without formally charging them with a crime.

The laws of the Geneva Convention without any ambiguity state that prisoners of war should not be harm, and they should be formally charge in accordance with the crime they have committed. Enemy combatants currently held in these isolated locations have committed suicides and several have attempted to bring harm to them selves. The U.S. behavior even if it seems using those measures to protect our national security, the U.S. must still adhere to the Geneva Convention. It is unlawful to imprison enemy combatants without formally charging them for a crime. The U.S. policy towards indefinite incarceration and torture methods does more harm than good for our Soldiers who are currently engaging our enemies.

The U.S. policy explains to the American people the importance for the decisions made dealing with detainees. Former Attorney General (Alberto Gonzales) testifies to members of congress our administration reasons and importance. The Attorney General explains the vital knowledge those detainees hold, and their structured terrorist networks. He also stated that enemy combatants held now have institutional knowledge about American vulnerabilities which could reveal important information and emboldens our enemies, if they were to release. This justification even if truthful and justify as necessary to imprison enemy combatants for an indefinite duration. This agreement serves only our nation's interest and not the laws the U.S. agrees to uphold. The U.S. must properly adhere to the Geneva Convention Laws.

The war on global terrorism is a war that seems endless. This does not mean we should disregard the Geneva Convention and make it irrelevant. A most recent debate in the U.S. congress is about water boarding, a torture technique which receives strong condemnation by Senator John Mc Cain. Senator Mc Cain admonishment for those method used is due to the physical and psychological torture he receive during his years of captivity in Vietnam. He also states that during his tortures he deliberately lied just to appease his captives. We must continue to set the example for the world community and adhere to international law agreed upon.

U.S. Soldiers and our Coalition forces are the ones whose lives are in constant danger throughout this conflict, and it is imperative we take all necessary measures to protect their wellbeing as much as possible. If they ended up in our enemies our enemies doesn't not use our Soldiers as a tool for retribution because the U.S. have done the same to their own. Regardless of our current situation, and the detriment our nation's security faces there should be no excuses for the U.S. to subject its enemy combatants to inhumane treatment. The laws of war state that unwarranted imprisonment of enemies in prison camps indefinitely is illegal. I strongly agree that our nation must protect our people and our security interest. The U.S. also has a moral obligation to uphold our values without surrendering the things that make us different from those that want to harm us.

The enemies of our nation have carried out heinous acts to our Soldiers and civilian contractors. The hanging of U.S. personnel's off a bridge in Fallujah, Iraq can enrage someone to want an eye for an eye. I have personally spent hours recovering body pieces of my former driver, blown apart from an improvised explosive attack. I still firmly believe there are other ways the United States can remain secure, and violating the Geneva Convention making it irrelevant is not one. How is the U.S. any better than our enemies we devote billions of dollars, and our ideology to win their hearts and minds to establish peace. Studies conducted of Enemy

Prisoners of War (EPW) operations revealed with their assessment “proper treatment of EPW was essential to influence global public opinion positively towards U.S. policies” (US Army Detainee Doctrine and Experience, 2004, p 91). Why wouldn’t the U.S. take the advice of James F. Gebhardt a renowned U.S. Intel expert and regain our creditability?

The violations that fracture the Geneva Convention are the subject of the United States Supreme Court ruling, specifically to determine if the U.S. is within the legal judicial authority for this type of treatment. A decision as to whether the detainees have due process rights, or they can be imprison without trial are matters currently pending. The U.S. advocates that America will uphold the universal law that stands for fair treatment and freedom let us be true to those principles, to our Constitution, and to the Geneva Convention.

Conclusion

The binding agreements that govern the treatment of prisoners currently held in prison indefinitely, and not charged include those the United States categorizes as enemy combatants. U.S. policy supports humane and ethical treatment for anyone under any form of detention or imprisonment. Their right to a fair treatment and lawfulness of their imprisonment; they must have access to a judicial tribunal, the right to silence, and access to legal counsel. Mistreatment of enemy combatants held in U.S. custody violates the international law which makes the Geneva Convention the United States signed irrelevant.

References

Greg Parnell *gparnell@nd.edu*.

Guantanamo and the Abuse of Presidential Power, *Joseph Margulies 2006*

TC 27-10-3, *the Law of War Apr 1988*

The Road to Abu Ghraib: US Army Detainee Doctrine and Experience, *Gebhardt James F., 1948*