

# Prisoners of War

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**T**he Prisoners that became the victims of the humongous war battles, their sufferings and the rights denied by the enemy countries. The human right violation by the dominant countries and the reliefs available to them through conventions introduced for the protection of human rights. These prisoners were tortured inhumanely. The endure agony faced by the North Koreans, Japanese, Germans etc. when they were defeated by the other countries.

## Introduction

The main idea of human rights is that each one of us no matter who we are or where we are born is entitled to the same and basic rights and freedoms. Human rights are not privileges and cannot be granted or revoked, they are inalienable and universal. It is complicated as soon as it is put into practice.<sup>1</sup> Human rights is a fundamental topic including humans at all levels such as nations, individuals, societies etc.<sup>2</sup> When applied the principles of human rights in real world most of the states have still deprived the citizens from the freedom of speech, there are nations that still fight in the name of the religions and cultures. Let's take a look into India where there are still states, where people fight in the name of religion and some where the people practice untouchability. Women are still deprived of their equal rights with men in some states. In this way the question still revolves around in the minds of people as to how the human rights are guaranteed. In the historical period there were prisoners of war who were treated inhumanely such as in wars I North Korea, Japan, Germany etc. Guantanamo Detention Bay one which is familiar to people for the tortures for the prisoners inhumanely and severe punishments to the prisoners.

In the following chapters we will be discussing about the inhuman treatments faced by the prisoners and their rights that have been a discussion topic worldwide. In the following chapters let's get a detailed envision of how and what are the rights of the prisoners and the manner they are punished.

## Prisoners of War

In this chapter we shall discuss the prisoners of war being treated inhumanely by the enemy countries and they being deprived of their rights. Let's discuss it as two components for the two most familiar wars. They are:

- WORLD WAR II
- NORTH KOREA AND JAPAN
- BRITISH COLONIAL PERIOD

<sup>1</sup> [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

<sup>2</sup> [www.acadmia.edu](http://www.acadmia.edu)

- ALLIED PRISONERS UNDER JAPAN
- WORLD WAR II

Period: 1 September 1939 – 2 September 1945

The World War II was between two groups of countries i.e., Axis power and Allies. Axis powers included Germany, Italy and Japan whereas Allies included Britain, France, Australia, Canada, New Zealand, India, the Soviet Union, China and the United States of America. Germany was ruled by Adolf Hitler and the Nazi party. Hitler wanted Germany to control Europe. Japan wanted to control the Asia and the Pacific. In 1937 Japan attacked China. In 1939 Germany invaded Poland. This is how the world war II started.<sup>3</sup> Japan in the start was not ready to join the Axis power until they were attacked by the Nazi Party on the 9<sup>th</sup> of August 1939 which caused the death of 129 people. After six days Japan joined the Axis power. After the defeat of Hitler, the Germans were kept as prisoners by the Allies. They were inhumanely punished and tortured by the British army. Many Germans were working as the officials in British army. The Britain army always had their own pride in signing as the first for the 1929 Geneva Convention of inhuman treatment to the prisoners. Thousands of Germans were beaten up, deprived of sleep and forced to assume stress positions for days at a time. Some were murdered and buried. Others were threatened by unnecessary surgeries carried out by unqualified doctors.<sup>4</sup> The media covered up the sufferings of the prisoners with secret cameras in items send to the jail for laundry, kitchen items etc. The prisoners were in rage as to the dates of their repatriate were not being announced and were tortured more when asked about the release. The women were raped and children were brutally beaten up to death. By the end of 1945 or in other words the end of world war II the prisoners who survived the 'London cage' were sent back to Germany. Still now there is an uncomfortable space between the Germans and Britain people. The sufferings of Germans in the Holocaust was made into a movie but couldn't release it due to the censor issues.

## Japan and North Korea

The war between the Japan and North Korea started when the Japanese soldiers tricked the Koreans into getting a job in Japan and wit full dignity. Later on the Japanese soldiers took them to an island where they were tortured and beaten up if opposed them. The men were stripped off and brutally beaten up and made to work in the charcoal mines including children under the age of 14 years. On the other hand the women were stripped off and raped including female children under the age of 14 years. The war between Japan and north Korea was also called as The Battle shield. The sufferings of the North Koreans were bought up in the Korean movie 'The Battle Shield'. At first the Koreans and the Japanese were in good relations. The bad blood war started between the North Korea and Japan started when Jueng Jung attacked the then President of Japan and murdered him.

<sup>3</sup> [www.bbc.co.uk](http://www.bbc.co.uk)

<sup>4</sup> [www.dailymail.co.uk](http://www.dailymail.co.uk)

During the war there were over 400 Koreans under the prison of Japan. The Japan were in their extreme rage that led to an extreme inhumane treatment towards the Koreans. The inhuman treatment even turned the Japanese soldiers into cannibals, they ate the prisoners alive. The soldiers in Japan used the dead body of the Koreans to fill up their stomach. They even cut out flesh from people alive. The women were raped, impregnated and dissected alive, their rage led them to shed out their human nature. The married women were raped in front of their husbands and pregnant women were tortured badly to a state of killing the child in the womb itself. The Japanese doctors those who are unqualified were made to do surgeries on the alive persons. The doctors were even forced to remove fresh organs from the alive body. The prisoners were tied to the bamboo shoots; they grew day by day penetrating into the flesh of the prisoners were they ended up killing many of the people. The prisoners were dehydrated and deprived of nutrition, they were even locked up in chambers for days without the provision for food and water. The Japanese scientist toyed around with the bodies of the prisoners for many experiments. Some of the experiments made led to an opposite reaction on the body of the prisoners which led the death of many. New drugs found out by the scientist were tested on the new born leading to the death of many.

They made the prisoners lay down on frozen platforms and them up. There was even the usage of shocks to the prisoners. Some prisoners died due to the high volt of current. The Japanese army used plague as a biological weapon. The prisoners were injected with animal blood.<sup>5</sup> There were many more inhuman treatments towards the Koreans, that is more than imaginable. The cold war still in the ongoing status between the two countries. There is always a cold war between the Koreans itself i.e., the North Korea and South Korea. The North Koreans rivals against the South Koreans as they have many similarities with Japan. The North Koreans are treated as aliens in the South Korea. Well qualified doctors were abducted from South Korea by the North Korean army officials and are forced to operate upon the alive prisoners from South Korea. During these times the President of North Korea had severe heart problems and were operated by the South Korean abducted doctors. The doctors from South Korea were forced to transfer the heart of the alive prisoners from South Korea to make the President of North Korea to be alive in order to keep up the domination over the South Koreans.

There were many more brutal bloody wars that happened were the prisoners were subject to inhuman treatments.<sup>6</sup>

<sup>5</sup> M.ranker.com

<sup>6</sup> Stephan Evaus, "Bad Blood Between Japan and North Korea persists.", <https://www.bbc.com/news/world-asia-32477794>

<sup>7</sup> Samuel Osborne, "5 of the worst atrocities carried out by the British Empire.",

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## BRITISH COLONIAL PERIOD IN INDIA

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During the British colonial period in India there were many Indians as prisoners and they were asked to perform activities that actually made their self-respect to be questioned. The Indian prisoners were kept in the cellular jail in Port Blair, Andaman and Nicobar Islands. They were tortured by the Indian officials working under the British. The prisoners were beaten up to confess against the protest programmes planned and to demotivate the main leaders of the Freedom fight. The prisoners were asked to clean up the shoes of the British high officials with their tongue. They were also made to starve for days until they are siding up with the British.

The British in order to weaken the strength of the freedom fighters kept many as prisoners tortured them not only them but also their family such as raped their wives or sisters or mother. Their children were beaten up brutally and some were murdered in front of their fathers. The British prisoned up the leaders and tortured them as to piercing iron nails into their nails, cutting out their fingers, beating up them with urumi (a kind of sword that is flexible). As they tortured the Germans during the world war II they tortured the Indian prisoners during the British colonial period. The sufferings of the prisoners of British colonial period was shown in various movies in several languages. The legends who fought for the freedom of India were inhumanely tortured by the Indian officials working under the British. A well-known bi-lingual movie 'Kala Paani' depicted the life of prisoners in the cellular jail in Port Blair. On the other hand the movie 'The Legend Bhagat Singh' also depicted the ways the leaders were tortured to back out from the freedom struggle, they were tortured physically and mentally.<sup>7</sup> The British on the verge of independence literally poured out their rage of letting out India on their own by brutally murdering all the prisoners- male and female, their families and the leaders of freedom struggle.

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## Allied Prisoners under Japan

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During the world war II the allied prisoners that were under the Japan army were tortured inhumanely. Some people were locked up in a single room all congested and suffocated, the soldiers released the toxic gases through the ventilators of the room and sealed it so as for the gas not to pass out, the prisoners inside started to bleed from nose, mouth and ears and choked to death due to the inhaling of this toxic gas.<sup>8</sup> On the other hand some were hanged upside down and beaten until bled in order to weaken the allied force. They were tortured physically and mentally. The prisoners were frozen to death and later on were dissected alive and removed the fresh organs. The women were brutally raped in front of their husbands and fathers. The children below 14 years

<https://www.independent.co.uk/news/uk/home-news/worst-atrocities-british-empire-amritsar-boer-war-concentration-camp-mau-mau-a6821756.html>

<sup>8</sup> Center for research, "Allied prisoners of war under the Japanese.", Mansell, <http://www.mansell.com/pow-index.html>

of age were thrown into the flames burning them alive. The Japan soldiers followed the same techniques as they followed for the North Koreans.

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### Other Methods of Torture of Prisoners During Different Wars

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The prisoners were placed in a tub covered with mud sticking out only their head. The enemy country army applied honey and milk on their face, in no time the flies started to feed on them and also due to the long duration their body was being eaten by the worms and many other insects while still alive. The other method was the bison fire method where the prisoner was put inside a bison shaped bowl and held up the fire. In this technique the prisoners body was directly heated by fire and the bison was shaped in a manner in which the screams could be heard as an echo, the soldiers had good feeling listening to all these screams as they were listening to songs. This was practiced in Greece. In Romania the prisoners were made to sit on sharp and thick pole. When the pole was raised upwards the victim was to slide down where the pole edge was pierced in to the body of the victim this would take three days for the victims to die. The other method was by using the double fork, where the prisoner would be hung upside down and the double fork was tied with a strap on the neck. If the victim lowered their head the forks would pierce into their chin and throat.

The neck torture, in this technique the neck torture technique was placed on the neck of the prisoner. The neck torture equipment contained of a round rope surrounded by spikes. When the neck torture equipment is tightened the spikes would pierce into the prisoner's neck. The other method was the crucifixion, which was being practiced from the crucifixion of Jesus Christ. The enemy country would crucify the prisoners in hand and torture them. This would take 2-3 days for the death of the victim.<sup>9</sup> The allied power and the axis powers used most of these techniques to punish their prisoners during the second world war. This was also used in the war between Japan and North Korea.

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### Women Prisoners during World War II and North Korean War

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The women were dragged to air-raid paces were they were continuously raped and tortured by the German officials one after the other. Some of the women were raped enormous times in front of their families. The soldiers considered raping women as heroic and courageous acts. In North Korea political prison camps, the pregnant women during interrogations were kicked on the baby bump in order to kill the baby. They forced to strip off their clothes in front of strange men. In order to perform abortions, the pregnant women were forced to run with rocks in hand, with the help of fellow inmates' seesaw is used to perform abortion. Fire torture is employed to uterus to prevent second pregnancy.

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<sup>9</sup> David Pegg, "25 most brutal torture techniques ever devised in history.", List25, <https://list25.com/25-most-brutal-torture-techniques-ever-devised/>

Those captured in the last month of pregnancy are bought to hospitals with unqualified doctors to perform forced abortion. If the baby is in spite of all the drugs induced to perform abortion, it is thrown as a food to the German shepherds or by stamping on the baby by the soldiers. Due to unsanitary conditions and without female hygiene supplies. The female who refuse to the sexual intercourse were tortured.

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### Prisoners in Guantanamo Detention Bay

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The prisoners in Guantanamo bay was being tortured in different methods. They were being tortured in the extreme level beyond the amount a person could imagine about torture. The prisoners were given electric shocks and made them to confess even though they were innocent. The prisoners were even tied up in a chair and tubes were inserted through the nose and taken through the mouth, sometimes even liquids were poured through the tubes which were mostly acids. The life inside Guantanamo bay was way more severe than the prisoners being tortured in enemy countries during war. The terrorist like Khalid Sheikh Mohammed and Mansour (member of Al-Quaida) main suspect for the 9/11 attack. The detainees were taken around the globe and mostly to the Arab countries, some were send to the rehab and others were united with their families in Saudi Arabia. If the detainees even after being detained in the Guantanamo bay are not yet ready to go back and settle, they are being sent to different places where they are totally isolated. The authorities make sure they are no more a threat to the US. Once the detainees were sent out of the detention center the President of Serbia gives them an assurance that they are no more dangerous. Mansour was detained on the main reason that he was having a rage towards the US. Guantanamo bay was considered as the military detention center and a well repudiated place for human rights violation. The punishments were severe they had to undergo abuse of physical torture, sleep deprivation and water bodying. There were many cases of suicides, later investigated by the NBC it turns out to be said that they were tortured to death during the interrogation. The detainees are deprived of right to fair trial. The individuals were held in custody even without the charge against them. The minors were considered as juvenile enemy combatants. The legitimate inmates interrogation techniques are illegal and against the human rights. They also had sensory deprivation, religious humiliation etc. The then President George Bush considered coercive interrogation to be a matter of pride. The detainees were severely traumatized. The detainees were hung up naked and tortured without a specific reason. They were not allowed to raise their voice against the officials. The muslims after the 9/11 attack are being treated with more rage. The officials consider that the amount of torture given to the detainees are valid under the Geneva conventions. In Guantanamo bay the detainees are often restricted to use the toilets and is forced to relieve themselves in their clothes. The detainees were given

enormous personal humiliation. The detainees that went on a hunger strike were given a forced feeding through a tube through the nose. The officials in Guantanamo bay pulls out the nails of the detainees, pierce iron nails in their nails, pluck out teeth, shave of the hair including the skin, humiliate them psychologically and personally. The then President claims it to be a techniques used in Guantanamo bay as assurance for the detainees to be not a threat to the citizens. The techniques of Guantanamo bay is being practiced in Saudi Arabia recently.

### Guantanamo practice in Saudi Arabia

The Guantanamo unit from US have been recruited to practice the Guantanamo bay techniques on the officials from other middle east countries being treated as prisoners. The present King of Saudi Arabia have started to use the techniques of Japan during Japan and North Korea war, the tricking of higher officials of other middle east countries to visit Saudi Arabia. Once the officials pay a visit to the Country they are being kept in the custody arranged in the five star hotels with the Guantanamo bay unit. They are being tortured enormously and are being given the same treatments as of the detainees in the Guantanamo bay. They are being tortured for the half of their earnings to be provided to the wealth of Saudi Arabia. The head official of the police force of Saudi Arabia was proclaimed death due to the high volt of shock used for torture. There are other officials who have been hung upside down and being beaten to death until they have accepted to give the half of their earning. Some of the officials have agreed to their proposal and is set freed. On the other hand, the officials who did not agree are still being tortured and have also made a news in their country as they have abducted the officials. The Saudi police officials take adequate care that the detainees are not dead in order to get access of the money proposed. If the detainees die without the agreement, then the earnings will just with their family.

### Rights of the Prisoners

Being a prisoner means restricting some of the constitutional rights. The right to bear arms, right to privacy and the right to free assembly are not possible while incarnated. The first and foremost rights is that of freedom of speech however there are some limits. The officials can restrict the speech if it passes the turner test. The turner test contains four questions that determine whether the restrictions are legitimate to the government interest. Firstly, the restriction must apply to a safety or order concern by the government officials. Eg., the prisons cannot ban discussions on communism just because they prefer capitalism. Secondly, the prison must still leave room for the prisoner to exercise the freedom of speech in another manner. The prisoners are not allowed to use e-mail but they can still write letter to the outside world. Thirdly, regulations must be taken into account the impact of prison officials and other officials. Finally, if there is an easier alternative unrelated to free speech, it must be pursued first before a ban is insisted. The turner test is also applied to the prisoner's outside communication. The prison officials are allowed to inspect reading materials and mail, they cannot censor it unless it is obscene or dangerous. Even though

they are denied the right to privacy they are still subject to limited and monitored phone calls, visits and even relationships. The prisoners are also guaranteed a freedom of religion, prisons cannot institute rules that discriminate against a single religion and inmates can follow religious practices as long as they are not harmful or overly complicated. The prisons are also not to be discriminated on the grounds of race or religion. Gender segregation is allowed on the prison safety and order. However, the prison safety must have equal quality and access to all genders this based on the 14<sup>th</sup> amendment the equal protection of law. The other main right of the prisoners are that they should be treated humanely. The due process of law states that the prisoners should not be stripped off any life, property or liberty than more so required. The prisoners must be notified before the transfer of another prison or punishment of solitary confinement. This ties to the 8<sup>th</sup> amendment prohibiting cruel and unusual punishments. The punishments like solitary confinement have been considered cruel by mental health and prison activists, yet they are regularly used. The landmark case in 1991, Supreme court states that a guard can be with an inmate and for what reason should be notified to the prisoner. It is also important to check whether there is a need of force or not. If the guards used forces cruel acts on the prisoners and are notified by the judge, then it might be considered as the violation of 8<sup>th</sup> amendment. With regard to privacy the guards can search a prisoner's belonging and living space without a search warrant there are some important limitations. The searches and strip searches cannot be used as an act of punishment or to harass inmates. In 2003 an anti-prison rape law was passed making the prison duly responsible for the sexual assaults by both prisoners and guards. However sexual harassments are rarely prosecuted. The prisoners have the right to get hygiene and proper health care if sick. The guards cannot ignore prisoners who need medical help. Nearly all inherent prisoner's rights are based on the interpretations of the fifth, first, eighth and fourteenth amendments.

### Geneva Conventions for the Protection of the Prisoners

The Geneva convention containing the rules for the protection of the prisoners of war was detailed in 1929 and it was refined in 1949 after the World War II and additional protocols in 1977. The convention is divided into six parts. Part II deals with the general protection of prisoners of war. The article 12 in part II states that prisoners are responsibility of the state and they are not to be sent for asylum to the states that are not part of the convention. Articles 13 to 16 deals that the prisoners should be treated with humanely and no adverse discrimination should be done. The medical needs should be met.

### Conclusion

In this research paper we have mainly discussed the tortures being suffered by the prisoners during the wars and in Guantanamo bay. We have also looked into the rights primarily available to the prisoners. However, the

rights available to the prisoners are not being considered in the Guantanamo bay detention center. The rights are being violated and they were considered as the pride to the then president George Bush. The ways of torture suffered by the women during the wars are not imaginable and are the most brutal way a human can behave to another woman. The cruelty towards unborn child, deprives the rights of an unborn child. The prisoners of wars are being given mostly punishments to weaken the enemy country. But some of the countries end up torturing severely their own citizens and blames on the enemy countries prisoner's. The approach of soldiers towards the women are considered to be brutal. They were mostly in the intention of engaging to sexual intercourse. Some of the country men fight against the country men as they are working under the other officials of the enemy country.