

History of Prisoners of War: A Vicious Cycle

“It is an eternal law the wide world over, that when a city is taken war, the citizens their persons, and all their property fall into the hands of conquerors” (Ancient historian Xenophon)¹

Abstract

Humanity has experienced wars and disasters of its own making since the beginning of human society, which are rooted in a vengeful human imperative.² Since then, war has developed as social phenomenon and has accompanied humanity on its sojourn through history.³ War is the worst thing known to mankind throughout his long history. It brings about the killing and maiming of human beings, the loss of their powers and their defacement causes the destruction of civilizations, stirs up hatred and resentments amongst people, and passes psychological problems on to future generations. The section to which the war always caused havoc has been the prisoners of war. The prisoners of war have been victim of this vicious cycle of treatment from Ancient uncivilized period to so called modern civilized period. Therefore this paper aimed at study of ill fate of prisoners of war through ages. It first discusses the ancient Greek and Assyrian treatment of prisoners of war and then move on study of Medieval, early modern and enlightenment era and finally recent Harish treatment of prisoners at Abu Gharaib and Guantanamo bay prison centres. It also discusses the most recent treatment of war detainees by fighters of so called Islamic state and now treatment with captured fighters of Islamic state by Kurdish fighters and by NATO forces and this vicious cycle continues.

Keyword: Prisoners of War, Humanity, War

Introduction

Wars have taken place from the beginning of recorded time and in all parts of the world⁴ and the object of war has been described by Clausewitz as the 'destruction or trounce of the enemy.'⁵ By this he meant the annihilation of the enemy, even to the point of extermination.⁶ Further the concept of total war and crushing defeat suggests there is no room for prisoners, or even civilisation,⁷ in his theory of war, only annihilation, but modern history shows that it is possible to achieve the object of victory, whilst still taking prisoners, as witness the allied victories of the Second World War. However, modernity in itself is not a guarantee of the enlighten treatment of enemy prisoners; Japanese and German forces committed slaughter in the same war, leading to the war crimes trials of Nuremberg and Tokyo.⁸ There have been a lot of transgressions of human rights since then, for example, in Iraq.⁹ Even the nations of the modern time which claim to be most civilized fail to protect the war detainees. The modern international which is being considered as product of developed and conscious thought is by theory most humane but practically victim of violation by those who remained key factors to its formation. Historically speaking the treatment with prisoners of has been

¹Kalashnikov Antony, “Treatment of Captives in Ancient Greek Warfare: A Vicious Cycle,” *Vexillum, the Undergraduate Journal of Classical and Medieval Studies*, 2013.

²Abdur-Rahman Ibn Khaldun, Muqadimmah Ibn Khaldun, Makka: al-Maktab al-Tujirahhah, 1994, p. 287.

³Muhammad Munir, “The cause of war in Islam: Infidelity or the Defence of Faith,” Retrieved from <http://SSrn.com/abstract=1802003>, accessed on January 5, 2015.

⁴Lawrence Freedman, ed. War (Oxford: Oxford U.P., 1994), p.3.

⁵Carl von Clausewitz, On War, transl. & ed. M. Howard and P. Paret (Princeton: Princeton U.P., 1976), p. 227.

⁶Hew Strachan, Carl von Clausewitz's, On War, A Biography (London: Atlantic Books, 2007), p.135

⁷Clausewitz, On War, CreateSpace Independent Publishing Platform 2012, p.76.

⁸Geoffrey Best, War and Law since 1945 (Oxford: Oxford U.P., 1994), pp. 180-84.

⁹Michael Byeis, War Law: International Law and Armed Conflict (London: Atlantic, 2005), p. 127.

horrendous. Therefore the purpose of this research paper is to examine the treatment of prisoners of war comprehensively.

1.1. The ancient world and treatment of prisoners of war

Certainly in ancient times the fate of prisoners was usually less pleasant than that of their modern counterparts. War was normally fought to the death and prisoners of war did not exist as such.¹⁰ The object would have been to obliterate the enemy, even to the extent of extermination or genocide. The earliest record of inhuman treatment of the prisoners of war, in the recorded history of armed combat, is the Ancient Greece.

The Nereid Monument in the Lycean tomb, dated 390 and 380 BCE depict a designed city in which a woman is tearing her hair in lament of her potential fate, rape, enslavement, and possibly death¹¹. The image testifies the cruel and inhuman treatment of war captives in the ancient Greece warfare. During the pillaging of a city, mass rape was customary Greek literature in particular testifies to the horrors that women had to suffer.¹² So to avoid rape and enslavement that would follow, women killed themselves and their children on more than one occasion.¹³

Furthermore an early Assyrian ruler, Tiglath Pileser, describes how he destroyed the city of Hanusa-I cut off their heads like lambs, their blood caused to flow in the valley.¹⁴ The Egyptian of New kingdom only spared war prisoners for use as labour on their projects, others being killed ceremoniously by Pheroh.¹⁵ The prisoners of war got the worst treatment than animals, the captors reduced their war captives into servitude; “there was no cruelty which master might not inflict upon their slaves; there was no service, the performance of which they might not compel, even the power of life and death was in the hands of their masters.”¹⁶ The offspring, born during captivity naturally turned into the servitude. Captured had been reduced into slavery and slave had no right in ancient time. Roman treatment of prisoner of war was not less harsh, to them (Romans) war was essentially unconstrained and prisoners were routinely slaughtered, enslaved,¹⁷ made to fight in the arena, or paraded as trophies, like the British chieftain Caratacus.¹⁸ In the Far East Chinese Shang rulers (1523-1121 BC) sacrificed the war captives by beheading them¹⁹ and during the Chou dynasty the blood of sacrificed prisoners was used to consecrate war drums.²⁰ The Persian used to

¹⁰ Lawrence Malkin, in *The Reader's Companion to Military History*, ed. Robert Cowley & Geoffrey Parker (Boston: Houghton Mifflin Books, 1996), p.368.

¹¹ Harry Sidebottom, *Ancient Warfare: A Very Short Introduction*, Oxford University Press, 2004, pp.25-8.

¹² Paul B. Kern, *Ancient Siege Warfare*, Indiana University Press, Bloomington 1999, pp.158-62.

¹³ Pasi Loman, *No Woman No War: Women's Participation in Ancient Greek Warfare, Greece & Rome*, 2004, p.10.

¹⁴ Victor Davis Hanson, *Genesis of the Infantry, 600-350 B.C. in Warfare*, ed. G. Parker, Cambridge, 1995, p. 12.

¹⁵ A.R. David, *The Egyptian Kingdoms*, Oxford: Elsevier, 1975, p. 118.

¹⁶ Grotius Hugo, *On Law of War and Peace*, translated by A.C Campbell, BatocheBooks, Kitchener 2001, p. 305.

¹⁷ P.G.Manson, *Prisoners of War through the Ages*, Unpublished Dissertation Submitted in University of Chester, 2009.

¹⁸ Tacitus, *The Annals of Imperial Rome*, translated by M. Grant, London; Penguin, 1971, pp.266-67.

¹⁹ John A. Lynn, *Battle, A History of Combat and Culture From Ancient Greece to Modern America*, Westview Press, Boulder 2003, p.35.

²⁰ Marcel Cranet, *Chinese Civilization*, translated by Kathleen E. Innes & Mabel R. Brailsford, New York: Alfred A. Knopf, 1930, p. 32.

inflict relentless cruelty upon their war captives: they were blinded, tortured and finally killed or crucified".²¹

The Bible, too, has many examples of warfare being waged without mercy. Moses urged the Israelites to 'save alive nothing that breatheth'²² when waging war against the Hittites. In the war with Midian they slaughtered every man, boy and those women who had lain with a man. The object was to annihilate the enemy and wipe out their tribe or nation. In the Far East, the Shang rulers of China (1523-1121 B.C.) sacrificed prisoners by decapitation and during the Chou dynasty the blood of sacrificed prisoners was used to sanctify war drums. However, ancient texts suggest that some south Asian armed combat was highly ritualistic and prisoners were well treated.²³ Pre Islamic Arab was not less harsh and ferocious as for as treatment of prisoners of war is concerned. The Arabs of jahilliyyah period used to kill prisoners as well as their women and children and the latter used to be burnt in fire.²⁴ Prior to advent of Prophet Mohammad^(SAW) the worst treated section in the history of armed combat had been the war prisoners and any enlighten treatment was almost unknown to them. Islam provides liberal provision about the treatment of prisoners of war. In many primitive societies, war was often a ritual practised for its own sake. In North America, the Nez Perce ritually tortured their captives²⁵ and the Apaches suspended them head down over burning fires until their brains roasted.²⁶ In short in ancient world the prisoners of war were horrendously treated.

1.2. The middle Ages and treatment of prisoners of war

The Early Middle Ages, that period from the fall of the Roman Empire in the 5th century to the Norman Conquest of 1066, occasionally referred to as the Dark Ages, was a period characterised by violence, cruelty and continual combat; 'warfare and the warrior ethos were... central to the... middle Ages'. The Roman and previous eras were certainly cruel and the status of prisoners was clear; Roman law stated that persons taken in a just war became slaves of the enemy.²⁷ The Vikings, fierce, rapacious warriors who spilled out from their crowded Scandinavian homelands in the 8th century and raided, then conquered, large areas of Western Europe, were typical of the period, Henry of Huntingdon called them 'a plague.'²⁸ Defeated warriors were normally slaughtered although, sometimes, they were sold into slavery, or ransomed.²⁹ Further an Irish chronicler recorded how Limerick was sacked by the Vikings, in 968, and, following 'a

²¹Majid Khadduri, *War and Peace in the Law of Islam*, John Hopkins Press Baltimore, 1955, p.126

²²King James Bible, Deuteronomy 20.16-17 (London: Eyre and Spottiswoode, 1958), p.213.

²³Lynn, *Battle, A History of combat and culture, From Ancient Greece to Modern America* West view Press, Boulder, 2003, p.55.

²⁴Ibid.

²⁵Maurice R. Davie, *The Evolution of War* (New Haven: Yale University Press, 1929), p. 299

²⁶A. M. Joseph, ed. *The American Heritage Book of Indians* (New York: A.H. Publishing, 1961), p. 386.

²⁷Maurice Keen, *Laws of War in the Late Middle Ages* (London: Roufledge, 1965), p.156.

²⁸Henry of Huntingdon, Henry Archdeacon, *The Historia Anglorum: The History of the English People*, Clarendon Press, 1996, p.273.

²⁹P.G. Foote and D.M. Wilson, *The Viking Achievement* (London: Book Club Assocs., 1973), pp. 66-67.

fierce....unsparing, merciless battle,³⁰the defenders were pursued into the fort 'and slaughtered.'³¹ Despite their dreadful reputation, the Vikings were not always successful; after losing a battle in Ireland, in 926, two hundred prisoners were beheaded.³²

Furthermore the capture of Jerusalem by the Crusaders, in 1099, was followed by a general massacre of the garrison and many of the population; 'the city was purified by the massacre of the infidel.'³³ Perhaps not unexpectedly when Roger of Antioch was defeated at the Field of Blood in 1119, the Muslims meted out similar treatment; 'not one man of them (20,000) escaped to tell the tale'.³⁴ and all their prisoners were massacred the next day.³⁵ Emir Balak did the same, in 1123, when capturing Kharput; only the leader of the Crusaders, Baldwin, was spared because of the ransom he could pay and his Arminian troops 'were delivered over to tortures of various kinds.. .some were flayed alive.. .others burned alive... others for archery practise.'³⁶It is recorded that when the English King Richard ordered his soldiers to kill 3,000 Muslim prisoners of war, Sultan Saladin Ayyubi who commanded the Muslim troops and conquered Baital-Maqdis (Jerusalem) followed the tenets of Islam and refused to apply the law of retaliation. Moreover Ransoms were a recurring theme in the Middle Ages; common soldiers were habitually slaughtered but noble prisoners usually spared for ransom. The Roman law made prisoners in a just war slaves.

In the 15th century, when England and France were reaching the final death throes of the Hundred Years War, soldiers regarded armed combat as a speculative business in which huge fortunes could be won.³⁷ Sir John Talbot, one of the English commanders, made considerable sums from ransoms, as when he reserved for himself the most important prisoners from the capture of Bordeaux, in 1452.³⁸ There are numerous records of ransoms being sought for Kings, Princes and great lords, as well as more humble knights. Froissart claimed that the Germans treated a captured knight badly; 'they will place him in chains of iron and throw him into the smallest prison cell they have to extract a great ransom.'³⁹The Prisoners of war might even be tortured or intimidated to hasten the agreement and deliverance of a ransom; John Bynham was thrown over the wall of Mont St. Michel, to frighten his fellow captives into agreeing to ransom demands.⁴⁰ However, there is little doubt that, in this feudal period, prisoners of war were regarded as chattels or booty

³⁰The War of the Gaedhil with the Gaill. ed. & transl. J.H. Todd (London: Longmans,Green,Reader & Dyer, 1867), p.77.

³¹Ibid, p. 78

³²H.B. Clarke, "The Vikings' in Keen, Medieval Warfare, p.47.

³³William of Malmesbury, GestaRegumAngIorum,Clarendon Press Publication,1999 p.651..

³⁴The Damascus Chronicle of the Crusades, transl. H.A.R. Gibb (London: Luzac & Co., 1932), p. 160

³⁵ Jean Richard, The Crusades, 1071-1291 (Cambridge: Camb.U.P.,1999), p.136.

³⁶A History of Deeds Done Beyond the Seas, William of Tyre, transl. E.A.Babcock & A.C.Krey (New York: Columbia Univ. Press, 1943), p. 544.

³⁷ K.B. McFarlane, "The Nobility of Late Medieval England', p.21, cited in A.J. Pollard, John Talbot and the War in France (London: R.H.S.,1983) p. 102.

³⁸ Pollard, John Talbot, p.104.

³⁹ Tales from Froissart, The Constable of France...captures many English prisoners (Online) Available:

<http://www.nipissingu.ca/departementte> .

⁴⁰ Waara, Prisoners in Hundred Years War, p. 163.

and, as such, the property of their captors to be disposed of at will, despite that the Church, and some scholars advocated humane treatment, in appropriate circumstances. The prisoner's condition in middle was also not pleasant.

1.3. The Early Modern Period and treatment of prisoners of war(1500-1700)

Warfare changed considerably with the emergence of nation states, which employed larger, more professional armies equipped with firearms and artillery. This period also saw the emergence of civil and international wars in which religion was a common and powerful denominator.⁴¹ Michel de Montaigne, a classical humanist, thought that the Catholics and Huguenots, in trying to annihilate each other, transformed themselves into 'beasts' rather than 'angels'. In the 16th century many of the cruelties inflicted in the wars of the earlier centuries still prevailed. The noble prisoners were often released, or paroled, to allow them to go home and raise their ransoms, with or without the giving of hostages, suggesting that the system could only work amongst men of honour, rather than the rank and file. The concept of the 'good war', that is one sparing both civilians and prisoners of war, became fundamental in the early 16th century and the system of prisoner exchanges became general. Evidence of international agreements in respect of prisoners of war can be found in 1543, when the English and Scots agreed a treaty for the ransom of prisoners. In the same year a group of Englishmen purchased seven Breton prisoners from foreign captors, for £25, in order to benefit from their ransoms.

Europe, meanwhile, had suffered from the convulsions of the religious wars, between * 1618 and 1648, known as the Thirty Years War. Casualties, on and off the battlefield, were high, particularly where the sides were consistently matched, as at Jankov, in 1645, or when defeats were followed by hot pursuit and the slaughter of entire units. Further At Frankfurt, 3000 Imperial defenders were slain and their bodies 'were cast by heapes in great ditches above a hundred in every grave.'⁴² The Treaty of Westphalia, in 1648, is seen as something of a landmark in the history of the treatment of prisoners of war, as its provisions allowed prisoners to be released without ransom. On the international scene, the 17th century saw the introduction of cartels, agreements providing for rapid exchanges of prisoners of equal rank, the- prohibition of the practise of stripping prisoners of their clothes, allowances for prisoners upkeep and the immunity of certain classes of person, such as women and priests, from prisoner status.

From the forgoing it can be seen that, initially, the Early Modern period was not distinguished by any clearly unproved treatment of prisoners of war, or in the likelihood of prisoners being taken in the first place. After all, it could be argued that 'control and restraint are alien to the nature of combat' the purpose of which is to destroy the enemy completely. There were examples of continued callousness in the pursuit of

⁴¹ Richard S. Dunn, *The Age of Religious Wars, 1559-1689* (London: Weidenfeld & Nicolson, 1970),

⁴² *Monro Expedition, 1,62,67,79-80,11,35*, cited in Parker, *The Thirty Years War*, p. 180.

war, such as the English treatment of Armada prisoners in Ireland during the 16th century, and the status of prisoners of war was still equivalent to that of booty with survival depending 'on the whim of the captor. However, thinkers like Gentili and Grotius were advocating more humanity in combat and their work can be seen in the generally more humane warfare practised during the second half of the 17th century.⁴³ Consequently more enlightened attitude to prisoners was taking shape.

1.4. The Enlightenment and treatment of prisoners of war (1700 to 1815)

This period witnessed a great expansion in the degree and complexity of warfare, as firearms completely replaced other weapons, and armies continued to grow in size. There was almost continuous warfare in Europe and beyond, in the emerging colonies of the Americas and India. Huge numbers of prisoners were taken on land and sea from battlefields as diverse as Western Europe and the wilds of North America. At the same time, the Enlightenment was bringing in new ideas and attitudes about how men should behave to one another and industrialisation, and other factors, intensified the magnitude of wars. The treatment and attitude to prisoners changed considerably during this period from the old fashioned exchange or ransom, prevalent for most of the 18th century, to the long term internment of prisoners of war, in the American and Napoleonic wars. By the end of the Napoleonic Wars, purpose built prisoner of war camps, governed by strict regulations, and emerged as successors to the hulks of the earlier part of the period.

Philosophers like Rousseau and Vattel theorised on the nature of combat. Vattel argued that war was the process by which a legal claim was enforced by violent means⁴⁴ and, therefore, 'in all its abnormality a process compatible with natural law.'⁴⁵ However, Vattel also argued that prisoners should be treated humanely by their captors and that, once a soldier had surrendered and been disarmed, nobody 'has the right to take away his life.'⁴⁶ This view was echoed by Rousseau, who argued that wars were state affairs and a commander's mandate endorsed him to kill the enemy in arms, on behalf of the state, but once they were disarmed, the mandate ceased and they were now enemies 'over whose lives no-one can exercise a lawful claim.'⁴⁷ Further in 1703, Count de Mornay recommended the exchange of Spanish and French prisoners of war for English prisoners. The Battle of Blenheim, in 1704, resulted in considerable slaughter with the French losing 34,000 men, including 14,000 prisoners, who needed to be guarded and fed.⁴⁸ During the Seven Years War (1756-63) there was much correspondence between Britain and France regarding their respective prisoners. Responsibility for prisoners lay with the 'The Sick and Hurt Office' later, the 'Transport Office.'⁴⁹ The Iroquois slaughtered and scalped many of the enemy and then demanded their share of the prisoners, for adoption or sacrifice; they were allocated 96 prisoners by Sir William Johnson who did, however, manage to recover 19 Canadian officers in return.⁵⁰ By 1778 there were 924 American prisoners held in Britain in poor conditions alleviated only by funds raised by public contribution. In 1785, the United States and Prussia concluded a treaty that included the first guidelines for the humane treatment of prisoners of war.⁵¹ The pressures had intensified by the turn of the 19th century, with the advent of total

⁴³ Duchardt, 'War and International Law', p. 287

⁴⁴ Emerich de Vattel, *Le Droit des Gens, ou Principes de la loi naturelle appliques a la conduite et aux affaires des nations et des souverains*, transl. Charles G. Fenwick (Washington: Carnegie Institution, 1916).

⁴⁵ Duchardt, 'War and International Law', p.297.

⁴⁶ Vattel, *Le Droit des Gens*, p.280.

⁴⁷ Rousseau, *The Social Contract*, Free Press 2010, p. 57.

⁴⁸ D. Green, *Blenheim* (London: Collins, 1974), p.113

⁴⁹ Clive L. Lloyd, *A History of Napoleonic and American Prisoners of War, 1756-1815* (Woodbridge: Antique Collectors Club, 2007), p.23.

⁵⁰ Tan K. Steele, 'When Worlds Collide: The Fate of Canadian and French prisoners taken at Fort Niagara, 1759', *Journal of Canadian Studies*, 39.3 (2005), p.

⁵¹ Henry Wheaton, *History of the Law of Nations in Europe and America* (New York: Gould, Banks & Co., 1845),

war against Napoleon; the vast numbers of prisoners of war in Britain, 122,000 by 1814, forced the Government to build the first prison camps and to introduce detailed regulations relating to the care of prisoners.⁵² The academics like Vattel and Rousseau were adamant that prisoners of war should be treated humanely and that their protection from ill-treatment was a natural human right,⁵³ a view shared increasingly by the public at large, many of whom were quick to respond to calls for subscriptions to aid prisoners in British camps and, indeed by governments who sought to regulate conditions in those camps.⁵⁴

1.5. Two World wars and treatment of prisoners of war

In 1874 a conference at Brussels prepared a declaration relative to prisoners of war, but it was not ratified. However in 1899 and again in 1907 international conference at The Hague drew up a rules of conduct that gained some recognition in international law. Further soon after the World War 1, the nations of the world gathered at Geneva to devise the convention of 1929 which before the outbreak of world war II was ratified by France, Germany, Great Britain, and United States, and many others nations, but not by Japan or the Soviet Union. Following the end of world war II the Geneva Convention of 1929 was revised and set forth in the Geneva Convention of 1949. Even in presence of most humane provision relative to prisoners of war both wars witnessed the barbaric treatment of prisoners of war.

During and after the first world war prisoners of war die for many reasons, prior wounds poor living conditions, inadequate diet, overwork, and disease. The higher death rates are a general indicator of their worst treatment. The worst example was the death march of British and Indian troops taken by Turks after the fall of Kul al-Amara in what is now Iraq. About one-third of the surrendered garrison died in captivity. In Germany, the British obstruction reduced the civilian diet to near starvation levels. The prisoners of war often put to work by the captors and conditions of work for many POWs during World War I contributed to their death in captivity. Additionally the British, French, and German used POWs to dig trenches and repair roads and railroads within artillery range of the front lines. The worst was mining or the construction of the Murmansk railway by Russian. Germany and Austrian prisoners on the railway suffered from the extreme climate, rudimentary camps, inadequate food, and disease; over one-third are estimated to have died in the effort to complete the railroad that would allow Russia to import war material through Murmansk. (Gatrell, 2005, 541). Almost all those nations who participated in the war contributed in the worst treatment of prisoners of war.

During the Second World War the two nations- Japan and Soviet Union- rejected the standard of the 1929 Geneva Convention by not ratifying it, and the standard of treatment both on the battlefield and in the camps was much worse in dyads with these nations. The worst of POWs was between Nazi Germany and Soviet Union. Further both sides used prisoners taken from one another as labor in their war effort and failed to provide sufficient food and lodging under convention. Approximately three million Germans were taken prisoner by the Soviet Union; about three out of five died in captivity. About 1,850,000 French soldiers were taken prisoners during six-week campaign that ended with fall of France in June 1940. The US and Britain generally maintain the standard set by the Hague and Geneva conventions in their treatment of Axis POWs. Germany treated its British, French and American POWs comparatively well but treated Soviet, Polish and other Slavic POWs with genocidal severity. Of about 5,700,000 Red Army soldiers captured by the Germany only about 2,000,000 survived the combat; more than 2,000,000 of the 3,800,000 Soviet troops captured during the German invasion in 1941 were simply allowed to starve to death. Treatment of prisoners

p.306.

⁵²Lewis, Napoleon and his British captives, p.48.

⁵³R.C. Hingorani, Prisoners of War (New York: Oceana Publications, 1982), p. 6.

⁵⁴Black, European Warfare, p.231

of war by all countries deteriorated once they had won and the other side lost the ability to retaliate in kind to their soldiers taken prisoners. Finally with few exceptions prisoners got treated horrendously during both wars.

1.6. Recent times and treatment of prisoners of war

The Geneva Conventions of 1949 create a comprehensive legal regime for the treatment of detainees in war. Members of a regular armed force and certain others are entitled to specific privileges as POWs. However in presence of strong provision relative to human treatment of war detainees, detainees held at US prison centres got and getting worst treatment. During the war in Iraq that began in March 2003, personal of the US Army committed a series of human right violation against detainees in the Abu Gharaib prison in Iraq.⁵⁵ After 9/11 attack and war on terror, the Abu Gharaib appeared most notorious prisons with torture, weekly execution and vile living conditions. The violation at Abu Gharaib by US and its allied partners include physical and sexual abuse, torture, rape, sodomy, and murder. On July 23, 2003 Amnesty international issued a press release condemning widespread human rights abuse by US and coalition forces. The CIA and the defence intelligence agency and various components of the US armed forces used the interrogation techniques at black sites around the world including Bagram, Guantanamo bay, and Abu Gharaib, authorised by officials of the Bush administration. The method used included beating, binding in contorted stress positions, hooding, subjection to deafening noise, sleep disruption, sleep deprivation to the point of hallucination, deprivation of food, drink and withholding, walling, sexual humiliation, subjection to extreme heat or extreme cold, confinement, in small coffin-like boxes and repeated slapping.⁵⁶ In addition to brutalizing detainees, there were threats to their families such as threats to harm children, and threats to sexually abuse or to cut the throat of detainee's mothers.

Moreover international committee of the Red Cross (ICRC) inspected the Guantanamo bay prison camp in June 2004. In a confidential report issued in July 2004 and leaked to The New York Times in November 2004, Red Cross inspectors accused the U.S. military of using "humiliating acts, solitary confinement, temperature extremes, and use of forced positions" against prisoners at camp. It concludes that this system can be considered an intentional system of cruel, unusual and degrading treatment and a form of torture. Often found a detainees chained hands and feet in a fetal position to the floor, with no chair, food or water. Guantanamo bay torture also includes sensory deprivation, stress positions having his head slammed into concrete, repeated anal penetration, routine sleep deprivation and forced drug injection.⁵⁷ The recent treatment of detainees of war by so called Islamic state's fighters is not less ferocious. They used to put a plastic bag over the face of detainee until he nearly suffocated. Detainees were electrocuted, beaten with plastic pipes and whipped with electric cables. There were mock executions. Now most recently Iraqi army soldier's treatments of ISIS militants. A video showing Iraqi Army soldiers beating suspected Islamic state militants and then throwing them off a cliff on the banks of the Tigris River near Mosul. In short this vicious cycle of torture of prisoners of war continues.

Conclusion

The paper discussed the callousness of the earlier period to the burgeoning humanitarian spirit of the 19th century and also discusses the barbaric treatment with prisoners of war during first and Second World War and now again in recent times losing humanitarian spirit. The paper examine that as warfare and society

⁵⁵ Greenwald, Glenn. "Other government agencies" salon.com.

⁵⁶ Michael Gross, *Moral Dilemmas of Modern war*, Cambridge university press 2010.

⁵⁷ Mark Den beaux et al., "Report on Gaunatanamo detainees: A Profile of 517. Detainees", Seton Hall University 2006.

evolved, there was a gradual improvement in their treatment, subject to many vicissitudes, lapses and inconsistencies, arising out of geographical location, cultural differences and sheer excess on the part of individuals or nations. It concludes that in ancient times, war was pursued ruthlessly; the object was what Clausewitz has described as 'the destruction or defeat of the enemy'⁵⁸ that is, annihilation. Any captured Combatants were disposed of at the whim of their captors. Their fate was usually death, often in concurrence with ritual torture and humiliation. Ancient European civilizations, like Rome and Greece, were just as nasty as more primitive societies and, if prisoners were spared, it was usually as slaves.⁵⁹ Only rarely were treaties agreed for the exchange or ransom of prisoners of war, most noticeably during the internecine combats of the Greeks. During the Dark Ages and into the Middle Ages the same pattern of warfare continued with opposing armies seeking to kill then: enemies and, infrequently enslave or ransom them. With the coming of the Middle Ages, and the re-emergence of books and scholars, thinkers like St. Augustine and Aquinas sought to define and limit warfare within a religious context. During the 11th century the concept of chivalry evolved and continued to develop over the following centuries. Writers like Bonet chronicled the rules of warfare, which originated in the custom and practise of warriors and kings influenced by the perceived rules of chivalry and the teachings of the Church. One most important period toward which western scholars did not pay heed with respect to kind treatment of prisoners was advent of the Prophet of Islam's period. In 7th century Arab's treatment of prisoners of war radically changed with emergency of Islam. Before the advent of the Prophet any enlighten treatment with prisoners was almost unknown, sometimes the Prophets companions remain contented with dated and provide good food to the prisoners. However outside Islamic world of that time prisoners were still regarded as a species of booty who could be disposed of at the whim of their captors.

Moreover warfare had changed dramatically by the end of the middle Ages and there were many more ways of killing the enemy and in much greater numbers. But in 16th century Prisoners could be exchanged or ransomed rather than butchered, although there were still many instances of barbarity, particularly where religion was an issue. Later on Philosophers and lawyers were playing their part in theorising on the nature of war and the obligations of the participants, leading to a more restrained attitude to prisoners of war. This trend faltered during the religious wars of the 17th century however the Treaty of Westphalia, in 1648, is seen as a landmark, with more restraint generally evident from then on. Moreover the evolution from random barbarity to legal, humanitarian regulation has been a clear trend from the Middle Ages through to the first international agreements in the 19th century. Therefore the result has been a gradual evolution from barbarity to international regulation and humanitarianism, culminating in the Geneva Conventions most countries recognise today. But now even in presence of these humanize rules in the form of Geneva Convention detainees of war are becoming the victims of this vicious cycle treatments. The horrendous treatment with prisoners of at Abu Gharaib, Bagram, and Guantanamo bay by US and its allies is presenting the another era of barbarism which history has never seen earlier. These prisons are living hell on the face of earth. Finally in conclusion it can be said that fleeting time brought some kind of respite to the prisoners of war but recent time again witnessing barbaric treatment with prisoners of war. Ideal rules lose their relevance in absence of ideal persons.

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⁵⁸Carl von Clausewitz, *On War*, transl. and ed. M. Howard and P. Paret (Princeton: Princeton U.P., 1976), p. 227.

⁵⁹Howard et al. *The Laws of War*, p.27