

Human Right Abuses of Prisoners at Abu Ghraib

Human Right Abuses of Prisoners at Abu Ghraib

Introduction

Abu Ghraib, a U.S. Military Prison

Abu Ghraib, located a few miles on the western end of Baghdad, was an infamous prison facility, during the reigns of Saddam Hussein. Thousands of inmates were held at one time in the facility. Inmates were subjected to executions and torture along with despicable living conditions. After U.S. intimated the collapse of the vile regime of Hussein in 2002-03, lootings followed. The prison facility was also a target of such mob attacks. This led to the facility's already bare minimum fixtures destroyed and looted. Though, the coalition forces took over the facility and restructured it. This led to the start of operations at Abu Ghraib, as a U.S. military prison (Hersh, 2004).

Detainees at Abu Ghraibs

The detainees at Abu Ghraib, under the administration of U.S. military, can be bagged into three classifications. Common criminals and miscreants, prisoners suspected of "crimes against the coalition" and a small percentage of leaders of the insurgency, arguably, against the allied forces (Hersh, 2004).

Discussion

International Humanitarian Law

International humanitarian law is a set of rules formed to restrict the consequences of armed conflict. The intention is to protect the right of people. Those people which are not current participants of war or have suspended their allegiance to hostilities during

wartime. Further, the law confines the modes and techniques of warfare. International humanitarian law is a section of International law, that which governs relations between States. This law is not to be confused with another distinct section of international law that can regulate a State's actual use of forces. International humanitarian law aims to nurture a balance between military requirements of States and consequential humanitarian issues that arise with such State measures. The law is an important mandate of the United Nations Charter (ICRC, 2004).

Rights of Prisoners

International humanitarian law covers two major aspects. Firstly, it safeguards people who are not involved, or who have cut off their associations in fighting. Secondly, it forces States to control their methods in armed conflicts. A constituent of the first aspect of the law, also provide detailed guidelines that represent the rights of prisoners and minimum standards and rules for their treatments. These laws include specific provisions of food, shelter and medical care. It also includes regulations of family time and modes of message deliveries, by inmates.

Furthermore, the law provides guidelines that aim to protect civilians, medical and other religious personnel's who is not part of fighting. Those who have surrendered are also shielded under this law. This classification includes the wounded and sick fighters and POW's (ICRC, 2004).

Following are the rights of prisoners, established under the international humanitarian law:

- Physical liberties of the detainees cannot be restricted, except under certain limited conditionality's;
- The detainees are to be addressed in their first language. Further charges levied against such detainees are to be swiftly informed;
- The detainees have to be facilitated with immediate family contacts as well as medicinal and legal guidance;
- The detainees are to be presented before the courts as soon as manageable. So as to establish legitimacy of their arrest, or lack off such lawfulness;
- If the detainee cannot be tried promptly. They should be released of detention till further proceedings. Though, this can be done in presence of legitimate guarantees of his future appearance in trial;
- Military and other forces should develop an efficient system for recording detentions. It should be made certain that information is duly received by concerned families of the detainees (University of Minnesota-Human Rights Library, 2002)

Geneva Conventions

The underlying principles of the Convention are based on the respect of fellow beings and their dignity. The Geneva Conventions were accepted in 1949. The four constituting conventions protect people classified as; wounded and ill members of the armed forces in the battlefield; wounded, ill and shipwrecked members of the conflicting forces as well as other shipwrecked victims; POWs and other civilians (www.redcross.iv). The prisoners detained in the Abu Ghraib facilities by the coalition

forces are protected by the 3rd and 4th article of the internationally accepted ‘Geneva Convention’.

International Crime

International Crime is a broad categorization of crimes that are conducted with aims to threaten world order and security. Crimes against elementary human rights, war crimes and genocide are also categorized under the discussed category (Partin, 2011).

Abu Ghraib, War Crimes and Taguba Report

Taguba report contained findings prepared by Maj. Gen. Antonio M. Taguba on alleged abuse of prisoners by members of the 800th military Police Brigade at the Abu Ghraib Prison facility. The findings indicated that several instances of criminal abuse were administered by some military personnel over the detainees at the facility. These acts of illegal abuse were intentional. Some of these atrocities included:

- Breaking chemical lights and pouring phosphoric liquid on prisoners;
- Using guns and pistols to threaten the prisoners;
- Water boarding;
- Administering severe beatings with sticks and chairs;
- Threatening prisoners with intentions to sodomize;
- Administering unprofessional health treatments, like stitching, those prisoners severely injured;
- Raping at least one prisoner with chemical light and broom;

- Using military dogs to scare the detainees and at least one incident of actual biting;
- Beating the detainees and jumping on their toes with military boots;
- Photographing and videotaping both female and male prisoners;
- Using force to take engineered photographs in sexually revealing postures;
- Making male detainees wear women's undergarments;
- Forcing male prisoners to do acts of masturbation on each other, meanwhile videotaping them;
- Stimulating electrical shocks on prisoners on their body parts including sensitive genital parts;
- Taking photographs of dead prisoners (NBCNEWS, 2004).

The aforementioned list is just half of the heinous and malevolent acts committed by the concerned Brigade. In light of these findings, it is hard to argue that these acts of torture and mistreatments were anything but acts of blatant war crimes. As thus, it is a complete mockery of the 3rd article of the Geneva Convention. The concerned article, constitute crimes of heinous intent, as in this case, against POWs. Furthermore the findings also revealed trampling of other international humanitarian laws, including, unaccountability of held prisoners or in some cases the reasons behind their detentions. Such prisoners, 'ghost detainees', were subject to unfortunate targets of war crimes (NBCNEWS, 2004).

United States' Government and Military Response

The United States' government, at the time, expressed despondency and shock over the brutalities of the 800th military Police Brigade at the Abu Ghraib Prison facility. President G. Bush further asked for actions of accountability towards the concerned brigade and reiterated that he has never seen the photographs of the repulsive acts before the news went public (Froomkin, 2007). Much later; an acclaimed journalist, Seymour Hersh, wrote in his articles that the President was made aware of the hostilities by the brigade well before it was made public. Though based on this arguable prior knowledge, the president chose not to address the issues of these war crimes. Furthermore, the investigative journalist, argue that the main perpetrators of the war crimes were never held accountable (Froomkin, 2007).

The investigation committee set by the military to report the findings of the incident, revealed the following:

- Potential human rights, manpower issues and training systems need immediate attention;
- Findings suggested elevated concerns over military intelligence teams encouragement to MP units to “set favorable conditions for subsequent interviews” of the prisoners;
- Conclusions also suggested “no military police units purposefully applied inappropriate confinement practices”.

The findings of this committee coupled with Taguba findings led to discharge of the head of all such prison facilities, BG Karpinski. 17 soldiers were implicated under these

investigations. Further, a 24 member team Mobile Training Team was designed to train proper conduct within such facilities (DIILS, 2012).

Conclusions

After reading the literature for the atrocities by respective U.S. Military Brigades against the detainees, it is hard not to implicate such actions as heinous war crimes. These crimes go against all human conducts and conveniently shatter the amendments of the Geneva Convention. Furthermore, these atrocities affect the credibility of the U.S. invasion of Iraq. The invasion has been held in widespread opinions as a result of misconstrued intentions. The reasons of which are the missing WMDs, which were stated as the fundamental reasons for the invasion. In addition, such practices by the military officials of United States disgrace the countries prestige. U.S. and its arguable antagonistic foreign policies has become subject of global scrutiny and criticism. After careful examination of literature I would agree with such global assessments of U.S.

References

- Froomkin, D. (2007) “New Questions about Abu Ghraib” *The Washington Post*, retrieved from
<http://www.washingtonpost.com/wpdyn/content/blog/2007/06/18/BL2007061800791.html>
- Hersch, M.S. (2004) “Annals of National Security: Torture at Abu Ghraib” *The New Yorker*, retrieved from
http://www.newyorker.com/archive/2004/05/10/040510fa_fact
- ICRC “What is International Humanitarian Law?” *Advisory Service: On International Humanitarian Law*, retrieved from
http://www.icrc.org/eng/assets/files/other/what_is_ihl.pdf
- NBCNEWS website* (2004) “Key Excerpts from the Taguba Report”, retrieved from
<http://www.msnbc.msn.com/id/4894033/ns/nbcnightlynews/t/key-excerpts-taguba-report/#.UK52gIeR9Xo>
- Partin, G. (2011) “International Criminal Law”, *American Society of International Law website*, retrieved from <http://www.asil.org/erg/?page=icl>
- Red Cross* (2012) “Geneva Conventions and International Humanitarian Law”, retrieved from <http://www.redcross.lv/en/conventions.htm#geneva>
- University of Minnesota – Human Rights Librar* (2002) “Report on Terrorism and Human Rights”, retrieved from <http://www1.umn.edu/humanrts/iachr/terrorism-ch3-2.html>, data accessed on 23rd November 2012.