



THE RIGHTS OF DETAINEES BETWEEN INTERNATIONAL LAW AND THE PROVISIONS OF ISLAMIC SHARIA

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Abstract

The international community's effort to protect individuals from violence and abuse has led to the emergence of two sets of rules. One is called international humanitarian law, which emerged as a term in the 1970s and was associated with the negotiations that took place between 1974-1977 in Geneva, culminating in the drafting of the Geneva Protocols annexed to the four Geneva Conventions of 1949. This body of law includes what was traditionally known as the law of war or the law of armed conflict. The second set of rules is known as international human rights law, which also emerged as a term in the 1970s following the entry into force of the two International Covenants on Human Rights. These two laws have distinct meanings, and Islam has predated in addressing all these issues, including the treatment of detainees in such wars.

Keywords: International Humanitarian Law, International Human Rights Law, Detainees' Rights.

Introduction

War is as ancient as humanity itself, serving as a method for settling disputes from the earliest periods of human existence. Delving into historical records and ancient manuscripts, we uncover a staggering number of conflicts that have shaped our history. Over millennia, wars have resulted in the loss of countless lives, highlighting periods where peace was a rare exception. Notably, the First and Second World Wars marked some of the darkest chapters in human history, with millions perishing both on the battlefield and as a result of war-induced pandemics. Such profound human and material losses underline the critical necessity of developing preventive measures to either avert wars or significantly reduce their impacts. This led to the genesis of international humanitarian law, with its roots traceable to the customs of ancient societies and the doctrines of Abrahamic religions, which emphasized principles of chivalry, mercy, and the protection of the weak. This research adopts a comparative method to analyze the principles of public international law alongside Islamic Sharia, focusing on the latter's advanced stance on human rights, particularly regarding the treatment of detainees in times of conflict.

Research Problem

War is an ancient reality as old as humanity itself, known as a tool for settling disputes since the earliest times of human existence. Turning to historical books and ancient manuscripts, we find astonishing numbers of wars, a fact that boggles the mind. Statistics reveal that 14,000 wars have erupted over 5,000 years of history, resulting in the loss of about 5 billion human lives. In the last 3,400 years, the world has known only 250 years of peace. The First World War alone claimed about 10 million lives, in addition to 21 million people who died from pandemics caused by the war. The Second World War saw approximately 40 million deaths, half of them civilians (2).



Research Importance

Given the human and material losses from wars, it became imperative to seek preventive solutions that could either prevent wars or at least mitigate their effects as much as possible. Thus began the early development of what was later called international humanitarian law. Its first rules can be found in the cultures of humans, where we trace its principles in the ideals of chivalry, manhood, and aiding the weak prevalent in ancient societies (3).

These principles then appeared in the Abrahamic religions, starting with Christianity, where Jesus Christ, peace be upon him, preached love, mercy, and tolerance. When Christianity prevailed in Europe and the Church gained control over governance, jurists began to find religious justifications for war, formulating the theory of the "just war." Then, Islamic law introduced specific rules and regulations for the conduct of both states and individuals during times of peace and war, prioritizing the rights of humans, including detainees in wartime, and establishing good treatment of prisoners (4).

Research Methodology

The research follows an inductive, analytical, and descriptive comparative approach between the rulings of public international law and Islamic Sharia, examining Islam's precedence in respecting human rights regarding detainees during war and its emphasis on the good treatment of prisoners.

Research Plan

We will examine the provisions of international law against torture in the first section, then discuss the rights of prisoners and detainees in Islam.

Guantanamo between international law and Islamic Sharia

Provisions highlights the extent of atrocities and violations carried out by those in charge of the Guantanamo detention facility against detainees (5), especially the innovative methods of torture devised by human rights defenders from America in that prison. Before discussing the severity of this crime, we will delve into the provisions and rules of international law that safeguard human rights from torture (6). We then illustrate the profound commitment of the noble Islamic Sharia to human dignity, ensuring it is not demeaned or subjected to torture, which diminishes its value. This is our approach:

First Section: Provisions of International Law Against Torture

The Fourth Geneva Convention (1949), the International Covenant on Civil and Political Rights (1966), and the International Convention for the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) all emphasize that the use of torture is a prohibited crime that cannot be justified under any circumstances (7).

Numerous international charters have emphasized the prohibition of torture and the need to end maltreatment within prisons, detention centers, or custody facilities. The Universal Declaration of Human Rights in its Article 5 states, "No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment." The Convention Against Torture in Article 4 includes provisions that every state party must consider all acts of torture as offenses under its criminal law. This applies equally to any person attempting to commit torture and to anyone who acts as an accomplice or participates in torture. Article 2(2) specifies, "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for torture." The International Covenant on Civil and Political Rights in Article 7 mentions, "No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment; in particular, no one shall be subjected without his free consent to medical or scientific experimentation." (8)

These articles, included in the Universal Declaration of Human Rights, have influenced the international community's perception and propelled it towards uncovering the nature of "torture" from being considered an unsuitable punishment to "affirming that the universality of torture necessitates



its universal criminalization by recognizing the danger of torture and other forms of inhumane or degrading treatment as a principle in customary international law, making the recognition of the danger of torture a definitive standard in public international law obligatory for all states, whether they are parties to treaties that include the prohibition or not." (9)

Following this, the international community's interest in the necessity of prohibiting torture in all its forms continued. The International Covenant on Civil and Political Rights in Article 7 states: "No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment, in particular, no one shall be subjected without his free consent to medical or scientific experimentation." The same covenant contains many provisions that indirectly address the prevention of torture as a duty to respect and ensure human rights (Article 2), the right to life (Article 6), the right to personal liberty and security (Article 9), the right of persons deprived of their liberty to be treated with humanity and with respect for the inherent dignity of the human person (Article 10), and the right to a fair trial (Article 14).

The First Requirement

The Convention against Torture

Following the International Covenant on Civil and Political Rights, came the United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. This convention aimed to establish a comprehensive framework for banning and criminalizing torture within international relations. According to Article 2:

- (1) Each State Party is required to implement effective legislative, administrative, judicial, or any other actions to prevent acts of torture within any territory under its judicial authority.
- (2) No exceptional circumstances, including a state of war, threats of war, internal political instability, or any other state of emergency, can be used as a justification for torture.
- (3) It is also prohibited to justify torture on the grounds of following orders from a superior officer or a public authority.

This article emphasizes that the crime of torture is unequivocally outlawed and criminalized under any circumstances, imposing a legal duty on State Parties to enact measures within their legislative, executive, and judicial frameworks to eradicate and criminalize torture, including the prosecution and punishment of its perpetrators. Failure to fulfill this obligation results in international liability under the established and customary laws of international law (10).

Furthermore, the article cautions authorities against using any excuse, including war, threats of war, political instability, or following superior orders, to justify engaging in torture or other forms of demeaning or inhuman treatment (11).

The convention addresses a crucial issue, asserting in Article 8 the right of any judiciary in a state that has ratified the Convention against Torture to entertain lawsuits against individuals who have committed this crime on its territory. Therefore, citizens of Palestinian, Iraqi, or Saudi nationality who have been subjected to torture by American military forces can legally pursue the relevant American authorities if they are in a state that is a signatory to the Convention against Torture. Article 8 states:

Crimes mentioned in Article 4 are to be treated as offenses eligible for extradition in any extradition treaty existing between States Parties, and the States Parties commit to include these crimes as extraditable offenses in all extradition treaties they conclude among themselves (12).

- When a State Party receives a request for extradition from a country with which it has no extradition treaty, that state can treat this Convention as the legal foundation for the extradition regarding such crimes. The extradition will be subject to additional conditions outlined in the law of the state receiving the extradition request (13).
- States Parties, which do not require the presence of an extradition treaty to proceed with extradition, acknowledge that crimes mentioned are subject to extradition among them, following the conditions laid out in the laws of the states where the extradition request is made.



- Within the context of extradition among States Parties, (14) these crimes are treated as if they were committed not only in their actual location but also within the territories of the states asserting jurisdiction as per paragraph (a) of Article 5. This article legally advances by establishing the Convention against Torture as the basis for extradition processes even between states without mutual extradition treaties, specifically for crimes outlined in Article 4 of this Convention. Pursuant to this Convention (Article 17), a Committee against Torture was formed consisting of ten experts, elected during a meeting held by the States Parties biennially. The States Parties are required (according to Article 19) to report on actions taken to meet their obligations under the Convention against Torture. States Parties must submit an initial report within one year after the Convention comes into effect for that state, followed by subsequent international reports every four years. A substantial part of the committee's regular sessions is dedicated to reviewing these reports, with government representatives in attendance. After listening to the government representatives and posing questions, the committee compiles findings and recommendations, assessing the situation of torture and abuse in the state and offering any other advice it deems appropriate to enhance its efforts (15).

The committee is also empowered to review complaints against a State Party that are submitted by another State Party or by an individual within its jurisdiction, (16) provided that the state or states in question have made declarations under Articles 21 and 22 of the Convention, thereby accepting the committee's authority to do so. There is also a specific investigative procedure (Article 20) that enables the committee to independently examine claims of "systematic" torture practices within a State Party, including the option to visit the state, unless the state has explicitly stated upon accession to the Convention that it does not acknowledge the committee's authority for such actions. The UN Special Rapporteur on Torture presents an annual report to the UN Human Rights Committee and can engage with the government of any UN member state or entity with observer status, issuing appeals concerning individuals who are believed to be at risk of torture or currently enduring it. Furthermore, the Special Rapporteur is authorized to send letters to governments regarding torture allegations or efforts to prevent its occurrence. The Special Rapporteur may also conduct on-site visits with the approval of the governments concerned and formulate recommendations based on the insights gained from these visits (17).

In discussing the global prohibition of torture, it's pertinent to mention the four 1949 Geneva Conventions, which articulate in their common Article 3, paragraph 1, that in the event of an armed conflict of a non-international nature within the territory of a High Contracting Party, all parties to the conflict must adhere, at a minimum, to the following principles:

Persons not actively participating in hostilities, including disarmed military personnel and those rendered incapable of fighting due to sickness, wounds, detention, or any other reason, must be treated humanely in all situations, without any adverse discrimination based on race, color, religion, belief, gender, birth, wealth, or any other similar criteria (18).

For these reasons, the actions listed below are banned in relation to the individuals mentioned earlier and are always prohibited, regardless of time and place:

Assaults on life and physical integrity, notably including all forms of killing, mutilation, cruel treatment, and torture.

Taking hostages (19).

Attacks on personal dignity, particularly humiliating and degrading treatment.

Issuing and executing sentences or punishments without a prior trial conducted by a court established in accordance with the law. The four conventions also contain provisions aimed at preventing violence, threats, or retaliation against war prisoners (Article 13 of the Third Convention). Furthermore, international humanitarian law mandates that states implement necessary legislative actions to levy effective criminal sanctions against those who perpetrate or command the execution of serious violations of the convention (Article 146 of the Fourth Convention). The law further asserts that deliberate killing, torture, inhumane treatment, deliberately causing severe pain or serious injury to physical health, conducting biological experiments, and other acts constitute grave breaches



of its rules and texts (Article 147 of the Fourth Convention). Moreover, the First Additional Protocol of 1977 reinforced the ban on attacks on life, health, and physical or mental integrity, with Article 75/2 specifying: The following acts are immediately and universally prohibited at all times and places, whether committed by civilian or military personnel: acts of violence to the life, health, or physical or mental safety of individuals, specifically:

1. Killing.
2. Torture in all its forms, both physical and mental.
3. Corporal punishments.
4. Mutilation.
5. Violations of personal dignity, especially inhumane and degrading treatment, forced prostitution, and any acts of indecency (20).
6. Taking hostages.
7. Collective punishments.

The protocol addresses the threat of performing any previously mentioned actions, further elaborating on numerous aspects such as notification of detention reasons, the entitlement to a fair and open trial, and the principle of innocence until guilt is established, among others, in the subsequent paragraphs (3, 4, 5, 6, 7, 8). Additionally, the protocol bans executing death penalties on individuals who were under eighteen years old at the time of the crime (Article 77/5).

The protocol asserts that depriving a person who is protected by the conventions, or mentioned in the second paragraph of this article, of their right to a fair trial according to prescribed legal procedures, amounts to grave violations of this annex (refer to Article 85 - paragraph 4 h). Such grave breaches of the convention and the annex (protocol) are deemed war crimes, respecting these treaties (Article 85/5). Similarly, the Second Additional Protocol, in relation to banning torture and acts diminishing human dignity, among others, was introduced (Article 4).

The initial crime prevention conference (Geneva 1955) developed the Standard Minimum Rules for the Treatment of Prisoners. Subsequently, the eighth conference (Cuba 1990) reinforced these principles in its Resolution No. 98, titled "Basic Principles for the Treatment of Prisoners," stating: The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders recommends the General Assembly to adopt the resolution "Basic Principles for the Treatment of Prisoners".

The General Assembly, recognizing the United Nations' continuous effort to humanize criminal justice and safeguard human rights (21),

Acknowledging the crucial role of developing crime prevention and control policies in solid economic and social development planning (22),

Realizing the significant influence and value of the Standard Minimum Rules for the Treatment of Prisoners, established by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in formulating penal policies and practices (23),

And mindful of the concerns raised in previous conferences about various obstacles hindering the rules' full implementation (24).

Believing that fully implementing the rules will become easier by defining the fundamental principles that these rules stand on.

Recalling Resolution 10 regarding the status of prisoners and Resolution 17 on the human rights of prisoners, which were adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Also recalling the statement made during the tenth session of the Commission on Crime Prevention and Criminal Justice by various non-governmental organizations with consultative status at the Economic and Social Council, including the International Association for the Assistance of Prisoners, the International Charitable Association, the World Council of Churches' Commission for International Affairs, the International Association for Peace Education Workers, the International Council for Adult Education, the International Federation for Human Rights, the International Union of Students, the World Alliance of YMCA, and the World Council of Indigenous Peoples, all belonging to category II.



Additionally, recalling the pertinent recommendations in the report from the regional preparatory meeting for the Eighth Conference concerning criminal justice policies relating to prison issues, other punitive sanctions, and alternative measures.

Acknowledging that the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders coincides with the International Year for the Eradication of Illiteracy, declared by the General Assembly in its Resolution 42/104 on December 7, 1987.

Wishing to mirror the viewpoint highlighted by the Seventh Congress, which emphasizes that the criminal justice system's role is to safeguard society's core values and norms (25).

Recognizing the importance of developing a declaration on prisoners' human rights, it reiterates the Basic Principles for the Treatment of Prisoners outlined in this resolution and asks the United Nations Secretary-General to bring it to the attention of member states (26).

The conference endorsed these principles as an annex to the resolution, stating:

1. All prisoners shall be treated with the necessary respect for their dignity and humanity.
2. Discrimination against prisoners on the basis of race, color, gender, language, religion, political or other opinion, national or social origin, property, birth, or any other condition is prohibited.
3. Nonetheless, respecting prisoners' religious beliefs and cultural values, as per their group affiliation, is encouraged whenever local circumstances warrant.
4. Prisons are responsible for the custody of prisoners and safeguarding society against crime in a way that aligns with the broader social goals of the state and its core duties towards enhancing the welfare and development of all community members.
5. Aside from restrictions inherently required by incarceration, all prisoners maintain their human rights and fundamental freedoms as defined in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Optional Protocol, and other rights specified in further United Nations treaties.
6. Every prisoner has the right to engage in cultural and educational endeavors aimed at the holistic development of human personality.
7. Initiatives to abolish or curtail solitary confinement are to be pursued and encouraged (27).
8. Conditions enabling prisoners to partake in beneficial, paid employment that eases their reintegration into the national labor market should be established, obligating them to financially support themselves and their families.
9. Prisoners are entitled to access health services available within the country, without discrimination based on their legal status.
10. Efforts should be made, with the support and cooperation of the local community and social institutions, and considering the victims' interests, to create favorable conditions for the social reintegration of released prisoners (28).
11. These principles should be applied impartially.

The International Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, adopted by the UN General Assembly on December 10, 1984, stands as one of the most encompassing treaties in this domain (29).

It became effective on June 26, 1987, following ratification by the requisite number of states. Article 1 delineates torture as:

(1) Within this Convention's context, "torture" is defined as any act that causes severe physical or mental pain or suffering deliberately inflicted on an individual to obtain information or a confession from him or a third party, to punish him for an act he or a third party has committed or is suspected of committing, to intimidate or coerce him or a third party, or for any reason based on any form of discrimination, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person in an official capacity. It excludes pain or suffering that is solely a consequence of legal sanctions, inherent to or incidental to those sanctions.



(2) This article does not affect any international instrument or national law that may contain provisions with broader applications (30).

Furthermore, on December 9, 1975, the General Assembly adopted the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Article 2 of this Declaration articulates: "Any act of torture or other cruel, inhuman, or degrading treatment or punishment constitutes an affront to human dignity and shall be condemned as a negation of the United Nations' purposes and a violation of the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights (31).

The 1984 International Convention made a clear distinction between torture and other types of cruel, inhuman, or degrading treatment or punishment. It set aside Article 1 to define torture and introduced in Article 16 a general definition for other forms of cruel, inhuman treatment, stating: "Each State shall prevent in any territory under its jurisdiction other acts of cruel, inhuman (32), or degrading treatment or punishment which do not rise to the level of torture as defined in Article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."

1. Racial Discrimination Cases: In these instances, torture emanates from a standpoint of racial superiority, where the governing populace behaves as if it is superior to the ruled populations, denying them the right to life and engaging in practices of genocide through mass killings, with torture being a further manifestation of these inhumane practices. This distinction is vital for differentiating this scenario from the subsequent ones, which vary in the psychological approach to torture practices. In racial discrimination cases, genocide is either an explicit goal or a covert aim among torturers, only hindered by the difficulty of its realization due to natural or international reasons. Torture then emerges as an alternative to this malevolent aim, characterized by a complete absence of mercy, with disdain overwhelming any other compassionate human sentiments, as observed in South Africa and Israel (33).

2. International and Civil War Cases: The 1949 Geneva Conventions and the 1977 Protocols guarantee humane treatment of combatants captured during international or civil wars and civilians in occupied territories, prohibiting torture, humiliation, or killing (34)(35). Yet, recent international and civil wars have seen brutal torture of prisoners. Amnesty International's comprehensive report on torture in the 1980s, published in 1984, details torture occurrences in civil wars in African nations like Ethiopia and Angola, and Latin American countries like El Salvador, Guatemala, Nicaragua, Bolivia, among others (36).

The methods of torture are nearly identical across most civil wars, involving various forms of physical abuse, sexual assault, and methods designed to cause severe pain and humiliation. In the context of civil wars, torture serves to send a terrorizing message to all opponents of the regime, indicating their eventual total demise following brutal torture. This terror message is met with similar brutal practices by the regime's opponents, turning torture into a policy.

3. Internal Security Situations: This scenario is distinct from the previous two regarding the motives behind torture practices. In racial discrimination, the motive is driven by supremacist beliefs of one people over another perceived as inferior, as seen in South Africa and Israel. In the second scenario (international or civil war), the bitterness of combat and the desire for vengeance against captives dominate. The third scenario, based on governmental security concerns, has lesser motives for torture practices, primarily focused on protecting the current regime from its opponents, whether from legitimate or illegitimate parties seeking change. Typically, this involves military rule or emergency laws claimed by the government to be necessary for regime protection, often aimed at safeguarding the rulers and their practices from increasing criticism (37).

The Second Requirement: the Essence of Torture and its Accountability

Article 1 of the Convention underscores that torture itself constitutes a crime against humanity as a whole, irrespective of its motives; thus, no reasons can justify torture or mitigate accountability for it (38). Nonetheless, the Human Rights Committee, responsible for drafting the Convention, aimed to highlight certain motivations behind torture (39). For instance, it was noted that torture could be



carried out with intentions such as: 1 - obtaining information, 2 - securing a confession, 3 - punishment, 4 - intimidation, 5 - forcing an action, and 6 - racial discrimination. The Human Rights Committee delineated all conceivable purposes for torture perpetrated by a public official or someone acting in an official role and broadened the scope of accountability for the act of torture. This responsibility is attributed to: 1 - the perpetrator, 2 - the instigator, 3 - the approver, and 4 - those officials who remain silent about it. This delineation encircles torture at every level of governmental responsibility, starting from the soldier, officer, or employee who physically carries out torture, and extending to their superior or superiors who ordered, instigated, knew of, and consented to the torture (40).

Criminalization and Prosecution: The Convention assigns the state the duty to adopt legislative, administrative, judicial, or any other effective measures to prevent torture from happening (Article 2/1). Legislative actions include incorporating provisions in the Penal Code to outlaw acts of torture and imposing penalties that reflect their severe nature (Article 4). This is followed by legislation and regulations for prisons and detention centers to subject them to a strict regime that guarantees the prevention of torture and continuous oversight by judicial and prosecutorial officers. If torture occurs, the state is obliged to ensure a prompt and impartial investigation into torture practices and refer the accused to criminal prosecution (Article 12). Administrative measures constitute a crucial element in torture prevention through resolutions, directives, and training on humane treatment of detainees to maintain their dignity, with this responsibility initially resting on the Minister of Interior (41). Judicial measures elaborate on Article 5 of the Convention, compelling State Parties to implement all necessary actions to assert their jurisdiction over torture crimes in scenarios ensuring the torturer does not evade criminal accountability. It obligates the state to prosecute the individual accused of torture under the following conditions:

1. When the crime is committed within its jurisdiction or aboard a registered ship or aircraft (42).
2. When the criminal is one of its nationals.
3. When the victim is one of its nationals. When the criminal is present in the territory of any State Party to the Convention and it opts not to extradite him, it must then prosecute him for the crime of torture and inform the state on whose territory, ship, or aircraft the torture occurred, or if the criminal or victim was one of its nationals (Article 6), ensuring cooperation for investigative procedures and information collection so the criminal does not escape justice (Article 9).
4. The world becomes tight for him, as he is subject to criminal prosecution in any state of the Convention, even if it's a different country from his own, where the act did not take place and it does not wish to extradite him for any reason, then it is obliged to prosecute him as the crime is against humanity at large (43).

The rights of the victim in the context of torture

The Convention grants those subjected to torture a fundamental right that judicial authorities must respect and uphold: the exclusion of confessions or testimonies obtained under the influence of torture. This provision serves as a principal sanction against the act of torture, preventing torturers from achieving their malicious goals of fabricating accusations and falsifying witness statements (Article 15). Furthermore, the Convention assures individuals who have been subjected to torture the right to lodge complaints with the relevant authorities, which are obligated to promptly and thoroughly examine such complaints, implementing all necessary measures to protect complainants and witnesses from coercion and intimidation intended to make them retract their complaints (Article 13) (44).

Upon verification of torture, the victim is entitled to just and appropriate compensation, including rehabilitation means. If the victim dies as a result of torture, their dependents are entitled to compensation (Article 14).



International Monitoring: The Convention establishes international monitoring over State Parties to combat torture and ensure strict adherence to the Convention's terms, via the Committee Against Torture. This committee comprises ten members elected by the State Parties for a four-year term (Articles 17 and 18).

State Parties, through the UN Secretary-General, must submit reports to this Committee detailing the actions taken to meet their obligations under the Convention to prevent and penalize torture. States must submit their initial report within a year of the Convention coming into effect for them, followed by supplementary reports every four years or upon the Committee's request. The Secretary-General circulates these reports among all State Parties (45).

The Committee reviews these reports, offering feedback to the States, which must address these comments and observations. When the Committee receives credible information indicating systemic and continuous torture within a State, it refers the matter to that State's government for consideration and comment on the information. The Committee may then designate one of its members to conduct a confidential investigation into this information, with the State's consent, which may include permitting the member to visit the State to directly ascertain the accuracy of the torture allegations. Subsequently, the Committee shares its investigation findings with the involved State and may include these findings in its annual report to the State Parties and the General Assembly. This exposes the State's torture practices, placing it under international scrutiny, exerting significant pressure to reduce or eliminate torture practices (46).

A State Party may file a formal complaint with the Committee against another State Party accused of engaging in torture (Article 21), provided the accused State has previously agreed to the Committee's jurisdiction over such complaints. A State Party may also directly inform another State of alleged torture practices, highlighting this as a breach of the International Convention. The accused State must respond to these allegations within three months. If the two States fail to resolve the dispute arising from the torture accusations, either can refer the matter to the mentioned Committee for its consideration and goodwill efforts to ensure compliance with the Convention (47).

The Committee may decide to form a mediation team between the conflicting States, then drafting a report on the issue to inform all State Parties to the Convention. The Convention broadens the oversight of States by permitting individuals to directly submit complaints to the Committee Against Torture, on the condition that their countries have pre-emptively accepted the Committee's jurisdiction to receive such individual complaints (Article 22) (48).

The Committee, upon receiving individual complaints, alerts the respective State to respond to these grievances. It then evaluates the State's responses along with any additional information it possesses, compiling a report that outlines its perspective. This report is forwarded to both the concerned State and the complainant. The Committee's annual report incorporates instances of torture it has verified, enhancing the report's value by informing all State Parties and the General Assembly. This dissemination acts as a public exposure of torture practices, inciting global condemnation of such actions contrary to the United Nations Charter and human rights conventions. Beyond these global agreements, regional treaties have also emphasized the prohibition and criminalization of torture, as well as actions undermining dignity and involving inhumane treatment (refer to: Article 5 of the African Charter on Human and Peoples' Rights, Article 5 of the American Convention on Human Rights, Article 3 of the European Convention on Human Rights, Article 13 of the Arab Charter on Human Rights). Additionally:

- The Inter-American Convention to Prevent and Punish Torture mandates universal jurisdiction over torture among its State Parties within the Americas.
- The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment mandates the establishment of the European Committee for the Prevention of Torture, encompassing 44 state parties. The First Protocol allows the invitation of non-Council of Europe members to become parties (49).

Furthermore, the Rome Statute of the International Criminal Court (50), ratified in Rome on July 27, 1998, specifies within its framework that war crimes include (51): "Torture and inhumane treatment, including biological experiments" (Art. 8/2/a/ii).



The Second Section

Rights of Prisoners and Detainees in Islam

It is established that Islam is the religion of innate nature that aligns with human nature, as it is the comprehensive religion of humanity because it is based on several foundations in its structure. It encompasses a constitution that the mind accepts, guidance that enlightens the heart, depth based on faith, development suitable for every time and place, and a law that organizes societal affairs, and equality that connects all people.

Islam, which is accused today of terrorism by those who prattle about democracy and human rights, came with all its concepts and principles to emphasize the preservation and protection of human dignity, based on freedom and justice. The Holy Quran brought the basic ideas of human rights, leaving the details, practices, and applications to the nation, according to legal constraints. In the issue of prisoners, Islam subjected the treatment of prisoners to a strict system, solid rules, and codified legislation.

Islam preceded modern civilization in enacting laws that prevent war as much as possible, and set rules that govern and mitigate its effects if the Islamic army is forced into it in defense of Muslims or to lift injustice inflicted on peoples.

The Muslim soldier is obligated to great duties and ethics, which he must embody in his behavior and dealings with others, including enemies, the vanquished in war, those in treaties or truces, and others. Peace is the main principle from which international relations in Islam emanate, but it is peace that stems from a position of strength and protects rights. War, however, is an exception to this rule, and Islam considers it a crime if it is not just and for a legitimate purpose, such as defending the religion and spreading it.

The First Requirement: The Concept of a Prisoner and the Legitimacy of Captivity

Definition of a Prisoner:

By tracing the usage of this term by jurists, it becomes clear that they apply it to everyone captured from among combatants and those equivalent, taken during or at the end of a war, or without an actual war, as long as hostility exists and war is probable.

Jurists also use the term prisoner for those captured by Muslims from enemy combatants if they enter the land of Islam without a pact, and for those captured from apostates when fighting against us, as well as the term is applied to a Muslim captured by the enemy (52).

The Legitimacy and Wisdom of Taking Prisoners:

Taking prisoners is permissible in Islam, (as it is in all human customs and laws), evidenced by the scriptures addressing this, such as Allah the Almighty's statement, "So when you meet those who disbelieve [in battle], strike [their] necks until, when you have inflicted slaughter upon them, then secure their bonds" (Surah Muhammad:4).

قال تعالى ﴿فَإِذَا لَقِيتُمُ الَّذِينَ كَفَرُوا فَضَرْبَ الرِّقَابِ حَتَّىٰ إِذَا أَتَخْنَرْتُمُوهُمْ فَشُدُّوا الْوَثَاقَ﴾ (سورة محمد:4).

Allah has made it clear in His noble book that killing them is not a prerequisite; alternatives to killing them include:

First: Showing them kindness and encouraging them towards Islam. This method is presented in His words, "O Prophet, say to those in your captivity, 'If Allah finds any good in your hearts, He will give you better than what was taken from you, and He will forgive you. And Allah is Forgiving, Merciful'" (Al-Anfal:70).

قال تعالى: " يَا أَيُّهَا النَّبِيُّ قُلْ لِمَن فِي أَيْدِيكُمْ مِنَ الْأَسْرَىٰ إِن يَعْلَمِ اللَّهُ فِي قُلُوبِكُمْ خَيْرًا يُؤْتِكُمْ خَيْرًا مِّمَّا أُخِذَ مِنْكُمْ وَيَغْفِرَ لَكُمْ وَاللَّهُ غَفُورٌ رَّحِيمٌ " (الأنفال 70:).

What is taken from prisoners is their freedom due to captivity, preventing them from returning to their families. Allah's forgiveness can only come after their conversion to Islam and the rectification of their beliefs and their adherence to Allah's righteous path (53).



The second method: Releasing them without a ransom, provided there is no fear of future danger from them. This decision rests with the Muslim leader (54).

The third method: Demanding a ransom from them personally or from their state. The ransom amount is determined by the Muslim leader's judgment, ensuring it does not impose undue hardship or impossibility on the prisoner to pay. These two methods are mentioned in His statement, "So [either offer] ransom [or peace] until the war lays down its burdens" (Muhammad 4).

The Second Principle: Fundamentals of Prisoner Treatment in Islam

Islam laid down guiding principles for the treatment of prisoners fourteen centuries ago, well before the advent of international treaties and global conventions such as those in Geneva, deserving the world's respectful and reflective attention for its noble and generous humanistic teachings. Following the Battle of Badr, the Prophet (peace be upon him), after distributing prisoners among his followers for guardianship on their return journey to Medina, proclaimed a universal principle for prisoner treatment, stating "Treat them well"!!.

Thus, it became incumbent upon every Muslim to apply this principle of kindness across all facets of prisoner treatment, whether it be in providing material or moral support. This directive is among the Prophet's - peace be upon him - succinct sayings, leading to the following guidelines:

Firstly: Feeding the Prisoner:

Food is acknowledged as a fundamental human necessity. Despite the early Muslims' own scarcities, they were instructed to prioritize their prisoners over themselves, a practice rooted in the divine command: "And they feed, for the love of Allah, the indigent, the orphan, and the captive" (Al-Insan:8). This act is described as a trait of the virtuous who will be rewarded with a drink mixed with camphor in Paradise. They offer food out of their own need, as the Quran describes, "for the love of it", seeking Allah's favor and contentment, "We feed you seeking Allah's countenance only. We desire no recompense from you, nor thanks" (Al-Insan:9), hoping for Allah's salvation from the hardships of the daunting, grim day (55).

Imam al-Tabari recounts in his history this remarkable incident: Abu Aziz bin Umayr bin Hashim, the brother of Mus'ab bin Umayr from both his father and mother, was among the captives. Abu Aziz said, "My brother Mus'ab bin Umayr and a man from the Ansar passed by me while I was captured. He said: 'Tie his hands tightly.. for his mother has possessions, perhaps she will ransom him from you.' And I was among a group of the Ansar when they brought me from 'Badr.' Whenever they served their meals, lunch or dinner, they would favor me with bread and eat dates themselves (bread was considered better than dates among the Arabs) following the Prophet Muhammad's - peace be upon him - advice to them. If any man among them had a piece of bread, he would give it to me. I would feel shy and return it to one of them, but they would give it back to me without touching it." (56)

Therefore, feeding a captive, despite being purely a humane act, Islam has endowed it with a form of sanctity and worship; because it involves obeying Allah and His messenger and drawing closer to Allah; seeking His reward and fearing His punishment.

Secondly, Clothing the Captive:

The Islamic law has mandated clothing the captive and covering their nakedness, especially since clothing, in general, is an obligation to cover the private parts and prevent the spread of indecency in society. Imam al-Bukhari dedicated an entire chapter to this subject, calling it (The Chapter on Clothing for Captives), indicating the importance of the content's meaning. He said, "Abdullah bin Muhammad told us, Ibn Uyaina narrated from Amr, who heard Jabir bin Abdullah - may Allah be pleased with them - say: 'On the day of Badr, when captives were brought, Abbas was brought without clothes. The Prophet - peace be upon him - looked for a shirt for him, and they found Abdullah bin Ubayy's shirt fit him, so the Prophet - peace be upon him - dressed him in it. That's why the Prophet - peace be upon him - took off his shirt and put it on him.'" This is evidence that it is essential to



provide suitable clothing for a captive, in terms of size and other aspects. Reflect upon this, and perhaps many of the Muslims today cannot find what to cover their nakedness with. (57)

Thirdly, Shelter for the Captive:

Shelter is also among the necessities of life, and Islam has ensured for the captive in terms of shelter what it has ensured for all humans. In addition to securing their food, drink, and clothing, Islam has guaranteed their accommodation to be healthy and suitable for human dignity. This accommodation was in the houses of the Companions. Al-Hasan said: "The Messenger of Allah - peace be upon him - would be given a captive, and he would assign him to one of the Muslims and say, 'Treat him well.' The captive would stay with him for a day or two or three, and he (the Muslim) would favor him over himself." (58)

Regarding the mosque, it is narrated from Sa'id ibn Abi Sa'id that he heard Abu Hurayrah saying, "The Messenger of Allah, peace be upon him, sent cavalry towards Najd, and they brought back a man from Banu Hanifah named Thumama ibn Uthal, the leader of the people of Yamama. They tied him to a column of the mosque. The Messenger of Allah, peace be upon him, came out to him..." This narration is found in Muslim's book of Jihad and military expeditions, under the chapter concerning the binding and imprisonment of captives and the permissibility of showing them favour (59).

Thus, the shelter of the captive was shared between the homes of the Companions and the mosque, both being the most honorable places among Muslims. Tying him to a column of the mosque was not an act of mistreatment but rather a precaution against escape, as there were no prisons at that time.

Fourthly, Not Torturing or Coercing the Captive:

Torturing and coercing humans in general is prohibited in Islamic law (60), as humans have a preserved sanctity. Islam guarantees this for the captive and protects them from harm. How could Islam encourage feeding and watering them, providing appropriate shelter and clothing, and then allow their torture and the violation of their dignity? The prohibition of torturing captives includes not torturing the wounded among them, who, if too weak to fight, should not be killed but rather should be left to heal and then can be ransomed or shown favour (61).

It was common in ancient times for victors to mutilate the bodies of their defeated enemies out of vengeance. However, Islam strictly forbids this. The general evidence in Islamic legislation recommends kindness towards them unless they had inflicted harm on Muslims; for it is said in the Quran: "If you punish, then punish with an equivalent of what you were punished with" (Al-Nahl:126), and also, "And if anyone assaults you, then assault him in the same way that he has assaulted you" (Al-Baqarah: 194). Forgiveness and overlooking is better, for patience is best for those who are patient.

From the high level of humanity, Islamic law does not permit forcing a captive to reveal information about the enemy. Malik was asked, "Should a captive be tortured if it is hoped that he might disclose the enemy's weaknesses?" He replied, "I have not heard of such [permission]."(62)

Fifthly, Conversing, Responding, and Fulfilling Requests:

One of the notable aspects of Islam's kind treatment of captives is that Muslims should talk to them, respond to their inquiries within the limits of state policy, and fulfill their desires within the bounds of Sharia. Neglecting them and not responding to their questions is a form of dishonor and dignity degradation, which Islam prohibits in the treatment of captives. The Prophet's dialogues with captives are well-known and renowned.

For example, when Thaqif had taken two of the Prophet's companions as captives, and the Prophet's companions had taken a man from Thaqif, the Prophet, peace be upon him, visited the captive and engaged in a conversation with him, demonstrating compassion and mercy. When the captive



expressed his hunger and thirst, the Prophet, peace be upon him, ensured his needs were met. This dialogue and the fulfilling of requests within the boundaries of Sharia could lead a captive to Islam, showing the immense good in treating captives kindly, especially for those of high status whose conversion could bring many more to Islam (63).

This conversation and dialogue with the captive, and fulfilling his needs within the bounds of Sharia (64), of course, could lead the captive to Islam. This holds great benefit, especially for those whose conversion from among the nobility could bring many others to Islam. This is evident in the Prophet's interaction with Thumama who was tied to a column of the mosque. The Prophet, peace be upon him, approached him and asked, "What do you have, O Thumama?" He replied, "O Muhammad, if you kill me, you kill someone with blood on his hands; if you show mercy, you show it to a grateful man; and if you want wealth, ask, and you shall be given whatever you wish." After leaving him for three days, the Prophet, peace be upon him, said, "Release Thumama." He went to a nearby palm grove, bathed, then entered the mosque and declared, "I bear witness that there is no god but Allah and that Muhammad is His servant and messenger. O Muhammad, by Allah, there was no face on the earth more detestable to me than yours, but now your face has become the dearest of all to me. By Allah, there was no religion more detestable to me than yours, but now your religion has become the dearest of all to me. By Allah, there was no land more detestable to me than your land, but now your land has become the dearest of all to me."

Sixthly, Returning the Captive (65):

The care of Islam for a captive remains from the moment of their capture in the hands of Muslims—providing food, drink, clothing, shelter, and kind treatment—until they return to their people and are received by their family. Imam al-Tabari narrates in his history about the capture of Hatim al-Ta'i's daughter among the captives of Tai'. She was placed in a pen at the mosque's door, a place where captives were held. The Messenger of Allah, peace be upon him, passed by her. She stood up and said, "O Messenger of Allah, my father is dead, and my guardian is absent, so show me favor as Allah has shown you favor." He asked, "And who is your guardian?" She replied, "Adi bin Hatim." He said, "The one fleeing from Allah and His Messenger?" He then instructed her not to hasten her departure until she found trustworthy people from her tribe to take her back to her land. The Messenger of Allah, peace be upon him, clothed her, provided transportation, and gave her provisions until she arrived in Sham at her brother, who asked her opinion about the man (Muhammad). She said, "I see that you should join him quickly because if he is a prophet, then to be early in joining him is a virtue."

With this incident, the Messenger of Allah, peace be upon him, after showing favor to the captive, ensured the road by which the captive would return, provided sufficient funds and money, and arranged for safe companionship until they reached their people safely and securely.

From the noble actions of the Prophet, peace be upon him, that testify to his tolerance: Imam al-Bukhari titled a chapter in his Sahih (Book of the Liberation of Captives). He mentioned a hadith from Abu Musa, may Allah be pleased with him, who said that the Messenger of Allah, peace be upon him, said: "Free the captive, feed the hungry, and visit the sick."

- And Islam has cared for the Muslim captive in the prisons of non-Muslims or Muslims to the extent that their judgment differs from that of a regular prisoner. In Sahih al-Bukhari, under the chapter: (The Judgment Regarding the Missing Person Regarding His Family and Wealth), al-Zuhri said regarding a captive whose location is known: "His wife should not remarry, and his wealth should not be divided. If his news is cut off, then his judgment is the judgment of the missing person."
- It is established that the Prophet, peace be upon him, would release a captive once they had taught some Muslims to read and write, like Zayd bin Thabit, may Allah be pleased with him, who learned writing from these captives. These captives were detained in the houses of the Companions,



ate what they ate, and the captive slept as the owner of the house did. Thus, many of them embraced Islam due to Islam's good treatment of them (66).

- The Prophet, peace be upon him, recommended kindness towards captives, affirming when he distributed captives among his Companions, "Treat the captives well." One of them, Abu Azir Ibn Umayr, brother of Mus'ab Ibn Umayr, recounted that when he was brought from Badr by a group of the Ansar, they would give him bread to eat while they ate dates, following the Prophet's directive to them regarding us.
- Some captives were released by the Prophet due to their poverty and need, as they could not afford ransom, as done in the Battle of Badr and others.
- In the Battle of Hunayn, the Prophet released six thousand Hawazin tribe captives in a single instance... Why? Because he was a messenger of guidance for all humankind. Islam is not a religion of vengeance—far from it being a religion of hatred and mistreatment of its adversaries (67).
- In the Battle of Banu Mustaliq, the Companions released the captives in honor of the Prophet, peace be upon him, even though the wartime laws of their era allowed for enslaving or killing them, turning them into slaves subject to humiliation and degradation.
- This is not strange to Islam. The Prophet, peace be upon him, provided food to Abu Sufyan while he was in Mecca, opposing and fighting against the Prophet. And when a famine struck the people of Mecca, despite their hostility and polytheism, the Prophet of mercy sent five hundred dinars to be distributed among them.
- Judge Ibn Shubruma stated, "If a captive enters Mecca, his blood is spared," meaning that the blood of a non-Muslim captive or polytheist is safe from being shed simply by entering Mecca and seeking refuge there.
- We remember what the Muslim leader Salahuddin Ayyubi did when he released tens of thousands of Crusader captives without ransom and without compensation, an action Muslims replicated in their wars in Andalusia.
- The Quran made feeding captives one of the qualities of the righteous, those close to Allah: "And they feed, despite their love for it, the poor, the orphan, and the captive"... Although this captive might have been a polytheistic idol worshipper at the time of the Quran's revelation, the Quran praised those who feed him and treat him well.
- Islam brought forth a divine law teaching humanity how to respect another human being, even if the other is a captive enemy... This was before the establishment of the League of Nations or the United Nations, and before the inception of renowned international conventions like the Geneva Convention on the Treatment of Prisoners of War, which was disregarded by the Americans in Guantanamo! (68)

Conclusion

From all that has been discussed, it becomes evident that the detention camp at the U.S. Naval Base in Guantanamo Bay, Cuba, has become a symbol of the U.S. administration's refusal to prioritize human rights respect and the rule of law, especially after the events of September 11, 2001. The U.S. administration can no longer claim that it has not lost its leadership in respecting human rights values and principles, due to the violations committed by this administration in Guantanamo detention and other facilities, associated with secret and public wars, and legislations surrounded by many concerns. The demand by the United Nations Committee Against Torture to close secret detention centers, especially Guantanamo, serves as evidence that the inhumane practices and violations committed within these facilities have become a stain on the U.S. administration that still preaches about spreading democracy worldwide and claims to protect human rights.

The war mentality and disregard for the basic principles of human rights and international legal obligations continue to characterize the "War on Terror" led by the United States, with serious human rights violations being the inevitable result. Dozens of individuals of various nationalities remain



detained under ambiguous legal status, without many being allowed to appear before any court, have legal representation, receive family visits, or enjoy the protection provided by international treaties. With mounting evidence of widespread torture and cruel, inhuman, or degrading treatment, it has become more urgent than ever for the United States to close the Guantanamo Bay detention camp and any other facilities it operates outside the United States that do not fully comply with law and international standards. It is essential to note that the issue is not limited to Taliban and al-Qaeda prisoners in Guantanamo; the United States has established two other camps in Afghanistan, in Kandahar and Bagram, with an unknown number of prisoners in Pakistan, all of whom receive less attention from the global public opinion, despite all being victims of security considerations prevailing over human rights and dignity.

The American handling of the Guantanamo detainees has always been politically motivated, dealing with detainees' files on unclear and undefined bases, far from the legal and humanitarian context of the detainees' situations, who are powerless against the American authorities' insistence on keeping their detention shrouded in secrecy and tight-lipped, bypassing all American constitutional, international legal obligations, and humanitarian considerations amid continuous condemnation from various human rights and humanitarian organizations worldwide.

Presenting detainees before military tribunals has been a blatant violation of international and American law, especially the U.S. Supreme Court decision granting detainees the right to have their cases heard in federal courts. Thus, these military tribunals, with their legal transgressions and violations, do not provide any form of human rights guarantees or other justice assurances.

Noteworthy are the misleading attempts by the U.S. military authorities through military trials for a selected number of detainees, chosen over others, to give the impression to the American and global public that these represent a real model for the rest of the detainees. This, of course, is an incorrect and illogical downfall since the majority of detainees are non-combatant civilians randomly arrested outside the scope of the U.S. forces' military operations. The American authorities then announced their capture during their military operations for misleading and propagandistic purposes to avoid the complexities of American political and media accountability related to the legitimacy of these detentions.

The U.S. War on Terror has created new types of conflicts and actors on the international scene, necessitating new legal guarantees or the development of existing ones to prevent serious violations of human rights to life, dignity, and fair trial, away from accountability, oversight, and condemnation. It has become necessary to immediately close such facilities for violating basic human rights.

After the U.S. War in Afghanistan, facing terrorism must embody a comprehensive stance in accordance with the rule of law, including international law principles, protecting human rights. If combating terrorism requires joining international treaties on terrorism, this fight is incomplete without adhering to international human rights conventions.

The Security Council's 2001 decision on terrorism does not mean endorsing this fight at the expense of human rights. The Council's practices have integrated human rights considerations with security protections. Given that anti-terrorism measures might affect some human rights, the Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights called for evaluating anti-terrorism measures' respect for human rights.

Integrating human rights protection into security considerations requires respecting the principle of legality of crimes and punishments and the legal certainty in the provisions of criminalization and punishment.

There is a need for a comprehensive legal definition of terrorism as a basis for the legal battle against this phenomenon that disturbs the security of humanity.

Undoubtedly, the legal framing of terrorism is contested by three legal descriptions: terrorism as a criminal offense according to national legislation, terrorism as an international crime according to international law, and terrorism as an armed conflict addressed by war according to international law.



It has become clear that the legal arena for combating terrorism extends beyond domestic legislation requirements to the needs of the international community, and the rule of law in combating terrorism extends beyond national law to international law.

The increase in international treaties against terrorism, along with the relevant Security Council resolution, has led to what we call international law against terrorism.

The rule of law in combating terrorism is no longer a purely domestic matter but an international one involving general international law, international human rights law, international terrorism law, and international humanitarian law. If terrorism, with its dire consequences, poses political, security, and economic challenges, the legal challenges in combating terrorism are crucial in an era dominated by the values of the rule of law, democracy, and human rights, becoming part of the global conscience. Therefore, confronting the crime of terrorism occupies an important aspect of the legal system's responsibilities, provided the confrontation is balanced between the requirements of combating terrorism in preventing the crime or punishing it or apprehending the perpetrators, and the requirements of protecting human rights.

Thus, a comprehensive confrontation of terrorism cannot be separate from the rule of law and human rights principles. This makes legal challenges in combating terrorism a cornerstone in the comprehensive fight against terrorism in all its forms and dimensions, prompting the European Court of Human Rights to issue decisive judgments to ensure respect for human rights in combating terrorism.

Undoubtedly, one of the axes of confronting extremist ideas leading to terrorism is working on deepening the concepts of moderation in Islam, its tolerance, denouncing extremism, logical debate, tolerance, and knowledge of one's rights and duties in the social environment, making one more resilient and capable of confronting the enemy with knowledge and wisdom. It is impossible to confront these phenomena that disturb societies except with a strong cultural build based on the correct religion, values, principles, and sound morals without any impurities, which is for the preservation of self and wealth. Wise leadership with logical depth affirms that eradicating terrorism can only be achieved by eliminating the roots of its ideology and eradicating its culture, and their insightful view that society needs a project targeting the dismantling of terrorist ideology, and separating religious beliefs from the actions and behaviors of its agents.

On the other hand, it is the right, indeed the duty, of the state to confront terrorism using its right to defend its sovereignty, security, stability, and to protect the lives and other rights of its citizens; considering that combating terrorism primarily aims to protect human rights.

The practices in Guantanamo have shown the world the necessity of preserving human rights values, the result of civilizations and cultures' interaction and communication throughout history, and the harvest of all peoples' struggle against all forms of injustice and oppression, internally and externally, making it a heritage of all humanity.

Respecting human rights is a supreme interest for every individual, group, people, and all humanity, as ensuring every individual's dignity, freedom, and equality is a decisive factor in the flourishing of the human personality, in the advancement of nations, the development of their material and human resources, and in enhancing the sense of citizenship.

Educating and spreading the culture of human rights constitutes an inherent right of human rights, imposing significant responsibilities and obligations on governments, particularly in promoting and disseminating human rights principles, their protection mechanisms, and spreading their culture.

Suggestions:

1. Continue the prosecution of U.S. officials for their unlawful acts on American territory.
2. Document all testimonies taken from all detainees, as these crimes do not fall under the statute of limitations under political conditions that may allow it.
3. Demand appropriate compensation for the kidnapping acts on some individuals from countries that have handed over nationals of other countries.
4. Unite the efforts of countries that had nationals detained in Guantanamo to present the content of their case and demand diplomatic protection.



5. Review educational curriculums and media content to purge them of contents contrary to human rights values, and enrich educational curriculums with human rights contents.

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