

Terrorism and its Impact on Security and Human Rights

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Abstract

Terrorism differs depending on the place and time. Terrorism may be internal if the actions target individuals or state institutions within the country, and it may be international. Terrorism has a significant impact on security and human rights. The relationship between them is reverse. When terrorism exists, security decreases and human rights are violated. When terrorism ends, security will prevail and human rights will flourish.

Keywords: Terrorism, human rights, international, security, Sharia, impact

1. Introduction

Terrorism is an attempt to spread panic and frighten through the use of means in order to achieve certain goals, and this phenomenon (terrorism) has developed, as is the case in other crimes, based on scientific progress to develop its methods and means. Based on this, it has multiple goals and expanded its scope to include the whole world, without distinguishing between countries, whether those countries are poor or rich. The occurrence of a terrorist act in any country has become possible and, in some cases, inevitable, and force alone is no longer an impediment to its occurrence. The goals of terrorism are political, which seeks to spread terror and panic by spreading terror among civilians and others in order to pressure the existing authorities to change their positions and acquiesce in the demands of terrorism. Terrorism has a direct impact on security and at the same time leads to a violation of human rights, without causing extensive damage to the human right to life, security or freedom.

2. Research Problem

The research problem is to explain the role of terrorism and its impact on security and safety and its impact on human rights, by clarifying the relationship of security and human rights to terrorism and the extent of the latter's impact on it.

3. Research Methodology

The descriptive analytical method will be relied on, which is based on text analysis, in order to reach the analysis of the problem in order to find a solution to it.

4. Research Plan

This research will be divided into two chapters, where we will study in the first chapter human rights in international law, while the second chapter will be devoted to clarifying the relationship of security and human rights to terrorism.

Chapter One

Human Rights in Sharia and International Law

Human rights are among the rights inherent to all individuals and do not come from anyone. Therefore, individuals cannot waive them. International declarations, conventions and

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Agreements issued regarding these rights are nothing but an acknowledgment and recognition of them.

It also follows that human rights are not considered a political issue linked to this state or others, nor is it a newly developed issue approved by those international conventions or agreements, and it is not a cultural issue related to human awareness through its knowledge or practice, but rather it is an old international idea that proves to individuals in The previous time, the present time, and everywhere, and that violating them is not considered evidence of their non-existence, the Holy Qur'an mentioned these rights since ancient times.(Al-Shantawi, 2001,93)

Accordingly, and for the foregoing, we will divide this chapter into two topics, where we will study in the first topic human rights in Islam, while the second topic will be devoted to the study of human rights and their development in international law as follows:

The First Topic

Human Rights in Islamic Sharia

The Holy Qur'an, which is the first source in Islam, has stipulated human rights in its noble verses in a separate way, and it has organized all matters, whether those matters related to regulating the lives of individuals or other issues. The Islamic Sharia considered that assaulting individuals is a heinous and inhuman crime, because God is the one who gave them this life, so it is not permissible for them to take it. On the contrary, whoever honors the lives of individuals, it is as if he saved all people, and this is what the Noble Qur'an mentions:

(That was why We wrote for the Children of Israel that whoever killed a soul, except for a soul slain, or for sedition in the earth, it should be considered as though he had killed all mankind; and that whoever saved it should be regarded as though he had saved all mankind) (Surah Al-Ma'idah, verse 32).

The Islamic Sharia also forbids assaulting the human soul. God Almighty said: (That you shall not kill your children because of poverty, We provide for you and for them, that you shall not commit foul deeds whether openly or in secret, and that you shall not kill the soul that Allah has forbidden except by right. such Allah charges you, in order that you understand) (Surat Al-An'am, verse.151)

Islamic law was not satisfied with emphasizing the prohibition of assault on the right of individuals to life, but the Prophet Muhammad (may God bless him and grant him peace) emphasized it and called for the non-discrimination between individuals, as in the document that was organized between Jews and Muslims, which stipulated:

(He who kills a believer intentionally, he is bound to him unless the guardian of the murdered person pardons him. And all the believers against him are only permitted to rise up against him).

From this document, it becomes clear to us that the Messenger has emphasized that the sanctity of blood does not apply to individuals because they are Muslims, but on the contrary, the sanctity of attacking the lives of individuals applies to everyone without discrimination based on language, religion, color or gender. (Sharif,2001:29)

Second, the Right to Equality

Islamic Sharia has emphasized equality between individuals without discrimination based on language, religion or gender. The Almighty said: (O, people! We created you from a male and a female, and We made you races and tribes, so that you may come to know one

another. The best among you before Allah is the most righteous. Allah is Knowing and Aware) (Surah Al-Hujurat verse 13.). And the Noble Qur'an has stipulated in another verse the equality by saying: (And indeed we have honored the Children of Adam, and We have carried them on land and sea, and have provided them with At-Taiyibat (lawful good things), and have preferred them above many of those whom We have created with(Surah Al-Isra, verse 70). and this is a great embodiment of equality.

The Messenger (peace be upon him) confirmed this right in many hadiths and also in his farewell sermon where he (peace be upon him) said: "O people, your Lord is one, your Prophet is one, and your father is one, so there is no preference for a non-Arab over an Arab, nor an Arab over a non-Arab, nor for a black over a red, nor for a red over a black man, except for piety)(Sharif,2001:30).Islam also equated man and woman, as in the Almighty's saying: ('O Adam dwell with your wife in Paradise, and eat from whatever you please; but never approach this tree or you shall both become harmdoers.'')(Surah Al-A'raf, verse 19). Hence, it becomes clear to us the extent to which Islamic law cares and honors individuals and respects humanity without discrimination based on gender or religion, as did ancient peoples and religious books. On the contrary, Islamic law honored women and equalized them with men in most matters except in some cases, which represents the highest degree of justice in equality

Third: The Right to Freedom

The areas of freedom in Islam are many, and we can summarize them as follows:

1- Freedom of Thought

The Islamic Sharia has placed thinking and planning in the ranks of other Islamic obligations. Through this right, individuals can free their minds from ignorance. The word (think) is mentioned in the Holy Qur'an more than once, including the Almighty's saying: (So relate the stories that perhaps they will give thought)(Surah Al-A'raf, verse 176).

2- Freedom of Belief

Every person is free to choose his belief and to embrace it, and no one is allowed to force him to change it. Almighty God said: (Let there be no compulsion in religion: Truth stands out clear from Error: whoever rejects evil and believes in Allah hath grasped the most trustworthy hand-hold, that never breaks. And Allah heareth and know all things.) (Surah Al-Baqarah verse 256). Freedom of belief is closely related to freedom of thought, rather it is (belief) the product of thinking (Sharif,2001: 30).

The Second Topic

Human Rights and Its Development in International Law

As we mentioned earlier, human rights were not a product of the present, but existed since the existence of man, despite their differences and development and the role that individuals play in forcing the authority on them, as is the case in England.

Constitutional Human Rights

First, Human Rights in England

In the 13th century AD, a dispute arose between King John and the princes, which ended on the fifteenth of June 1215 with the issuance of the Magna Carta, which is considered one of the most important constitutional documents in Britain, forcing the king to issue it (Shantawi, 2009: 97).This document included the throne's independence from the judiciary and the prohibition of arresting or imprisoning any free individual or confiscating his property except by law, and also included freedom of movement and trade, and despite the fact that this

document came in the interest of the dominant groups in the state, it is considered a new beginning for the kings' compliance with the constitution.

In spite of that, this document is considered a letter addressed to the English people only, and therefore it cannot be considered an international cooperation between religions as well as individuals. But this does not mean that this document is not important. Rather, as we mentioned earlier, it represents the first step for the kings to comply with the constitution, because the people imposed it on the rulers. Therefore, this document comes as a response to the kings' pressures from the public, and this is its importance.

The public did not stop at this point, but demanded their rights and freedoms until the government was forced in 1679 to legislate (Act of Habeas corpus), which became the weapon for defending freedoms, and after nearly 10 years the Bill of rights was enacted. If the first document narrowed the personal power of kings, then the law of rights ended the absolute power of kings.

Parliament approved this document, but on the condition that the first council elected under the constitution add new amendments that guarantee the provision of individual rights and freedoms. In one year, this document was amended and individual rights and freedoms were added, and among this amendment was the introduction of freedom of thought and correspondence and the right of the accused to a just trial, as well as freedom of the press and expression of opinion, and other rights, but the flaw in this amended document is that these rights were not granted for all individuals, it was granted exclusively to power, and slavery remained prevalent in America (Abai Muzaffar, 1995:102).

Third: The United Nations and Human Rights

The Charter of the United Nations stressed the need to achieve international cooperation and develop international relations, and also stipulated the need to respect human rights and all freedoms without discrimination based on gender, religion or language, and these rights must be observed in a worthy manner. (UN Charter:55)

The charter emphasized respect for human rights even for countries under the guardianship. Article (76) of the charter stipulates equal treatment in all matters, whether social, economic or commercial, for all peoples, and no discrimination may be made on the grounds of religion, race, gender or language.

This charter established a human rights committee in Article (68) of it, and in fact this committee was formed in 1946 and consisted of 53 members whose term of office is three years, and branches of this committee were published with the aim of assisting it in its functions, and one of these committees is the Committee for the Protection of Minorities and prevent discrimination.

One of the important things that this committee (the Commission on Human Rights) has done is preparing a draft of the Universal Declaration of Human Rights, which was issued by the General Assembly on December 10, 1948. This declaration stated in its preamble the reasons for its issuance, and among these reasons is the lack of respect for and violation of human rights, and in order not to compel individuals for the injustice they are subjected to and for the cooperation of member states with the United Nations, this declaration was issued.

This declaration included a preamble and thirty articles, and the second article of this declaration stipulated that the texts in it are for all individuals without discrimination and segregation and regardless of the social, political, economic or international legal status of the state to which the individuals belong, and also no discrimination between independent states The states are under guardianship.

The Universal Declaration of Human Rights includes the following rights:

- 1- Political and civil rights: These rights include the right of individuals to equality and freedom. Article 4 of it emphasized the prohibition of slavery and slave trade, and Article 9 prohibited the arrest of any person except in accordance with the law, and within this declaration freedom of expression of opinion and other rights (Articles of the Universal Declaration).
- 2- Social, cultural and economic rights: These rights include the right of individuals to work and the right to a wage that is commensurate with their work and which guarantees them a good living, as well as the individual's right to education and their right to participate in cultural life.

Through the foregoing, the importance of this announcement can be summarized in the following points:

1. The first human rights legislation
2. This declaration is the source of most human rights conventions.
3. This declaration is a source for all constitutions, as there is no constitution that does not stipulate the rights contained in this declaration.
4. Human rights are inalienable rights of a person from his custody until his death, and it is not permissible to waive them or deprive him of them.

After this announcement, the United Nations General Assembly issued the International Covenant on Civil and Political Rights, which consists of a preamble and 5 parts, as well as the International Covenant on Economic, Cultural and Social Rights. (United Nations General Assembly Resolution No. 2200 in 1966, 1976, and the second covenant became effective 1976).

In wars, the General Assembly of the United Nations has adopted many conventions and declarations related to human rights, which we mention briefly as follows:

- 1- Agreement on cooperation in the arrest and extradition of those guilty of war crimes and crimes against humanity.
- 2- Declaration on the protection of children and women in armed conflict.
- 3- Convention on the Prohibition of the Use of Poisonous and biological Gases in War.
- 4- Convention on the Prohibition of the Crime of Genocide.
- 5- Convention relating to the dealings of prisoners of war.

Chapter Two

The Relationship of Security and Human Rights to Terrorism

In this chapter, we will try to explain the impact of terrorism on security and human rights by dividing it into two topics.

Where we will discuss in the first topic the impact of terrorism on security, while the second topic we will dedicate to explaining the impact of terrorism on human rights as follows:

The First Topic

The Effect of Terrorism on Security

Security is one of the most important concerns for people, whether at the level of individuals, societies or states, given that the stability of groups is related to security. Politically, economically and socially stable states are clear evidence that security is established in them. On the contrary, the imbalance in the political, economic and social situation is clear

evidence of the lack of security within the state, because the spread and development of crime is the main reason for the instability of security. Internet crimes are sophisticated crimes and it is very easy to commit them outside the borders of the state, which threatens security inside state and outside (Al-Amoush, 2006: 26)

Security faces many challenges, many of them internal and some external, and some of these challenges are caused by nature such as earthquakes and volcanoes as well as floods, and some are due to human action such as wars, corruption and crimes, which calls for attention to security as it is one of the main pillars of the state and threatens its existence (Abdel Hadi, 1986: 41)

Security as a term is difficult to define because it is a flexible term that varies with time and place. It is an unstable term. Some jurists defined security as: (individuals and groups feel motivated by membership and security to remove what threatens them. Material motives are represented by stable housing, continuous livelihood and compatibility with others, and psychological motives are represented by the role and position of individuals within society) (Rushdi,2002: 103). others defined it as: (preserving and protecting the nation from any aggression), and others defined it as: (preserving the nation's dignity and its lands and protecting its resources from any aggression) (Al-Amoush, 2006: 33). The Universal Declaration of Human Rights states that what human beings aim at is freedom from fear (Preamble,1948). Hence, the relationship between terrorism and its impact on security and human rights becomes clear to us.

When terrorism comes, security goes away, which leads to a violation of human rights, and this is what is called a negative relationship. When terrorism disappears, security and human rights are preserved. This indicates that the goal of security policy should be to preserve individuals and the state together, not just preserving the state as it was the case in the past, The state cannot be secure without providing security to its members, as is the case in authoritarian regimes. In these regimes, the goal is always to protect the ruling class rather than the individuals.

It is worth noting that the concept of security has changed a lot from the previous one for the following reasons:

- 1- The state is no longer the only entity in international relations, but international and regional organizations, as well as companies and non-governmental organizations, have emerged, and security is no longer limited to the military threat coming from outside the state, but security has become threatened internally through terrorism, organized crime and corruption(Rushdi,2002: 103).
- 2- The emergence of globalization as a result of the end of the Cold War and the collapse of the Soviet Union, which led to the opening of borders for the transfer of goods and services, which in turn led to the emergence of unstable economic and political systems. Globalization has many negatives on security, including (Abdel Hadi, 1986: 41).
 - A. Financial instability: which is caused by the financial crises that occur due to the rapid flow of services and goods
 - B. The absence of job security: global competitions push governments and employees to policies in which guarantees are lost, which leads to job instability.
 - C. Absence of cultural security: The transfer of culture through technology led to its being mixed and unequal, which negatively affected local values.

- D. Lack of personal security due to the spread of crime.
- E. The absence of societal and political security due to the spread of cross-border arms transfer and the spread of violence as a means to achieve goals, which negatively affected security.

Because of globalization, terrorism has spread, and also because of the concentration of wealth in the hands of limited groups of individuals whose number does not exceed hundreds (Al-Amoush,2006: 35).

The end of the Cold War: This war lasted for more than 40 years, and instead of direct wars between the parties, it became a proxy war by activating armed conflicts by financing them with money and weapons. During these conflicts, many human rights were violated, and children became victims because of their recruitment in those wars.

The Second Topic

The Impact of Terrorism on Human Rights

At the end of the war, which lasted nearly 40 years (the Cold War) and its support ceased, and the President of the United States announced the new world order, the new concept of security appeared, as we mentioned earlier. Previously, security meant defending the state, its prevailing system and sovereignty, but the new concept of security has evolved significantly and aims to protect state members from internal violence. As a result, human rights have emerged more and more in order to hold the perpetrators of violations against these rights accountable to the courts, as in the war criminals' tribunals in Yugoslavia. Rwanda and others (Al-Huwakel,2006: 16).

If human rights are universal rights, then, on the other hand, the international community did not provide them with the necessary care, but rather each according to his interest, as is the case in imposing an economic siege on the Iraqi people, which claimed the lives of many women, children and the elderly, which is the biggest embodiment of human rights violation.

Human rights have become a slogan used by the major countries in order to reach the main goal of interfering in the internal affairs of countries. For example, America entered the Balkan war by a decision of NATO in 1998.

For example, after the events of September 11 in America, the latter launched a comprehensive war against terrorism, the most dangerous of which was accompanied by many violations of human rights. This indicates that states seek to provide security without regard for human rights, and this is what we notice as governments always seek to strengthen the executive authority at the expense of the judiciary in most cases, and even more than that, governments rely on executive procedures more than judicial procedures, because the latter is characterized by Slowlly, which will be followed by a violation of human rights.

Through the stability of the facts, we noticed that after the events of September 11, the United States committed many human rights violations. For example, it detained more than a thousand people in detention in violation of the law and without referring them to the courts and providing them with guarantees, in violation of the Geneva Conventions. The Washington newspaper stated in 2005 that there are secret prisons established by the US intelligence outside its borders, which was admitted by former US President (George Bush) in his speech, and he justified this by saying that this detention is necessary in order to thwart terrorist attacks (Mudhaffar, :97).

The international community was angered by the existence of these secret prisons, which led them to say that there are serious violations of human rights through the torture of prisoners and the failure to provide them with legal guarantees. The German Chancellor stated that the existence of such prisons contradicts the concept of the legal state, and also stated that if these detainees are people involved in terrorist cases, why are they arrested outside the jurisdiction of the courts? On the other hand, the former Secretary-General of the United Nations (Kofi Annan) criticized this matter and expressed his astonishment because of the manner in which these measures were carried out (Salim: 233).

And even increased violations of the rights of individuals by the United States through the violation of the right of individuals to express opinion and freedom of correspondence through wiretapping of calls and interception of correspondence, and this was admitted by former President (George Bush) and justified that this measure violated the freedoms of individuals, but rather targets organizations Terrorism only, which angered individuals inside the country, which called on the US judiciary to issue a decision to stop these violations, end wiretapping and take judicial measures against phone companies.

It is clear to us that human rights have become clearly violated under the pretext of terrorism and the war on terrorism, and to combat it. The right of individuals to freedom and safety has been violated through illegal detention methods and methods of trial that violate the law, which is inconsistent with human rights. Such actions represent clear evidence of human rights violation (Al-Huwakel, 2006:17).

These human rights violations under the pretext of combating terrorism did not include one country without the other, but rather included everyone, but to a different degree. Some countries have violated those rights and legislated laws that do not differentiate between the innocent and the guilty, under the pretext of war on terror. It launched a massive campaign of arrests against clerics or their political opponents under the pretext of combating terrorism, but the goal is not to combat terrorism, but to eliminate their opponents. As for the democratic countries, they have enacted laws criticized by human rights advocates, as well as the immigration laws that were enacted by most European countries, including Switzerland, which increased the anger of foreigners and at the same time increased the popularity of extremist parties. These laws have made foreign immigrants in the position of suspects, and one of the most violations of the rights of individuals is the law enacted by the United States regarding the interrogation of detainees, as this law allows the use of secret evidence against detainees and the use of coercive means against them, which violates the guarantees of the accused (Al-Ghazal, 1990:72).

This indicates that the war on terrorism and combating it has become a threat to democracy, which has a negative impact on human rights, which has led to a lack of interest in and violation of them.

If the Universal Declaration of Human Rights emphasized the obligation of member states to implement its provisions, which stipulate the protection of human rights, including not torturing prisoners or treating them inhumanely, not detaining them without legal basis, and that the accused is innocent until proven guilty, then the fight against terrorism has led to a waste of dignity Human rights, states must refer to and implement international laws in order to combat terrorism The goal first and foremost is to control security and maintain order, and order must be preserved in accordance with the laws, including humanitarian laws. Otherwise, the fight against terrorism achieves the goals that terrorism seeks by eliminating democracy and violating human rights (Al-Shantawi, 2001: 66).

5. Conclusion

The Results

- 1- Terrorism varies according to the place in which its terrorism is practiced. It may be called internally if terrorist acts target individuals, groups or institutions within the state. Terrorism may be international and because terrorism is not defined in a comprehensive manner, which causes a big problem, because what a particular state considers terrorism may Another country considers it a legitimate act.
- 2- Through this research, it became clear to us the impact of terrorism on security and human rights, as the relationship between terrorism, security and human rights, where security departs and human rights are violated due to the presence of terrorism, and on the contrary, when there is security, terrorism disappears and human rights flourish.
- 3- The goal of security should be states and individuals together, and it should not target the state only, as is the case in authoritarian regimes whose aim is to protect the ruling classes at the expense of individuals.
- 4- Human rights are among the rights inherent in every person, so they may not waive them.
- 5- Security is one of the necessary concerns of humanity, because the stability of the state and its members is related to the stability of security. A stable state in economic, social and political terms is nothing but evidence of the establishment of security in it, and vice versa. The disturbance of security is due to many reasons, including terrorism and the increase in crime and corruption as well. One of the reasons for the instability of security.

6. Recommendations

- 1- We recommend that countries agree on defining the concept of terrorism in a specific, all-encompassing and prescriptive manner, because according to the current situation, what is considered terrorism according to a particular country may not be considered so in another country.
- 2- Legislating sufficient laws to eliminate terrorism by allowing the judiciary to implement them.
- 3- Establishing binding instructions for the media not to be a means of investigating terrorist acts, because the media plays a major role in fighting terrorism or activating it.
- 4- Not to mix terrorist acts with other acts such as armed struggle that individuals may resort to in order to determine their own destiny.
- 5- Preventing the clerics who support the authority from using them as tools to implement the state's policy by permitting terrorist acts under the guise of self-defense or jihad through irresponsible fatwas or spreading extremist ideas among young people.

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