
Fighting for Human Rights in the Vernacular Settlements: Probing into the Incident "Fakh" in Iraq

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Abstract:

This research examines the human rights violations that occurred during the incident known as the "Fakh" in 169 AH (785 AD) under the Abbasid Caliph Musa Al-Hadi. Led by the revolutionary martyr Hussein bin Ali, the "Fakh" incident sparked uprisings against injustice and tyranny, resonating with free-minded people globally. The study highlights the importance of human rights as the foundation for freedom, justice, and peace throughout history. By exploring the manifestations of human rights violations during the "Fakh" incident within its temporal context, the research aims to analyze the intersection between law, Sharia, and human rights principles. The ultimate goal is to shed light on the circumstances, repercussions, and deterrent measures within religious and legal jurisprudence regarding such violations.

Keywords: Violation, Human rights, The incident 'Fakh', Right to life, Women's rights, Child's rights

Introduction

The concept of human rights is deep-rooted in the acknowledgement of the inherent value of every individual, including principles of justice, freedom, equality, and peace. It intends to ensure the security and well-being of individuals under the defense of law and Sharia, regardless of their gender, religious beliefs, or ethnic background. Any actions that contradict or undermine these essential principles, including but not limited to the right to life, liberty, property, education, employment, safety, social security, equality, and the right to a different identity, must be subject to legal consequences.

The perception of human rights and its principles in Islamic thought and civil law has been broadly studied by various researchers. An-Na'im (2001) inspected the concept of human rights from an Islamic viewpoint, focusing on the Qur'an, Sunnah, and Islamic jurisprudence. However, the study did not exactly address the indicators of human rights violations in historical events. An-Na'im (2001) provided an impression of the state of human rights in the Arab world, investigating various regional and international instruments, but did not research into specific historical cases of human rights violations.

Safi (2001) travel around the compatibility between Islamic principles and human rights, studying the standpoints of different Islamic schools of thought. Although insightful, the study did not emphasis on analyzing specific historical events or events that involved human rights violations from an Islamic perspective. Safi (2001) assessed the concept of human rights in Islamic traditions, including the Qur'an, Sunnah, and Islamic jurisprudence, but did not discourse the indexes of human rights violations in specific historical contexts.

Abou El Fadl (2004) deliberated the relationship between Islam and human rights, revealing different interpretations and views. However, the study did not specifically scrutinize historical cases of human rights violations within the Islamic context. While the existed literature provides valuable visions into the concept of human rights in Islamic thought and civil law, there is a lack of in-depth analysis of particular historical events that can shed light on the practical application and violations of human rights principles in an Islamic context. Accordingly, the current study intends to fill this research gap by evaluating the "Fakh" incident, a specific historical event, and analyzing the manifestations of human

rights violations from both Islamic (Sharia) and civil law perspectives. By analysing primary sources and historical accounts of the "Fakh" incident, this study pursues to contribute to the understanding of human rights violations within the Islamic context, predominantly during the Abbasid era. It will provide an exceptional perspective by measuring the actions and practices of the Abbasid authority during that period, and weighing them against the principles of human rights as outlined in both Sharia and civil law. This approach will not only shed light on a noteworthy historical event but also offer visions into the practical application and challenges of upholding human rights principles in Islamic societies. Furthermore, it will pay the attention to the ongoing dialogue and address the compatibility of Islamic teachings with modern human rights standards, and hypothetically inform efforts to address and avoid human rights violations in contemporary contexts.

In this context, it is central to examine the signs of human rights violations in the incident known as the "Fakh." This event characterizes a genuine revolutionary movement that advocates for justice and human dignity. It stands in stark contrast to the numerous grave violations committed against the revolutionary figure, Hussein, and his followers. These violations serve as a vivid description and undeniable evidence of war crimes and crimes against humanity. Moreover, they flagrantly violate the principles outlined in human rights charters within both Sharia and civil law.

The incident known as the "Fakh," which occurred in the year 169 AH (785 AD), holds great significance within the series of revolutionary events. It is deeply connected to the revolution of Al-Tuff, led by Hussein bin Ali bin Abi Talib, peace be upon him, in the sacred city of Karbala. The trap was a response to the cry for truth in the face of tyrannical rulers who resorted to committing heinous crimes to suppress the voice of freedom and human dignity. It stands as a defining event foretold by the Prophet Muhammad (peace and blessings be upon him), who said, "Here is a man from my household who will be martyred among a group of believers. They will attack him with shrouds and spices from Paradise, and their souls will precede their bodies to Paradise (Abou El Fadl, 2004).

Al-Hussein bin Ali bin Al-Hassan Al-Mujtaba bin Ali bin Abi Talib, may God have mercy on him and his family, is a prominent figure in Islamic history and literature. He was martyred for his revolutionary cause. Imam Musa bin Jaafar Al-Kadhim expressed his grief upon hearing the news of his death and remarked that Hussein was among the most renowned individuals from the Ahl al-Bayt (the Prophet's household), known for their commitment to enjoining good and forbidding evil. Imam Musa bin Jaafar Al-Kadhim stated, "We belong to God and to Him we shall return. A good Muslim, fasting, enjoining good and forbidding evil has passed away. There was no one in his family like him (Al-Baydawi, 1996).

One of the primary reasons for the outbreak of the revolution led by Hussein bin Ali was the injustice of the ruling authority and the biases of its supporters. The people of the House of Hussein faced harassment and false accusations, particularly at the hands of Abdul Aziz bin Abdullah, the son of Omar bin Al-Khattab. Abdul Aziz was appointed as the governor of Medina by Ishaq bin Isa bin Ali, who assumed control of the caliphate affairs. Hussein bin Ali had left Medina to go to Baghdad and congratulate the Abbasid ruler, Musa Al-Hadi, on his position and offer condolences for the death of his father Mahdi (Karimullah, 2024). During this time, Hussein found himself caught in a critical situation in the month of Dhu al-Qa'dah and was martyred on the day of Ashura in the year 169 AH (786 AD) (Abou El Fadl, 2004). Al-Hadi Abbasid directed an army led by Isa bin Musa, Al-Abbas bin Ali, and Muhammad bin Suleiman bin Mansour, resulting in a battle that took place within a trap. Hussein, the revolutionary leader, displayed great courage during this incident but was ultimately martyred along with some of his family members (Almahfali & Avery, 2023). This event was marked by its severity and brutality, leading Imam al-Jawad to say, "We have not experienced a death more severe than Fakh (Safi, 2001). Hussein, the rebellious leader, was beheaded and his head was sent to the caliph al-Hadi. Additionally, a group of his soldiers and family members were killed, and their bodies remained exposed for three days until they were consumed by scavengers and birds (An-Na'im, 2001).

Research Hypothesis and Objectives

Accordingly, the research is based on the main hypothesis centered around the question:

Was the incident (Fakh) a testament to the violation of human rights principles as outlined in both law and Sharia? From this main question, several sub-hypotheses arise, which are represented by the following questions:

- What were the evident manifestations of human rights violations in the incident (Fakh)?
- What were the reasons that compelled Hussein bin Ali to initiate his revolution against the Abbasid authority?
- What were the underlying factors that motivated the Abbasid authority at that time to engage in these violations?
- What were the legal and Sharia penalties for perpetrating such violations?

The main objectives of the research, based on the previous questions, are as follows:

To demonstrate that the incident "Fakh" serves as a prime example of humanitarian crimes, wherein the Abbasid authority deliberately used force to consolidate its power, disregarding moral, humanitarian, religious, and legal considerations.

To establish that the actions of the Abbasid authority during that period, targeting the Talibs in general and Hussein bin Ali and his followers in particular, were not driven by rational reasons related to security and safety, but rather by ideological factors rooted in deep-seated animosity towards the Ahl al-Bayt (peace be upon them) and their supporters.

To highlight that the practices of the Abbasid authority, characterized by violence and the violation of human rights in the incident (Fakh), amount to crimes both within the framework of Sharia and civil law. Consequently, they warrant appropriate punitive measures commensurate with the severity of the offenses, adhering to the principle of retribution.

The study adopts a descriptive and analytical approach to investigate the manifestations of human rights violations in the context of the incident (Fakh) and analyze its historical data. The comparative approach is utilized to describe these manifestations from the perspectives of Sharia and civil law.

Considering the nature of the research, it is divided into an introduction, two sections, and a conclusion. The introduction clarifies the significance of the research, the rationale behind its selection, and the chosen approach. The first section provides an in-depth presentation of the concept of human rights and their principles in both Sharia and civil law. The second section focuses on a concise discussion of the manifestations of human rights violations in the incident (Fakh). The conclusion summarizes the key findings and conclusions of the research, along with presenting the researcher's notable scientific recommendations for further exploration of the topic.

History books such as al-Kamil fi al-Tarikh and Ibn Kathir's. The Beginning and the End, as well as Dr. Sheikh Muhammad Hadi al-Amini's The Hero of Shirk, among others, have been referenced as sources for the "trap" event. These sources provide insights into the incident and its historical context. Additionally, references are made to Muhammad al-Ghazali's book Human Rights between the Teachings of Islam and the United Nations Declaration, which explores human rights from both Islamic teachings and the principles of the United Nations Charter of Human Rights. Other legal and legislative works related to the principles of Sharia and civil law are also cited.

Human Rights in Islamic Law and Jurisprudence: Examining the "Fakh" Incident and Hussein bin Ali's Revolution

Human rights are commonly understood as the collection of fundamental rights enshrined in national and international human rights laws, safeguarded by constitutions and legislation of various countries (Abou El Fadl, 2004). The United Nations, in its 1989 educational publication, defined human rights as essential for the existence of every individual, stating that "none of us can truly exist as human beings if we are deprived of these rights (Alrawi & Ramadhan, 2020).

Despite the existence of various definitions of human rights, there is a unanimous agreement that they serve as the foundation for justice and peace. Respecting and upholding these rights present an opportunity for the holistic development of both individuals and societies. When the state and society respect these rights, it ensures the protection of inherent human dignity and human values (Lasmi et al., 2023).

Human rights are distinguished by their universality and the principle of equality among all individuals, irrespective of their ethnicity, religion, sect, or gender. Their comprehensive nature encompasses both geographical and temporal dimensions, as their fundamental source and purpose revolve around the recognition of the human being as the utmost value. It is inherent for individuals to enjoy freedom, dignity, equality, and peace in their lives, in accordance with both man-made laws and divine laws.

The concern for human rights arises from an existential and civilized motivation, driven by the human intellect. It is a universal product that has been contributed to by all civilizations and races in service of the advancement of society.

Within jurisprudence and law, there is a consensus on the significance of valuing humanity and human dignity. This is because human beings are distinct from other creatures due to the divine blessing of intellect, which enables them to think, discern, and perceive. Both in their material and moral aspects, human beings are entities that Islamic law safeguards during their lifetime and even after their passing (Abou El Fadl, 2004). Hence, humanity emerges as a higher principle that transcends the basic principles of human existence, ensuring its preservation on Earth.

In a similar vein, the Universal Declaration of Human Rights emphasizes the essence of humanity with the statement: "The Universal Declaration of Human Rights represents a profound expression of our era's belief that we are all part of a single global community, and that every human being has moral connections and responsibilities towards others. The acknowledgment of the inherent dignity and the equal and inalienable rights of all members of the human family forms the bedrock of freedom, justice, and peace worldwide. This fundamental concept serves as the cornerstone of the Declaration (Alrawi & Ramadhan, 2020).

In Islam, human rights are not bestowed by a king or determined by international organizations; they are inherent and binding due to their divine origin. This principle is affirmed in the Universal Declaration of Human Rights in Islam. These rights are intrinsic to the human race and cannot be infringed upon, revoked, replicated, or interrupted in any way. Islam grants these rights to all individuals solely based on their humanity, without any form of discrimination or differentiation among individuals.

The Islamic faith maintains that human rights are inherent in the process of creation and did not originate from conflicts between rulers and subjects or employers and employees. Instead, it is believed that these rights have their foundations in the very beginning of creation. The historical message of prophethood emphasizes that the promotion and fulfillment of these rights are among the essential objectives of religion. These rights, or objectives, are considered foundational elements in doctrine, law, practice, and oversight, forming the cornerstone of these three aspects.

According to jurists, Islamic human rights are founded on two fundamental principles: the comprehensive guarantee of freedom and the comprehensive guarantee of equality before the law. The concept of equality in Islam originates from the belief that all human beings share a common origin. This idea predates any notion of social hierarchy, as Muslims hold that all individuals are distinct manifestations of God's wisdom, deserving of celebration and should contribute to the collective welfare of humanity rather than being a source of conflict. This is emphasized in the following verse: "O people, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear Allah, through whom you ask one another, and the wombs. Indeed, Allah is ever, over you, an Observer (Sachedina, 2010).

Regarding equality, it entails recognizing the inherent dignity of all human beings. The Almighty states: "We have certainly honored the children of Adam and carried them on the land and sea and provided for them of the good things and preferred them over much of what We have created (Alrawi & Ramadhan, 2020).

Secondly, there is the principle of freedom. God has bestowed upon humanity the responsibility of cultivating the Earth and establishing an Islamic civilization. However, this freedom comes with a significant responsibility. In fact, God Himself addresses the matter of faith and disbelief, stating, "Say, 'The truth is from your Lord.' So whoever wills - let him believe; and whoever wills - let him disbelieve (Al-Baydawi, 1996).

Sacred law establishes penalties for violations of human rights in order to safeguard religion, life, wealth, honor, freedom, dignity, safety, and various other aspects. Those who display hostility towards God Almighty, spread false information about prophecy, rebel against the authority of God and His Messenger, and engage in acts of corruption on Earth such as murder, robbery, and destruction of public property are essentially waging war against God. In addition to the retribution that awaits them in the afterlife, they deserve earthly punishment for their actions, as they have caused destruction, instilled fear among the faithful, and violated their dignity. The Almighty states: "Indeed, the penalty for those who wage war against Allah and His Messenger and strive upon earth [to cause] corruption is none but that they be killed or crucified or that their hands and feet be cut off from opposite sides or that they be exiled from the land. That is for them a disgrace in this world; and for them in the Hereafter is a great punishment (Karimullah, 2024).

Islamic law directly addresses and prohibits human rights violations, while the 1948 UN General Assembly Universal Declaration of Human Rights relies on the power of ideas to foster global change, rather than the organization's mandate or authority to enforce it.

We will not engage in a comparison between Islamic law and international law regarding human rights, nor will we delve into the areas of disagreement between them in terms of legislation and implementation. However, it is sufficient to acknowledge that both legal frameworks share a common objective in protecting and preserving human dignity and rights, thereby upholding the inherent value of humanity. This thoughtful permits us to scrutinize the violations committed by the Abbasid authority during the time of Musa Al-Hadi against Hussein bin Ali and his followers, as well as shed light on the true nature of those who incorrectly claim to represent Islam and the Caliphate, exposing their dark actions and revealing their deceptive facade.

The emergence of the Talbis and their defiant stance against tyrants and oppressive rulers serves as a testimony to their unwavering faith and deep-rooted belief. Their willingness to embrace death as a way of life exemplifies their immense courage in the face of the Umayyad and Abbasid regimes, as well as their collaborators driven by avarice for power, wealth, and status. The revolution led by Hussein bin Ali, the protagonist of the incident (Fakh), was an extension of these bloody revolutions, characterized by the unwavering determination of the believers who sacrificed themselves, their families, and their wealth to uphold their religion and elevate the cause of monotheism. This occurred during a time of moral decay, injustice, and widespread bloodshed, epitomized by the era of Musa bin Mahdi bin Al-Mansour, who was known for his indulgence in worldly pleasures, neglecting the responsibilities of the caliphate (Almahfali and Avery, 2023).

Undoubtedly, individuals possessing such qualities disregard the significance and value of religious traditions, principles, and foundations. They manipulate the potential of the nation according to their base desires, personal interests, and material gains.

According to al-Ya'qubi's historical account of Wadh al-Akhbari, Musa ibn al-Mahdi's reign deteriorated due to his extreme weakness, causing disarray within the nation. Consequently, some members of the Taliban sought refuge with regional kings, who welcomed them warmly and pledged support in their struggle. This occurred because Musa's persistent demands from the Taliban frightened them to such an extent that he ceased providing them with supplies and gifts. Desperate, he sent messages to prominent figures, imploring their assistance. As fear escalated and more people sought them out, including Shiites, they turned to Hussein bin Ali bin al-Hassan bin al-Hassan bin Ali bin Abi Talib, a man known for his virtuous doctrine and esteemed reputation. Recognizing him as the leader of their family, they sought refuge and support from him. The account highlights the horrors and tragedies experienced by Hussein, his loved ones, and the Shiites. It emphasizes their determination to prevail as long as they found no help.

During the uprising of Imam Hussein, numerous individuals came forward to support him. This historical evidence illuminates the underlying reasons for the proclamation of Hussein's revolution, which was a response to the injustice, discrimination, and oppression inflicted upon the Taliban by figures such as Musa bin al-Mahdi and his followers, including rulers like Abdul Aziz bin Abdullah Medina. Despite Hussein bin Ali's efforts to seek reconciliation, refuse submission, regain power, and engage in conflict with the governor, his objectives remained somewhat unclear, as they were not met with success or widespread acceptance (Lasmi et al., 2023).

After making preparations for a few days, Hussein and his entourage stayed in Medina for eleven days. Six days before the month of Dhu al-Qa'dah, Hussein, along with approximately 300 loyalists, companions, and family members, departed for Mecca. On the day of Tarwiyah, individuals such as Abbas ibn Muhammad, Musa ibn Isa, Ja'far, Muhammad, the sons of Suleiman, and others gathered. Violent clashes erupted, leading to the martyrdom of Hussein and several of his companions. Some bodies were left scattered in the desert, susceptible to being pursued and captured by Abbasid spies, while others were left to decay under the sun, becoming prey to wild animals and birds. In Medina, Amiri, an advocate of polytheism, killed the young Hussein bin Ali. He then proceeded to attack Hussein's residence, as well as the homes of his relatives and others who had joined him, destroying them and setting fire to the palm trees, leaving only burnt remnants behind. These events are documented in al-Tabari's historical account (Alrawi and Ramadhan, 2020).

On the day of al-Tarwiyya, the heads of the martyrs were severed from their bodies. These heads were then sent to Mecca and Medina. According to al-Tabari, the number of heads exceeded one hundred, including the head of Sulayman ibn Abdullah ibn al-Hassan. The majority of Hussein and Hassan's sons were captured and brought before the council of Musa and Abbas, where they were bound. The captives were then transported to Baghdad, where the caliph Musa al-Hadi resided. They were restrained with ropes and shackles, with iron inserted into their wrists and feet. Following Musa al-Hadi's orders, they were beheaded and their bodies were crucified outside the prison. Fatima, Hussein's sister, was abducted and left in the custody of Zainab bint Suleiman, among others. Musa ibn Isa is reported to have asked, "When did Fatima, the sister of al-Husayn ibn Ali, pass away?" The response was, "Often. She passed away before meeting them because, oh God, I would have thrown her into the grave (Al-Baydawi, 1996).

The motive behind Hussein bin Ali's movement extended beyond a mere liberation struggle or a revolution aimed at overthrowing a particular dictator. It represented a profound school of thought, historical consciousness, and human transformation. Hussein sought to establish the groundwork for a universal and compassionate statement on human rights, one that would safeguard the inherent worth of every individual and liberate them from the oppressive terror that had plagued them for far too long. The International Covenants on Civil, Political, Economic, Social, and Cultural Rights explicitly assert that the rights enshrined within the Covenant stem from the fundamental dignity of every human being. It emphasizes that the realization of this dignity necessitates both the freedom of individuals and their liberation from fear and deprivation.

In contrast, the author of Fach argued that the Reformation movement should be all-encompassing, embracing people of all genders and races. This standpoint stemmed from the faith that their revolt was a direct continuation of the principles adopted by Husayn ibn Ali ibn Abi Talib, even though historical evidence indicated that Husayn's supporters were principally limited to his Taliban followers. The author emphasized the urgent need to eradicate racial prejudice, stating that "discrimination between human beings based on race, color, or ethnic origin hinders the establishment of amicable and harmonious relations among nations.

In accordance with the provisions of the Convention on the Elimination of All Forms of Racial Discrimination (CEDAW), any form of discrimination against women undermines the fundamental principle of equality and impedes their ability to participate in political, social, and economic activities on an equal basis with men in society. Furthermore, such discrimination is deeply rooted in the cultural context of their nation.

In retaliation for her brother's betrayal of the family, Musa ibn Isa intended to execute Husayn ibn Ali's sister, Fatima, by throwing her from al-Khatib. This act constituted a form of racial discrimination

and slavery. From the above, it is possible to identify the most prominent violations of human rights in the incident (the "Fakh"), namely:

3.1 Violation of the right to life

The Abbasid state issued an order for its soldiers to converge with Hussein, his companions, and sons at a specific location (referred to as "a") in Mecca on the eighth day of Dhu al-Hijjah in the year 169 AH, corresponding to June 11, 786 AD. Musa ibn Isa initially led the expedition to the valley, but he was succeeded by Sulayman ibn Muhammad in the caliphate. Under Sulayman's leadership, a systematic assassination of Hussein's comrades took place. Amidst the chaos, cries of "Hussein, you are safe!" echoed, followed by Suleiman bin Muhammad's question, "How are you?" Hussein's response expressed his desire for security. Battles ensued, resulting in loss of life: Suleiman bin Abdullah bin Al-Hassan, Al-Hassan bin Muhammad, Hussein, and his companions were either killed or wounded as they attempted to flee. Amidst the turmoil, Khorasani exclaimed joyfully, "Excellent news, excellent news! This is the head of Hussein!" Following them, a series of blows to the back and a final brutal blow to the forehead marked the assault on Hussein (Abou El Fadl, 2004).

In light of this, it is evident that the acts of violence and the depicted images perpetrated against Imam Hussein (peace be upon him) during the Tuff incident constitute a blatant disregard for human life, encompassing acts that can be characterized as genocide and crimes against humanity. These actions also represent a severe violation of Article 3 of the Universal Declaration of Human Rights, which prohibits the deprivation of life, liberty, and security of a person. Such violations are particularly egregious in nature.

Furthermore, these acts also contravene Article 6 of the International Covenant on Civil and Political Rights, which guarantees the right to life, liberty, and security of person to all individuals. No one should be deprived of their life without due process, as the right to life is universal and inherent.

Additionally, Article 15 of the Iraqi Constitution states, "Everyone has the right to life, security, and freedom." These rights cannot be infringed upon or restricted unless a competent court, in accordance with the law, makes a decision to the contrary.

3.2 Violation of the right to liberty and security of person

The treatment of Hussein ibn Ali (peace be upon him) by the Abbasid rulers and his family was inconsistent with the principles of personal freedom recognized in Islamic law. Islamic law ensures that every individual has the right to manage their own affairs and be free from interference, threats, or violations of their dignity, wealth, or honor. Rather than demeaning or belittling human beings, Islam emphasizes the affirmation of human dignity and their elevated status. Islam underscores the importance of safeguarding personal safety, dignity, and financial well-being, as highlighted by the Almighty when He stated, "We have honored the descendants of Adam."

In addition to the freedom to travel within and outside their own country, individuals should not be subjected to any form of abuse, whether physical (such as beating or imprisonment) or psychological (such as insults, contempt, disparagement, or negative thoughts). The Almighty has mentioned in the Book that nothing can prevent Him from granting this freedom. He states, "He is the One who made the earth submissive to you, so walk in its paths and eat of His provision, and to Him is the resurrection."

The right to liberty and safety is seriously violated by these atrocities. Article 3 of the Universal Declaration of Human Rights affirms that "everyone has the right to life, liberty, and security of person" and prohibits torture or cruel, inhuman, or degrading treatment or punishment. Article 9(1) of the International Covenant on Civil and Political Rights similarly recognizes that "everyone has the right to liberty and security of person." Modern human rights instruments have further strengthened these principles, establishing that no one should be detained or arrested without a judicial warrant and that deprivation of liberty should only occur following due process of law, as outlined in Article 10(1). The International Covenant on Civil and Political Rights also emphasizes that "all persons deprived of their liberty shall be treated humanely, with respect for the inherent dignity of the human person."

3.3 Violation of the right to physical integrity

The Abbasid rulers perpetrated numerous atrocities against Hussein (peace be upon him) and his family, which included, but were not limited to: beheading Sharif, the heads of his companions, and his family members; mutilating corpses; insulting human dignity; and subjecting his family to torture during their journey to the Levant. These acts flagrantly violated the right to physical and moral integrity. The Abbasid rulers and their armies persistently inflicted severe psychological and physical torment upon them.

According to Article 8 of the Rome Statute of the International Criminal Court, the actions committed by the Abbasid authority that resulted in harm to the physical integrity of Imam Hussein (peace be upon him) and his family are considered war crimes. These actions encompass various manifestations and components. Firstly, it is recognized that all individuals, whether civilians or members of the armed forces, possess an inherent and universal right to physical integrity. The statute explicitly states, "No one shall be subjected to torture or to cruel, inhuman, or degrading treatment."

This constitutes a grave violation of Article 5 of the Universal Declaration of Human Rights and is subject to punishment under the criminal system recognized by the Rome Statute. Article 7 of the International Covenant on Civil and Political Rights explicitly prohibits the use of torture or cruel, inhuman, or degrading treatment or punishment. It also prohibits inhuman or degrading treatment or punishment in particular. Furthermore, Article 37 of the Iraqi Constitution declares any confession obtained through threats, torture, or coercion to be null and void. The victim has the right to seek compensation for both material and moral suffering in accordance with the provisions of the law.

3.4 Violation of women's rights

The Abbasid authority committed heinous atrocities against women, including terrorizing them, killing their husbands, brothers, and sons, and publicly mutilating their bodies. These actions inflicted severe psychological trauma on the women, leaving lasting effects that persisted even after the victims had passed away. The women experienced intense panic and fear due to the loss and abandonment of their male relatives.

And what about the women who bear no guilt or direct involvement, except that they are the wives of that noble lineage? The Great Prophet Muhammad (peace and blessings of Allah be upon him) emphasized the importance of protecting women in all his wars against the polytheists and established rules for conducting warfare.

There was a grave violation of the First Geneva Convention, specifically Article 12, by the Abbasid authorities and their forces in their treatment of Imam Hussein's wives, relatives, and innocent companions. This article emphasizes that women should be treated with utmost care in accordance with their gender. Furthermore, Article 14 of the Third Geneva Convention states that prisoners of war have the right to be treated with respect for their person and honor at all times. Female prisoners should be given special consideration due to their gender, and they should be accorded the same treatment as male prisoners as deemed appropriate. Additionally, Article 14 of the Fourth Geneva Convention of 1949 stipulates that during times of peace, the High Contracting Parties have the option to establish hospital and safety zones and sites within their own territories or, if necessary, in the occupied territories.

They should be established in a manner that safeguards the wounded, sick, infirm, elderly, children, pregnant women, and mothers of children under seven years of age, as well as in accordance with Article 27. Protected individuals have the right to uphold their rights, including respect for their dignity, family rights, religious beliefs, customs, and practices at all times. They must steadily be treated with respect, guaranteeing their safety from all forms of violence, threats, derogatory comments, and ill-treatment from crowds. The 1974 United Nations Declaration on the Protection of Women and Children in Times of Armed Conflict and State of Emergency further highlights the need to protect women and children during such situations.

3.5 Violation of the child's rights

The sons, family, and companions of Imam Hussein (peace be upon him) fell victim to appalling atrocities committed by the Abbasid authority and its army. These atrocities involved the rejection of

parental and close family care, abuse, and the observing of horrific violence and bloodshed, causing severe fear and harmful effects on the mental and psychological well-being of the children.

In the Battle of Badr, the Great Prophet Muhammad (peace and blessings of Allah be upon him) directed the Muslim army to protect the children of the polytheists, guaranteeing they were not frightened or harmed. He precisely ordered that they should not be killed and that they should be delivered with food and drink. However, the Umayyad rulers and their army committed these horrific atrocities against Imam Hussein, his family, and the sons of the Companions, contrary to the Prophet's instructions. These actions constitute criminal offenses, as outlined in Article 24 of the Fourth Geneva Convention, the 1989 Convention on the Rights of the Child, and the 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of minors in armed conflict. These international instruments emphasize that all parties to a conflict have a responsibility to prevent the neglect of children under the age of fifteen who have been orphaned or separated from their families due to war.

In order to assist these children, it is crucial to preserve and provide education in their religion, regardless of the circumstances. If possible, they should be taught by individuals who share their cultural traditions. It is the responsibility of the warring parties to arrange for the accommodation of these children in a neutral state, with the approval of the Protecting Power (if applicable), and in accordance with the established rules. Additional Protocol II to the Geneva Conventions of 1977, Article 4, paragraph 3, highlights that care and assistance should be provided to children according to their specific needs. Moreover, the responsible party must take necessary measures to enable the verification of the identity of all children under the age of twelve, either through carrying an identity plate or by utilizing alternative means.

3.6 Violation of the rights of prisoners.

The majority of the detainees were ordinary citizens, including members of the People's Assembly (peace be upon them) and relatives of martyrs who were companions of Hussein (peace be upon him) and who were involved in the tragic incident. The Abbasid rulers committed appalling violations and atrocities against them. After the war, they were subjected to being bound and forced to sleep outdoors without any provisions. They endured a torturous journey on foot while being bound and shackled, and even the sick was denied access to necessary medication.

The Hague Regulations of 1907, the Third Geneva Convention of 1949 and Additional Protocol I to the Geneva Conventions of 1979 deal with the treatment of detainees and such breaches are inconsistent with those conventions.

Results and Discussion

4.1 The "Fakh" Incident: A Testament to the Violation of Human Rights Principles in Islamic Law and Civil Jurisprudence

This study effectively establishes that the incident known as "Fakh" was a clear testament to the violation of human rights principles as delineated in both civil law and Sharia. The widespread documentation and analysis provided in this study leave no doubt that the actions of the Abbasid authority during this incident amounted to egregious breaches of fundamental human rights.

The study meticulously sketches the various manifestations of human rights violations that occurred during the "Fakh" event. These comprise the violation of the right to life, with the systematic assassination and killing of Imam Hussein, his companions, and family members. The study also addresses the violation of the right to liberty and security of person, as the captives were subjected to torture, cruel treatment, and public humiliation. Moreover, the study establishes how the Abbasid authority's actions constituted a grave violation of the right to physical integrity, with reports of beheadings, mutilation of corpses, and severe psychological and physical torment inflicted upon the victims.

The study further investigates into the Abbasid authority's appalling treatment of women and children, which signified a blatant disregard for their rights and dignity. The frightening of the women, the killing of their male relatives, and the public mutilation of bodies resulted in severe psychological

trauma that persisted even after the victims had passed away. Correspondingly, the denial of parental and familial care, as well as the witnessing of horrific violence and bloodshed, caused vast fear and detrimental effects on the mental and psychological well-being of the children.

The study also addresses the violations committed against prisoners of war, emphasizing how the Abbasid rulers subjected the detainees to inhumane conditions, including being bound, forced to sleep outdoors without provisions, and continuing a torturous journey while shackled and denied access to necessary medication.

The study persuasively debates that the Abbasid authority's actions during the "Fakh" incident were not driven by coherent reasons connected to security and safety, but rather by deep-seated animosity and ideological factors towards the Ahl al-Bayt (the Prophet's household) and their supporters. The violence and human rights violations were a means to consolidate power and suppress any potential challenge to their authority.

Prominently, the study lengthily discusses the legal and Sharia-based penalties for the perpetration of such egregious violations. It cites precise provisions from international human rights instruments, such as the Rome Statute of the International Criminal Court and the Geneva Conventions, which classify the Abbasid actions as war crimes and crimes against humanity. From the Sharia perspective, the paper contends that the Abbasid authority's crimes, including murder, torture, and the violation of human dignity, warrant punishment both in this life and the afterlife, as they constitute a direct assault on the principles of Islam and the inherent value of human beings.

In conclusion, the complete analysis presented in the research paper definitely supports the hypotheses and establishes that the "Fakh" incident was indeed a testament to the grave violations of human rights principles, as delineated in both civil law and Sharia.

Conclusions

This study has effectively demonstrated that the event known as the "Fakh" served as a testament to the grave violations of human rights principles, as defined in both Islamic law (Sharia) and civil jurisprudence.

The study's comprehensive analysis has revealed the various manifestations of human rights violations that occurred during the "Fakh" incident. These included the blatant disregard for the right to life, as evidenced by the systematic assassination and killing of Imam Hussein, his companions, and family members. The paper also highlighted the violation of the right to liberty and security of person, as the captives were subjected to torture, cruel treatment, and public humiliation. Furthermore, the research delved into the Abbasid authority's appalling treatment of women and children, which represented a severe breach of their fundamental rights and dignity. The terrorizing of the women, the killing of their male relatives, and the public mutilation of bodies resulted in severe psychological trauma that persisted even after the victims had passed away. Similarly, the denial of parental and familial care, as well as the witnessing of horrific violence and bloodshed, caused immense fear and detrimental effects on the mental and psychological well-being of the children.

The paper also addressed the grave violations committed against prisoners of war, underscoring how the Abbasid rulers subjected the detainees to inhumane conditions, including being bound, forced to sleep outdoors without provisions, and enduring a torturous journey while shackled and denied access to necessary medication.

Importantly, the study persuasively argued that the Abbasid authority's actions during the "Fakh" incident were not driven by rational reasons related to security and safety, but rather by deep-seated animosity and ideological factors towards the Ahl al-Bayt (the Prophet's household) and their supporters. The brutality and human rights violations were a deliberate means to consolidate power and suppress any potential challenge to their authority.

The study lengthily deliberated the legal and Sharia-based penalties for the perpetration of such egregious violations. It cited exact provisions from international human rights instruments, such as the Rome Statute of the International Criminal Court and the Geneva Conventions, which categorize the Abbasid actions as war crimes and crimes against humanity. From the Sharia perspective, the paper contended that the Abbasid authority's crimes, including murder, torture, and the violation of human

dignity, warrant punishment both in this life and the afterlife, as they constitute a direct assault on the principles of Islam and the inherent value of human beings.

1. The tragic event (the Fakh) in which the revered Imam Hussein bin Ali, may God be pleased with him, along with his family and righteous companions, were martyred, had no parallel except for the devastating incident (the "tuff") in the sacred city of Karbala, where Imam Hussein bin Ali, peace be upon him, and his loyal companions were martyred. This incident stands out for its extreme brutality, the severity of the killings, and the intimidation endured.
2. The incident (the " Fakh ") can be seen as an extension of the revolts and movements within the Alawite community following the martyrdom of Imam Hussein bin Ali bin Abi Talib, peace be upon him. Many of these revolts arose due to the ongoing struggle for the rights of the household of the Prophet and their legitimate and inherent claim to leadership. Additionally, these uprisings were a response to the oppression, injustice, and mistreatment they faced over time and in various locations. The purpose of their revolution was to assert that the rightful cause cannot be extinguished, and that the principles of monotheism and truth should prevail over falsehood and polytheism.
3. The revolution of Hussein bin Ali symbolized a stand against immorality, injustice, abuse, and corruption that prevailed in society during that time. It was a response to the oppressive rule of the Abbasid authority, which had engaged in robbing people of their basic rights, infringing upon their dignity and wealth, and depriving them of a decent life. Hussein bin Ali would not have embarked on his revolution if not for the responsibilities of the Abbasid authority to uphold justice, treat all components of society equally, and govern according to the principles of law and Sharia. In the eyes of Hussein, all people were equal, and the worth of an individual was determined solely by their piety and good deeds, regardless of their ethnic background. However, the Abbasid authority represented an extension of the grievances and animosity of the Umayyad dynasty towards the supporters of the Ahl al-Bayt. The revolution led by Hussein and his followers was a manifestation of their rightful claim against the falsehood personified by the Abbasid authority.

Recommendations for Further Research

1. It is recommended to allocate independent academic studies comparing the historical events related to the facts of the Taliban and the Ahl al-Bayt during the Umayyad and Abbasid eras. These studies should aim to provide an in-depth analysis and comparison of the events, shedding light on the historical context, social dynamics, political implications, and economic factors surrounding these periods.
2. It is also recommended to allocate academic studies that focus on collecting and researching various student revolutions, both significant and minor, and examining their historical backgrounds from social, political, and economic perspectives. These studies should aim to provide a comprehensive understanding of the factors that contributed to these revolutions, their impact on society, and the broader historical significance they hold.

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