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Human Rights In Practice: The Violation Of The Muslims' Rights Throughout The World And The Position Of The United Nations Towards This Issue

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Five fundamental questions arise in the discussion of human rights:

1. What are human rights?
2. Should human rights be universal or associated with the cultural characteristics of nations?
3. Is human rights a civil issue and within the domain of independent countries or should it be treated as an international issue?
4. What factors cause the violation of human rights by the States?
5. How should international community and state and non-state organizations protect human rights at international level?

Each one of these complicated questions concerns a certain field of human rights. This article deals with the violation of human rights of the Muslims throughout the world in certain cases and the positions of international organizations in the context of the aforementioned issues. In part one, we shall discuss “the historical change of human rights, important international documents constituting the international regime of human rights and the similarities between international human rights and Islamic human rights. In part two, we shall discuss the freedom of religion as one of the most fundamental human rights and the violations of the human rights of Muslims in non-Muslim societies particularly in Chechnya–Herzegovina

and the Occupied Palestinian. Finally, in part three, we shall draw a conclusion from our discussion.

Part One–International Regime of Human Rights. The Historical Change of Human Rights

Contemporary human rights are shaped in three main generations. The first generation human rights was declared in the democratic revolutions towards the end of eighteenth century in America and France, which centered on civil and political rights with the view to ensuring individual rights and patriarchal system. These rights George Jellinek called *negative situation* and *active situation*. The rights of negative situation are of defensive nature, aiming to prevent the violation of the right to life, freedom, and private property by the State. The rights of active situation relate to participation in political process, the freedom of expression, gatherings and suffrage.

The second generation of human rights finds its origins in the nineteenth century known as *positive situation*. The idea of positive rights was strengthened by the problems arising from the industrial revolution and socio–political rights were set forth to eliminate poverty.^{[1](#)}

Maurice Cranston defines positive rights as those, which are approved and exercised by the system of civil laws. Positive rights are true, particular to man. What man should have is a different issue.^{[2](#)}

The third generation of human rights was developed during the twentieth century, adding two aspects to human rights. The first aspect was the universality of human rights after World War II. The Universal Declaration of Human Rights was approved by the General Assembly on 12 December 1948.^{[3](#)}

Indeed, the idea of protection of human rights by the international community goes back to the catastrophic events of World War II and the exceeding despotism of great powers preceding the war. The Universal Declaration of Human Rights is regarded as the main document of the international human rights regime. In 1966, the viewpoint set forth in this Declaration was enhanced in the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

In early January of 1987, 87 and 85 parties were respectively bound to approve the covenants and almost all other countries signed the agreement or at least expressed their support for them. These documents are recognized as the International Bill of Human Rights, including extensive civil and political rights (the right to life, the right to security of person, non–discrimination, protection against arrest or arbitrary detention, the freedom of expression, press and political gathering) and economic, social and cultural rights (the right to food, medical welfare, education, social security and job security).^{[4](#)}

Another important aspect of the third generation human rights are the attention focused on socio–economic rights the most important of which are the right to development, the right to a healthy and balanced environment, the right to participation in and benefiting from the common heritage of mankind

(shared Earth–space, resources: scientific, technical, and other information and progress: cultural traditions, sites, and monuments).

In discussing against economic, social and cultural rights, they regard a distinction between negative rights (only demanding clemency and forgiveness) and positive rights (requiring the concerted efforts of all social forces to substantial degree on a planetary scale). The violation of negative rights involves active injuries and the violation of positive rights only involves earning support. For instance, the protection of torture frequently said to be negative (because, the State should abstain from torturing people) has indeed a positive character. In many countries, the abstention from torturing people requires fundamental changes in laws, the administrative policy and the personnel.

Many civil and political rights are not manifestly negative. Suffrage is a positive right: unemployment or the lack of medical welfare is regarded as a threat to security of person and the dignity of man.⁵ The obvious point is the flagrant difference lying in the observance of negative and positive rights between the nations. Although the International Bill of Human Rights (approved by most countries) places stress on the observance of social, economic and cultural rights, the poverty and deprivation of millions of people throughout the globe is an undeniable fact.

Are human rights a national or international issue? How should we strive to abide by it? Donnelly expresses the *own–state duty* which suggests that since the international system is made of nation–state, the duty of observing human rights is binding on the countries which should ensure and respect the rights of their citizens.⁶ On the contrary, Vincent suggests the idea of *other state duty*, contending that the duty of observing socio–economic rights is binding not on the nation–countries and the international community has responsibilities in this regard.⁷ The point introduced is the universality of human rights. Do the cultural differences among people mean that the concept of the universality of human rights lacks validity? Are they really used to advocate a dominant imperialistic ideology? Are human rights a Western construct with limited applicability as they claim?⁸ Are human rights universal because of its concern for all men! Do they keep concealed the universal domination of a certain culture (the imperialistic culture of Western countries)? Two different answers are given to these questions:

A) The advocates of universality believe that human rights are not associated with a certain ideology or idea. Although the concept of human rights finds its origins in the West and emerged in Europe and northern America, the concept of human rights is not associated with Western thought or culture and is exercisable not only in Western communities but in non–Western communities as well.⁹

B) The adversaries of the universality of human rights proposed the philosophical view of cultural absolutism, implying that the culture of every society has underlying moral values. Hence, they believe that cultural features have more moral and spiritual value than the world of justice. As cultures are different, human rights should not be universal and the Westerners should not expect that the non–Western cultures should change their moral system according to the international human rights regime.¹⁰

In international assemblies and non-state international organizations supervising human rights in different countries, we have witnessed the Western criticisms of Islamic laws and rights. Some theoreticians of human rights claim that there are still discriminations between Muslims and non-Muslims although in the constitutions of Muslim countries, equal rights and freedom of religion are granted and in some of them (such as Iran and Pakistan) the right to representation in the executive power is allocated to religious minorities. [11](#)

In defense of Islamic human rights, the Muslim lawmakers express that Islamic human rights are based on the Qur'an and the practice of Prophet Mohammed (P.B.U.H.). In Islamic societies, the punishment for theft can be the chopping of the hand, and blood money must be paid to the victim's family. Despite the protest of Western proponents of human rights against Muslim laws of punishment, most of the Muslims today obey this law at large. Of course, the Muslim laws require the State to put into effect its commitments for executing the socio-economic justice and the preservation of a standard of living before it applies these punishments. In other words, these punishments may be allowed when these conditions are fulfilled.

According to the Islamicists and Muslim lawmakers, the Muslims are the victims of discrimination in international communities. Ahmet Davutoglu states in his *Civilizational Transformation and the Muslim World*:

Over the recent years, there has been a tendency in Western spiritual and political centers to ill repute the Muslim communities as maladroitness elements in international System. The issue of Salman Rushdie and the Islamic Hijab (Muslim dress code for women) of girls and women in France and England aroused historical bias against Islam. Mass media has been extensively used with a view to strengthening this thought. In the Persian Gulf crisis, although Saddam Husayn's wing was protected by many Muslim countries, he is regarded as an ever-increasing symbol for Islamic fundamentalism. [12](#)

In this regard, Muhammed Makki Nasiri, one of the members of the Religious Intellectual Council in Morocco, states:

Human rights might be a new phenomenon for the West, but we have had human rights in Islam from the outset. We do not see any difference between the whites, the blacks, the Jews and the Muslims; they are all free. However, we never torture the Jews as they do in France and England. Israel is given the license to commit massacre. The US did not even condemn the bombardment of the Saf in Tunisia by Israel. [13](#)

Although most of the Westerners claim that human rights are the manifestation of Western culture, the Muslims contend that human rights lie in the heart of Islam. The emphasis of the West on human rights does not conceal the fact that the rights of citizens are violated every day in the Western communities. Of course, Nassiri stresses that Islamic freedoms do not permit everything. Saudi Arabia opposed the Universal Declaration of Human Rights because it permits paganism. [14](#) Ali Mazru'i regards Islamic

human rights and Islamic culture more humane than the Western culture. He admits to the difference between men and women in some Islamic countries: however, he believes that the historical gap between the West and Islam is not a hundred years but that the Muslim countries are a few decades behind the Western communities in this regard.

Almost in all the Western countries except New Zealand, women did not have the right to vote until the beginning of the twentieth century. Britain granted this right to women in two stages, in 1918 and 1928 respectively. In the amendments to the American Constitution in 1920, the US granted suffrage to women. Until 1971, Switzerland deprived women of suffrage at national level whereas the Muslim women in Tunisia, Morocco, Algeria, Indonesia and other Muslim countries enjoyed this right.¹⁵ In 1870, British married women did not have the right to property.

By comparison, the Muslim women have always enjoyed this right. The US (the largest and the most influential Western country) has never had a woman president whereas Pakistan and Bangladesh, which are among the countries with the highest population in the Muslim world, have been often run by woman prime ministers. Benazir Bhutto in Pakistan, Khalida Ziya and Hasina Wajed in Bangladesh were chosen as Prime Ministers. In Muslim Turkey, Tansu Ciler has served in various positions in the government.

Now the Muslims and the Jews are equal in number in the US: however, it is most improbable that a Muslim leader be chosen as president in the near future in this country. By comparison, the Republic of Senegal in which 95 percent of its population are Muslims was ruled by a catholic president (Leopold Sedar Senghor) for twenty years (1960–1980). The present leader of Senegal is a Muslim, but his wife is a catholic. In Western Europe, millions of Muslims live:¹⁶ however, no Muslim has ever been selected as a member of the Western Cabinet. From the facts noted above, one can conclude that the Westerners are far less secular than they often assume and that historically the Muslim communities are far more humanitarian than what the Westerners believe.¹⁷

Davutoglu criticizes the double standard function of international laws and system, which has caused insecurity on the part of the Muslims. The international system has tolerated the Israeli policy of expansion in the occupied lands of Palestine. *Intifazah* is called the terroristic act, but the popular riots in Eastern Europe are supported. A serious response was not given towards the Russian military intervention in Azerbaijan in January 1990 and hundreds of Azerbaijanis lost their lives due to this aggression.

However, the Western powers showed reaction against the Russian intervention in Baltic republic. International organizations are sensitive to the rights of the small Muslim minorities in Muslim countries and publish diverse reports on the violations of the rights of these groups; yet, they kept silence towards the oppression against the Muslim minorities in Kashmir, India, Bulgaria, former Yugoslavia, Burma and other places.

Atomic powers in the Muslim world (Pakistan and Kazakhstan) are introduced as serious dangers to the

world security whereas the existence of such weapons in non-Muslim countries (Israel and India) is accepted.¹⁸ The Muslims who constitute 25% of the world population¹⁹ do not have a permanent member in the Security Council of the United Nations and the requests of the Muslim world have been repeatedly vetoed by the non-Muslim communities.²⁰ The Secretary General of United Nations has never been a Muslim and only a small number of important organizations have been supervised by the Muslims.

Richard Falk alleges that there are the bipolarization and discrimination of mass media and the American political leaders. It seems that these organizations support those who tend to follow goals contrary to Islamic interests. In regard to the differences between the Arabs and Israel, this idea has come up that the violence of the Israelis against the Palestinian refugees and other Arabs is generally considered based on security policies but the Palestinian violence is viewed as a terroristic act, injuring the moral and political claims of Palestinian combatants.

Other clashes in which the Muslims have been the victims of the violation of human rights (such as Chechnya, Bosnia and Kashmir) also demonstrate the truth of the discriminatory policies. If the victim and the victimizer changed places, the response of international assemblies would definitely change.

In addition, Falk points to the discrimination regime of the prohibition of nuclear weapons. Mass media overshadows the picture that the military-nuclear capability of the Muslim countries is a threat to international security. Although the motive of Pakistan in nuclear weapons is a response to the nuclear threat of India and a superior military capacity compared to its non-Muslim neighboring country. Pakistan's newly acquired nuclear capability is referred to as Islamic bomb. No report is provided on Christian bomb, Hindu bomb or Confucian bomb.

In the continuation of the anti-Islamic attitude of international system towards Muslim countries, Richard Falk investigates the international response to terroristic acts. In the first responses towards terroristic acts, the Muslim world was considered a suspect. The labels *rebels* or *rascals* are given to several Muslim countries (including Iran, Iraq and Libya) to strengthen the suspicion that the Islamic combative tendencies should be treated forcefully while the non-Muslim countries (such as Burma over the recent years and south Africa during apartheid era) which violated international laws and universal conscience were treated with the policy of *constructive engagement*.

Besides, in the wake of the Cold War, the West expressed its commitment towards the expansion of democratic rule (namely, encouraging public elections and the observance of the constitution.) The Western fear of the political influence of Islam led to the overlooking of the coup d'état which took place in Algeria to counteract the election victory of Islamicists. The coverage of mass media towards the oppressed Muslims was dry and scant attention to the spiritual and political stress resulted in radical acts (such as voluntary bombing). The support of the Palestinian Arabs and the adversaries of Western State (such as Iran and Libya) of the actions of Arab democratic combatants are exaggerated but the cry of the Israelis (with the slogans of death to Arabs and Palestine) for revenge is ignored.

From the viewpoint of world economy, the Muslim countries are kept in isolation. The G-7 composed of the great economic powers does not include any Muslim country. Do Malaysia, Indonesia or Saudi Arabia not have the right as Canada or Italy to participate in the decision-makings of the world economy? In the age of enlightenment, is it not reasonable that the Muslim countries participate in the international economic system?[21](#)

With view to enhancing the socio-economic cooperation among the Muslim countries and also strengthening relations between these countries with non-Muslim countries, eight Muslim counties (Iran, Turkey, Indonesia, Egypt, Pakistan, Malaysia, Bangladesh, and Nigeria) have established a new cooperative economic organization called D-8 (Developing Eight). On 16 June 1997, this organization started work with the signature of the common declaration of the Istanbul Bill by the heads of the States of eight countries.

The decision of 10 July 1997 of the American Congress, which recognized Jerusalem as the capital of Israel and allotted one million dollars for transferring the American embassy from Tel Aviv to Jerusalem, is another undeniable evidence of the anti-Islamic tendencies of American foreign policies. This anti-Islamic act is insensitive to the feelings of millions of Muslims about the future of this holy city and opposes the resolutions of United Nations. Both the Muslim countries and the underdeveloped non-Muslim countries objected to the unfair judgement of international assemblies in choosing regimes which should be studied and criticized due to the violation of human rights.

In the following chapter, we shall treat this question whether international assemblies including the Commission on Human Rights of the United Nations and the international non-governmental organizations advocating human rights and the western countries shall be partial in their judgement of the human rights of the Muslims.

Part Two-Human Rights in Practice Muslims in non-Muslim Societies

In the international laws on human rights, the observance of civil and political rights seems more prominent than that of socio-economic rights. As article 27 of the International Covenant on Civil and Political Rights states all the rights of minorities should be observed,

“In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.”

Also, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities approved on 18 December 1992 stresses that such people have the right to the enjoyment of their culture, the expression of their religion and the use of their language.[22](#)

Article 1 of the International Bill of Human Rights declares that the Member States should propagate through this organization the respect for human rights and fundamental freedoms for everyone without limitation of any kind due to race, sex, language or religion.[23](#)

The case studies of the situation of human rights of Muslims in BosniaHerzegovina, Chechnya and the Occupied Palestine which will be dealt with in the following part indicate that human rights are neither (in practice) partial nor postulated.[24](#)

The Israeli Attitude Towards The Palestinians In The Occupied Lands

With the military occupation of the Gaza Strip and the West Bank of Jordan River, Israel played the reciprocal role of the State and the occupier. In both roles, the policy of Tel Aviv should be limited to the laws of war and international standards of human rights. The deplorable situation of the Palestinians indicates that there is a need for a new set of laws and legal standards for the protection of civilians under the long ascendancy of the occupiers, for the laws of human rights are not observed for Palestinian military men. Peleg states that the settlement activities of the Israeli Jews in the occupied lands are the main cause of the extensive violation of human rights in the years before the uprising that became known as *intifazah* (shaking off).

No other Israeli policy as the act of settlement of the Jews in Palestine has ever left such a negative impact on the situation of human rights in Palestine. These plans did not increase the hostility between Arabs but they set many Israeli radical Jews in the neighbourhood of these angry oppressed Arabs. Consequently, the violent and bloody tension between the Arabs and the Israeli immigrants has been inevitable.

In response to this ever-increasing violence, the government in Tel Aviv has helped intensify the tensions with the more severe security measures it has taken within its domain. Under such circumstances, the violation of human rights has become more obvious than ever before. The Israeli policy on the expulsion of the Palestinians from the lands, the destruction of their houses, and the prolonged incarceration are used as a means to achieve three goals. These goals are:

- 1) Preventing the growth of native leadership
- 2) Satisfying the demands of the emigrant Jews with a view to intensifying the anti-Palestinian acts
- 3) Punishing non-military Palestinians for their previous acts.

Hence, the Israeli political motivations result in aggressive policies instead of security motivations. Moreover, since Israel does not take such measures due to military or security necessities; and does not follow political goals, these policies violate international laws.[25](#)

The violations of Palestinian rights by the Israelis are innumerable. We shall be discussing the most

important of these cases.

The Status of Palestinian Refugees

The 1948 war between the Arabs and the Israelis left 650,000 Arab refugees who fled to the West Bank of the Jordan River or the neighbouring Arab countries. In 1948, the General Assembly of the United Nations approved resolution 194 and proposed a way for eliminating the refugee's problem. Paragraph 11 enumerates a few solutions such as repatriation, or the payment of indemnity.

At first, the Palestinian refugees did not accept the resolution but after some time, they viewed paragraph 11 of the same resolution as guaranteeing unconditional return of the Palestinian refugees to their land.

In 1967 war, approximately 300,000 Palestinians (among whom 100,000 people were the 1948 refugees) escaped from the West Bank and the Gaza Strip and became known as the Palestinian refugees. The Security Council of the United Nations approved resolution 237, demanding Israel to provide facilities for the repatriation of these refugees. Israel allowed only a small number of them to repatriate from Jordan. About one-third of the Palestinian refugees were placed under Israeli supervision in the West Bank and the Gaza Strip.

Resolution 242 of the Security Council (accepted by Israel and the major Arab countries) is somewhat vague about the solution to the refugee's problem, pointing that the just solution to the Arab-Israeli differences depended on the solution to the problem of Palestinian refugees; however, it does not specify who these refugees are. In the wake of 1973 war, resolution 338 of the Security Council stressed implementation of the resolution 242 and added that peace should be established through direct negotiations. The Camp David Accords in 1978 between Egypt and Israel did not consider any solution to the refugee's problem.[26](#)

It is common to compare enemy to little animals with the view to humiliating them in ethnic differences. Also, in the differences among the Arabs and the Israelis, comparisons of this sort are frequently made. The extremist Jews supporting major Kahane compare Palestinians to cockroaches, which should be collected and expelled from the country. The Arab Bedouins are a small caste in the Sinai Peninsula, living in the desert. With the advent of the Israeli State, approximately 100,000 Arab Bedouins found themselves within the borders of this country. Most of them were expatriated to Jordan or Egypt and their expulsion continued in 1950s. Tel Aviv State usurped 93 percent of the Negheb desert without considering the rights of the Palestinian Arabs and without paying indemnity.

The most blatant instance of the violation of international conventions on human rights concerns 2000 Bedouins dwelling in the east of Jerusalem. The members of Jahilin tribe living in Negheb were driven away to the border of Jordan in 1950s and were in the occupied lands towards the end of the 1967 war. From the time of their expulsion from Negheb, these Bedouins continued farming by borrowing lands from the Arab villagers.

For the expansion of Jewish settlements, Tel Aviv usurped these lands, suggesting that they choose the stone hill, which is some 500 meters away from the main garbage dump and the industrial waste in Jerusalem. The important point is that the Israeli authorities have recognized the place suitable for human residence. The issue of Jahalin was proposed in the fifty first assembly on the International Commission on Human Rights and some of the groups on human rights and non-state organizations supported them.

The draft of the resolution inquiring Israel not to usurp 53 hectares of land in Jerusalem was not ratified in the Security Council on May 17 1995 due to American veto.[27](#) The Western countries, which claim to protect human rights, have not taken any operative step to help the Arab nomads and other wandering Palestinians.

Inhumane Conduct towards the Palestinian Prisoners And Arbitrary Execution

A disabled diminutive Palestinian man called ‘Abd al-Samad Hasan Harizat, was detained in early April 1995 for the crime of co-operating with Hamas (considered the most important Islamic party who reject making peace with Israel) and was killed due to brain concussion during the interrogation session of the Shin Beth.[28](#)

In another occasion, Ehud Yatom, a former agent of Shabak (Israeli Security Agency) admitted having a part in the wanton execution of the two Palestinians called Subhi and Majid Abu Jamiya. He confessed that these two Palestinians were badly beaten for the crime of participating in the act of hijacking the Israeli bus number 300 carrying the security forces and the non-civilians (including the Israeli foreign minister Yitzhak Mordechai). About an hour after arrest, they were entrusted to Yatom and other Shabak Agents while they were suffering from severe cuts and bruises. During transferring them from the place of arrest, Abraham Shalom, the chief of Shabak ordered Yatom to have them executed immediately. According to Yatom’s confession, he obeyed this order at once. Following the publication of Yatom’s interview, the Palestinian Center for Human Rights sent a letter on 6 December 1996 to Israeli authorities to disclose some facts about the bus 300: they received no reply, however.[29](#)

Armed Attack against the Civilians

On 27 September 1996, Israeli helicopters opened fire to the nonresidential zones of Rafah. In the Gaza Strip, the Israeli soldiers have kept using weapons against the civilians. In the West Bank, it is also reported that the Israeli soldiers have attacked the Palestinian civilians. On the same day, during the Friday Prayer Congregation at Masjid al-Aqsa, three Muslim worshipers were killed and seventy wounded. The Israeli Prime Minister Benjamin Netanyahu did not opt for negotiations on the tunnel under way near Masjid al-Aqsa and other issues resulting in last summer’s clashes.[30](#)

Surrounding the Occupied Territories

On the evening of October 23 1996, the Israeli authorities started to surround the occupied Palestinian

lands. The entire boundary passages between the Gaza Strip and the Israeli domain were blocked and the movement of persons and goods was limited in the Israeli-controlled areas. These limitations affected all the aspects of the lives of people dwelling in the Gaza Strip, creating innumerable difficulties as follows:

1. Limitations of the trade transaction between the Gaza Strip and the external world.
2. Preventing the Gaza workers from going to their place of work in Israel
3. Not allowing access to medical services to the patients who were in need of medical treatment outside the Gaza Strip
4. Preventing the freedom of movement between the Gaza Strip and the West Bank, even for more than 1200 Palestinian students dwelling in the Gaza Strip who were doing their studies in the universities of the West Bank
5. Preventing visits to the relatives and the family members of the Palestinian prisoners incarcerated in the Israeli prisons. About 750 Palestinian prisoners are being kept in the Israeli prisons.
6. Prohibiting freedom to leave Israel^{[31](#)}

The intensive military siege of the Gaza Strip started on 25 February and continued for eight months, magnifying the miseries and sorrows of a million people dwelling in the Gaza Strip. During the period of twenty seven years of direct and military occupation, the Israeli authorities started to destroy the economic substructures of the Gaza Strip with a view to changing the territory to a free market for their products and a source of cheap man power for their factories and industries.

During these years and as a result of the Israeli policies, the income of the Arab Palestinian workers has become very vital for economy and for the people in the Gaza Strip. However, due to repeated closures, the Arab Palestinian workers have decreased in number in Israel. Before February closure, the workers consisted of 22,000 persons. The decrease of the workers has resulted in economic problems for this occupied territory in which the rate of unemployment was 60 percent.

Tel Aviv is responsible for the economic destruction of Gaza after years of military occupation and this responsibility should be considered in time of imposing closure policies. These policies show the blatant violation of the scientific freedom, the right to education, the right to freedom of movement, the right of the prisoners to visit their relatives and their right to have lawyers in the Gaza Strip.

What are the international reactions towards the blatant violations of the human rights of Palestinian Muslims? Reports on the continuation of Israeli policies contrary to humane dignity in the occupied territories are erratically published. On February 9, 1995, Betselem, the Israeli group of human rights declared that 1396 Palestinians had been killed by the Israelis or their Arab allies since the advent of the Palestinian *intifazah* in 1987. And this number includes 256 children under the age 16. The number of

the Israeli casualties is 230 including 57 military men.[32](#)

Amnesty International Organization has criticized Israel and the Palestinian authority for not observing the Arab human rights. This organization reports that the ones accused of voluntary bombs planting in Jerusalem and Tel Aviv have been exposed to torture. The bombing of the refugee camps in the south of Lebanon, which claimed 103 lives, is another instance of the violation of human rights.[33](#) However, Israel has not been the target of international sanction or punishment for the violation of the Palestinian human rights (such as arbitrary execution, torture and nonhumane treatment towards the prisoners, unjust execution, detention and arrest without any obvious crime, the prevention of thousands of refugees to repatriate to their lands, the destruction of the houses of innocent people, the usurpation of Arab lands for building Jewish settlements.)

Twenty-six members of the Subcommittee on Prevention of Discrimination and Protection of Minorities approved a resolution concerning Palestine and other lands occupied by Israel with eleven affirmative votes, six negative votes and six absent votes. This resolution cites the appalling cases noted in the previous resolutions. Israel is severely scolded for the odious violation of the Geneva convention on the protection of civilians in time of war, the persistence in occupying the Arab Palestinian lands, the settlement in the occupied territories, the refusal of the resolutions of the United Nations, the non-humane treatment and terroristic acts against the Arab Syrian civilians. Besides, this resolution insists on the protection of the international conference of Middle East peace.[34](#)

For the first time over the fifty years of the General Assembly of the United Nations, an emergency special session was held on 24 and 25 April 1997 with a view to considering the Israeli illegal actions in the eastern part of occupied Jerusalem and in other occupied territories of Palestine. This assembly approved a resolution in which the settlement in Jabal Abu Ghunaym was condemned. This special session of the General Assembly was held in the Security Council following the second American veto on 21 April 1997 which contrary to the resolution 51/223 of the General assembly on 13 March and the severe position of the members of the United Nations was held to condemn the policies of expansion of Tel Aviv.[35](#)

Despite the international oppositions, the rightist State of Netanyahu has put an end to the limitations applied by the former State in 1992 for expanding the Jewish towns in the occupied territories and decided to build new houses in the West Bank of the Jordan River. The recent decision of the American Congress for the formal recognition of Jerusalem as the capital of Israel and the failure of the United Nations in exercising the approved resolutions shows that the reactions of Western countries (specially the US) and the international forums towards the violation of human rights are dependent on the identity of the victims and the accused regimes. If the Muslim Palestinians played the part of the occupier regime and the occupier regime the part of the refugees, prisoners and victims of the aggressive policy of expansions, would the West keep silent in the face of this oppression? Or would they reward the oppressor?

The Muslims In Bosnia And Herzegovina

The emergence of new countries in the former Yugoslavia (Slovenia, Croatia, Bosnia–Herzegovina and Meseroni) increased the Balkan countries from six to ten. Muslims constitute 44 percent of the population of Bosnia Herzegovina and it is reported that there are 3.5 millions of them. Of course, due to ethnic expurgation, there is not an exact statistical number and these numbers are to be roughly taken.

The Serbs constitute thirty one percent of the population of this country, and the Croatians seventeen percent. Sixty percent of the inhabitants of Serbia recognize themselves as belonging to Serb group and the Croatians constitute 75 percent of the population of Croatia.^{[36](#)} In Bosnia–Herzegovina as in the previous case, the violations of Muslim human rights are blatant and undeniable and consist of the following: the ethnic cleansing of the Muslims by the Serbs, inhumane treatment of Muslim prisoners, the forcing of Muslims to work for the Serbs, massacre, the torturing of the civilians, the deplorable condition of the war refugees expatriated from their houses, the destruction of the mosques and historical monuments (including the destruction of the sixteenth century mosque Farhad Pasha in Benjaloc and at least the destruction of thirteen mosques in Foca), the prevention of movement of the caravans carrying food and medicine and other services which could save people's lives, intercepting the UN vehicles, attacking and killing the ambassadors of the International Organisations.^{[37](#)} The number of the Bosnian disappeared ones (most of whom are Muslims) exceeds 15,000 persons as recorded by the International Committee of the Red Cross.^{[38](#)}

The reactions of international assemblies towards the crisis of Bosnia Herzegovina were first slow and insufficient. In December 1991, Alija Izzet Begovic, the Bosnia President, in his trip to Washington, asked for the dispatch of peacekeeping forces. And if the American peacekeeping intervention and other great powers had taken place in time, it would have stopped the atrocities resulting in the violations of Muslim human rights by the Serbs.

In a letter to the Security Council dated 29 June 1992, the permanent ambassador of Bosnia–Herzegovina asked the UN to intervene in this crisis, enclosing a list of 94 prisoner camps in Bosnia and Herzegovina and 11 other camps in the former Yugoslavia. In a letter dated 5 August 1992, the American permanent ambassador in the United Nations Organizations in Geneva called for an emergency session of the Commission on Human Rights with a view to discussing the dangerous situation of the former Yugoslavia. With the approval of the Commission members, a special session was held.

The Sub–Commission on Prevention of Discrimination and Protection of Minorities approved a resolution, condemning the Serbian policy of ethnic cleansing resulting in the dislocation of a great number of people (especially the Muslims). The members of the sub–commission inquired that the extensive violation of human rights should be stopped, that indemnity should be paid to the refugees and the ones who have committed crimes should be summoned to international tribunals. The United Nations High Commissioner for Refugees reported to Commission on Human rights that the violation of

human rights has been rarely so planned, shameful and blatant as to drive people from their houses or destroying the society.

More than half of the lands in Bosnia–Herzegovina have become a detention center for creating ethnic territories. The International Committee of the Red Cross visited twenty thousand prisoners among whom 8300 people were from Bosnia–Herzegovina. According to the report of this commission, the Serbs regarded no respect to non–military prisoners, the personnel giving medical services or the formal emblem of the Red Cross or the United Nations Organization.

In a letter dated 5 August 1992 to the permanent ambassador of the United Nations in Geneva, Izzet Begovic gave a report on the events, and torture in the prisoner camps under the supervision of the Serbs reminiscent of the appalling events of World War II. The reliable reports of mass media and the non–governmental organizations verified the violations of Muslim human rights.[39](#)

Although the Dayton Peace Negotiations (1995) turned into Dayton Accord with the support of great powers according to which, Bosnia Herzegovina was divided into two almost independent political parts of Muslim Croat federation (assuming the administration of 51 percent of the country) and Serb Republic (ruling over the remaining 49 percent) with a weak central government: however, the clashes of February 1997 in the city of Mostar (divided between the Western part under the Croat supervision and the eastern part under Muslim supervision)[40](#) indicates the weakness and instability of Muslim–Croat federation.

Deep chasms exist between the Muslims and the Croats and despite the political endeavors of Euro American community, cooperation within the federation is at a low level. If these two groups fail to create strong common political organizations in this federation, the probability of clashes between the ethnic, religious groups in Bosnia–Herzegovina will increase.

Prompt and serious actions of international community for putting an end to criminal acts of the Serbs could have prevented the cruel attacks against the lives and properties of the civilians and the destruction of historical and religious places, as well as anti–humane atrocities. Some of the Western powers are against military intervention, emphasizing that this war is based on national interests and seek to put an end to the war among ethnic groups. Only after the divulging of the policy of the Serb ethnic cleansing, their invasion was recognized as the main factor for this war, exerting pressure on the Serbs by applying sanction, creating no–fly zone, bombing of military installations of Serbs and the dispatching of the peace keeping forces.[41](#)

In order to justify the policy of ethnic cleansing, the Serbs claimed that the goal of the Bosnian Muslim fundamentalists was to establish an Islamic State in Bosnia, Serbia and Macedonia with a view to exporting Islam from Sarajevo to Turkey in Europe. With emphasis on the threatening growth of Islamic fundamentalism in Europe, the Serbs vowed that they would do anything (even massacre) to change the demographic composition of the Muslim territories.

The important historical point in the reactions of international community against the issue of violation of human rights in Bosnia Herzegovina is the execution of war criminals. By general consensus, the Security Council approved resolution 808 dated 22 February 1993. It stated, "The Security Council decides on the establishment of international tribunals for prosecuting those who are responsible for the grave violations of international human rights in the former Yugoslavia since 1991."[42](#)

The United Nations Commission on Human Rights approved a resolution in March 1995 in which the Serbs of Bosnia Herzegovina and Croatia were recognized responsible for the war crimes and the violations of human rights in the former Yugoslavia since the beginning of armed clashes in 1992. This commission concluded that the Serbs were following the policy of ethnic cleansing and mass murder (including unjust murder, torture, disappearance, and executions without trial).[43](#)

The continuation of the activities of the United Nations in preserving peace and protection of human rights of threatened ethnic and religious groups in circumstances where the Bosnian Serbs do sabotage and prevent the progress of the Hague tribunal in investigating the war crisis is vital.

Chechnya In The Domain Of Russia: Independence Or Repression

The small republic of north Caucasus of Chechnya borders with Georgia and the republic of Daghestan of Russia and is strategically important due to being on the main highway and the only railway for the oil pipelines running from the realm of Russia between the Caspian Sea and the Black Sea. This republic is 13,000 kilometers wide and its population before war was 1.2 million people. The people of Chechnya who have been Muslims since the eighteenth century are among the oldest people in Caucasus.

In the eighteenth and nineteenth centuries, Chechnya struggled against Russian expansionism in Caucasus, in 1926, Russia formed the ChechnyaIngushetia territory which in 1934 used to be a republic with civil independence. In 1944, Stalin exiled to Middle Asia about 600,000 persons from Chechnya and Ingushetia for the accusation of cooperating with the Nazi Germany. One third of these exiles died before they reached their destination. In 1957, Nikita Khrushchev permitted the rest of them to return to their country.

On 4 November 1991, contemporary with the collapse of Russia, Dzhokhar Dudayev, the leader of separatist party of Chechnya declared independence. On December 11 1994, in the wake of the failure of the negotiations between Moscow and the government of Dudayev, the Russian armies attacked this republic. In this clash which continued until August 31 1996, between 40,000 to 100,000 military and non-military persons were killed. One of the victims of this war was Dudayev who lost his life in the bombardment of Russia on April 21 1996. Consequently, Zelinkan Yandarbayev assumed the responsibility of leadership of the separatist party.

On 31 August, General Alexander Lebed, the advisor to the National Security of Yeltsin and Asian Maskadov, the commander-in-chief of the separatist party of Chechnya agreed to put an end to the war

which lasted 21 months and postponed the decision-making concerning the future political situation of this republic to the year 2001.[44](#) In January 1997, all the military forces of Russia were withdrawn from Chechnya.[45](#)

There are scattered reports on the violation of Muslim human rights in Chechnya. In January 1995, the Russian forces took control of many territories in Grozni, the capital of the separatists of Chechnya and in the operations for taking back the city, the city suffered many damages. On 19 January, Boris Yeltsin expressed that the Chechnya strife had come to an end and a few days later, he added that the military stage of Chechnya had finished and the Ministry of Interior was responsible for preserving order in this republic.

According to the statistics of the Chechnya government, more than 18,000 civilians were killed in the clashes up to 12 January 1995. Even a delegate of Russian representatives condemned the Russian military forces for a massacre on a massive scale, claiming that thousands of innocent men and women were killed in the bombardment of the capital by the Russians. Only 150,000 people out of the 400,000 inhabitants remained in the city before war that included many of the Russians.[46](#)

On the murder of civilians in Chechnya, the International Committee of the Red Cross claimed on 12 April that the Russian soldiers had killed at least 250 civilians during a severe attack on the village of Samashki in Western Chechnya on 18 April. In this report, the Russian soldiers were seriously condemned for attacking against the civilians and participating in the actions without considering the difference between the military men and the civilians, and the blatant violation of human rights.[47](#)

Hundreds of people (mostly civilians) were killed in the Russian air raids. In July 1996, the Russian fighter planes participated in heavy air raids over the south territories in Chechnya and dropped bombs and missiles over the Chechnya people.[48](#)

In the Russian air raids, many Chechnya families suffered heavy financial damages. One of the victims of these bombardments was Aminat Tsoyeva whose house was devastated once in April 1995 and had been rebuilt and that which had caught fire again in the summer attacks of 1996.[49](#) The Amnesty International provided a report on the violation of Muslim human rights in Chechnya by the Russian military forces. The Russian violences included the mass murder of the military people, execution without trial, torture and inhumane treatment towards the civilians and arbitrary arrest. According to the report of this organization, hundreds of civilians were killed.[50](#)

The Russia–Chechnya conflict resulted in the dislocation of a group of Muslims. In the middle of 1995, about 144,000 Chechnya civilians lived with the local people of Dagistan, which is one of the biggest autonomous republics of northern Caucasus of the Russian federation on the western shores on the Caspian Sea. Now, 22 thousand refugees are living in this republic.[51](#)

Even in time of peace, the Chechnya Muslims did not have the right to choose their place of residence. Areas near Moscow continued the Propiska System to stop the settlement of ethnic minorities. This

system served as the condition to stay in Moscow. By assisting the local Cossacks, the Local governmental authorities in the areas of Don sought to expel some of the Chechnya families living in the villages without Propiska.[52](#)

Different views are suggested on the future of Chechnya. Sergei Gandlovsky prefers living in very small but free land. Vladimir Lukin, the head of International Committee Affairs of Russian Duma believes that the recognition of Chechnya independence is dangerous for many countries, for other minorities groups are encouraged to fight for their independence. Sergei Filatev, head of Public Movement of the Whole Federation of Russia vows that concluded agreements between the government and the representatives of Russia and Chechnya do not provide legal conditions for full independence of Chechnya in the year 2001.

For Russia, agreement to separation from Chechnya is the first step towards creating a confederation synonymous with retrogression. For Chechnya, this is not the way to the freedom they dream of. Chechnya (without Russia) turns into realm dependent on Islam or else chaos shall run to other parts of north Caucasus. Bulat Okudzhava expresses that Chechnya has never volunteered to join Russia. On the basis of imperialistic grounds, this small nation was attacked for fifty years by Russia in the nineteenth century. In 1994, the Chechnya people were deported to exile places to die. In 1994, Russia brought about the death of 80,000 Chechnya civilians. How can these people remain united with Russia? Vadim Bakatim, the vice-president of the Reform Foundation believes that separation from Chechnya is certain. However, this separation did not take place in 1991 or 1997 or 2001, but it was when the Russian politicians sent their tanks and soldiers to Chechnya to re-establish order.[53](#)

International assemblies remained mum on the Russian human rights violations in Chechnya, for this would be regarded an internal issue. Most of the Muslim countries remained neutral to this conflict.

Conclusion

The case study of the Muslim human rights violations (Palestine, Bosnia and Chechnya) indicates that the governments do not observe the rights of the minorities and the reactions of international forums to such sabotages is dependent on the identity of the victims. Can the West adopt a neutral position towards the Muslim minorities in the non-Muslim societies or even the Muslim majorities in the Muslim societies? International forums under the domination of Western countries have shown reactions under certain circumstances towards the violations of human rights. These circumstances include:

This widespread sabotage must have taken place with certain plan with the purpose of genocide. Barbara Harff and Ted Gurr describe four types of massacre and political murder:

1. Massacring ethnic people (progressive massacre)
2. Massacre following de-exploitation in a bi-structural state (despotic massacre)

3. Massacring during racial, religious, and ethnical attempts for earning autonomy and independence (retaliating massacre)

4. Massacring hostages or the scapegoated groups (politicide)[54](#)

The massacre of Muslims by the Serbs, the massacre of Palestinian and Chechnya civilians respectively by the Israelis and the Russians are instances of retaliating massacre. The intervention of international community towards these genocides is dependent upon their scale. Therefore, the international reactions towards the cruelties and the war crimes of the Serbs have been more severe than the steps taken against the Israeli aggressive and inhumane treatment of the Palestinians.

International rights have been blatantly violated. The UN was able to stop the Serbian crimes, for the Member States have explained away the massacre by international treaties. The concept of genocide in the Convention on the Prevention and Protection of War Crimes approved in 1948 states that with a view to total destruction or limited to a certain national, ethnic, racial or religious group, the signing parties of the convention verified that massacre whether it takes place in time of war or in time of peace was a crime in international law and they vowed to prevent or punish it.[55](#)

The national security of great powers (especially the five permanent members of the United Nations Security Council) or their allies are threatened. If intervention or protection of the victims of the human rights violation proves detrimental to the political interests of great powers, these states, using specific means of foreign policies seek to prevent the condemnation of the states or groups accused of violating human rights, even if these policies are to the detriment of civil and political freedoms.

On the contrary, in some instances they support the despotic states which claim in the name of national security that guerrilla fighters and terrorists should be tortured and that the political prisoners should be kept in prisons to prevent them from staging a coup. A striking instance of this outlook is Washington policy towards the Israeli aggression against the Palestinian Muslims. The observance of human rights and democracy is encouraged where the Islamists are not given opportunity to assume power. The violations of human rights are criticized where the Muslims are weakened.

Another instance is the encounter with the crisis of Chechnya and the complete silence of international community to the inhumane treatment of the Russian military forces of the Muslim civilians. If Russia was a smaller power without the right of veto in the Security Council, this could be regarded international and the opportunities for the legal intervention of the UN could be provided. As for the protection of security for the Iraqi Kurds, the Security Council took unusual steps (including creating a protective zone in the north of Iraq).

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