

A brief review of prisoners' rights from an Islamic perspective and Islamic scholars as a manifestation of international rights

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ABSTRACT: Islam knows freedom of the individual and society the right of all and did not foresee the prison except for urgent cases and for the prison and inmates has drawn best practices and procedures. Basic of citizenship rights in Parliament Law passed, is respecting the legitimate freedoms and the rights of citizenship. Islam considers to prisoners also particular civil rights that are listed in this article. According to Islam is considered two types of rights for prisoners. First rights, rights are that include house, health, welfare rights (feed and food of prisoners), the right to use the media, the right to work, right to employment, insurance, and the second rights are intellectual rights. Grand Ayatollah Ruhollah Khomeini, the founder and leader of the revolution as a spiritual scholar in Islam has views about the rights of prisoners, which were detailed in the paper.

Keywords: Islam, the rights of prisoners, Islamic compassion.

INTRODUCTION

Amnesty International is a non-governmental organization with more than 3 million members in the field of the protection of human rights. The purpose of this organization is that research enterprise and activity in the field of human rights and prevent violations of human rights in the world and ultimately demand justice for those whose rights have been violated. The Muslim world is the largest religion in the world and it represents the legal rules of international law. Islamic law is as the best model of international law. Islam knows freedom of the individual and society the right of all and did not foresee the prison except for urgent cases and for the prison and inmates has drawn best practices and procedures (Langerodi Jafari, 2003). So that all the rights of prisoners in the true sense of the word supplies and guarantees. But today, in many countries, even in countries that are claim to freedom and democracy, we are witnessing torture and violations of the rights of prisoners, but Islam is away of all these things and all manifestations of violence and inhuman treatment with detainees or prisoners (Hajei Tabar Feroz Jaei, 2007 and Rahmati, 2005). Basis of civil rights law passed by Parliament is respecting the legitimate freedoms and the rights of citizenship. The law, all public and revolutionary courts, military prosecutors and restraining the judiciary are obliged to perform their legal duties following carefully observe and implement and violators will be sentenced to punishment under the laws constitution of the Islamic Republic of Iran, many principles of the legitimate rights and freedoms of citizens emphasized and based on some principles of the constitution, dignity, life, property, rights, housing and employment and are inviolate, except in cases of foreign (Rezaei Poor, 2006). Islamic law is as the best model of international law. Muslim, civil rights for prisoners is considered to mention below.

Cases of prisoners' rights in Islam

Islam considers the rights of prisoners and prisoners' rights can be considered in two parts: intellectual and property rights.

1. The physical / material rights

Rights which in there are aspects of the physical and material and tangible respecting them is required, in other words, compliance with these rights is necessary for the survival of physical and physiological. These include:

The right of residence, health: According to Islamic law, firstly prisoner accommodation should be tailored to the local situation of physical, psychological and age of the individual. Secondly places required for affairs of treatment should be tailored to the social, cultural, and religious and of the community, be considered.

The right welfare (feed and food of prisoners) in the book the province of Imam al-Faqih said that it is imperative that care to prisoners' needs in terms of food, medicine, outdoor, winter clothes and other facilities. Prophet Muhammad - peace be upon him and his progeny - as well as detainees are placed in ordinary houses that other people lived in that, and there was no shortage of light and generosity.

The right to use mass media: the prisoners can be informed inside prison of country's news through allowed mass media such as radio, television and at least one widely circulated newspaper and prisoners can use in leisure hours in accordance with the arrangement on schedule regulation of radio and television.

The right sports activities : in the prison, where possible, training equipment and sports facilities such as providing staff and coaches, the provision of a covered hall, land and equipment required for individual and group exercises will be provided (Sahefeh of Emam, 2007).

The right to employment, insurance and....

2. Moral rights

A right is that can imprison human dignity as a human being has a direct or indirect communication. In this regard, we can point to the right to visit and leave the prison. Imam Ali (as) has narrated the meeting is reserved for prisoners and the ruling can not without reason, be prevention from meeting with him .Unless he learned something that hurts the Islamic society. Including such the important rights that a culprit and convict must enjoy of them, and also referred to it the in the laws, is the right having an advocate in the proceedings, the defendant could use of the accused lawyer during the trial , a lawyer that is defended him. Other rights of the defendants, consists of right against torture, in this case, it can be said that a discussion of punishment and penalty of the torture and psychological torment that accused persons suffered unjustly, are separated. It is not permissible and effective, The appearance of the arguments and verdict is that getting confession of the accused by imprisonment, beating, torture, threats and ... is not permissible and effective. Of course this right is including the accused has not been arrested yet, And during the arrest of the accused , he / she has human and civil rights , and officials do not have the right to beat him (Sahefeh of Emam, 2007).

Prisoners' Rights of view of Imam Khomeini, founder of Iran

Hazrat Ayatollah Khomeini, the founder and spiritual leader of the revolution, as a scholar of Islam has views about the rights of prisoners that some of them are mentioned. Imam Khomeini ordered that must have Islamic and human behavior with them and refrain from harassing them. He at this historic verdict stating that avoid of speech is abnormal, specifies instances of persecution and hardship. In legal thought of the Imam, even raucous speech with inmates is forbidden in Islam, and above it is doomed. Determining the specific day to visit imprisoned relatives of human rights has taken a progressive principle. Imam Khomeini elsewhere dictates Islamic treatment with prisoners even killers unconcerned with the word "should". He stressed that the Islamic Republic is, dealing with prisoners is limited only to carrying out the punishment determined by court and verdicts to be avoided of greater punishment than the punishment needed: "However Behaviors are Islamic Behaviors. Republic is the Islamic Republic .Behavior even with those who were murderers, must be Islamic behavior. Even if with intensity of the action and intensity of their vision, they get their punishment, But only the same getting punishment , do not be too much abuse". In another speech at the collected revolutionary court officials about the importance of justice in Islam says: "In any case, Islamic prison should be equal the same principles. The one that when the first person of Islam , Imam Ali , hit him, and then he will order that give him of the same food that you give me and as what to do. Imam Khomeini calls in revolution public officials and judges of the courts in the job description of the treatment of prisoners as Mashrh and called it an Islamic and human transaction (Sahefeh of Emam, 2007).

CONCLUSION

Because the inherent dignity and equal rights and inalienable human members is the foundation of freedom, justice and peace in the world, creating a world in which human beings in expressing and free opinion and free from fear and poverty is the highest human ideals. On the other hand, in approach based on respect for human nature, respect for human is target, this view knows the human as origin and destination of rights and human rights are not

something arbitrary, but are intrinsic, genetic and natural. But the other approach that has two past approach , that is , it follows the results of citizens' rights and knows root of it in essence and genesis of human being , is a provident approach. A prison according conditions, welter and violence that is dominant on it T in fact is a punishment that harms to totality of guilty 's physical and mental , it expunges identity of him/ his and makes disorders in guiltys characters , so results that person obeys of anything or inverse , person shows the revolt attitude and discourtesy. So that according Islamic principle and human honor that Islam is considered , prisoners are not exempt of this regularity / principle and prisoners in Islamic country as a human have more special respect than western country.

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