THE RIGHTS OF PRISONERS IN THE ABBASID STATE

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Summary:
The study deals with the rights of the prisoner in the Abbasid state. The Abbasid state guaranteed the prisoners their full rights, such as the right to alimony and the provision of healthy food, the right to human dignity, and guaranteed them their religious rights, the right to visit, and also guaranteed them the right to separate men and women and separate patients. On behalf of others, as I have guaranteed them the right to a fair trial, and also ensured the sanctity of his body after his death, so his body was preserved and buried according to Islamic law.

Key words: truth, prisoner, Abbasid state, prisons, torture

Islam took care of man and preserved his dignity, and jurists consider that the purposes of Islamic law are to preserve religion, soul, mind, offspring and money (1), and it is noticed in those purposes that they set a moral framework in the dealings of Muslims with each other, so it is not permissible to harm Muslims with what harms and violates its right to preserve What the Sharia meant to him. Therefore, we find that Islamic law has established a comprehensive character for the human being, which included his surroundings in which he deals and the law has established its authority to safeguard those rights and ensure their application (2)

One of the most important manifestations of Islam’s concern for human rights is the rights it affirmed for prisoners, so Islam does not view the prisoner as a corrupt member of society He must be amputated, as he does not see him as an enemy of society. Rather, he sees that he is a Muslim person who made a mistake and was right about some of his behaviors and behaviors. He also considers that his presence in prison is a temporary matter that will end, and therefore imprisonment in Islam is a rehabilitation and correctional institution, and it must work to bring the prisoner out to society as active and beneficial members (3)

The first axis: Prison and its legitimacy in Islam:
- Defining prison as a language and idiom: Prison by breaking the Seine means the place of imprisonment, that is, the prison, and by opening the source Seine, his
prison will imprison him by imprisonment, i.e. his imprisonment, and the prison is
the prison owner, and the prisoner is any prisoner, and the crowd is prisoners (4).
As for idiom, Ebn Taimia defined prison as the narrow place that hinders the
person and prevents him from acting on his own, whether he is in the house, or
the mosque, or if he is entrusting the opponent, and accompanying him (5)
According to this definition, the imprisonment of a person in a house or his
residence in a specific place is considered a prison because he was imprisoned
for absolute freedom (6)

- The lawfulness of imprisonment in Islam:
Islam permits the imprisonment of the guilty offender and the one who commits an
offense, and this can be inferred from the words of God Almighty: “And those who
are outrageous among your wives come from them, and four of you were martyred
on them. This verse clearly shows how to punish the adulterous woman, who is
locked up in the home until death dies”, confinement from the verse, as the
Almighty said: Rather, the reward for those who fight God and His Messenger and
seek in the earth as corruption is to kill, crucify, or cut off their hands and feet from
disagreement or They are exiled from the earth, that they have shame in this world,
and in the hereafter they have great torment (8) and exile is intended for
confinement.

| As for the Sunnah of the Prophet, it is legal to use prison as punishment, including
what was reported by the Prophet that he imprisoned a person on a charge and then
released him (9). His persistence in the mosque to force him to pay the debt, where
the Prophet said: “Zama, then it passed at the end of the day.” So he said, brother
Bani Amber, what do you want to do with your prisoner? (10) The accounts also mentioned the imprisonment of the Prophet by Lathama bin
Athal in the mosque, and Muslims linked him to a mast in the mosque in Medina (11).

The second axis: the rights of prisoners in Islam:
The Islamic State, and the Prophet at the head of it, guaranteed all rights to
prisoners, as evidenced by his prophetic and prophetic biography, which confirmed
that he was keen to ensure those rights, including: the right to respect the prisoner
and not to torture or insult him, as stated in The hadith of the Prophet: Your blood,
your wealth, and your symptoms against you are prohibited, as is the sanctity of this
day in your country. ” (12) This hadith confirms the prohibition of attacking prisoners,
whether by beating or insulting outside words, or threatening to attack their family
or money.

Among the basic rights of the prisoners is the right to provide food, drink and
clothing, as it was proven from the Prophet that he commanded to feed a captive
from a cultured with the guilt of his allies. It was reported that he had recommended
his companions to a prisoner called Abu Aziz, and in this Abu Aziz says: They used to
mean Muslims if they served their lunch and dinner with bread and ate dates for the
commandment of the Messenger of God. So I was embarrassed, so I returned it to
one of them, and he returned it to what he touched. ” (13)
The state also guaranteed the right to separate women and men, and this is what the Prophet did with the sister of Uday bin Hatim al-Ta’i, as he made her stay in a tent at the door of the mosque, close to the Prophet, to inspect its surroundings, and far away. On the men’s side, none of them would see them, just as the Prophet provided her with food and clothing (14) when he said: “If I were stoning a woman who was not brown.” And the Prophet was talking about a woman who was spread about immorality, but she did not have evidence and did not confess to herself (15). There is solid evidence that the accused has the right to do nothing, not to apply the penalty to him, unless the charge is proven against him.

The third axis: the rights of prisoners in the first Abbasid era:
When Caliph Harun al-Rashid took over the reins of rule, he asked Judge Abu Yusuf to write a book to guide him in the matters of his rule. Abu Yousef says in the introduction to his book: “The Commander of the Faithful - may God Almighty support him, asked me that I put to him a comprehensive book that he works on in collecting abscesses, tithes, alms, and alms, and other things that he must consider and work on, but rather wanted to remove the injustice from his subjects and the righteousness of their matter(16) . Perhaps this is one of the most prominent manifestations of the interest of the Abbasid caliphs in achieving justice and judgment among people in installments, and among the most prominent rights that Islam granted to the prisoner, which had their share of interest and commitment in applying in the first Abbasid era the following;

The right to alimony and the provision of food
The Abbasids committed themselves to providing this right to prisoners, and we find in the books of Islamic history many examples of this, including that the caliph al-Mahdi when he ordered the imprisonment of Jacob bin Dawood al-Salami, was given to him every day with a loaf and a cup of water (17). Not only that, but the Caliph al-Mahdi exceeded that right beyond what was beyond him, as he ordered that the livelihoods be conducted on the lepers and the people of prisons in all horizons)(18). During the reign of Caliph Harun al-Rashid, we find that Judge Abu Yusuf recognized the right of prisons to be granted to them from charity or from the home of money, or to be subjected to what their strengths are in their food, blood, and clothing in the winter and summer (19), and from the manifestations of what the Caliph did Al-Ma’mun when he imprisoned Asad bin Yazid, asked: "Are there people in his household who will take his place?" I hate to spoil them with their prophecy, and what they have obeyed and advised (20). " As for the era of the confident caliph, al-Tabari states that he followed the supporters of Ahmad bin Nasr bin Malik’s opinion, who rejected the idea of creating the Qur’an (21). They were prevented from visitors (22). Despite the apparent injustice, this historical account clearly indicates that the prisoners were giving as alms to the state.

The right to preserve dignity and live in luxury.
The Abbasids took care of providing the necessities of a decent life for the prisoners, so they used to appoint those who were carrying out the needs of the people of prisons, and it was established that the people of Kufa prison were sending Abu Muslim in their needs (23). Abu Muslim and Mawla of Issa bin Ma'qal were also carrying food and drink to Issa from his home every day to prison (24). It is evident here that prisoners were allowed to bring their food and drink from their homes.

The Abbasids also took care to provide the spacious place for the prisoners. In the era of the Caliph al-Mu'tasim, Muhammad bin al-Qasim was locked in a narrow place three cubits long in two arms. It was also proven from the Caliph Al-Mansur that he commanded one of the prisoners(25) to be fed with him and his dependents, and to allocate an expense for him to seek help on his order (26), and that was also what Harun al-Rashid did, where he ordered the imprisonment of Yahya bin Khalid al-Barmaki and his sons Al-Fadl and Muhammad and Musa as an easy prisoner, He did not differentiate between them and several of their servants, nor did they need a slave girl and others (27).

Prisoners also had the right to preserve their dignity and not to be insulted, including that when the Caliph al-Mahdi found out to him that Jacob ibn Dawood was beaten and whipped on something he did not do, the Mahdi was ashamed of him and apologized to him for his loss (28). He also states that Harun al-Rashid ordered the imprisonment of Abd al-Malik Ibn Saleh, and he sent to him who asked him if he had a need in his prison to order and he would be resurrected (29). It also appears that if the prisoner was proven innocent, he would return to him what he had taken from him(30), to prove that he had nothing, and that was what the Mahdi did, who after taking the reins of rule took al-Hasan bin Zaid out of his prison and returned everything that went to him, as the Abbasids cared to provide clothing Suitable for prisoners, the author of the book Al-Kharaj of the caliph Harun recalls the description of the clothing that must be available and says: their clothing in the winter is a shirt and clothing, and in the summer a shirt and a garment, and women like that, and two wears in the winter a shirt and a mask and a garment, and in the summer a shirt and a mask and a mask (31).

- Religious Rights

The Abbasids took care to provide the necessary for prisoners to perform acts of worship, including prayer, including that Imam Ahmed bin Hanbal was the one who prays in prison people while he was imprisoned (32). Also, Caliph Harun al-Rashid ordered the imprisonment of Musa bin Jaafar with al-Sanadi bin Shahik, and al-Sanadi's sister took custody of him, so it was what I mentioned about him: It was if he prayed the darkness, praise and glory to God and called him Until the night passes, then he rises and prays, until he prays the morning prayer, then God Almighty remembers until the sun rises, then he rises to the height of the sacrifice, then lies, and wakes up before the sun passes, then performs ablution and prays until the afternoon prayer, then remembers God until he prays Maghrib, then prays Between Morocco and the darkness, this was his habit until he died. ”(33) It is clear here that
Musa bin Jaafar was free to perform the prayers and acts of worship to the fullest extent.

Among the most prominent manifestations of interest in facilitating the means of worship for prisoners is the advice that Judge Abu Youssef gave to Harun al-Rashid when he said: “Omar bin Abdul Aziz wrote to us; do not leave in your prisons any of the Muslims in bonds who cannot pray standing.” (34).

- **The right to visit.**

Historical accounts indicate that during the Abbasid era, prisoners had the right to visit their families and acquaintances. This is Abdullah bin Omair, who says: “I entered Abu Hashim in his illness, and he has Abu Salamah and his daughter’s dove, which is the woman of Abu Salamah, and he made Abu Salamah innocent Rarely would it be written (35). This indicates that the prisoners were allowed to receive visitors, as the story indicates, Abu Salamah, Abu Hashem’s daughter and her husband were all on his visit.

Another account states that the right to visit the prisoner was reserved for the general prisoners in the Abbasid state, including the account that refers to following the confident in God for the supporters of Ahmed bin Nasr’s opinion, which was mentioned before (36). That account indicates that the right to visit was prevented only from them, and this specialization in prevention confirms that it is one of the rights that prisoners enjoyed during the era of the confident Caliph. Ibn Katheer recalls the same narration and says: “The commanding of the confident to follow the heads of his companions - I mean Ahmed bin Nasr, so he took about twenty of them to men and they were put in prison ... And they prevented anyone from visiting them and tied to the iron, and nothing from the livelihoods that were taking place on the detainees was done to them, and this is a great injustice.” (37) Ibn Katheer believes that this prohibition was a great injustice to the rights of prisoners.

- **The right to separate prisoners**

Prisoners in the Abbasid era were separated from each other according to the charge, and there are many accounts that indicate this, including that Abu Nawas was imprisoned during the reign of Caliph Muhammad bin Harun because of drinking wine. And while the uncle of Al-Fadl bin Al-Rabi’, who was one of the notables and entrusted with inspecting the prisons, was reviewing the people of prisons and pledging to them and inspecting them; He said: “Perhaps you are among those who worship the ram!” He said: “I eat the ram with his wool.” He said: “Perhaps you are among those who worship the sun?” He said: “I avoid avoiding being in it with hatred for her.” He said: “By what crime did you be imprisoned?” He said: “I was imprisoned on the accusation of which I am innocent,” he said, “Is it only this?” He said: “By God, I have believed you.” Then he came to Al-Fadl and said to him: Oh this, do not improve near the grace of God Almighty! (38). Despite the length of this narration, it clearly indicates that prisoners are classes and are separated from each other, among the varieties that are locked together: heretics, animal worshipers, and sunflowers.
- The right to express an opinion.
The Abbasids allowed the prisoners to express their opinion on various matters, and they reserved this right for them. We find, for example, that the Caliph Abu Ja'far Al-Mansur has been sent to his uncle Abdullah bin Ali while he is imprisoned: this man means Muhammad, the fine soul has left, if you have an opinion refer it to us, and if it has an opinion with them (39). Here, we find that Abu Ja'far Al-Mansour sought advice and advice from one of the prisoners because he has a good opinion. Not only did the caliphs and governors seek the advice of prisoners of opinion, but rather they were allowed to allow prisoners to ask for their views and their demands to be presented. For example, we find that Yahya bin Khalid alBarmaki sent to the caliph Harun al-Rashid while he was locked, saying: “I have advice,” and the caliph responded to him and ordered to bring him (40).

The right to education
The jurists consider that one of the most important purposes of the prison is to reform the prisoners and discipline them in order to be removed from the evil, and there is no doubt that useful knowledge is one of the factors that help this, because science develops the prisoner’s perceptions, and corrects the wrong way of thinking, so we find that the Prophet Joseph (peace be upon him) He calls those imprisoned with him in his prison and teaches them the purpose of their creation and their existence (41), and in that God Almighty says: “O prison owners, are the dispersed heads of the best of the one omnipotent mother, what you do not worship without him except things that you called him and that God and His forefathers are the rulers of God. It is only God’s command that you worship only this valuable religion N most people do not know ”(42).

In the Abbasid era, the prisoners had the right to request what they needed to write and read, so we find, for example, that Harun al-Rashid once imprisoned Abu al-Ataiah, and he spotted on him what he said, so he once wrote on the wall of the sense: “As for God, injustice is a tattoo, and the responsible is still Oppression ”(43). And from that, Abdullah bin Umair recalls that Abu Salamah used to justify a pen to write with Abu hashim in his incarceration (44 ). These accounts indicate that the prisoners were allowed to use writing tools in general.

It is also mentioned that Abu Dalamah was imprisoned for drinking alcohol, and when he drew up his sugar and knew that he was imprisoned, they asked his jailer to bring him a stationery in which to write poetry, so he said: “I would love to saddle me and bring me a piece and a stationery and you have a connection”, so the jailer (45). This narration, in its simplicity, indicates that the prisoner has the right to request writing tools. The prisoner here did not discuss nor review his responsibilities, but rather brought it to him. This indicates that the request of Abu Dalamah was not strange or reprehensible.

First of all is more prominent than this, what Ibrahim Al-Musli mentioned in his saying: “The Mahdi did not drink, so he wanted me to stay with him and leave
drinking, so I went to sleep for him, and I was absent from him for days. (46) This indicates that learning methods were available in the prisons of the Abbasids.

The right to a fair trial.
The judicial system in the Abbasid era preserved the right of prisoners to submit their cases to the judiciary. One of the most prominent manifestations of this was what Uqba bin Salim did when a man from merchants at sea presented a precious jewel. So the man’s wife went to present her husband’s case to Judge Swar bin Abdullah, and he sent a bracelet to Oqba saying: “If that was true, then the man released and repaid his essence.” So, Uqba expelled him and insulted an ugly swearing bracelet. Aswar replied by sending him saying: “By God, if you did not release the man and return his essence to him, he would come to you in white clothes to walk and to destroy you without weapons or men, and to kill you killers that people would talk about.” So, there was no obstacle except for forced recruitment and the man was released (47).

Including that Abdullah bin Marwan, when he was imprisoned during the reign of the Caliph al-Mahdi, Amr bin Sahl al-Ashari claimed that he killed his father, and Abdullah was not punished, but was brought to trial before the Judge’s Council, Afia, where he acquitted his innocence of the murder (48).

- The right to respect the sanctity of a prisoner if he dies:
This right is one of the natural rights preserved for the prisoners, as prisons provided the prisoner when the burial died according to the rules and regulations of Islam, so it was washed, shrouded, and prayed for. He was one of the prisoners who died and had neither a guardian nor a village. He washed and shrouded from the home of money and was lost on him (49).

. At that time, Abdullah bin Al Hassan, when he died in prison during the era of Abu Jaafar Al-Mansour, the prisoner came to his imprisoned relatives, and he said to them: He comes out closest to him to reach Alibiya. His brother Hassan bin Hassan went out, and when Hassan bin Hassan died, Muhammad bin Abdullah went out and prayed on him (50) This account indicates two rights of the prisoner, on the one hand, if the prisoner died, he prayed for him, and on the other hand, the prisoner could leave the prison to pray for his deceased relatives.

Among the accounts that refer to the preservation of this right is that Al-Fadl bin Yahya bin Khalid bin Baramak when he died in his custody, his brothers prayed upon him in the palace where they were before his graduation, then he went out and the people prayed for his funeral). (51) The right to pardon, and in this, Judge Abu Yousef tells Harun al-Rashid: “It is time for all of you to look into the matter of the people of imprisonment every day; for whoever has manners of literature and divorce, and who does not have a case to abandon it (52). That right. The Mahdi ordered the release of those who were in Al-Mansour prison, except those who were imprisoned on charges of blood or murder, or who was known to seek corruption on the ground, or whoever had a grievance or right (53). The fourth axis: the manifestations of diminishing the rights of prisoners in the Abbasid era:
In spite of the rights mentioned in the previous demand, there have been some manifestations in which the rights of prisoners were violated in a very large way, and the most important manifestations of those violations of the rights of prisoners are the following:

- beating and torture  And the situation in the restrictions

Perhaps one of the most prominent manifestations of that injustice was what happened with the Al Hassan family, as they were imprisoned during the era of Abu Ja`far al-Mansur, and they were transferred from the city’s city to Hayis in Iraq and in their legs the restrictions, and in their fetters shackles, and the beginning of their restriction from the reza by the Mansour order (54), and they were with them Muhammad bin Abdullah Al-Othmani, whose naked body was as pure as silver, was struck with whips on his head, and as if he was a Negro, the whips changed their color and asked his blood.(55)

Imam Ahmad bin Hanbal was subjected to injustice, imprisonment, and beatings because he refused to acknowledge the creation of the Qur’an. The total of what struck was thirty-odd whip, and eighty whip were said, but it was very severe (56)

And this Imam Abu Hanifa al-Nu`man bin Thabit is imprisoned and tortured because he refused to take over the judiciary, and the governor of Iraq Ibn Hubeira had ordered Abu Hanifa to follow the Kufa district, and he did not, and he struck him a hundred and ten lashes, every day ten, so when he saw him he would not leave him. Then Al-Mansur wanted him to eliminate my father, so he swore to do so, so Abu Hanifa swore not to do so, and Al-Rabee ’said: Do you not see the Commander of the Faithful swearing?  He said: “He is more capable than me to atone.” So he imprisoned him (57).

Prison and Conquering Prisoners:
There are not many accounts indicating that some of the Abbasid caliphs had contemplated abusing their prisoners, especially those who had personal enmity with the caliphs, and we find that the caliph  Abu Ja`far al-Mansur had ordered the imprisonment of Abdullah bin Ali in the house of its walls built on salt, and when it was from the night he sent water on its walls and the building fell upon him so he died (58). And among those appearances was also what the Caliph Abu Ja`far al-Mansur did when he ordered the imprisonment of a group of Al-Hassan family in Underground crypt, they do not know day or night, and they had no well for water or watering, so they urinated and defecated in their places, and if he died among them, he was not buried but worn out while looking at him, so the smell of urine and feces intensified, so the tumor appeared in their feet and then rose to  Their hearts die.  It is said that Abu Ja`far al-Mansur restored the basement to them, and they died, and their moaning days were heard (59).

Results:
The study reached a number of results, and here comes a statement of the most important of them:
The Abbasids took care to provide the various rights of prisons according to and preserved them in most cases.
The Abbasids provided prisoners with the means to perform acts of worship and worship.
The Abbasids did not neglect the educational aspect of representing prisoners, providing them with tools for learning, writing, and authorship.
The judiciary of the Abbasids had authority over rulers, so the judge did not need the equipment or men to enforce the law, and returned grievances, but his word alone was in Al-Faisal.
The Abbasids considered that the right opinion of any person is not something that prison does not detract from, so they did not mind being guided by any rational opinion, even if its owner was imprisoned.
Some Abbasid caliphs exercised their right to pardon the prisoners, as long as their crimes were within the general right and as long as removing them did not constitute a threat to society.
There were some manifestations of injustice and arbitrariness in the rights of prisoners, so torture and imprisonment was possible in cases where there was a rivalry between the ruler and the prison.

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