
AN ANALYSIS OF WRONGFUL PROSECUTION, HUMAN RIGHTS VIOLATIONS, AND THE ROLE OF INTERNATIONAL ORGANIZATIONS AND NGOS IN ADDRESSING THESE ISSUES.

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Abstract

September 11, 2001, was when the Twin Towers in New York, where the World Trade Centre was located, was destroyed. That day marked the beginning of the 'War on Terror,' or otherwise, the neo-colonial project begins. President Bush, at that time, announced the infamous international political binary that exists today, "Either you're with us, or you're with the terrorists." This led to a world where war became normal and acceptable if it was against 'terrorist groups.'

This paper will look into the rhetoric of the 'War on Terror' and Wrongful Prosecution that it enables and will attempt to extrapolate it to describe Human Rights Violations globally and the role played by International Organizations, Governmental, and Non-Governmental in combating such violations. The dynamics of contemporary global concerns may also be examined and understood from these extrapolations.

Keywords: War on terror, Wrongful Prosecution, Presumption of Innocence, Human Rights, International NGO's

I. WAR ON TERROR, THE BINARY POLITICS

The 'war on terror' introduced a novel approach to the politics of conflict. War has broken out between the United States and 85 other countries in just 20 years, according to the figures. 'Costs of War,' a Brown University initiative, estimates that 801,000 have lost their lives and more than 38 million have become refugees as a result of this clash. Tragedies also occur in the United States military, with over 7,000 servicemen losing their life. The countries primarily impacted by these conflicts are Iraq, Afghanistan, and Yemen. These neocolonial endeavours may have sparked popular movements like the Arab Spring, among others. The bureaucratic and violent war on terror has had a tremendous impact on our daily lives, as Amitava Kumar explains in his book *Evidence of Suspicion*. We sense it, but we can't put our finger on it. Sickness and distrust are becoming worse. Always watching. Fear is the trap's teeth for individuals who fall into it.

Assaults on the Indian Parliament occurred on December 13, 2001, a short time after the September 11, 2001, assaults on the World Trade Centre. The Indian media drew attention to themselves by claiming equivalence with Americans and New Yorkers through this attack. The newsweekly *India Today* concluded its cover article with a proclamation referring to the parliament building as "India's own ground zero." It is also worth noting that following the 2008 terror attacks in Mumbai, we have witnessed an accelerated repetition of the same trend. The Indian government similarly followed what seemed to be a dress code for a rising superpower.

A war against terror was proclaimed by India. Detention for 120 days was made possible by new legislation that did away with the need to file charges in court. Recalling Pakistan's High Commissioner from Islamabad was another step towards severing and suspending diplomatic relations with that country. India surrounded Pakistan's border with half a million soldiers and other armed forces. Neither were these deeds unexpected, nor did they seem strange. When Bush openly attacked Iraq and Afghanistan, he acted similarly, if not more aggressively. Also, neither the United States nor India were alone in this; in fact, the vast majority of countries shared this trait. According to Joseph Margulies's book "*Guantanamo, and the Abuse of the Presidential Power*,"

Liberia's ruler Charles Taylor asserted, just after the 9/11 attacks, that the resistance to Taylor's government was a factor in the global terrorist threat. While in power in Zimbabwe, Robert Mugabe referred to international media as "terrorist sympathisers." The Eritrean government detained a number of political dissidents one week following the September 11th attacks, with subsequent speculation linking them to Osama bin Laden's operatives.

II. THE OTHER-SIDE

Our exposure to issues is frequently limited to only one side of the argument. Despite its potential importance to the health of democracies worldwide and to maintaining world peace, counterterrorism efforts have so far produced more suffering than relief. There are two main ways to look at the fallout from counterterrorism efforts.

First, it has altered people's psychological and social makeup all around the globe, both in terms of popular culture and beyond. The word "terrorism" conjures up mental images of a man in a skull cap, long beard, and kurta pyjama for the average man. From whence does one get such vivid imagination? Who in popular culture came up with the idea of this "terrorist"? A huge part of this has been influenced by films, media, and television. This has been made possible, nevertheless, by more fundamental forces. This has had disastrous societal and political effects, the most severe of which is islamophobia, which sows seeds of distrust in both home and foreign communities and threatens the stability of any given community.

The second is the issue of wrongful prosecution as a means of counterterrorism, which is a flagrant infringement of human rights. A "miscarriage of justice" occurs when innocent people are wrongfully prosecuted and convicted. This happens all around the world. The International Covenant on Civil and Political Rights (ICCPR) mandates that ICCPR ratifying states, including India, establish compensation programmes for individuals who have been unfairly convicted.

As indicated above, a wrongful prosecution occurs when an innocent person is falsely accused of a crime, even though they were later proven not guilty, and the court either fails to recognise this or fails to record a finding to that effect. The wrongdoing could originate from the police or the prosecution, and it can be intentional or careless. In Indian criminal law, the presumption of innocence is a fundamental principle.

It is surprising to say the least, but our country does have cases when the accused is caught, jailed for nine years, and then released after being acquitted. The arrest of SAR Geelani, an Arabic professor at a nearby college, occurred just a few days after the 2001 assault on Delhi's Parliament. After Geelani's arbitrary arrest and torture, he was sentenced to death. It took the Delhi High Court over two years to dismiss the accusations, allowing Geelani to evade incarceration.

Officials from the state have never paid restitution for egregious cases of injustice or infringement of human rights. The state does not hold the cops accountable if they have assumed guilt without sufficient evidence. What stands out are Geelani's remarks made months after his justifiable release from unfair imprisonment. According to it, "The acquittal of an innocent man is not an occasion for celebration, but a cause for reflection." Newspapers and other forms of media played a shocking role. None of the publications have apologised for publishing false information regarding the case. In the 2017 decision of Babloo Chauhan @ Dabloo vs. State Govt. of NCT of Delhi, the Delhi High Court similarly voiced serious concerns about the unfair prosecution of innocent people. Reporting on cases of miscarriage of justice, the Law Commission of India suggests that "wrongful prosecution" should take precedence over "wrongful conviction" and "wrongful incarceration." In cases where the accused is found not guilty but the prosecution has acted dishonestly throughout the investigation and prosecution, the phrase "wrongful prosecution" applies.

The recommendation is to establish a specific statute that would provide relief to those who have been falsely accused. Compensation in the form of money and non-monetary aid in the form of counselling and the acquisition of job-readiness skills would both be part of this remedy. Legislation would be the basis for this provision's establishment. Establishing a specialised court to adjudicate compensation claims when they are submitted is one of the basic principles outlined in the compensation framework. Another is providing a clear definition for 'wrongful prosecution,' which applies to cases where individuals are eligible to file compensation claims. Important factors to think about include the timetable for deciding on a claim, the different financial and non-financial factors that go into deciding on the right amount to pay, and any provisions for interim payments in certain cases.

There has been a dramatic change in the global political, social, and psychological dynamics brought about by the complex nature of counterterrorism efforts, particularly after the events of September 11th. Wrongful prosecution and the presumption of guilt are personal issues that must be addressed. It is also important for nations and societies to critically examine media portrayals and popular culture. Though he is free to go back to his life after being cleared and released from prison, a falsely prosecuted individual will never really be able to. As part of its yearly statistical report, the National Crime Records Bureau (NCRB) publishes the "Prison Statistics India" (PSI), which details every jail, inmate, and prison facility in the country.

There were total of 419,623 inmates in the nation as of the 2015 PSI census. Out of all the people, 282,076 (or 67.2%) were categorised as undertrials. People who are remanded to judicial custody while a competent body investigates or trials them are known as undertrials. This number was much greater than the 134,168 people that made up the prison population, which was 32.0%. Data from the Prison Statistics India (PSI) database shows that the number of inmates awaiting trial is always higher than the number of inmates already convicted, both nationally and across individual states. When considering the issue of a possible miscarriage of justice, it is crucial to take into account the length of time that the individuals in custody have been through while they await trial. The statistics show that a large percentage of the total undertrials—more specifically, 25.1% or 70,616 people—suffered a sentence of more than one year in prison.

Also, out of the total number of undertrials, 50,176 (17.8%) were held for up to a year, while 61,886 (21.9%) were held for three to six months. In addition, 99,398 people, or 35.2% of the undertrial population, were only required to serve a maximum of three months behind bars. While there is no way to make up for the innocent men's lives lost as a result of their unfair trial, they deserve at least some form of justice. By drawing conclusions from these examples, one may see that the whole thing leads to obvious abuses of human rights.

While the political and foundational structures of democracies, autocracies, and theocracies around the world may differ in their approaches to power, state, and authority, there is often a common thread that binds them together. Plus, it goes against human rights. Every nation practises some form of human rights violation. We may discover that nations like the United States and other so-called "lesser" democracies have been criticised for flagrant human rights abuses, just as India, the biggest democracy on Earth, has. That is why, rather than being a problem that just affects one country, human rights are often a global concern. It has everything to do with the state's authority and how they treat its citizens.

The United Nations has established a set of universal human rights that are inherent to every individual and do not depend on their gender, colour, nationality, ethnicity, language, religion, or any other factor. The document goes on to include a long list of human rights, including the freedom from slavery and torture, the right to life and liberty, the ability to freely express oneself and associate with others, the right to work and receive an education, and countless more. Every single person has an inherent right to these protections.

More than that, there are a number of organisations and treaties whose sole purpose is to ensure that these rights are protected. The United Nations (UN) has approved numerous instruments since its inception in 1945, including the Universal Declaration of Human Rights (UDHR), highly esteemed international human rights treaties, and international human rights law. Among other things, the United Nations has nominated a High Commissioner for Human Rights and formed a Human Rights Council. Still, these mechanisms have often led to the abridgement of rights for defenceless people, including Afghan children and those the state has killed in the name of collective guilt.

III. STATE AND HUMAN RIGHTS

The growing risk between armed state instruments is frightening. Typically, these groups are the ones that abuse or violate human rights. Along with the encounter in Pilibhit, the conditions in Indian prisons, the death of police officers, the abuse of detainees, the crackdown in Kashmir, and many more incidents. This is evident when we examine the most populous democratic nation on Earth. One could draw conclusions about human rights abuses in non-democratic regions of the globe based on this example. Death, injury, and devastation can ensue in any place where the state unlawfully employs force, be it the streets of Minneapolis or the favelas of Rio de

Janeiro. Too often in the US and other nations, police have been known to kill or severely injure people during arrests motivated by racism. There are a lot of other examples that demonstrate how the state and police will resort to force in order to end protests and rallies. It has come to light that in 2019 and 2020, Hong Kong police have used tear gas and rubber bullets, among other weapons, on lawbreakers participating in protests. Many people are worried that police officers can get away with using excessive force without proper authorization, which can cause people to die or be hurt. A number of variables tend to come together in nations where police killings are common, such as weak legal systems, racial or discriminatory practises, widespread conflict or insecurity, and long-standing impunity. Governments that routinely disregard other fundamental human rights, such the freedom to speech and peaceful assembly, frequently sanction the use of forceful police tactics during rallies and demonstrations.

Recent events have been recorded in the following locations: Nicaragua, Iran, Iraq, Sudan, and Hong Kong. A perilous vicious cycle of violence frequently begins when there is a climate of impunity surrounding cases of police killings. Police in Brazil are notorious for using deadly force on civilians, especially young men of African heritage, even when they do not constitute an imminent danger. The lack of thorough investigations or legal actions in reaction to these instances is likely what is keeping this horrible practise going. The targeting and accusation of Muslim men, especially those who do not pose an imminent threat, for terrorism and other crimes is a well-documented problem in our nation.

A person's right to freely express themselves is protected by Article 19 of the UDHR. On the other hand, places like India during the anti-CAA riots, Hong Kong, and some parts of the US have seen an uptick in cases where state officials have cracked down hard on peaceful protesters. A disturbing pattern emerges when one looks at the state of Kerala: more and more people are being sued for their social media posts that criticise right-wing agendas and viewpoints. A society that values and safeguards individual rights must have independent and unfettered media that covers important and influential themes in our everyday lives. It should be noted, however, that journalists face repression and assaults of various kinds in a number of countries, including Azerbaijan, Turkey, and Venezuela.

In June 2019, Tanzania's parliament rushed the Written Laws Bill through, which included a number of violations, including censorship. Currently, journalists in the

country work under strict guidelines set out by media legislation, which requires media outlets to report the news or discuss issues of national importance according to directives from the government. Within the jurisdiction of the Philippines, the libel trial of Maria Ressa, executive editor of the online news organisation Rappler, began in July 2019. A prominent critic of President Rodrigo Duterte, Maria Ressa, was arrested in February 2019 on false defamation charges after Rappler published extensive investigations into some of the many extrajudicial killings carried out by law enforcement and unknown persons, which Duterte openly supported during anti-drug operations. Many see this case as an attempt by the government to limit press freedom. As the situation in Myanmar shows, repression can become even more severe at times of conflict. The arrest and incarceration of journalists investigating the death of Rohingya men by security forces in Rakhine State deserves special mention. Notably, worldwide pressure was instrumental in securing their release.

The horrific war crimes perpetrated by the Occupier force, Israel, against the State of Palestine are an essential part of this article's narrative. There have been a significant number of resolutions approved by the UN General Assembly regarding Israel and other nations between 2015 and 2022. One of these resolutions expressed deep concern for the plight of the Palestinian refugees under occupation, including their safety, well-being, and socioeconomic living conditions. Another resolution reaffirmed the international community's stance that Israeli settlements in the Occupied Territories of Palestine, including East Jerusalem, and the occupied Syrian Golan are considered to violate international law. There will be less room for social and economic progress and less chance of peace as a result of these deals. Israel must once again eliminate any obstacles that prevent or postpone the importing of necessary building materials and supplies for restoring and repairing the still-destroyed refugee shelters. Furthermore, civilian infrastructure projects in Gaza Strip refugee camps that have been postponed must be resumed immediately. Reports of police brutality against both adults and children have surfaced on social media. We no longer feel guilty about these matters because they are now part of our daily lives. In the end, it makes us question our moral compass. During the Ukraine-Russia crisis, the world's hypocrisy and bigotry were exposed as journalists and others promoted a stereotype of normal, educated, white, blue-eyed Europeans as contrasted to the unusually coloured Arabs. The world has dehumanised the Middle Eastern, non-white, non-European, non-blue-eyed population by normalising and accepting human rights crimes such as war and strife.

There must be a return to morality. The ability of mankind to thrive must be restored at any costs. Since human rights are a global issue, there is strong evidence that international bodies should be given more authority and jurisdiction to deal with them. They can't survive or advance without the support of other countries. For the time being, international organisations will have little choice but to ignore infractions. As Shahid Azmi and many others have shown, it is imperative to fiercely defend free speech even when faced with oppressive actions.

IV. INTERNATIONAL N.G.O.'S & HUMAN RIGHTS

A non-governmental organisation (NGO) that operates on a global scale is one that has members or participants from more than one country. These groups are not-for-profit and volunteer. In almost every social domain, from astronomy to football to plant biology to zoo management, they unite compatible individuals and groups of individuals to carry out a broad range of tasks. Most international nongovernmental organisations (INGOs) are located in the scientific, technical, commercial and industry, medical, and professional domains, while some of the most well-known ones are focused on human rights (like Amnesty International), environmental protection (like Friends of the Earth), and disaster relief (like the Red Cross). Quite a few are also involved in the realms of leisure and sports, community building, academics, women's rights, etc. There were about 7,000 "conventional" INGOs and over 20,000 smaller, more focused on international issues that were active in 2006. (Union of International Associations 2006).

In the nineteenth century, early examples of modern international non-governmental organisations (INGOs) included the Verein Deutscher Eisenbahnverwaltungen (an association of railway companies, 1846), the World's Evangelical Alliance (1846), and the British and Foreign Anti-Slavery (1839). A plethora of groups emerged towards the century's close in fields as diverse as ophthalmology, geodesy, international law, dentistry, hygienic management, etc. Organisational expressions of larger social movements, such as non-governmental organisations (NGOs) and organised civil society, have changed the political and economic landscape of the world. Nongovernmental organisations (NGOs) have been around for a while, but they still make a big splash when it comes to global governance, whether it's through the UN system or by bringing international issues to the forefront at home. There are a lot of systems, from the local to the global, that rely on NGOs these days. The claim that

NGOs' involvement in international politics is now essential has been popular since the early 1990s. Non-governmental organisations (NGOs) attempt to protect human rights at various levels, and their strategies differ based on the scope and nature of their objectives, which can be specific or general, long-term or short-term, local, national, regional, or international.

Different non-governmental organisations (NGOs) will employ different approaches to safeguard human rights based on the specificity or breadth of their aims, whether those objectives are long-term, short-term, local, national, regional, or even global in scope. One international organization's efforts to combat homelessness and protect tenants from eviction serve as an example of effective activism.

In its 1994 founding year, the Human Rights Organisation set out to end the global practise of forced evictions and safeguard the right to housing. The word "housing" is defined by COHRE in accordance with international human rights law, which means more than simply a place to sleep. The COHRE points out that "roughly a half of the global population do not have access to adequate, legal housing." To guarantee the preservation of housing rights, COHRE and other organisations all around the world conduct analyses, lobby for better policies, and provide educational opportunities.

The Council of Europe Committee of Social Rights (supervising Revised European Social Charter) determined in a historic November 2010 ruling in COHRE V. Italy that Italy had infringed the rights of the Roma community by demolishing Roma camps and forcibly removing Roma from the country. Non-Italian Roma citizens have been subject to a sharp rise in the number of mass expulsions by other EUEU members since 2008. Roma migrant families' rights to aid and protection, as well as the rights of Roma to sufficient housing, social, legal, and economic protection, and protection from poverty and isolation, were all violated, according to the report. The Roma population in Italy is subject to severe housing inadequacy and segregation as a result of the country's policies, practises, and laws.

V. NGOS AND STATES

A central goal that underlies different forms of NGO action could be the pursuit of justice by bringing to light the persons or organisations that are guilty for wrongdoing. The public is often unaware of the ramifications of government policy, which allows governments to avoid fulfilling their obligations as stated in ratified international treaties or other human rights standards. In order to hold governments accountable, it

is crucial to gather this data and use it to make evaluating their human rights performance more transparent.

The NGOs often do this. By finding an issue that people would perceive as unfair and then bringing it to the public eye, they hope to sway individuals or governing agencies. Notable organisations known for their thorough reporting and careful monitoring include the International Committee of the Red Cross and Amnesty International. The United Nations officially uses the reports from both of these organisations as part of its process to monitor governments that have willingly agreed to follow the terms of international treaties, and their influence extends well beyond the general public.

International relations (I.R.) originally centred on studying material and coercive power, mainly as it pertained to states. There was a marked uptick in the 1980s and 1990s in the acknowledgment of multinational firms and international organisations as powerful entities with influence beyond national borders. The fact that these groups were recognised as having material and coercive power only served to strengthen their position in world politics. The past 20 years have seen a plethora of non-state players exerting substantial influence on major policy concerns like terrorism, refugee crises, civil war, and global corporate regulation. Power dynamics and authoritative structures within global governance have been the subject of recent thorough scholarly study. The results of these research have allowed for a more complex comparison of nation-states and NGOs.

To strengthen their capacities and gain a strategic edge over other players, non-governmental organisations (NGOs) rely on material power. Acquiring resources that boost their operational capacity and provide them influence is how they accomplish this. A non-governmental organisation (NGO) is much smaller than a state. Nearly \$2 billion is allocated each year to World Vision, the largest international non-governmental organisation (INGO) in the world. But it's important to remember that this expenditure is more than the GNI of just a handful of governments, mostly island nations.

In addition, it should be mentioned that states are vital in supporting a wide range of international non-governmental organisations financially. It is possible for governmental aid agencies' choices to impact NGOs' programmes and strategy. Observable in a variety of national and local contexts, non-governmental organisations (NGOs) frequently have access to large financial resources and retain some degree of independence from the governments of the nations where they operate. The Kenyan

government pays very little attention to non-governmental organisations (NGOs). Nevertheless, they are able to make a significant impact on service delivery and governance in the country because of their heavy dependence on foreign finance.

VI. CONCLUSION

Basic human rights protection is complex, and the article gives instances to show how complicated it is. Human rights breaches are not limited to national borders; rather, they are global in scope, making it our collective responsibility to protect and promote human rights. The complexities of these concerns must be aggressively addressed by the international community, including governmental and non-governmental groups. They need to step up and fight for human rights and justice, protecting the most vulnerable while demanding accountability from those in power. The International Criminal Court (ICC) and similar organisations have taken steps that show they are making progress. Noteworthy, Fatou Bensouda, the prosecutor for the International Criminal Court (ICC), made public the announcement that an investigation into allegations of war crimes committed by Israeli forces in Palestine had begun. It is critical for this trend to continue, as the situation described may be correctly attributed to non-state, non-governmental actors exerting soft power.

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