



TOWARDS THE ADAPTATION OF INTERNATIONAL CIVIL LIABILITY PRINCIPLES IN RESPONSE TO OFFENCES AGAINST REVEALED RELIGIONS: A LEGAL AND HUMAN RIGHTS PERSPECTIVE

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Abstract:

This study explores the potential adaptation of international civil liability principles to address offences committed against revealed religions, with particular focus on recent attacks on Islamic symbols by certain Western media outlets, often justified under the guise of freedom of expression. The research investigates the extent of state responsibility under international law for failing to prevent or condemn such acts, considering violations of obligations to protect religious freedom and uphold fundamental human rights. It critically analyses the conceptual foundations of civil liability and evaluates mechanisms of state accountability, including instruments within the United Nations human rights system and the jurisdiction of the International Court of Justice. The study concludes that existing legal frameworks are insufficient and advocates for the establishment of a dedicated international convention, supported by specialised enforcement mechanisms.

Keywords:

international civil liability, offences against revealed religions, freedom of expression, international human rights law, international accountability mechanisms

Introduction

Over the past two decades, the international community has witnessed an alarming escalation in systematic attacks targeting Islamic religious sanctities and symbols. These incidents have

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materialised through media campaigns across various Western platforms and newspapers, frequently directed at the person of the Prophet **Mohammed (peace be upon him)** and the **Holy Qur'an**. Such actions have been undertaken under the guise of safeguarding freedom of expression. However, they have provoked widespread condemnation—not only from Muslim communities but also from numerous international actors—who have denounced them as manifestations of hate speech and incitement, fundamentally incompatible with the principles of human rights.

These practices, which strike at the very heart of the Islamic faith, amount to a flagrant violation of the international obligations to which states have committed themselves—particularly those relating to the protection of freedom of belief and the preservation of human dignity. Moreover, they raise critical legal questions regarding the extent to which states may be held internationally accountable for their failure to prevent such violations or to implement effective deterrent measures.

Given the recurrent nature of these offences, it has become imperative to question the efficacy of the existing international legal system in responding to such acts. This necessitates an examination of the adaptability of international civil liability rules to encompass offences against religious sanctities, and the extent to which states may incur responsibility under international law, particularly where they have failed to fulfil obligations enshrined in binding legal instruments.

Against this background, this study seeks to address a pressing legal concern: namely, the feasibility of invoking international civil liability in response to acts that offend religious sanctities and beliefs. In pursuit of this aim, the central research question is posed as follows:

To what extent can the rules of international civil liability be adapted and applied to acts that offend sacred symbols and divine religions?

To answer this question, the inquiry will proceed in two parts. First, it will examine the concept of international civil liability and the normative prohibition of offences against revealed religions. Second, it will analyse the potential legal mechanisms through which such liability may be implemented. These two dimensions will be addressed in the following sections:

Section I: The Legal Foundations of International Civil Liability and the Prohibition of Offending Revealed Religions.

Section II: Legal Mechanisms for Civil Accountability Concerning Offences Against Revealed Religions.

Section I : The Legal Basis of International Civil Liability and the Prohibition of Offences Against Divine Religions

1. Introduction

International civil liability represents one of the most significant legal mechanisms through which international systems hold states accountable for damages arising from breaches of international law. Given the gravity of acts that constitute offences against divine religions and the threats they pose to both social and international peace, there is a clear necessity to examine the legal foundations for the possible classification of such acts within the scope of international civil liability, as well as to clarify the extent to which they are proscribed by international instruments and standards.

2. The Extent to Which the Rules of International Civil Liability Are Applicable to Acts Offending Divine Religions

2.1. The Concept of International Civil Liability

International civil liability refers to the legal framework that establishes a state's obligation to provide reparation for harm resulting from the breach of a binding international obligation. A breach occurs through the commission of an unlawful act that violates an established rule of international law—whether such a



rule is customary, conventional, derived from the general principles of international law recognized by the United Nations Charter, or originating from resolutions issued by international bodies, most notably the United Nations Security Council and the General Assembly.

For the purposes of liability, it is irrelevant whether the breach arises from a positive act (a direct violation of an international obligation, also known as positive fault) or from a failure by the state to undertake a required action (negative fault).

Definitions of international liability abound, but all share a common core: the breach of an international obligation by a state, leading to a legal duty for the state to be held accountable by the affected party. In this context, Dr. Mohamed Hafez Ghanem explains that international liability creates a new obligation on the responsible international entity, compelling it to compensate for all consequences resulting from the unlawful act (Ghanem, 1962, p. 14).

Despite the general acceptance of international liability in public international law, scholars have yet to reach a consensus on a unified definition, partly due to the evolving nature of its legal foundations. Academic definitions have varied based on differing intellectual perspectives. For instance, Charles Rousseau defines international liability as:

According to Fadhel (1976, p. 44), "The legal situation whereby the state that has committed an unlawful act under the rules of international law is obligated to compensate the state against which the act was committed."

In contrast, Clyde Eagleton defines it as: "The principle that obliges the state violating international law to compensate for the damage resulting from that violation."

Arab jurisprudence mirrors Western definitions, with some notable variations among scholars of international law. For instance, Dr. Mohamed Al-Daqqaq defines international liability as:

“A legal system aimed at compensating one or more subjects of international law for damages sustained as a result of an act committed by another subject or subjects of international law” (Fadhel, 1976, p. 44).

Dr. Ahmed Sultan offers another definition, stating:

“The failure of a legal person to fulfil its obligations, which necessarily entails its assumption of international responsibility due to such failure.”

A more comprehensive definition that encompasses various forms of international liability states:

"International liability refers to the attribution of an act to one of the subjects of international law, whether or not the act is prohibited under such law, so long as it results in harm to another subject of international law, thus necessitating the imposition of a specific international sanction—be it punitive or otherwise" (Boubekeur, 2012, p. 622).

From these definitions, it is evident that civil liability, in the context of offences against divine religions, arises from an event comprising two interrelated and complementary elements. The first is the **objective element**, typically represented by a state's breach of its international obligations concerning the protection of human rights and religious freedoms in their general sense—violations related to international standards recognised within the international human rights legal framework. The second is the **subjective element**, inseparable from the first, and constituted by the direct link between the committed violation and the legal entity responsible for upholding human rights and freedoms, including religious rights.

Thus, civil liability in matters relating to offences against divine religions arises from a state's failure to uphold duties and obligations imposed upon it by international legal norms. It follows that the concept of international civil liability in such cases reflects a breach of internationally recognised standards under international human rights law. This breach gives rise to



legal consequences affecting the international community, though not in the traditional sense of international civil liability. Rather, it implicates all member states within the legal framework established by international human rights conventions.

Such liability arises whenever the fundamental rights and interests of the international community are harmed—particularly when the delinquent state fails to meet its obligations concerning universally binding human rights. Therefore, attributing civil liability to a state for acts offending divine religions depends on the obligations directly imposed upon it by international human rights law, as the state is the primary addressee of such rules. This necessitates the adoption of measures and legislation to ensure the protection of divine religions within its territory, including refraining from permitting the exercise of freedom of expression or public liberties in a manner that disregards the sentiments of individuals and communities—especially when such acts conflict with the state's duty to guarantee, respect, and protect human rights (Aqqab, 2016, pp. 149–150).

2.2. The Extent to Which Civil Liability Rules Apply to Acts of Insulting Divine Religions

International civil liability arises in the context of insulting divine religions as a legal response to violations of international obligations undertaken by states to protect human rights. This necessitates determining the extent to which civil liability rules apply to acts that offend religions, particularly in light of the obligations imposed by international human rights law and the resulting responsibility borne by states in cases of negligence or tolerance of such offences under the pretext of freedom of expression.

It is logical to focus first on state responsibility, given that entities that insult or show contempt for divine religions are subject to the domestic legal framework established by the state pursuant to the principle of sovereignty. In this regard,

international civil liability can only be imposed on subjects of international law, as previously clarified. Accordingly, legal obligations under international law cannot be directly imposed on non-state entities unless such entities possess international legal personality. Thus, some international law scholars argue that the issue falls within the general framework of state responsibility, considering the international legal consequences arising from violations of international human rights law. The international legal doctrine is divided into two main positions regarding the applicability of the general rules of state responsibility to acts that insult divine religions, particularly since such acts are often committed by non-governmental entities .(Aqqab, 2016, pp. 150–151).

In this context, certain traditional scholars of international law have espoused the view that applying the rules of international responsibility to human rights violations is unfeasible due to the traditional nature of the concept, which aims to protect individuals from abuses perpetrated by official state organs. Therefore, the rules of international responsibility are considered ill-suited in this field, as international responsibility and human rights are perceived as two entirely distinct areas. When international responsibility is attributed to a state for a wrongful act, other states may take countermeasures against the responsible state—an option not available within the international human rights framework.

This position is supported by the judgment of the Grand Chamber of the European Court of Human Rights in the case of **Alii and Bankovic v. the NATO Member States**, delivered on 12 December 2001. In this case, the Court dismissed the claims brought by Yugoslav victims regarding damage resulting from an airstrike carried out by one of the NATO member states on the Serbian Radio and Television building on 23 April 1999. The Court based its decision on the principle of territoriality within the European human rights system, holding that the European Convention applies within a specific territorial scope pursuant to



Article 56, thereby rendering it inapplicable to actions occurring outside that jurisdiction. Similarly, the United Nations Human Rights Committee adheres to the traditional approach to state responsibility, which is confined to protecting aliens from the abuse of power by state authorities, without extending to actions committed by private entities. This raises fundamental questions concerning a state's duty to ensure the protection of human rights, particularly in relation to safeguarding religious beliefs in the context of non-governmental actors.

In any case, respect for divine religions, in practical terms, remains contingent upon the willingness of states to bind themselves through contractual obligations that allow for the invocation of international responsibility. The objective nature of the act of insulting divine religions is reflected in the practical conditions required to trigger a state's international responsibility, whereby the harm is not considered to have affected individuals directly, but rather the state whose nationals were harmed. Consequently, the injured state is entitled to claim reparation from the state in breach, meaning that individuals themselves are not permitted to bring international legal claims.

Conversely, another approach holds that it is indeed possible to apply international responsibility rules to acts that harm divine religions, on the grounds that such acts constitute grave violations of human rights. From this perspective, any failure by a state to uphold its international obligations to protect religious rights gives rise to its international civil liability. This is based on the international community's affirmation that states must ensure the enjoyment of these rights through the adoption of appropriate procedural and administrative mechanisms. As such, state responsibility may be engaged where a state fails to protect and guarantee freedom of religious sentiment, as enshrined in international human rights treaties and peremptory norms of customary international law. The state's role thus extends beyond ensuring respect for religions, encompassing the obligation to

guarantee the practice of religious rites by enforcing respect for regulatory measures in this domain. (Aqqab, 2016, p. 156)

Given that the issue of international civil liability for acts insulting divine religions remains a subject of theoretical and scholarly debate, it is useful to note a degree of doctrinal consensus on the potential activation of indirect state civil responsibility for violations of international standards regarding the protection of freedoms and divine religions. This necessitates examining the prohibition of insulting divine religions as enshrined in international human rights law.

3. The Legal Basis for Prohibiting Blasphemy in International Instruments

3.1. The Rise of Religious Defamation in Western Media and Its Impact on International Relations

In recent years, there has been a noticeable rise in incidents of defamation against religions, particularly Islam, by certain Western media outlets. One of the most notable events was the publication of offensive caricatures targeting Islamic religious symbols by a Danish newspaper. This incident triggered serious repercussions both regionally and internationally, catching the West off guard due to the intense backlash from the Muslim world, manifested in varied public and official responses. These reactions negatively impacted international relations and posed a threat to global peace and security.

Amid these tensions, the Secretary-General of the United Nations issued a press statement on 2 February 2006, expressing his concern regarding the controversy surrounding the publication of the caricatures. He emphasised that freedom of the press must be exercised in a manner that respects religious beliefs (Majed, n.d., p. 7). Accordingly, such irresponsible actions, which deliberately target and offend the Islamic faith, must be addressed, and international responsibility must be imposed on those who commit them, as these acts constitute unlawful conduct and a flagrant violation of international laws and conventions pertaining to the protection of religious beliefs and human rights.



3.2. Strengthening International Legal Commitments to Prohibit Blasphemy Against Divine Religions and Activating Legal Mechanisms for Their Protection

Based on the preceding discussion concerning the applicability of international civil responsibility rules to violations of Islamic sanctities, including acts of blasphemy against divine religions, such acts are deemed internationally wrongful. Consequently, they give rise to international civil liability due to their contravention of general principles of law and the provisions of both conventional and customary international law. This affirms the specific and distinct nature of blasphemy against divine religions under public international law, as such conduct constitutes a breach by the state of its international obligations, representing an explicit violation of the sources of international law, including the general principles of law as articulated in Article 38 of the Statute of the International Court of Justice.

According to this Article, which outlines the sources of international law, the prohibition of blasphemy against divine religions has been enshrined through international treaties and conventions that call for the respect of individuals' religious rights and freedoms. This is clearly affirmed by General Comment No. 22 issued by the Human Rights Committee regarding the interpretation of Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which states: *"The right to freedom of thought, conscience and religion... is far-reaching and profound; it encompasses freedom of thought on all matters, personal conviction, and the adoption of religion or belief, either individually or in community with others."* (Aqqab, 2016, pp. 157–158).

Many scholars argue that the legal norm prohibiting blasphemy against divine religions developed initially through the lens of prohibiting religiously based racial discrimination, before being reinforced by a series of resolutions and declarations issued by the United Nations and its main organs. Furthermore, this norm has been consolidated in numerous national legislations that

explicitly criminalise all forms of targeting or defamation of particular religious communities, regardless of their nature or identity. (Penal Code of Algeria, art. 144 bis 2)

Accordingly, the ICCPR has established a set of fully protected rights, among them: the right of every individual to freedom of thought, conscience, and religion, including the freedom to adopt a religion or belief of their choice and to manifest such religion or belief through worship, observance, practice, and teaching. Restrictions on these freedoms are only permitted under the conditions set forth in Article 18 of the Covenant.

The European Court of Human Rights has ruled that member states of the European Union must ensure the right to freedom of expression, provided that it does not amount to blatant insult, incitement to disrespect or hatred, or denial of established historical facts. The Court further emphasised that Article 10 of the European Convention on Human Rights requires that the exercise of freedom of expression be accompanied by duties and responsibilities, including the obligation to avoid expressions that may be offensive to others in the context of religious beliefs, as such expressions constitute an infringement upon others' freedoms. (Aqqab, 2016, p. 161)

In this context, Article 18(3) of the ICCPR stipulates that any limitations on a person's freedom to manifest their religion or belief must be prescribed by law and necessary to protect public safety, order, health, or morals, or the fundamental rights and freedoms of others.

In addition to the Human Rights Committee's authoritative interpretations, various governmental and non-governmental positions and statements support the growing international consensus on the necessity of respecting divine religions and prohibiting their defamation or vilification under any pretext. This raises a legal question: Do such statements possess legal value sufficient to form a binding international legal norm prohibiting blasphemy against divine religions?



To address this question, Dr. Mohamed Talaat Al-Ghoneimi notes that, since public international law reflects the will of states as legal persons, customary international law derives from the actions of states through their authorised organs—be they diplomatic communications, governmental directives, or official declarations. An example is the 1944 declaration of the Swiss Federal Council concerning the inadmissibility of censoring the correspondence of neutral states during wartime. (Aqqab, 2016, pp. 163–164)

objective approach to demonstrate the existence of a customary rule prohibiting blasphemy against divine religions. This objectivity is inseparable from the legal value of relevant decisions and declarations, which cannot be dismissed. These statements constitute general principles affirmed in several rulings of international courts. For instance, the Permanent Court of International Justice, in the *Eastern Greenland* case, held that unilateral declarations made by states or their representatives may give rise to binding obligations. Similarly, the International Court of Justice, in the *Nuclear Tests* cases between Australia, New Zealand, and France, affirmed that unilateral declarations may indeed be binding upon the state that issued them (Majed, n.d., p. 44).

Based on this perspective, numerous legal scholars maintain that such individual statements serve two essential functions: first, they may create binding obligations on the state or entity that issued them, necessitating respect for the content of those declarations; second, they reinforce the existence of an international legal norm that cannot be ignored. The norm prohibiting blasphemy against divine religions derives from diverse social, philosophical, and religious traditions. In this regard, the obligations imposed must be grounded in legal principles rooted in the protection of public order and morality across different states.

The Human Rights Committee has observed that recognition of a particular religion as the official or traditional faith of a state, or

the fact that its adherents constitute the majority, must not result in the impairment of any of the rights guaranteed under the ICCPR, including Articles 18 and 27. It must not lead to discrimination or offensive treatment of adherents of other religions or of those who do not subscribe to any religion.

Particularly problematic are discriminatory measures against non-believers, such as those that restrict eligibility for public office to followers of the dominant religion, offer economic privileges to them, or impose limitations on the practice of other religions. Such measures contravene the prohibition of discrimination based on religion or belief and violate the guarantee of equal protection under Article 26 of the ICCPR. Additionally, the measures outlined in Article 20(2) of the Covenant provide important safeguards for religious minorities and communities in exercising their rights under Articles 18 and 27, by protecting them from violence, persecution, or defamation (Majed, n.d., pp. 165–166).

In conclusion, it is evident that the legal foundation for the norm prohibiting blasphemy against divine religions has solidified the international commitment to this rule, recognising it as a social necessity aimed at safeguarding religious sanctities through procedural measures adopted by concerned state parties. These measures serve to protect the free practice of all religions and beliefs from violation, and to shield their followers from racial or religious discrimination.

Section II: Legal Mechanisms for Civil Liability in Cases of Offending Divine Religions

International legal instruments have established both substantive and procedural mechanisms to enable legal accountability in cases where offenses are committed against the beliefs or sanctities of divine religions. These mechanisms may be activated through the submission of lawsuits or complaints before the competent judicial bodies by affected parties, in situations where a State Party breaches any of its obligations



under international law. This section addresses two principal mechanisms: the United Nations human rights protection system and the International Court of Justice.

1. The Role of the United Nations Human Rights System in Protecting Religious Beliefs

1.1. Mechanisms Derived from the United Nations Human Rights Framework for the Protection of Beliefs

The United Nations system for the protection of human rights comprises two principal types of mechanisms: procedural and substantive, aimed at promoting and safeguarding human rights and fundamental freedoms.

The first mechanism is based on the **United Nations Charter**, which provides for the establishment of specialized human rights bodies under the auspices of the **Economic and Social Council**. These bodies are tasked with monitoring compliance, receiving complaints from both states and individuals in cases of violations or infringements of human rights and fundamental freedoms.

The second mechanism consists of international human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). For instance, Part IV of the ICCPR provides for the creation of a Human Rights Committee mandated to receive and examine communications wherein a State Party claims that another State Party has breached its obligations under the Covenant. Similarly, the CERD outlines specific procedures for inter-state complaints in Articles 8 to 16 of Part II of the Convention. Moreover, Article 62(2) of the United Nations Charter empowers the Economic and Social Council to make recommendations aimed at promoting respect for and observance of human rights and fundamental freedoms (International Convention on the Elimination of All Forms of Racial Discrimination, arts. 8 & 16; Charter of the United Nations, art. 62(2)).

Pursuant to Article 14 of the Charter, the General Assembly is authorized to recommend appropriate measures for the peaceful resolution of any situation that may threaten general welfare or disrupt friendly relations among nations, including situations arising from violations of Charter provisions (United Nations, Charter of the United Nations, art. 14, 1945).

To advance the purposes and principles of the Charter, the United Nations established the **Commission on Human Rights** under the umbrella of the Economic and Social Council. This Commission is responsible for overseeing the protection of human rights and fundamental freedoms and is supported by a **Sub-Commission for the Promotion and Protection of Human Rights**, as well as a broad network of experts and special rapporteurs tasked with submitting relevant reports.

Additionally, a sub-commission was established to combat discrimination and to protect racial, religious, and linguistic minorities. This sub-commission is mandated to study relevant issues and submit recommendations to the Council on how to effectively address and eliminate discrimination.

Within this framework, the **General Assembly** plays a significant role. Under Article 14 of the Charter, it may issue resolutions or recommendations on any human rights matter to ensure its peaceful settlement and to safeguard friendly relations among states. This role was notably demonstrated in the context of offenses against the **Prophet Mohammed (peace be upon him)**, which strained international relations and affected global peace and security, prompting the General Assembly to adopt a resolution addressing such threats. (Aqqab, 2016, p. 157)

According to Article 24 of the United Nations Charter, the Security Council bears primary responsibility for the maintenance of international peace and security. This role entails its involvement in certain human rights issues, a principle affirmed in several of the Council's resolutions. For example, Resolution 237 of 1967 declared that human rights and fundamental freedoms are inalienable and must be upheld under



all circumstances. Resolution 941 of 1994 explicitly recognized ethnic cleansing as a grave violation of international humanitarian law. Additionally, Resolution 1036 of 1996 reaffirmed the Council's full support for the human rights enhancement program in Abkhazia, Republic of Georgia (Abu Al-Wafa, 2000, pp. 39–40).

1.2. Mechanisms Based on International Conventions

Several mechanisms have been established under international human rights treaties to monitor and ensure the implementation of the relevant conventions. Among the most prominent of these are the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.

The Human Rights Committee is principally responsible for overseeing the implementation of the civil and political rights enshrined in the International Covenant on Civil and Political Rights (ICCPR). The Committee receives periodic reports from States Parties detailing the measures taken to implement these rights, and subsequently issues recommendations. It is also empowered to receive and examine inter-State complaints under the First Optional Protocol to the Covenant. Furthermore, the Committee has the competence to consider individual communications alleging violations by States Parties (Majed, n.d., p. 61).

Pursuant to Article 41 of the ICCPR, procedures are established for holding States accountable in the event of a breach of their obligations under the Covenant. According to paragraph 1 of this article, any State Party may, at any time, declare that it recognises the competence of the Committee to receive and consider communications in which one State Party alleges that another is failing to fulfil its obligations under the Covenant. Such complaints may only be submitted by States, provided that the complaining State has first notified the alleged offending State in writing, specifying the nature of the alleged violation.

The receiving State must then submit a written explanation, clarifying its position and outlining the domestic remedies available to victims of the alleged violation.

In accordance with Article 41, if the matter is not resolved between the two States within six months of the date on which the initial communication was received, either State may refer the matter to the Committee by notifying both the Committee and the other State. Under paragraph (c) of the same article, the Committee may not consider the matter unless it has ascertained that all available domestic remedies have been exhausted in accordance with generally recognised principles of international law, except in instances where such remedies would be unreasonably prolonged. Pursuant to paragraph (e), the Committee may offer its good offices to the States Parties involved, in an effort to reach an amicable solution based on respect for human rights and fundamental freedoms as recognised in the Covenant. Under paragraph (f), the Committee may request any relevant information from the States Parties concerned. The Committee is required to submit a report within twelve months of receiving the initial notification, as follows:

If an amicable solution is reached in accordance with paragraph (e), the Committee's report shall be confined to a brief statement of the facts and the solution reached. If no such solution is achieved, the report shall contain a brief statement of the facts and include any written or oral submissions by the States Parties involved. This report shall then be transmitted to the States concerned. The provisions of this article enter into force once ten States Parties have made declarations under paragraph (a) of Article 41 and deposited them with the Secretary-General of the United Nations, who shall communicate copies thereof to the other States Parties. Any State Party may withdraw its declaration at any time by notifying the Secretary-General, although such withdrawal shall not affect the consideration of any matter already submitted. Aqqab (2016, p. 175)



The Human Rights Committee plays a pivotal role in the protection of human rights and fundamental freedoms, particularly through the interpretation of the Covenant's provisions by means of General Comments. For instance, the Committee has issued interpretative guidance on Articles 19 and 20 of the ICCPR, affirming that States are obligated to enact legislation prohibiting incitement to national, racial, or religious hatred. Such incitement is considered a form of advocacy amounting to discrimination and violence. In this regard, offensive content disseminated by certain Danish media outlets was deemed to constitute a violation of individuals' civil rights and an incitement to hatred on grounds of religious discrimination prohibited under the Covenant. Accordingly, it would have been possible for Arab or Islamic States to file a complaint before the Committee against the Kingdom of Denmark for its failure to fulfil its international obligations under the Covenant.

The Committee on the Elimination of Racial Discrimination is responsible for monitoring the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). States Parties are required to submit periodic reports on how the rights guaranteed by the Convention are being implemented. In accordance with Article 9, if one State Party considers that another has violated its obligations under the Convention, it may lodge a complaint with the Committee. Such complaints are processed in accordance with Article 12, under which a sub-committee prepares a report containing appropriate recommendations. These recommendations are then communicated to the States concerned, which must inform the Chairperson of the Committee of their acceptance or rejection of the report.

2. The International Court of Justice as a Mechanism for International Accountability

2.1. The Role of the International Court of Justice in Settling Disputes Concerning the Protection of Religious

Sanctities and Interpreting International Obligations Regarding Freedom of Belief

The International Court of Justice (ICJ) is the principal judicial body of the United Nations, located in the Peace Palace in The Hague, Netherlands. The Court commenced its operations in 1946, succeeding the Permanent Court of International Justice, which had been operational since 1922 at the same location. The Court operates under a statute similar to that of its predecessor, which forms part of the United Nations Charter. The ICJ has a dual role: on one hand, it resolves legal disputes brought before it by states under international law, and on the other hand, it issues advisory opinions on legal questions referred to it by United Nations organs or specialised agencies.

According to the Court's statute, only states have the right to be parties in cases brought before the ICJ. However, the Court may request international public bodies to provide information regarding the cases it considers.

As stated by Abu Al-Wafa (p. 400), the International Court of Justice (ICJ) is competent to hear legal disputes arising between member states. When a judgment is rendered in favor of one state, that state may refer the matter to the United Nations Security Council, which is empowered to take necessary measures to enforce the judgment under Article 38 of the ICJ Statute. The Court adjudicates disputes based on international law, including the interpretation of international treaties or any other international legal issues, and examines facts that may constitute a breach of an international obligation. Additionally, the Court assesses the nature and extent of compensation due for violations of international obligations.

From a substantive point of view, there is no legal obstacle preventing human rights issues from being brought before the ICJ. In fact, the Court has addressed numerous human rights-related matters in its judgments and advisory opinions. Human rights treaties often assign the United Nations a central role in resolving disputes arising from their application or interpretation.



When other available means fail, states may turn to the Court. In this context, Arab and Islamic states could have approached the ICJ after exhausting all other means, especially as the harm caused by offensive cartoons went beyond physical and moral damage, impacting the internal systems of these states, where Islamic law is a primary source of legislation. Moreover, this offence affected public order through unrest, protests, and the resulting sense of injustice.

On the other hand, **according to** Aqqab (2016, pp. 177–179), the United Nations General Assembly or one of its specialised agencies could have referred the issue of offensive cartoons to the International Court of Justice (ICJ) for an advisory opinion, considering that such actions violate international obligations concerning human rights and fundamental freedoms. These obligations require states to take administrative and legislative measures to prohibit acts that harm religious sanctities and beliefs.

2.2. Practical Challenges of Recourse to the International Court of Justice

Despite its critical role, the ICJ faces several challenges in addressing issues related to the protection of religious beliefs from violations:

1. **Jurisdiction:** The Court only has jurisdiction over disputes between states, and individuals, groups, or non-governmental organizations cannot directly approach the Court. This limitation restricts the avenues for redress for parties harmed by offensive actions toward religious sanctities.
2. **Acceptance of Jurisdiction by the Respondent State:** The requirement for the defendant state to accept the Court's jurisdiction is a significant barrier, particularly since states with liberal political systems may invoke freedom of expression to reject the consideration of such issues.

3. **Caution in Religious Cases:** The Court tends to exercise caution in handling cases of a religious or cultural nature, fearing accusations of bias or interference with its neutrality. This makes building a comprehensive legal case on religious offenses challenging and sensitive.

Despite these challenges, pushing for the internationalization of the issue of religious offense and recognizing it as a violation of international law could gradually help establish legal and judicial practices that form customary international law, prohibiting such actions and criminalizing them. This shift may eventually prompt the Court to expand its jurisdiction in this area, leading to more effective protection of religious rights and beliefs on the international stage.

Conclusion

This article has explored the possibility of applying the principles of civil liability to address offences against sacred religious symbols, with particular reference to Islam, in light of recent incidents of mockery in certain Western countries. It has also considered the role of international human rights mechanisms in mitigating unethical practices directed at Islam and its sacred tenets.

Several key conclusions emerge from this analysis. Firstly, although civil responsibility frameworks may be adapted to hold individuals or entities accountable for offences against religious sanctities, existing international mechanisms remain insufficient to effectively confront the approaches adopted by many Western states. Numerous Western countries have sought to evade responsibility and deny their international obligations regarding this issue, revealing a significant divergence in positions on handling offences against religious symbols. This divergence underscores the principal challenge in activating international accountability mechanisms, which currently lack the necessary authority and enforcement power.



Secondly, within the context of this ongoing cultural and civilisational conflict, legal responsibility principally rests with states under the current international system. The failure of states to uphold international standards—particularly those related to public freedoms and religious liberties—poses a serious threat to global stability. This situation highlights the urgent need for a comprehensive review and amendment of international practices and policies to more effectively safeguard human rights, especially the right to religious freedom.

In light of these circumstances, it is imperative for states to collaborate in establishing a binding international agreement that criminalises any acts offending divine religions and sacred symbols. Achieving this objective necessitates a genuine and unified international will, enabling a collective response. One promising avenue for advancing international accountability is the establishment of a specialised international court akin to the International Criminal Court. Moreover, the development of a clear international legal framework supported by robust cooperation among states and international organisations would be crucial for sustainable progress.

Finally, it is essential that the principles embodied in such an international agreement are incorporated into national legal systems, thereby strengthening the protection of human rights at both domestic and international levels. Coordination among states, international institutions, and human rights organisations will be vital in achieving tangible progress and ensuring effective enforcement.

In today's world, a renewed commitment to human values and fundamental rights is urgently required. Without a serious and unified political will to combat offensive actions against religious sanctities, the international community will continue to face threats to peace, stability, and coexistence. Only through collective action and the strengthening of legal frameworks can we ensure a future where respect for religious beliefs is firmly upheld and protected.

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