

ISLAMIC PERSPECTIVES IN INTERNATIONAL
HUMANITARIAN LAW (IHL):

THE CONCEPT OF JUSTICE IN WAR

BY

FATIMA ALKALI

DEPARTMENT OF PRIVATE AND ISLAMIC LAW

UNIVERSITY OF ABUJA

ABSTRACT: As far back as the 7th century in the Arabian Peninsula, humanitarian rules and principles were specified in the sacred Text of the Holy Qur'an and the Traditions of Prophet Muhammad, to regulate the conduct of war. These rules and principles have predated the evolution of International Humanitarian Law (IHL), which universally governs the conduct of war in the present age. An examination of the corpus of Islamic humanitarian law and IHL reveals similarities and areas of confluence in both bodies of law, a fact which accentuates the universality of humanitarian principles and strengthens the role of humanitarian law in society.

INTRODUCTION

International Humanitarian Law (IHL) is the law that governs situations of armed conflict. It encompasses the most humane principles and rules of conduct towards belligerents as well as rules protecting the civilian population. The principles of justice in war have existed as long as war has existed, in customs of war in various parts of the world predating the development and codification of modern international humanitarian law. Although international humanitarian law traces its philosophical origins back to antiquity, it was not until the 19th century that nations began in earnest to adopt binding treaties and military codes to govern armed conflict.¹ The sources of International Humanitarian Law comprise of treaty law, specifically the Four Geneva Conventions of 1949 and their Additional

Protocols.² The rules of International Customary Law constitute another source of IHL. Some of them set forth absolute obligations which are binding on all states (*jus cogens*).³

Islamic Law is a body of rules and principles which guides the conduct of adherents of the Islamic Faith. It emanates primarily from a divine source. Allah⁴ is the Sovereign Lawgiver and adherence to His laws appeals foremost to the human conscience with the promise of spiritual benefits in the world and the hereafter. The intertwining of law and religion is therefore a peculiar feature of the enforceability of Islamic law.⁵ It is against this background that it should be understood that all Islamic laws, including the laws regulating the conduct of war, originate from the divine communication of Allah to mankind and the exposition of this communication by word and deed of Prophet Muhammad.⁶ It is primarily from these sources that Islamic perspectives in IHL may be extracted. As far back as the 7th century in Arabia, the principles of justice in war were specified in the sacred Text of the Holy Qur'an, the religious Book of Muslims as well as in the battlefield conduct of Prophet Muhammad, who also expounded textual rules in his legislative function.⁷ Other humanitarian principles of Islam are found in Orthodox practice and Decisions of qualified Muslim jurists on certain matters. Orthodox practice consists of the decisions and rulings of the companions of the Prophet, particularly the first four rulers of the Islamic state after the demise of the Prophet. In Muslim jurisprudence, the

2 The Four Geneva Conventions of 12 August 1949 are: Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Geneva Convention), Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Geneva Convention); Convention relative to the Treatment of Prisoners of War (Third Geneva Convention) and Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention). The Additional Protocols of 1977 are Additional Protocol I relating to the Protection of Victims of International Armed Conflicts and Additional Protocol 2 relating to the Protection of Victims of Non-International Armed Conflicts.

3 H. P. Gasser, *International Humanitarian Law. An Introduction*. Paul Haupt Publishers Berne, Vienna. (1993), p. 18.

4 God.

5 Alkali, F. "Islamic Concept of Just War." In Ahmadu L. et al (eds) *Contemporary Issues in Islamic Jurisprudence. A Book Published in Honour of the Honourable Justice Idris Legbo Kutigi*. Published by Rawel Press, Edo State. (2009) p. 404.

6 The prophet of Islam, believed by Muslims to be the last Prophet God sent to mankind.

7 See Generally Zahoor A. and Haq Z. *Biography of Prophet Muhammad (pbuh)*. Books and E-Books on Muslim History and Civilization. www.iberian.org/islamic/muhammad.html Accessed on 21/12/2013

companions of the Prophet enjoy considerable veneration. Their instructions and commands to the Muslim army form part of Islamic war injunctions.

The Decision of Muslim Jurists refers to the conscious effort made by jurists of a particular era, to the challenges of their time. Qualified jurists of every era are obliged to mentally exert themselves to provide solutions to problems prevailing in their time, adequate solutions to which cannot be found in the prior sources by a process known as *Ijtihad*. This is the human component of Islamic law. The human component constitutes all the efforts of Muslim scholars and Muslim generations in finding the best means of applying the *Sharia* or law proper according to their understanding and to their particular circumstances with due regards to the changes, human conditions and experiences.

This paper examines the basic principles of justice in war or *jus in bello*, under international humanitarian law, and the Islamic principles of justice in war.

INTERNATIONAL HUMANITARIAN LAW

The basic principles of justice in war under international humanitarian law are the principles of Distinction and Proportionality. The principle of distinction pertains to the separation during war, of military targets from the civilian population while the principle of proportionality confronts the question of how much force is morally justifiable.

⁸ M.N. Syed, *Muslim Conduct of State as Expounded by Dr Hamidullah*. Lahore, 1973, 7. The first four rulers are known in Islamic literature as the 'righteous Caliphs.' They are Abu Bakr Siddiq, Umar Ibn Khattab, Uthman Ibn Affan and Ali Ibn Abi Talib.

⁹ M.T. Ladan, *Introduction to Jurisprudence: Classical and Islamic*. Lagos, 2006, 69.

The Principle of Distinction

The principle of distinction evolved to protect from the effects of war the civilian population, civilian objects and the natural environment, all of which are not military objectives and have no added value in warfare. Article 48 of Additional Protocol 1 to the Geneva Conventions provides that "In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives." It follows, therefore, that any weapon which when used, would not only affect military objectives but would include the civilian population and civilian objects, lacks distinction quality.

The principle of distinction is evident in the traditions Prophet Muhammad and his companions. The rights of people who are neutral and who are not participating in war on either side are respected. And those people who have made treaties with the Muslims and have not broken them are also protected.¹⁰ The Islamic code of war conduct stipulates that Muslims engaged in war must make sure that the civilians of the area where they are waging war have certain rights which must be observed in all circumstances. Their lives, property and freedom must be protected. There should be no cases of high-handedness on the part of any *Mujahid*.¹¹ There should be no devastation of houses and crops through killing and burning. The old people, invalids, women and children must not be killed in any circumstances. No places of worship should be demolished, nor the priests of any religion be killed.¹² Civilians and non-combatants are not to be killed. Animals should also not be slaughtered, except for food. The first Caliph of the Islamic state, Caliph Abubakar, instructed dispatched armies on the principle of distinction thus:

¹⁰ A. Rahman, *Muhammad, Encyclopaedia of Seerah*. (Sunnah and Dawah) Vol. 1, London, 1981, 666.

¹¹ Arabic word for combatant.
¹² *Doi, Sharia'h, The Islamic Law*. London, 1984, 445.

Do justice and keep away from tyranny and oppression because a community that engages in tyranny does not prosper nor do they win victory over their enemies. When you become victorious on your enemies, do not kill their children, old people and women. Do not even go closer to their date palms, nor burn their harvest, nor cut the fruit-bearing trees... You will meet on your way people in the Monasteries, the Monks engaged in the worship of Allah, leave them alone and do not disperse them. Let them please themselves and do not destroy their monasteries, and do not kill them.¹³

Also, Yahya narrated from Malek, on the authority of Yahya ben Sa'id, that Abu

Bakr As-Sidiq sent armies to Syria with these injunctions:

I bequeath to you ten things: Do not kill women or children, or an old infirm person. Do not cut down fruit-bearing trees. Do not destroy the flourishing. Do not slaughter sheep or camels, except for food. Also do not burn bees or scatter them. Do not steal from the booty, and do not be a coward.¹⁴

Narrated Solaiman Ibn Borayda on his father's authority from Aisha:

Whenever Allah's Messenger (p) appointed a commander over an army or expedition, he used to instruct him to fear Allah and consider the welfare of the Muslims who would be with him. He then used to say, "Go out for jihad and do not indulge in *gholol*;¹⁵ do not be treacherous, do not mutilate anyone and do not kill a child.¹⁶

It was reported in a *Hadith*¹⁷ that a woman was killed during one of the battles and the Prophet disapproved the killing of women and children.¹⁸

The foregoing instructions have laid the basis for distinguishing between people participating in combat and non-combatants and also distinguish the natural environment as deserving protection from the effects of war, because it is not a military objective. Similarly, combatants who have laid down their arms must be distinguished from combatants in active combat, and must not be harmed

because they pose no threat. This principle is entrenched in the Qur'an thus "Therefore if they leave you alone and desist from fighting against you, make overtures for peace to you, in that case God has left you no cause for aggression against them."¹⁹

An exception to the principle of distinction is however laid when enemy combatants take refuge with non-combatants. The potential harm to the non-combatants should be weighed against the desired military objective and the appropriate course of action should be taken. The killing of non-combatants and neutrals is permitted when the enemy soldiers are around them or taking shelter behind them. It is warned that the soldiers' aim must not be to kill non-combatants.²⁰

Furthermore, the Prophet encouraged the use of uniforms for distinctiveness. He had worn special cloaks during military attacks. On the day of the battle of Badr, it was ordered that the Muslims should wear distinctive signs. A sort of woolen crest had been adopted by Muslims on that occasion. Greater uniformity of dress is reported in the time of the Caliph, Aliy. The Abbasid Caliphs, Mutasim and Mutawakkil had raised uniformly dressed armies.²¹

Principle of Proportionality

The principle of proportionality states that any offensive action in war should be strictly proportional to the objective desired. Proportionality for *jus in bello* requires tempering the extent and violence of warfare to minimize destruction and casualties.²² This principle states that the use of disproportionate force is prohibited and it prohibits the use of a weapon whose potential collateral effects

¹³ Al-Ajuz, Mahany al-Shari'ah al-Islamiyyah. Beirut, 1969. Vol. 1. Quoted in A, Doi. Ibid., 446.

¹⁴ Al-Muwatta of Imam Malek. B. Anas. Beirut-Lebanon, 2001, 626.

¹⁵ Al-gholol is what is taken from the spoils of war before distributing it.

¹⁶ Riyadis Saliheen (Meadows of the Righteous). An Nawawi. Abridged. Vol. 2, Egypt, 2003, 836-837.

¹⁷ The traditions of the Prophet, consisting of his sayings, actions and the tacit approval of the actions of his companions.

¹⁸ Sahih al-Bukhari. Vol. 2. Beirut-Lebanon, 2003, 274.

¹⁹ Qur'an Ch 4 Verse 90.
²⁰ M. N. Syed. Op. Cit. 77.

²¹ Ibid., 80.

²² Just War Theory: The Internet Encyclopaedia of Philosophy. (2006) www.iep.utm.edu/jjustwar.htm. Accessed on 12/05/2013.

upon noncombatant persons or objects would likely be disproportionate to the value of the military advantage anticipated by the attack.²³

The Islamic principle of proportionality is embedded in the Qur'an "If anyone attacks you, attack him just as he has attacked you..."²⁴ Muslim combatants are warned to desist from fighting whenever the enemy withdraws, which means that the use of force is only necessary if attack prevails. The principle of proportionality was reflected in the Prophet's war policy. The basic principle of his war policy was to use such force as was necessary and indispensable for removing the aggression of the enemy and also to use the force only against those powers or people who were practically waging war against them or at least likely to engage in such activities. The basis of his war policy was to weaken, frighten or discourage the enemy so that he might give up his resistance, opposition and hostility to the Prophet's mission and cooperate and live in peace.²⁵

A glance at the Prophet's expeditions shows the nature of his war policy: to subdue or weaken the enemy with the least bloodshed and thereafter show him generous and liberal treatment. The Muslims organized in all, 70 campaigns (apart from the major battles), in the eight years of war with the unbelievers of Arabia. In only four or five of these campaigns was there fighting, and then, only slight, with little loss of life. The main objective, to capture the enemy's equipment so as to weaken their power of resistance and will to fight, was successfully achieved.²⁶ In accordance with the principle of proportionality, the Prophet forbade the killing of wounded enemy combatants.²⁷

²³ Moxley, C.J. et al. Nuclear Weapons and Compliance with International Humanitarian Law and the Nuclear Non-Proliferation Treaty. Fordham International Law Journal. Vol. 34. p.613.

²⁴ Qur'an Ch 2 Verse 194.

²⁵ A. Rahman, Op.cit, 659.

²⁶ Ibid.

²⁷ See generally, S.A. Maudoodi, "Rights of Enemies in War", as translated by Prof. Ahmad Sai'd Khan and Prof. Khurshid Ahmed. Available at www.jamaat.org/islam/HumanRightsEnemies.html. Accessed on 30/05/2013.

Treatment of prisoners of war

Prisoners of war are members of the armed forces of one of the parties to the conflict, who fall into the hands of the adverse party during an international armed conflict.²⁸ The basic principle concerning prisoners of war is that they shall at all times be treated humanely.²⁹ This principle is complementary to the principle of proportionality because when enemy combatants become prisoners, there is no more harm to fear from them, hence the proportional attitude towards them is one which will not inflict any harm. The Qur'an addresses the issue of war prisoners and gives commandments as to their treatment "At length when ye have thoroughly subdued them, bind a bond firmly (on them). Thereafter is the time for either generosity or ransom."³⁰

This provision obliges the authorities of the Islamic state in whose possession the prisoners should be, to either release the prisoners on ransom or to release them generously. Performance of one of the two options is mandatory. The practice of the Prophet towards prisoners of war exemplifies this. He often fed the prisoners and clothed them and also instructed for their release. Some prisoners of the battle of Badr were ransomed, others were asked to teach some Muslim students in exchange, and others who could neither pay nor teach were set free.³¹ Abu Moosa narrated "The Prophet, 'Allah's blessing be upon him', said: "Release the captive, feed the hungry and pay a visit to the patient."³² Furthermore, the Prophet forbade the killing of captives and people who are tied up and defenceless. Once news was brought to Abu Ayyub al-Ansari (Allah be pleased with him), that Muslims killed four prisoners after having tied them in their camp. The famous companion of the Prophet listened to this with a sense of anguish and said: "I heard the Prophet (Peace and blessings of Allah be upon him)

²⁸ H.P. Gasser, Op. cit., 36.
²⁹ Article 13, 3rd Geneva Convention Relative to the Treatment of Prisoners of War, 1949.
³⁰ Qur'an Ch. 47, Verse 4.
³¹ A. Rahman, Op.cit, 667.
³² Sahih Bukhari, Op.cit, 285.

forbidding us to kill our enemies in this way... by God in whose hand is my life, I would never slay like this, even if it were a hen”³³

Additionally, the Prophet forbade combatants from taking unfair sexual advantage of women in the enemy land, “Forbid your army from fornication, for surely no army fornicates but that Allah brings a plague on them.”³⁴

Treatment of the wounded

IHL advocates the most humane treatment for the wounded in war. The provisions of the law regarding this category of persons includes the wounded, sick and shipwrecked persons, regardless of whether they are members of the armed forces or civilians.³⁵ The provisions of the law oblige the belligerents to accord respect, protection and medical care and attention to this category of persons.³⁶

In Islamic war tradition, the wounded were not left to die on the battle field but removed for treatment. The women, including the wives of the Prophet, participated in humanitarian activities of caring for the wounded in battle. Ar'rubaiy Bint narrated: “We were in the company of the Prophet, Allah's blessing and peace be upon him, providing the wounded (fighters) with water and treating them and bringing the killed and the wounded (from the battle field) to Medina.”³⁷

It is noteworthy that historical records attest to the fact that great respect for humanity and other religions was demonstrated in the times of Muslim expansion and conquests during the period of the righteous Caliphs. For example, when Jerusalem submitted to Muslim rule in the 7th century, the 2nd Caliph, Umar Ibn Khattab, formally granted security to the people, their possessions, their Churches and Crosses and for all concerns of their religion. The Charter protecting these rights read thus:

³³ Abu Dawud: Kitab al-Jihad (Karachi, 1953), Vol.II. p.336. Quoted in A. Siddiqi. Op.cit, 37.

³⁴ Reported by Abban Ibn Oathman and Quoted in Al-Mawardi, al-Ahkam as-Sultaniyah. Quoted in Islamic Laws of War and Peace. www.federationpress.com.au/pdf/IslamicLawsonWarPeace.pdf. Accessed on 29/05/2013

³⁵ Provisions pertaining to the treatment of the wounded in battle in the field, at sea and civilians are found in the 1st Geneva Convention, the 2nd Convention and the 4th Convention as well as in the Additional Protocol I of 1977, Part II.

³⁶ Ibid.

³⁷ Sahih Bukhari, Vol. 2, 484.

Their Churches shall not be changed into dwelling places, nor destroyed, neither shall they nor their appurtenances be in any way diminished, nor the Crosses of the inhabitants nor aught of their possessions, nor shall any constraint be put upon them in the matter of their faith, nor shall any of them be harmed.³⁸

An account of the humane conduct exhibited by Muslims when they conquered Syria by displacing the Roman army was given by the Christians of Syria. The

Christians wrote to the Arabs saying:

Oh Muslims, we prefer you to the Byzantines, though they are of our own faith, because you keep better faith with us and are more merciful to us and refrain from doing us injustice and your rule over us is better than theirs, for they have robbed us of our goods and our homes.³⁹

Means and Methods of Combat

The basic rule governing the means and methods of combat under IHL is that in any armed conflict, the right of the parties to the conflict to choose methods and means of warfare is not unlimited.⁴⁰ This rule is supplemented by the prohibition of employing weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering. Furthermore, it is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment.⁴¹

The principles guiding the conduct of war in Islam stipulate that the use of weapons which cause indiscriminate effects is prohibited. Accordingly, the use of weapons which have the potential effect of harming civilians, children, women and the infirm is prohibited. Also, several traditions of the Prophet

³⁸ Tabari. Quoted in: J. Arnold, The Spread of Islam in the World. A History of Peaceful Preaching. London, 2005, 56.

³⁹ Ibid. 55.

⁴⁰ Article 35(1) Protocol I (Additional to the Geneva Conventions of 1949).

⁴¹ Article 35(2), (3) Ibid.

and the early Caliphs show concern for the protection of the natural environment.⁴² In present times advancements in technology have brought into being all forms of weapons of mass destruction; nuclear, chemical and biological weapons. These kinds of situations, which did not exist in the formative phase of Islam, are precisely why qualified Muslim Jurists are required to give reasoned opinions/judgments on issues not specifically covered by the basic sources of Islamic Law. It is in accord with this prescription that modern Jurists have tried to live up to the challenges of the times by giving judgments on the issues of modern means and methods of warfare.

In his Fatwa,⁴³ specifically addressing the war in Iraq, Sheik Faisal Mawlawi⁴⁴ held that Muslims are not allowed to initiate the use of chemical weapons which result in great damage to the natural environment and horrible loss of innocent souls. Burning wells is also forbidden because it would cause destruction in the land. He however opined that it is permissible to burn wells only if it is the only means through which victory can be achieved. Also, if the American forces initiate the use of chemical weapons, Muslims are permitted to retaliate using them.⁴⁵

The use of suicide attack as a method of warfare is a subject that attracts much discourse. A suicide attack is usually carried out by an attacker on unsuspecting people, whether military or civilian in which the attacker normally dies with intent. In confronting the issue of the legitimacy or otherwise of suicide attacks in Islam, some Muslim scholars have inclined towards viewing the issue in the context of the very intricate Arab-Israeli conflict. Foremost, suicide is a prohibited act in Islam. The Qur'an stipulates that man must not deliberately kill himself.⁴⁶ Secondly, suicide attacks are mostly carried out in areas where maximum casualties may be realized with the objective of inflicting maximum

⁴² See earlier discussions.

⁴³ Legal opinion.

⁴⁴ Deputy Chairman of the European Council for Fatwa and Research.

⁴⁵ Quoted in Islamic Laws of War and Peace. Op.cit.

⁴⁶ Qur'an Ch 4 verse 29.

injury on the other side. Hence cases of bus bombings where many civilians, including women and children, are affected are not uncommon,⁴⁷ which violates the Islamic principle of distinction.

However, it is not unusual to find scholars who view the issue of suicide killings in the context of the Arab-Israeli conflict. They therefore view the suicide-bombings carried out by the Muslims in the perspective that the Muslims are fighting in defense of their country against the aggression of the Israelis and the usurpation of their homelands in circumstances where their means of combat is highly limited by their situation. According to a renowned scholar, Yusuf Qaradawi, the Muslims are fighting to defend their homeland and their holy rights, which were attacked and transgressed against.⁴⁸ Accordingly, in his opinion, the use of suicide bombing by the Muslims is justified in view of their situation. The majority of Muslim opinion which regards suicide bombing as a legitimate means against military targets rejects its use against civilians.⁴⁹ Some scholars regard the issue of suicide-bombing as being highly politicized, while maintaining the view that Islamic core values do not change regardless of circumstances.⁵⁰ Yet some scholars view the issue of suicide bombing not necessarily from the issue of its propriety or otherwise in Islamic ethics of war, but from the perspective of its innate causes and strategies of curtailing its occurrence. One view maintains that ultimately it is the strategies addressing and lessening the grievances and humiliations of populations, which give rise to suicide attacks that, are required for its elimination. Support for suicide attacks is unlikely to diminish without

⁴⁷ The following are a couple of reported cases of terrorist attacks on innocent children - "29 killed, including 12 children in a string of suicide bombings in Iraq" rt.com/news/iraq-suicide-bombers-children-802. Accessed on 22/01/2014. "Terrorist and criminal attacks targeting children." - Johnston's Archive. www.johnstonarchive.net/terrorism/vrjp39ch.html Accessed on 22/01/2014.

⁴⁸ Speech delivered by Yusuf Qaradawi in the Plenary Session "Martyrs or Murderers? Terrorism and Suicide Bombing" at the 2002 Doha Conference on U.S relations with the Islamic World, held on Sunday, 20th October, 2002 at Brookings Institution, Saban Center.

⁴⁹ Islamic Laws on War and Peace. Op.cit.

⁵⁰ See for example, perspective of Professor Khaled Abou el-Fadl, in speech delivered at the Doha Conference.

tangible progress in achieving at least some of the fundamental goals that suicide attackers and those supporting them share.⁵¹

ENFORCEMENT OF ISLAMIC LAWS OF WAR

Islamic rules are meant primarily for the purpose of guiding Muslims; adherence to them is a religious obligation while violation carries divine sanction. However, when it comes to temporal enforcement, there is no distinction between municipal and international sanction. The sources of both municipal and international laws are the same; hence the notion of there being a different kind of sanction for both of them is out of the question.⁵² There is, therefore, no issue of a separate international court to enforce the rules of Islamic laws of nations. Furthermore, Islamic law has never deprived individuals from seeking redress available to them under the rules of Muslim international law.⁵³ There are instances when individuals invoked a rule of *Siyar*⁵⁴ and secured its remedy from a municipal court established by an Islamic state. Even members of a belligerent army have sought remedies from municipal courts of Islamic states.⁵⁵

CONCLUSION

The basic laws and principles of Islam regarding the conduct of war are just and humane, bearing consideration for the preservation of humanity. The rules of war in Islam are compatible with the rules and principles of International Humanitarian Law. While the basic rules of IHL are contained in the Geneva conventions, which have been universally ratified, the basic laws of Islam derive

⁵¹Hassan. R, "Suicide Terrorism: The Use of Human Life as a Weapon." In: Moten and Noor (eds). Terrorism Democracy. The West and the Muslim World. Thomson Learning, Singapore.(2007) , 147.

⁵²M. Shaybani, Kitab Al-Siyar Al-Saghir. The Shorter Book on Muslim International Law. Translated by Ahmad Gazi. New Delhi, India, 2005, 20.

⁵³ Ibid.

⁵⁴*Siyar* is that branch of Islamic Law which deals with the relationship of the Muslim community with other international entities and communities. *Siyar* derives originally from the basic sources of all Islamic laws; the Qur'an and Sunnah.

⁵⁵For example, where non-Muslims invoked the rules of international law of Islam to secure the vacation of the city of Samarqand by the conquering Muslim army. See M. Shaybani Op.cit, 21.

from a divine source, which makes the law binding on all Muslims. Islamic principles enshrined in Islamic Law of War and those of IHL should not be seen as mutually exclusive or being in conflict with one another.⁵⁶

As the world reaches out to the ultimate goal of world peace, even as wars between nations and communities persist, it should be useful to know that the basis of Muslims' external relations with the rest of the world is peace and not war, as it is often said that Islam is a religion of peace. In view of this, knowledge of even the basic principles of Islamic humanitarian law will foster tolerance and forbearance between Muslims and non-Muslims as they work towards achieving the common goal of world peace and the observance of basic rules of humanity in war when war becomes inevitable.

⁵⁶ R. Murphy and M. Ziedy. Prisoners of War: A Comparative Study of the Principles of International Humanitarian Law and the Islamic Law of War. 9 (2009) ICLR. .p.14