

PROTECTION OF HEALTH-CARE PROVIDERS AND HUMANITARIAN PERSONNEL UNDER IHL AND ISLAMIC LAW

Under Customary international humanitarian law (IHL), rules 25 and 31, health-care providers and humanitarian personnel must be respected and protected.

Islamic law also protects these groups of people. Under the Islamic concept of *amān* (literally, “protection” or “safety”), non-Muslim citizens of an enemy state are granted permission to temporarily enter a Muslim state for peaceful purposes, such as business, education, tourism or humanitarian work.

Individuals protected by *amān* cannot be targeted if they are not engaging in hostilities. Any attack against them is regarded as perfidy, which is prohibited under Islamic law. Ambassadors and envoys are automatically protected by the concept of *amān* because of the nature of their work. Humanitarian workers are also entitled to *amān* through *qiyās*, which is the process of deductive reasoning in Islamic jurisprudence.





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MANAGEMENT OF THE DEAD UNDER INTERNATIONAL HUMANITARIAN LAW AND ISLAMIC LAW

Under Customary IHL, rule 113, the “mutilation of dead bodies is prohibited”.

Under Islamic law, the mutilation of an enemy’s body is strictly prohibited. The Prophet Muhammad says: “Do not loot, do not be treacherous and do not mutilate.”





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Under the Third Geneva Convention, Art. 120(5), the deceased are to be “buried in individual graves unless unavoidable circumstances require the use of collective graves”.

Under Islamic law, burying the deceased is a collective obligation (*farḍ kifāyah*) on the Muslim community. Every dead body should be buried in a separate grave, except during armed conflicts or natural disasters or in other circumstances when it might be impossible to have separate graves.



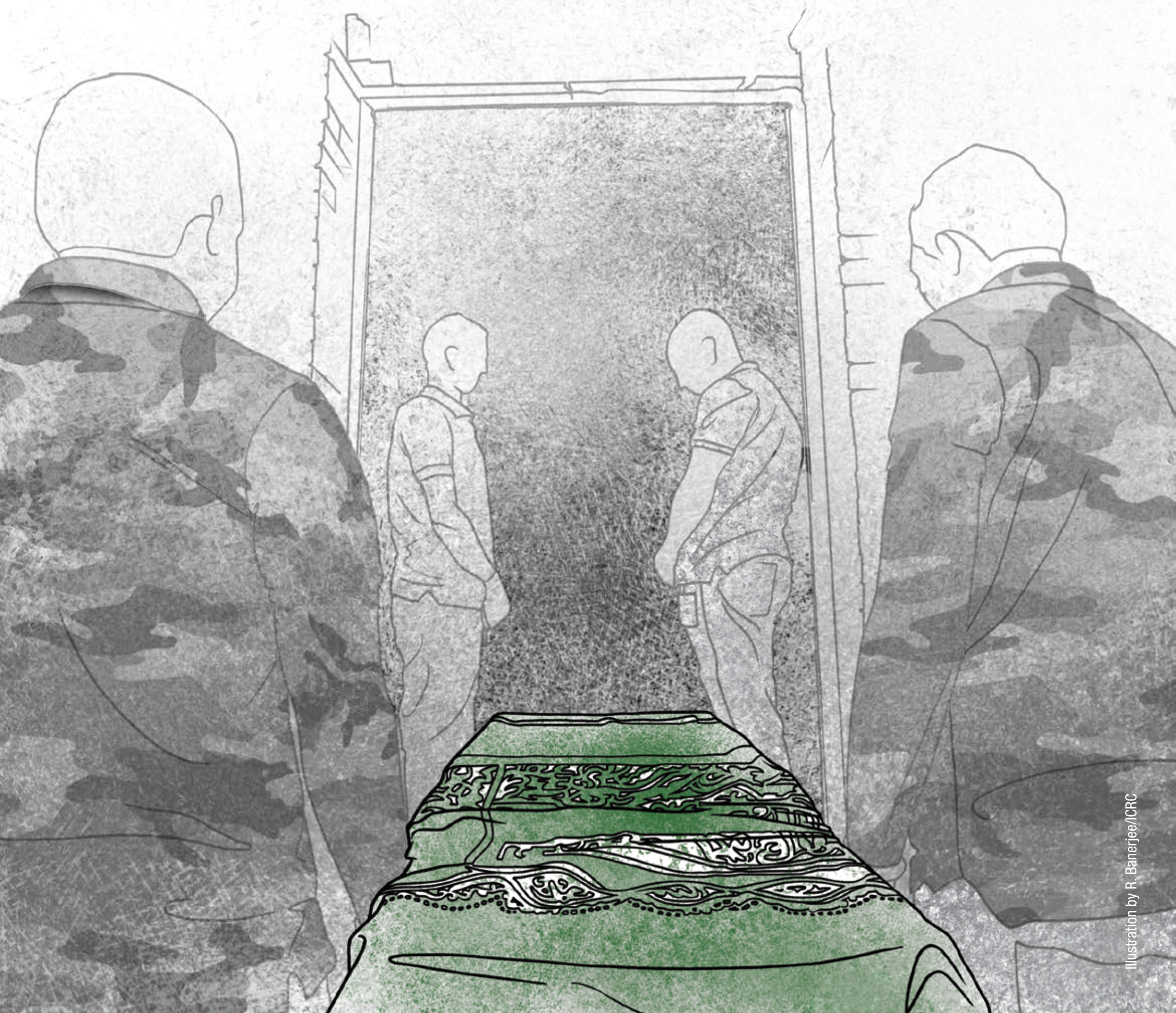


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MANAGEMENT OF THE DEAD UNDER INTERNATIONAL HUMANITARIAN LAW AND ISLAMIC LAW

Under Customary IHL, rule 114, “parties to the conflict must endeavour to facilitate the return of the remains of the deceased upon request of the party to which they belong or upon the request of their next of kin”.

In very early Islamic history, there is already evidence of dead bodies being returned to the opposing party to the conflict. At the Battle of the Trench in 627 CE, Muslims returned the remains of Nawfal ibn’Abd Allah ibn al-Mughirah, who died when he attempted to jump – while on horseback – over the trench that Muslims had dug around Medina.





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PROTECTION OF CHILDREN IN ARMED CONFLICT UNDER IHL AND ISLAMIC LAW

Under Customary international humanitarian law (IHL), rule 135, children must not be recruited into armed forces or armed groups.

Under Islamic law, recruiting children below the age of 15 is prohibited. Jurists base this on the Prophet Muhammad's rejection of Ibn Umar's request – made when he was 14 years old – to join the Muslim army at the Battle of Uhud in 625 CE.

Since then, most Muslim-majority States have raised the age of lawful child recruitment, and the prohibition of child recruitment under the age of 18 is now most common.





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PROTECTION OF CHILDREN IN ARMED CONFLICT UNDER IHL AND ISLAMIC LAW

Under Customary international humanitarian law (IHL), rule 120, “children who are deprived of their liberty must be held in quarters separate from those of adults, except where families are accommodated as family units”.

Under Islamic law, classical Muslim jurists insist that during captivity children must be kept with their parents and other members of their family.



PROTECTION OF CHILDREN IN ARMED CONFLICT UNDER IHL AND ISLAMIC LAW

Schools are civilian buildings and, under rules 22–24 of Customary international humanitarian law (IHL), they must not be targeted, unless they are being used for military purposes. If this is the case, warring parties must minimize incidental harm to civilians during attacks. Any attacks that cause disproportionate damage to civilians and civilian infrastructure are strictly prohibited.

Under Islamic law, the Prophet Muhammad says: “All Muslims [male and female] have an obligation to seek knowledge.” Attacking places of education when they are not being used for military purposes is considered an act of *fasād* (mischief in the land).

