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Al-wasiya

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Islamic Forum of the International
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* Reports:

- Report of the 3rd consultation Meeting of RC/RC National Societies in OIC Member States to 2 - 3 May 2013 Tunis - epublic of Tunisia
- Report and Resolutions of the twenty eight session of the Islamic Committee of the International Crescent (ICIC) 2-4 May 2013 Tunis- Republic of Tunisia
- Islamic University in Uganda Faculty of Law The 2nd Abu Mayanja Moot Court Competitions Hold at Islamic University in Uganda, Females' Campus – Kabojja Between 26-27 January 2014

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Al-Wasiya (The Will)

Alwasiya (The Will) of Abu Baker (Allah hath pleasure in him) was directed to the army of Osama that was marching to fight the Roman in 634 A.D. Alwasiya (The Will) Included:

"Oh people! Let me willed you with ten wills so remember: Do not betray, do not exaggerate, do not be in breach of faith, do not distort a dead body, do not kill a child, an old man or a woman, do not cut down or burn a palm tree or a fruitful tree and do not slaughter a sheep, a cow or a camel only if it is to be eaten. Moreover, you will pass by people adhere to their hermitages so leave them to what they are busy with, and you will come to people who will set before you the most delectable dishes of food so if eat and eat then say " In the name of Allah the most Merciful and the most Gracious ".

(Ibn Jareer Altabari, The History of Messengers and Kings 3/ 277).

A Periodical for the Studies of International Humanitarian Law and the Islamic Shari'a

*- Issued by the Islamic Forum of the International Humanitarian Law
Subsidiary organ of the Islamic Committee of International Crescent*

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The journal of Al-Wasiya "The Will" welcomingly receives articles, studies and documented researches that have close relation to its field of specialization and all that to be published will be subjected to scientific arbitration.

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- The published material does not necessarily express the journal point of view and whether they are published or not they will not be returned back to their writers.
- The journal of Al-Wasiya "The Will" welcomes the contributions of researchers, students and academics in the field of the Islamic Legal and Humanitarian Studies, provided that they should be prepared according to the following publication norms:
The material should be devoted to the journal of Al-Wasiya "The Will" and it was not published before.
The material should be in a printed form and it is preferable to be sent on a cd rom in addition to the written text.
The material should be accompanied by a brief curriculum vitae about the writer, his address, his mobile number and his E-mail.

Editorial

The Islamic Committee of International Crescent (ICIC) gives a great importance to developing relations of cooperation with the the Red Crescent and Red Cross Societies (RC/RC.s) of Organization of Islamic Cooperation (OIC) countries in order to achieve the noble goals of humanitarian action of the ICIC in accordance to its establishment agreement , been guided by the words of Allah Almighty " And cooperate in righteousness and piety, but do not cooperate in sin and aggression. And fear Allah ; indeed, Allah is severe in penalty. "(Surah Al maidah2).

Article V of the ICIC establishment agreement has stipulated that ((The ICIC shall endeavor to establish close relations and fruitful cooperation with the organizations operating in the field of humanitarian service, in particular with the organizations of Red Crescent and the Red Cross)). Based on the foregoing, the ICIC held its third consultation meeting with RC/RC.s of the OIC countries in Tunis on May 2 - 4, 2013, in cooperation with the Tunisian Red Crescent Society, which hosted thankfully this meeting, which was attended by sixty-two participants , presidents and secretaries general of RC/RC.s as well as the observers from the Arab Organization of RC/RC , Islamic solidarity fund , the International Federation of Red Cross and Red Crescent Societies IFRC , the International Committee of the Red Cross (ICRC).

The works of this meeting focused on a number of key themes addressed the awareness of the dangers of irregular migration, the field of relief., and in the field of capacity building. Participants confirmed the importance of partnership in the field of international hu



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manitarian law, awareness of the dangers of irregular migration, relief, and development.

After fruitful discussions they published a version of the Tunis Declaration on cooperation and partnership in the fields of humanitarian action between the ICIC and RC/RC.s .

The ICIC welcomes the results of this consultative meeting and seeks to hold it on a regular basis in order for further cooperation with RC/RC.s ,, no doubt that the breadth of the fields of humanitarian action and increasing challenges due to the risks posed by modern wars , armed conflicts and disasters and increasing large in the number of victims and those in need of relief assistance, put on the organizations operating in this field more pressure and burdens that cannot be addressed separately, and therefore has to be increase cooperation among them through partnership and coordination to achieve common objectives and desired service of the victims and to cover their needs, and build the necessary capacity building in this field.

Therefore, we look forward to providing material and moral support for the financing of joint programs of the ICIC and RC/RC.s by States and international organizations to achieve the common goal of humanitarian work progress, as the acute shortage of financial resources is a big challenge facing humanitarian action because of constraints faced by humanitarian organizations in this regard. . .

Editor Note

We are pleased to present to you the thirteenth issue of the Al-wasiya Journal, which contains the reports of the third consultation meeting between the Islamic Committee of the International Crescent(ICIC) and f the Red Crescent and Red Cross Societies (RC/RCs.) of Organization of Islamic Cooperation countries, under the theme " the cooperation and partnership " as well as the 28th ICIC session. these meetings have been concluded the adoption of important programs providing models for cooperation and partnership between RC/RCs., including irregular migration program for which a memorandum of understanding for partnership and cooperation has been signed between the ICIC and Tunisian Red Crescent Society, and will be implemented in collaboration with the RC/RCs. in migration exporting , transit and reception countries.

This issue contains the report of the second moot court events organized by the Islamic Forum of international humanitarian law (IFIHL) in the framework of the memorandum of understanding signed between the IFIHL and the Islamic University in Uganda (IUIU), which was held on 25 - 27 January 2014, at the Girls colleges Campus's of the IUIU in Kampala. It also covers the rest of the research presented at " the International Seminar on violations of international humanitarian law : Humanitarian and legal solutions in the Organization of Islamic Cooperation countries (OIC)", which was held in Kyrenia, Turkish Republic of Northern Cyprus, on March 2, 2012, namely: Violations Committed during Armed Conflicts according to



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International Humanitarian Law and its related Provisions in Islamic Shari'ah., a paper By Dr. Abdul Hafiz Mussa Walusimbi, which dealt with the comparison between the provisions of Islamic Shari'ah. and international humanitarian law. The second paper about the Algerian war and international humanitarian law By Professor Dr. Mntri Massoud, showing that this war have seen different positions in regard to international humanitarian law, Algerians freedom army adhere to the Geneva Conventions and respect it, while the French colonial army is refusing to respect international humanitarian law.

Since Al-wasiya Journal is distributed at the level of the OIC countries, especially to academic institutions, Islamic universities, centers and higher institutes, specializing in the humanities sciences, in the context of continued attention to the themes of international humanitarian law in the view of the Islamic relevant provisions, both through the publication of research and studies on these subjects, or by participating in the coverage of seminars and study circles on these subjects. Therefore we invite researchers, specialists and those interested in the topics of international humanitarian law and international criminal

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Report of Third Consultative Meeting
Of the Islamic Committee of the International Crescent (ICIC)
and the National Societies of the Red Crescent and Red Cross
in the (OIC) member States
2 – 3 May 2015 , Tunis - Tunisia



The 3rd Consultation Meeting of the ICIC and RC\RC National Societies in the OIC member States (Partnership and cooperation in the fields of humanitarian action) has been held on 22 - 23 jumma-di a II 1434, corresponding to 2 -3 May 2013 AD in Gammarth La Marsa area, Tunis - Tunisia.

I. Opening Ceremony:

The opening ceremony commenced at 10.am on Thursday 2 May 2013 in Gammarth La Marsa area, Tunis - Tunisia , in presence of HE Dr. Abdullatif Al Makki Minister of Public Health of the Republic of Tunisia and Ambassador Sami Naffa Representative of Tunisian

international organizations operating in the fields of humanitarian work.

Participants were as follows:

- | | |
|------------------------------------|----------------------------------|
| 1- Ambassador Ali Mahmoud Buhedma, | ICIC president. |
| 2- Mr. Omer Tasli. | ICIC Vice President. |
| 3- Dr Tahar Al-Chiniti | ICIC member. |
| 4- Mr. Famory Ndiaye. | ICIC member. |
| 5- Mr. Fayez Elahmary | ICIC member. |
| 6- Mr .Mustafa Mohaghegh | ICIC member. |
| 7- Dr. Mohamed Elasbali | ICIC Executive Director. |
| 8- Mr. Mohammed A. Tarakhan | Head of Finance. |
| 9- Mr. Ramzi Twati, | Head of Information and Liaison. |
| 10- Mr. Hassan Ben Fayed, | Head of Administrative Affairs. |
| 11- Mr. Omar Al Sheikh | Finance officer. |
| 12- Mr. Hassan Shoshtari | ICIC delegate. |
| 13- Mr. Saad Alferjani, | External Auditor of the ICIC. |
| 14- Dr. Fawzi Oussedik, | Chairman of Islamic Forum |
- for International Humanitarian Law and the adviser of foreign relation in Qatar Red Crescent Society.
- | | |
|---|---|
| 15- Mr. Ahmed Barayan | in charge of the Pilgrims Guide Program. |
| 16- Mr. K.Erdem Guler | Executive Officer of International Programs , ICIC Regional office for central Asia and Europe. |
| 17- Ms Gulan Aslan | member of Board of Turkish Red Crescent. |
| 18- Ms. Deniz Solen | General Coordinator of TRC. |
| 19- Bayram Selvi | TRC. |
| 20- H.H prince Abdallah bin Faysal bin Saoud, | Director General of int. Affairs in Saudi Red Crescent Authority. |
| 21- Mr. Fayk Al-Hirfi , | Advisor to the president of Saudi Red Crescent. |

Islamic humanitarian work and the importance of coordination and partnership in this area. He called upon Islamic States and institutions to extend further assistance to those Islamic countries that have been hit recently by natural disasters or armed conflicts. Mr. Buhedma also condemned the continued Israeli violations of International Humanitarian Law, especially its violation of the Fourth Geneva Convention of 1949 on the protection of civilians during armed conflicts. He extended his heartfelt thanks to the Headquarters Host State of the ICIC (Libya) for the support and facilities offered to it. HE Dr. Abdullatif Al Makki Minister of Public Health of the Tunisian Republic, made a speech in which he welcomed holding this session of the ICIC and the 3rd Consultative meeting in Tunis and expressed to the participants the greetings and welcoming of the Tunisian Government and said that his country gives special importance to strengthening the Islamic cooperation especially in humanitarian work and reinforcement of values of solidarity and respect of human dignity. He expressed his consideration for the actions of the ICIC to consolidate the capacity of the National Societies.

II- The consultation meetin

After the end of the opening ceremony, the 3rd Consultative meeting of RC\RC National Societies in OIC member States started its works under the theme of " Cooperation and partnership in the humanitarian work" which was organized by the ICIC in cooperation with the Tunisian Red Crescent Society, with the participation of the ICIC members, ICIC administration, presidents, secretary generals, and representatives of National Red Crescent Red Cross Societies in OIC states and representatives of national and

- 22- Mr. Mr Abdulaziz Diallo, President of Senegal Red Cross Society.
- 23- Dr. Yasin Abbas, President of Red Crescent Society of Iraq.
- 24- Mr. Ali Dawood A member of the administrative board of the Iraqi Red Crescent.
- 25- Dr. Mohamed el Hadeed President of Jordan Red Crescent Society.
- 26- Mr. Younis Al Khatib ,President of the Palestinian Red Crescent Society
- 27- Mr. Ali Bandiare President of Niger Red Cross Society.
- 28- Chaudhry Muhammad Nawaz, President the Pakistan Red Crescent Society
- 29- Mr. Youssouf Traore President of Guinea Red Cross Society.
- 30- Mr. Othman Gaafar Secretary General of Sudan Red Crescent.
- 31- Mr. Paniah .K. Gagno President of Togolese Red Cross Society.
- 32- Mr. Yaya Mahamat Liguita President of Chad Red Cross Society.
- 33- Fawzi Abdullah Al-Amin Bahrain Red Crescent Society.
- 34- Budi Atmadi Adiputro President of Indonesian Red Cross.
- 35- Mr. Gafar Asgarzadeh, Vice President of Red Crescent of Azerbaijan.
- 36- Mr. Bayram Valiyev Red Crescent Society of Azerbaijan.
- 37- Mr. Mohamed Lamine Ould Mohamed Vall, President of the Mauritanian Red Crescent.
- 38- Ms. Emily Nipute , Secretary General of Benin Red Cross.
- 39- Dr. Yahia Tamoum, Advisor of the Egyptian Red Crescent.
- 40- Mr. Abdulrahman Alaaon , representative of Kuwaiti Red Crescent.

- 41- Mr. Ali Alhanish, Vice Chairman of the steering committee of Libyan Red Crescent .
- 42- Mr. Mohammed Albannoni , Director of External Relations of Libyan Red Crescent.
- 43- Mr. Mohammadi Araghi, , Under- Secretary General for International Affairs and Humanitarian law, Iranian Red Crescent
- 44- Mr. Amado Saw, President Regional Committee of Mali Red Cross.
- 45- Dr Hamou Ben Zeguir President of the Algerian Red Crescent Society.
- 46- Mr. Rashid Embarak Mansouri, . Assistant Secretary General of the UAE Red Crescent Authority.
- 47- Mr. Nataka Mical Secretary General of Red Cross of Uganda.
- 48- Ms. Edina Ahmagic Red Cross Society of Bosnia.
- 49- Mr. Bulent Siraka, board member of the Red Crescent Society of the Turkish Republic of northern Cyprus
- 50- Abdullah Ali, sident of Maldivian Red Crescent Society.
- 51- Sanae Dorera unisian Red Crescent Society.
- 52- Ahmed krimi Tunisian Red Crescent Society.
- 53- Mr. Burim Seferi Red Cross Society of Kosovo.

In the presence of representatives of the following international Organizations as observers: -

- 1 - Mr. Abdullah Al-Hazza , Secretary-General of the Organization of Arab Red Crescent and Red Cross.

- 2 - Mr. Ibrahim Osman adviser to the Organization of Arab Red Crescent and Red Cross.
- 3 - Mr. Abdel Razek Mohamed Abdel Razek, head of projects Dept. of the Islamic Solidarity Fund.
- 4 - Mr. Mohamed Babiker, Regional Representative of the International Federation of Red Crescent / Red Cross Red –in the Gulf.
- 5 - Mr. Gerard Otrdo the Head of Mission of the International Federation of Red Crescent / Red Cross.
- 6 - Mr. Michel Meyer, head of the Multilateral organizations in International Committee of the Red Cross (ICRC) -
- 7 - Mr. Mohammed bin Ahmed, adviser to the International Committee of the Red Cross (ICRC) .Tunis

At the begining of the meeting MR. Omer Tasli President of the 2nd consultation meeting held in Istanbul on 2008 AD made a general presentation on the actions executed since that meeting that included several humanitarian activities in favor of national societies in OIC countries and signing of cooperation memo of understanding between Turkish Red Crescent (TRC) and ICIC accordingly to which the ICIC regional office for central Asia and Europe was established . This was followed by numbers of humanitarian operations offered by this office in the countries hit by natural disasters and armed conflicts .

The subjects examined by the consultation meeting in a public audience for all participants were as follows :

The axes of topics examined by the consultation meeting:

First Axis : Strengthen cooperation and partnership in the field of

international humanitarian law and human rights, and centers related to these issues . Presentation submitted by Dr. Fawzi Oussedik Charmin of IFIHL

- This axis is to identify operational mechanisms to achieve cooperation and partnership in the following topics:

1 - Bilateral, regional and multilateral meetings between the national Commissions and the IFIHL.

2 - Bilateral, regional and multilateral meetings among national Commissions.

3 - Organizing seminars, training courses and workshops bilaterally or collectively.

4 - Mechanisms for cooperation and partnership in this area.

Second axis : to strengthen cooperation and partnership in the awareness programs on extension of illegal immigration between the ICIC and NSRC/RC related to these issues and submitted by Dr. Dr Tahar Al-Chiniti, Secretary General of Tunisian Red Crescent and Dr. Mohamed ELasbali , ICIC Executive Director.

- This theme is to identify operational mechanisms to achieve cooperation and partnership in the following topics:

1 – Draft awareness programs and special instructions to define the dangers of illegal immigration.

2 - Provide information, materials, posters and video tapes.

3 - Implementation of media campaigns to target groups, both in

both in direct meetings or through the various media.

4 - Determine the mechanisms of cooperation and partnership in this area.

Third axis: to strengthen cooperation and partnership in the field of relief, between the ICIC and NSRC/RC, submitted by Mr. Omer Tasli Director General of the Turkish Red Crescent.

- This axis is to identify operational mechanisms to achieve cooperation and partnership in the following topics:

1 - Relief work in cases of natural disasters.

2 - Relief work in situations of armed conflict.

3 - Readiness and preparedness work.

4 - Determine the mechanisms of cooperation and partnership in this area.

Fourth axis: to strengthen cooperation and partnership in the field of development, between the ICIC and NSRC/RC, submitted by Dr. Mustafa Mohagheg, Advisor of Iranian Red Crescent.

- This axis is to identify operational mechanisms to achieve cooperation and partnership in the following topics:

1 - Development programs after natural disasters.

2 - Development programs after situations of armed conflict.

3 - Rehabilitation work and processing.

4 - Determine the mechanisms of cooperation and partnership in

partnership between the ICIC and its organs with the National Societies as well as concerned authorities in OIC member States on bilateral or multilateral levels.

At the end of the meeting the participants adopted Tunis declaration on the cooperation and partnership between the ICIC and RC/RC National Societies in OIC member States in the fields of humanitarian actions (Annexed).



Tunis Declaration on the cooperation and partnership in the fields of humanitarian actions between the Islamic Committee of the International Crescent ICIC and the Red Crescent and the Red Cross national Societies in the OIC member States

In the name of Allah the Compassionate, the Merciful

Guided by the words of Allah: { help one another in what is good and pious , not in what is wicked and sinful. Have fear of Allah, for he is stern in retribution} [Surah Al-Maeda Verse 2].., And the embodiment of the words of the Prophet peace be upon him: (and Allah help human being where he helps his brother).

The 3rd Consultation Meeting of the ICIC and National Societies of the Red Crescent and the Cross in the OIC member States (cooperation and partnership in the fields of humanitarian action) was held on 22 - 23 jummadi II 1434H, corresponding to 2 -3 May 2013 AD in Gammarth La Marsa area, Tunis – Tunisia , with reference to Article (5) of the ICIC establishment Agreement , which states that (the Committee shall endeavour to establish a close relation and fruitful cooperation with organizations operating in the field of humanitarian services , in particular with the organizations of Red Crescent and Red Cross), at the invitation of the ICIC in collaboration with the Tunisian Red Crescent Society.

The meeting was opened in presence of HE the minister of Public Health of Tunisia ,the representative of the ministry of Foreign Affairs of Tunisia , ICIC President and members and Ambassadors and Charge d'Affaires of the OIC member States Embassies accredited in Tunisia ,with the participation of presidents , secretaries general and

representatives of the National societies of RC/RC in OIC member States , totally(76) participants from 32 national societies, and Representatives, of the Arab Organization for Red Crescent and Red Cross , the Islamic Solidarity Fund , International Committee of the Red Cross and the International Federation of Red Crescent and Red Cross as observers.

The works of this meeting focused on the theme of cooperation and partnership in fields of humanitarian action , through the following five axis's:

- **Axis I:** cooperation and partnership in the field of international humanitarian law between the Islamic Form of international humanitarian law(subsidiary organ of the ICIC) and RC/RC national societies , national committees of international humanitarian law and humanitarian organizations, and related centers. .
- **Axis II:** cooperation and partnership in the awareness programs and indicative of the dangers of illegal immigration between the ICIC and RC/RC National Societies and national and international organizations related to these topics. .
- **Axis III:** cooperation and partnership in the field of relief between the ICIC and RC/RC National Societies and national and international organizations working in the fields of humanitarian action .
- **Axis IV:** cooperation and partnership in development between the ICIC and RC/RC National Societies and national and international organizations working in the fields of humanitarian action .
- **Axis V:** cooperation and partnership for capacity building in the field of awareness in the guidelines for safety of pilgrims in their own countries before they come to the Holy Land to perform the Hajj, by the ICIC , the Saudi Red Crescent Authority , RC/RC

National Societies and the relevant authorities in the OIC member States.

The meeting was informed about the latest development on the situation of the Red Crescent Society of the Turkish Republic of Northern Cyprus ,by an oral presentation of Dr. Mohammed Al-Hadeed General President of Jordan Red Crescent Society and head of working group in charge of this issue at the International Federation of Red Cross and Red Crescent societies , as well as a view on the progress of this issue by Mr. Bulent Siraka , board member of Red Crescent Society in the Turkish Republic of Northern Cyprus.

The meeting was informed by some NS of RC/RC in the OIC member States on their request for supporting their candidacy at the General Assembly of the International Federation of Red Cross and Red Crescent, which will be held in Sydney, Australia on November 2013.

The participants adopted, after a fruitful discussion of these axis's, the following version (Tunis Declaration on cooperation and partnership in the fields of humanitarian actions between the ICIC and **Recalling** the importance of cooperation and partnership in the fields of humanitarian actions between the ICIC and RC/RC National Societies and national ,international organizations working in the fields of humanitarian actions in the OIC States. RC / RC National Societies in the OIC member States) :-

Stressing respect for the principles , rules and regulations applied when working in the fields of humanitarian assistances to the needy persons and those affected everywhere.

Calling the ICIC and RC/RC National Societies in OIC member States to work for the promotion of cooperation and partnership

between them, and between them and national and international organizations working in the fields of humanitarian actions , the participants reached the following general recommendations:- :

1 - To emphasize the importance of cooperation and partnership in the field of common interest of international humanitarian law and relevant provisions of Islam, between the Islamic Forum of international humanitarian law and national societies and national committees of international humanitarian law and humanitarian organizations, scientific and social institutions to define this law and work to be respected in all cases of application, through the establishment of training courses ,competitions , issuance and distribution of publications on this law.

2 – To work for cooperation and partnership in the awareness programs on the dangers of illegal immigration between the ICIC and RC/RC National Societies and national , international organizations and national authorities concerned, in order to increase interest in this humanitarian issue and contribute to the alleviation programs of its negative effects, through working in the first stage with the following African National Societies of : Libya, Sierra Leone, Benin, Mali, Niger, Chad, Tunisia, Algeria, Morocco, Sudan, Burkina Faso.

3 – To emphasize the promotion of cooperation and partnership in the field of relief, between the ICIC and RC/RC National Societies, and humanitarian organizations working in this field in order to reach the victims and alleviate human suffering which they are exposed to in many areas, and work to take an active role in the field of coordination among them, and human capacity building in order to prepare for disasters and armed conflicts.

4 - To emphasize the promotion of cooperation and partnership in

the fields of development, between the ICIC and RC/RC National Societies and humanitarian organizations, in order to qualify and rehabilitation of national societies capacities especially in under - developed countries to counter the effects of natural disasters and conflicts experienced in many areas, and work to implement capacity development programs in this regard. .

5 – To work for cooperation and partnership to build capacity in a awareness in the guidelines for safety of pilgrims in their own countries before they come to the Holy Land to perform the Hajj, by the ICIC , the Saudi Red Crescent authority , National Societies and the relevant authorities in the OIC States, and to emphasize the importance of the safety guidance program of pilgrims, as a model of co-operation and partnership between these parties, and urged the RC /RC National Societies that have not yet named the national coordinator and trainer to do so as soon as possible, and to call for its implementation

6 - To emphasize the importance of an active role for RC/RC National Societies in OIC member States to promote cooperation and partnership with the RC/RC movement, to support the candidacies of RC/RC National Societies of the OIC member States submitted for the General Assembly of the International Federation of Red Cross and Red Crescent, which will be held in Sydney - Australia on November 2013.

7 - To emphasize the request of Red Crescent Society of the Turkish Republic of North Cyprus (NCTRC's) application for recognition and admission of membership in the Red Crescent Red Cross Movement submitted to "the Joint ICRC\International Federation Commission for National Societies Statutes , in parallel with the abovementioned, they support the initiative of the mission chaired

the Jordanian Red Crescent President and the Standing Commission Member DR. Mohammed AL-Hadid to the IFRC Board for granting the NCTRC "a special observer status'. For realizing the said process, they are calling on the ICIC, the Arab Red Crescent Red Cross Organization and national societies of the OIC member states to advocate for the application of the NCTRC before the ICRC, the IFRC.

8 –To form a working group to follow up the implementation of this Declaration, from the ICIC President , the Chairman of the current session of 3rd consultative meeting , Secretary-General of the Tunisian Red Crescent, and the Chairman of the previous session , 2nd consultative meeting , the Director General of the Turkish Red Crescent.

9 –Expressing thanks and appreciation to the Government of the Republic of Tunisia and the Tunisian Red Crescent Society, for hosting this meeting and for the warm reception and facilities that had a deep impact on its success.

Tunis on 23 Jumada II 1434 H corresponding to May 3, 2013

Report and Resolutionsof the twenty eight session of the Islamic Committee of the International Crescent (ICIC) May 2013 ,2-4 Tunis- Republic of Tunisia



The Islamic Committee of the International Crescent (ICIC) held its twenty eight session in Tunis- Republic of Tunisia on 22-24 Jumad Al Thania 1434H corresponding to 2-4 May 2013 in Gammarth -Tunis .This session has been held together with the third Consultative Meeting of the Islamic Committee of the International Crescent (ICIC) and the National Red Crescent and Red Cross Societies in OIC member States convened by the ICIC .Proceedings were as follows:

I. Opening Ceremony:

The opening ceremony commenced at 10.am on Thursday 2May 2013 in presence of HEDr.Abdullatif Al Makki Minister of

of the Republic of Tunisia and Ambassador Sami Naffa Representative of Tunisian Ministry of foreign affairs and a number of ambassadors and charge d'affaires of OIC member States.

The ceremony started with a recitation from the Holy Quran. This was followed by a speech of Dr. Taher El Chiniti Secretary General of the Tunisian Red Crescent Society who took the floor to welcome the ICIC members and guests participating in the ICIC 28th session and the 3rd consultative meeting of National Societies. He expressed satisfaction for holding these meetings in Tunis which gives special attention to the humanitarian action and looking for more links of cooperation with all peoples of the Islamic Ummah to realize progress and peace.

Ms. Aslan Gulan member of the Board of Turkish Red Crescent (TRC) delivered a speech in which she expressed her best wishes for the participants and underlined the effort made by TRC subsequent to holding the 2nd consultation meeting in Istanbul in 2008 AD and reiterated her appreciation of the good cooperation between the TRC and the ICIC, she expressed also willingness to strengthen this cooperation in the fields of relief and dissemination and reinforcement of international humanitarian law and thanked ICIC and the Tunisian Red Crescent for the hospitality and facilities provided. Ambassador Ali Mahmoud Buhedma, President of the Islamic Committee of International Crescent (ICIC) then delivered a speech in which he expressed gratitude and appreciation to the Government and people of the Republic of Tunisia and its Red Crescent Society, for hosting the current Session and the 2nd Consultative meeting and the facilities offered, wishing this Muslim Country progress and prosperity. He highlighted the need to strengthen and expand -

extend further assistance to those Islamic countries that have been hit recently by natural disasters or armed conflicts. Mr.

Mr. Buhedma also condemned the continued Israeli violations of International Humanitarian Law, especially its violation of the Fourth Geneva Convention of 1949 on the protection of civilians during armed conflicts. He extended his heartfelt thanks to the Headquarters Host State of the ICIC (Libya) for the support and facilities offered to it.

HE Dr. Abdullatif Al Makki Minister of Public Health of the Tunisian Republic, made a speech in which he welcomed holding this session of the ICIC and the 3rd Consultative meeting in Tunis and expressed to the participants the greetings and welcoming of the Tunisian Government and said that his country gives special importance to strengthening the Islamic cooperation especially in humanitarian work and reinforcement of values of solidarity and respect of human dignity. He expressed his consideration for the actions of the ICIC to consolidate the capacity of the National Societies. At the end of official opening ceremony the ICIC President presented on this occasion the shield of ICIC to the Secretary General of the Tunisian Red Crescent Society, and the secretary general of Red Crescent Society of Bahrain and the Secretary General of Indonesian Red Cross presented the Shields of their National Societies to the ICIC President and to the Secretary General of Tunisian Red Crescent.

II- The 3rd consultation meeting

At the end of opening ceremony, the 3rd Consultative meeting of RC\RC National Societies in OIC member States started its works under the theme of " Cooperation and partnership in the

humanitarian work"" which was organized by the ICIC in cooperation with the Tunisian Red Crescent Society , with the participation of the ICIC members , ICIC administration , presidents ,secretary generals ,and representatives of National Red Crescent Red Cross Societies in OIC states and representatives of national and international organizations operating in the fields of humanitarian work.

Participants were as follows:

- 1- Ambassador Ali M.Buhedma, ICIC president.
- 2- Mr. Omer Tasli. ICIC Vice President.
- 3- DrTahar Al-Chiniti ICIC member.
- 4- Mr. FamoryNdiaye. ICIC member.
- 5- Mr. Fayez Elahmary ICIC member.
- 6- Mr .Mustafa Mohaghegh ICIC member.
- 7- Dr. Mohamed Elasbali ICIC Executive Director.
- 8- Mr. Mohammed A. Tarakhan Head of Finance.
- 9- Mr. RamziTawati, Head of Information and Liaison.
- 10- Mr. Hassan Ben Fayed, Head of Administrative Affairs.
- 11- Mr. Omar Al Sheikh Finance officer.
- 12- Mr. Hassan Shoshtari ICIC delegate.
- 13- Mr. SaadAlferjani, External Auditor of the ICIC.
- 14- Dr. FawziOussedik, Chairman of Islamic Forum for International Humanitarian Law and the adviser of foreign relation in Qatar Red Crescent Society.
- 15- Mr. Ahmed Barayan in charge of the Pilgrims Guide Program.
- 16- Mr. K.ErdemGuler Executive Officer of International Programs , ICIC Regional office for central Asia and Europe.

- 17- Ms.GulanAslanmember of Board of Turkish Red Crescent.
- 18- Ms. DenizSolen General Coordinator of TRC.
- 19- BayramSelvi TRC int, relations
- 20- H.H prince Abdullah bin FeisalAl-Saoud, Director General of int. Affairs in Saudi Red Crescent Authority.
- 21- Mr. Fayk Al-Hirfi , Advisor to the president of Saudi Red Crescent.
- 22- Mr. AbdulazizDiallo, President of Senegal Red Cross Society.
- 23- Dr. Yasin Abbas, President of Red Crescent Society of Iraq.
- 24- Mr. Ali Dawood member of the administrative board of the Iraqi Red Crescent.
- 25- Dr. Mohamed el Hadeed President of Jordan Red Crescent Society.
- 26- Mr. Younis Al Khatib , President of the Palestinian Red Crescent Society.
- 27- Mr. Ali BandiarePresident of Niger Red Cross Society.
- 28- Chaudhry Muhammad Nawaz, President the Pakistan Red Crescent Society.
- 29- Mr. YoussoufTraore President of Guinea Red Cross Society.
- 30- DrHamou Ben Zeguir President of the Algerian Red Crescent Society.
- 31- Mr. YayaMahamatLiguita President of Chad Red Cross Society.
- 32- Abdullah Ali, President of Maldivian Red Crescent Society.
- 33- Mr. Mohamed LamineOuld Mohamed Vall, President of the Mauritanian Red Crescent.
- 34- Mr. Paniah .K. GagnoPresident of Togolese Red Cross Society.

- 35- Mr. Ali Alhanish, Vice Chairman of the steering committee of Libyan Red Crescent .
- 36- Mr. Mohammed Albannoni , Director of External Relations of Libyan Red Crescent.
- 37- Mr. NatakaMicalSecretary General of Red Cross of Uganda.
- 38- Mr. Othman Gaafar Secretary General of Sudan Red Crescent.
- 39- Mr. Rashid EmbarakMansouri, . Assistant Secretary General of the UAE Red Crescent Authority.
- 40- Fawzi Abdullah Al-Amin Bahrain Red Crescent Society.
- 41- Budi AtmadiAdiputroSecretary general of Indonesian Red Cross.
- 42- Ms. Emily Nipute ,Secretary General of Benin Red Cross.
- 43- Mr. GafarAsgarzadeh, Vice President of Red Crescent of Azerbaijan.
- 44- Mr. BayramValiyev Red Crescent Society of Azerbaijan.
- 45- Dr. YahiaTamoum, Advisor of the Egyptian Red Crescent.
- 46- Mr. AbdulrahmanAlaaon ,director general of Kuwaiti Red Crescent.
- 47- Mr. MohammediAraghi, , Under- Secretary General for International Affairs and Humanitarian law, Iranian Red Crescent.
- 48- Mr. Amado Saw, President Regional Committee of Mali Red Cross.
- 49- Mr. Edina Ahmagic Red Cross Society of Bosnia.
- 50- Mr. BulentSiraka, board member of the Red Crescent Society of the Turkish Republic of northern Cyprus.
- 51- Mr. BurimSeferi Red Cross Society of Kosovo.
- 52- SanaeDorera Tunisian Red Crescent Society.
- 53- Ahmed krimi Tunisian Red Crescent Society.
- 54- Ibrahim Akaddich Tunisian Red Crescent Society
- 55- WalidTargat Tunisian Red Crescent Society
- 56- Jamal bin Zidane Tunisian Red Crescent Society

57- AyubBouazizi, unisian Red Crescent Society

58- Muhammad Ibrahim Tunisian Red Crescent Society

59- FadelQlenzh Tunisian Red Crescent Society

60- Wajdi Bin Mohammed, Tunisian Red Crescent Society

61- Abbas KookieTunisian Red Crescent Society.

and Mr. BakaryDaniokos , Private Secretary (Chef de Cabinet) for Ministry of Religious Affairs , Republic of Mali- Bamako.

In the presence of representatives of the following international Organizations as observers and invited National Societies: -

1 - Dr. Abdullah Al-Hazaa , Secretary-General of the Organization of Arab Red Crescent and Red Cross.

2 - Mr. Ibrahim Osman adviser to the Organization of Arab Red Crescent andRed Cross.

3 - Mr. Abdel Razek Mohamed Abdel Razek, head of projects Dept. of the Islamic Solidarity Fund

4 - Mr. Mohamed Babiker, Regional Representative of the International Federation of Red Crescent / Red Cross in the Gulf.

5 - Mr. Gerard Otrdo Head of Mission of the International Federation ofRed Crescent / Red Cross - Tunis

6 -Mr. Michel Meyer, head of the Multilateral organizations in International Committee of the Red Cross (ICRC) – Geneva

7- Mr. Jean Michel Monod , Head of ICRC Regional Delegation - Tunis

8 - Mr. Mohammed bin Ahmed, adviser to the International Committee of the Red Cross (ICRC) –Tunis.

The axes of topics examined by the consultation meeting were as follows:

- 1-Cooperation and partnership between the Islamic Forum of IHL (subsidiary organ of the ICIC) , National Societies and national Commissions of IHL
- 2-Cooperation and partnership between the ICIC and National Societies in the field of Awareness on illegal migration ...
- 3-Cooperation and partnership between the ICIC and National Societies in the field of relief.
- 4-Cooperation and partnership between the ICIC and National Societies in the field of capacity building.
- 5- Cooperation and partnership in the program of pilgrim guide of safety.

The meeting examined these topics and as result of that , it presented a number of recommendations on strengthening their joint cooperation and coordination and adopted Tunis Declaration on the cooperation and partnership in the humanitarian work..(annexed)

III- ICIC28th meeting.

The Committee then began its proceedings on 3-4 May 2013 in Gammarth in Tunis , with the attendance of the following members of the Committee:

1. Mr.Ali Mahmoud Buhedma, ICIC president
2. Mr. Omer Tasli. ICIC Vice president
3. Mr. Famory Ndiaye. ICIC member
4. Dr.Tahar Al-Chiniti ICIC member
5. Mr. Fayez Elahmary ICIC member
6. Dr Mustafa Mohaghegh ICIC member

The following ICIC members were absent with excuses:-

1- Ambassador Ata AlmananBakhit representative of the OIC general secretariat

ICIC member

2- Dr Abdul Rrahman Al Attar ICIC member

3- Dr. Mohamed el Maadeed, ICIC member

4- Dr.Habib Makhtoum, ICIC member

The following personnel from the ICIC administration were present at the meeting:

1- Dr. Mohamed Elasbali ICIC Executive Director.

2- Mr. Mohammed A. Tarakhan Head of Finance .

3- Mr. RamziTawati, Head of Information and Liaison.

4- Mr. Hassan Ben Fayed, Head of Administrative Affairs.

5- Mr. Omar al Sheikh Finance officer.

6- Mr. Hassan Shoushtari ICIC delegate.

With the presence of Mr. SaadAlferjani, External Auditor of the ICIC

The following representatives of ICIC subsidiary organs were present:

1- Dr. FawziOussedik, Chairman of Islamic Forum for International Humanitarian Law.

2- Mr.AhmedBarayanIn charge of the Pilgrims Guide Program.

The following observers and guests were also present:

1- Mr. Abdallah Al Hazzaaa Secretary General of the Arab Organization..of Red Crescent and Red Cross Societies (as observer).

2- Mr. Abdulrazek M. Abdulrazek Representative of the Islamic Solidarity Fund (ISF)

3- Prince Abdallah IbnFaysal Al Saoud Director general at Saudi Red Crescent

4- Mr.Fayk Al-HirfiAdvisor to the President of Saudi Red Crescent

5- Mr. Abdulaziz Diallo, President of Senegal Red Cross Society.

6- Mr. Rashid EmbarakMansouri, Assistant Secretary General of the UAE Red

Crescent Authority.

7- Mr. Othman GaafarSecretary General of Sudan Red Crescent.

The Committee adopted the meeting agenda as follows:

1-Report of the ICIC Administration.

2-Report of the Islamic Forum of IHL.

3-Follow up report on the guide for pilgrims.

4-Report of the regional office for Central Asia and Europe

5-Financial Report of the ICIC Administration for 2012

6-Report of the external auditor on 2012

7-Project of the ICIC budget for 2013.

8-ICIC Program of action for 2013

9-The ICIC membership

10- Election of the ICIC president and vice president

11- Any other questions

12-Date and venue of the next ICIC session

I: Report of the ICIC administration:

The Committee reviewed the report of the ICIC administration containing a description of the activities undertaken since the 27th

ICIC session held in Kyrenia on 29 February to2 March 2012 . The Committee took the following decisions:

1. Adoption of the report.

2. Commending the efforts of the ICIC President and members of the administration for implementing the Committee Resolutions, their good performance and humanitarian activities that were achieved.
3. Extending thanks and appreciation to the Headquarters host State of the (ICIC), Libya , for the continued facilities and support offered to the ICIC Administration.
4. Extending thanks and appreciation to the Government and people of the Republic of Tunisia , and the Tunisian Red Crescent Society, for the generous hospitality and facilities offered to hold this session.
5. Extending thanks and appreciation to HE Professor Ekmeleddin Ihsanoglu OIC Secretary General on the continued cooperation and support to the ICIC , in order to enable it to fulfill its humanitarian mandate.
6. Expressing thanks to the Islamic Solidarity Fund (ISF) for its financial support offered to the ICIC administration to implement the program of humanitarian assistances in Libya during 2012, , and calling the ISF to adopt mechanisms of cooperation to execute humanitarian assistances of the ISF in affected areas of OIC member States.
7. Continue dialogue with the Department of Humanitarian Affairs in the OIC General Secretariat, about areas of cooperation to implement relief programs , and exert efforts to obtain support from the Islamic Development Bank for the ICIC humanitarian programs, and act for adopting a mechanism for cooperation with the two parties.

8. Appeal to OIC Member States, which have not yet acceded to the Agreement establishing the Committee, to do so at the earliest time.

9. Welcoming with satisfaction the success of the works of the third Consultative Meeting of the ICIC and the National Red Crescent and Red Cross Societies in OIC member States held in Tunis on 2-3 May 2013 , and expressing thanks and gratitude to the Tunisian Red Crescent Society for hosting this Meeting.

II : Report of the Islamic Forum of international Humanitarian Law (IFIHL) :

The ICIC was briefed on the activities of the Islamic Forum of IHL and decided the following :

II- Report of the IFIHL :

1-1- Adoption of the activity report of the Forum.

1-2- Extending thanks and appreciation to the ICIC administration and Qatar Red Crescent Society for providing moral and material support and facilities, necessary for the implementation of the Forum's scientific activities.

1-3- Appreciating the efforts of the chairman and reporter of the scientific committee of the Forum for the implementation of the Forum's activities during 2012.

1-4- Working for the establishment of specialized committees in the fields of cooperation with universities, research centers, national commissions of IHL and regional and international organizations, and the preparation and training of legal advisors and qualified persons in order to extend legal consultation to armed forces , and governmental and NGO's In OIC member States. And to work within the instruments of monitoring facts and follow-up implementation of IHL.

1-5- Recommendation to OIC member States that have not yet done so, to establish national commissions of IHL.

1-6- Invitation to relevant humanitarian, educational, cultural and social development organizations and institutions in OIC Member States to cooperate with the Islamic Forum of the International Humanitarian Law to hold seminars and studies on topics of the International Humanitarian Law and the definition of the relevant Islamic principles and norms. Call upon the Forum to publish periodic report on the implementation of IHL and its violations during armed conflicts.

1-7- Invite the Forum to issue a periodic report on the implementation and application of international humanitarian law, violations committed during the armed conflict.

1-8- Thanking the President and members of the National Society-Friends of the Red Crescent Society of the Turkish Republic of Northern Cyprus for their efforts, and calls upon national Societies, which have not yet adhered to this group to do so.

1-9- Adoption of the annual action plan of the Forum, and its financial budget for 2013.

2- Working group on the program of peace building:

The Committee examined the results of the first meeting of the working group in charge of the strategy of peace building in OIC countries hit by armed conflicts in accordance with the fundamental principles of the ICIC Agreement stipulating that "the ICIC believes that the call for peace should prevail in all circumstances, to prevent suffering and destructions resulting from armed conflicts and wars".

The Committee decided the following:

2-1. Calls upon the working group to continue its mission and present the draft strategy to the next ICIC session.

2-2 . Thanks the Qatar Red Crescent Society for hosting the first meeting of the group, and appreciates the readiness of the Turkish Red Crescent Society and the Iraqi Red Crescent to host the second and the third meeting and of the group of work.

III : Follow up report on the pilgrims guide program :

The Committee was briefed on the Pilgrims Guide Program Follow-up Report and expressed its appreciation to the Saudi Red Crescent Organization and the ICIC administration for their efforts to accomplish this joint Islamic program, and decided the following:

1. Working to complete the pilgrims Guide with the inclusion of maps and teaching aids, and printing it in the three working languages: Arabic, English and French, with a view to use the manual in implementing the pilgrims program guide, and distributing it to concerned parties in the countries of the Organization of Islamic Cooperation.
2. Working for establishing the special organ in charge of following up the program.
3. Calling National Red Crescent and Red Cross Societies in the Organization of the Islamic Cooperation that have not yet designated a national coordinator of the pilgrims guide program to do so at the earliest time.
4. Working for holding the first workshop of coordinators of the program within the national societies of Red Crescent Red Cross in OIC member States during 1434 H. in Makah Al- Mukarrama.

IV :ICIC Regional office :

The Committee reviewed the report Mr. Omer Tasli ICIC Vice-President on the works of the ICIC regional office for Central Asia and Europe in Ankara, and decided the following:-

1. Extending thanks and gratitude to the Turkish Red Crescent Society for its efforts and cooperation to establish the ICIC Regional Office in central Asia and Europe Region, and commending its cooperation in extending humanitarian projects in Libya and Somalia
2. Expressing appreciation to Mr. Omer Tasli for his efforts to establish the regional Office.
3. Directing the ICIC administration in cooperation with the Turkish Crescent Society to draft the organizational structure, manpower, terms of reference, financial budget and the operation program of the Office.

V : Financial Report:

The Committee reviewed the financial report of the ICIC administration for the year ended on 31.12.2012, and decided as follows:

1. Adoption of the financial report.
2. Extending of thanks to the ICIC President and its administration for the good and rational use of Committee's financial resources
3. Expressing thanks to Libya, Kingdom of Saudi Arabia and Qatar for the payment of their contributions to the ICIC budget up to 2012.
4. Thanks the Red Crescent Society of the United Arab Emirates for offering financial contribution of 100.000 \$ dollars.
5. Calling States parties to the ICIC Agreement that have not yet paid their contributions to the ICIC administration to do so in the earliest time.
6. Calling on -OIC member States to provide support and - - .

financing humanitarian work programs which are carried out by the Committee.

7. Appeal to the Islamic Development Bank and the Islamic Solidarity Fund to contribute to finance the ICIC humanitarian programs.

VI : The external auditor's report:

The Committee examined the report of the external auditor for its financial year in 2012, and decided as follows:

- ☐ Adoption of the external auditor report on 2012.

VII: The financial budget for 2013.

The Committee discussed the draft of ICIC annual budget for 2013 and decided the following:

- ☐ Adoption of the ICIC budget for 2013 of USD (2,000,000), two millions us \$dollars.

VIII : the Annual plan of action:

The Committee discussed the annual plan of action of the ICIC for 2013, and decided as follows:

- ☐ Adoption of the ICIC annual plan of action in 2013.

IX:ICIC membership :

The ICIC decided in accordance to Article 10 of the establishment Agreement to designate its members whose mandate ends after four years from the date of their election by the 39 ICFM and those whose mandate will finish after two years after them according to the result of the balloting made during the meeting as follows:

1- ICIC members with mandate of four years as from 17 November 2012:

1-Mr Omer Tasli

2-Mr Taher Al Cheniti

3-Dr HabibMakhtoum

4-Dr Mustafa Mohagheg

2-ICIC members with mandate for six years as from 17 november 2012:

1-Dr Mohamed El Maadeed

2-Dr AbdulRahman Al Attar

3-Mr Fayez Al Ahmari

4-Mr FamoryNdiaye

X-election of the ICIC president and vic president:-

The committee decided the reelection of:

1- Mr. ALI M .Buhedmaas president

2- Mr.Omer Tasli as vice president

For a period of two years as from 03may2013

XI : Date and place of next session:

The Committee decided to assign its president to make the necessary contacts, to set the date and place of the next session.

At the conclusion of the meeting, the Committee extended its thanks and gratitude to the people and government of the Tunisian Republic , and the Tunisian Red Crescent Society, for their generous hospitality and the facilities offered to the ICIC.



Islamic University in Uganda Faculty of Law
The 2nd Abu Mayanja Moot Court Competitions
Held at Islamic University in Uganda, Females' Campus – Kabojja
Between 26-27 January 2014



Agenda

The Competition was held on the following agenda

- Opening Dua
- Communication from the Dean Faculty of law
- Communication from the Director, IU , Females' Campus
- Communication from the Vice Rector, Academic Affairs
- Communication from the President Islamic Forum for Islamic International Humanitarian Law
- Communication from the Guest of Honour, the Representative of the Family of the Late Abu Mayanja
- Moot Court Competition proceedings

a. Opening Dua

The opening Dua was recited by one of the participants in the competition.

b. Communication from the Dean, Faculty of Law, Mrs. Sauda Naiga

Her speech addressed the following issues:

- She expressed her gratitude to the Islamic Forum for Islamic International Humanitarian Law for fulfilling its promise of conducting the IHL moot competition at the Females' campus.
- She confirmed that another competition shall be held next year at Islamic University Kampala Campus inshallah.
- She called upon participants to exhibit legal competence and skills during the competition.
- She wished success to all competing groups.

c. Communication from the Director, IU Females' Campus, Dr. Halima Akbar

- She thanked the president of the Islamic forum for availing such an opportunity to law students.
- She urged participants to utilize this and other similar academic opportunities in order to improve on their skills.
- She emphasized that the students should work hard to make the blue print match with the white print, i.e. make efforts to ensure that the credentials attained match practice.
- She emphasized that students should work hard in order to be in position to defend the certificates attained at the university.
- She wished all the competing groups a fruitful competition.

d. Communication from the Vice Rector, Academic Affairs, Dr. Mouhamad Mpezamihigo

- He thanked the participants in the moot and urged them to utilize this chance to familiarize themselves with the legal practice.
- He commended the Islamic Forum and its sister organizations like the International Committee of the Red Cross for its role in promoting IHL in the university.
- He called upon participants to observe the university rules during their stay at the Females' Campus.
- He reiterated the university administration's commitment to improve services to the faculty of law.
- He wished all participants good submission

e. Communication from the President Islamic Forum for IHL, Prof. Fawzi Oussedik

- He informed participants that this is the second moot competition organized the university in conjunction with the IFIHL.
- He emphasized that the objective of the moot is to enhance the students' legal competencies and skills of legal practice.
- He reminded the audience especially those attending this event for the first time that the moot was named after one of the prolific Muslim educationist and activist in Uganda, the late Al-Hajj Abubakr Kakyama Mayanja in commemoration of his great contribution towards liberation of Uganda and his great contribution to the establishment of Islamic University in Uganda.
- He reminded the competing groups of the rules governing the moot and the criteria for award of marks and urged them to strictly adhere to the rules of the competitions.
- He wished them successful deliberation.

f. Communication from the Guest of Honour, Counsel Lumweno, The Legal heir of the Late Abubakar Kakyama Mayanja

His speech highlighted the following:

- He narrated the profile of his father, the late Abubakar Mayanja whose academic journey saw him rising from a humble background to winning national and international academic opportunities and awards.
- He informed participants of Abu Mayanja's great role as a loyal servant of his nation and his Buganda kingdom especially in his struggle against colonialism.
- He also informed participants that the late Abubakar Mayanja was a great Pan Africanist.
- He informed participants that despite Abubakar Kakyama Mayanja's national and international fame, reputation and recognition, he never hid his true identity as a Muslim.
- He further informed that Abubakar was an intelligent performer who played a great role in the political and economic development of the Muslims in Uganda and Uganda as whole.
- He played an active role in the establishment of IUIU amidst the prevailing challenges of the time and he was the first rector of the university.
- At the end of his speech, he thanked the University administration for honoring the family of the late Abu Mayanja by naming the moot court competitions after him.

g. Proceedings of the Moot Competition

The Competition involved a debate on the following legal cases:

Case 1. The right for humanitarian intervention is adequately provided for under Islamic law than in International Humanitarian Law.

Discuss this with reference to relevant authorities, case law and practical examples. (Case study of Southern Sudan).

Case 2. The Convention relating to the status of refugees and its protocol sets minimum standards guaranteeing refugees' rights and protection. Does Islam ensure similar guarantees? (Case study of Syria).

Case 3. The Position of Islam and Shariah on non-conventional weapons is clearly provided for more than what International Humanitarian Law does. Discuss. (Case study of Iran).

Case 4. The distinction between International Humanitarian Law and relevant Islamic law in times of conflict is irrelevant owing to the need to protect humanity. Examine this statement in relation to relevant authorities and global events. (Case study of Libya).

The moot competition was conducted between three groups, each representing its respective campus, as follows:

Group A. (Main Campus)

1. Omodoi Samuel, LLB IV
2. Bukenya Abdul Wahab, LLB IV
3. Khadija Namakula, LLB IV
4. Nambuya Rizik, LLB III

Group B. (Kampala Campus)

- 1- Pande Cephas, LLB III
- 2- Hamza Sekidde, LLB III
- 3- Odeke Michael, LLB III
- 4- Katulege Andrew, LLB IV
- 5- Sewaya Haruna, LLB III

Group C (Females' Campus)

1. Nakabugo Nasim, LLB IV
2. Nakayiza Huda, LLB IV
3. Nantaba Madina, LLB IV

4. Nabuuma Fatia, LLB III

Before the competitions, draws were held to choose one of the cases to be discussed by each group and to choose between the position of either prosecution or defence. The draw results were as follows:

First Round: Main Campus (Prosecution) Vs. Kampala Campus (Defence). They chose Case 3. "The Position of Islam and Shariah on non-conventional weapons is clearly provided for more than what International Humanitarian Law does. Discuss. (Case study of Iran)".

Second Round: Females' (Prosecution) Vs. Main Campus (Defence). They chose Case 1. "The right for humanitarian intervention is adequately provided for under Islamic law than in International Humanitarian Law. Discuss this with reference to relevant authorities, case law and practical examples. (Case study of Southern Sudan)".

Third Round: Kampala Campus (Prosecution) Vs. Females' Campus (Defence). They chose Case 2. "The Convention relating to the status of refugees and its protocol sets minimum standards guaranteeing refugees' rights and protection. Does Islam ensure similar guarantees? (Case study of Syria)".



Preliminary Results

Main Campus

S. No.	Criteria	Percentage	Scores for prosecution	Scores for defense
1.	Method of performance	10	07	07
2.	Team spirit	15	12	12
3.	Proper use of legal vocabularies	20	14	14
4.	Legal grounds	20	15	12
5.	Presentation	15	12	12
6.	Contest evaluation	20	14	15
Total		100	74%	75%

Average: $75 + 74 = 149/2 = 75\%$

Kampala Campus

S. No.	Criteria	Percentage	Scores for prosecution	Scores for defense
1.	Method of performance	10	08	07
2.	Team spirit	15	13	11
3.	Proper use of legal vocabularies	20	16	15
4.	Legal grounds	20	16	16
5.	Presentation	15	12	12
6.	Contest evaluation	20	14	15
Total		100	76%	79%

Average: $76 + 79 = 155/2 = 78\%$

Females' Campus

S. No.	Criteria	Percentage	Scores for prosecution	Scores for defense
1.	Method of performance	10	07	07
2.	Team spirit	15	11	10
3.	Proper use of legal vocabularies	20	14	11
4.	Legal grounds	20	14	14
5.	Presentation	15	10	11
6.	Contest evaluation	20	13	14
Total		100	69%	67%

Average: $69 + 67 = 136/2 = 68\%$

With the above scores, it became clear that the Main campus shall face Kampala campus in the final competition to debate Case 4.

“The distinction between International Humanitarian Law and relevant Islamic law in times of conflict is irrelevant owing to the need to protect humanity. Examine this statement in relation to relevant authorities and global events. (Case study of Libya)”.

Final Results

At the end of the debate, the panel of judges deliberated on the results and agreed on the following final scores:

Main Campus

S. No.	Criteria	Percentage	Scores
1.	Method of performance	10	08
2.	Team spirit	15	13
3.	Proper use of legal vocabularies	20	15
4.	Legal grounds	20	16
5.	Presentation	15	12
6.	Contest evaluation	20	16
Total		100	80%

Kampala Campus

S. No.	Criteria	Percentage	Scores
1.	Method of performance	10	08
2.	Team spirit	15	13
3.	Proper use of legal vocabularies	20	16
4.	Legal grounds	20	17
5.	Presentation	15	13
6.	Contest evaluation	20	16
Total		100	83%

Closing Ceremony

The agenda for closing ceremony was as follows

Opening Dua

Speech from one of the famous lawyers, Counsel Musa Ssekaana

Announcement of Results

Award of certificates and gifts

Group photo

Closing Dua

a. Opening Dua

The ceremony was officially opened with recitation of Qur'an from one of the participants in the competition.

b. Speech from a Famous Muslim Lawyer and Founder of the Faculty of Law, IUIU, Counsel Musa Ssekana

The speech of counsel Musa Ssekana focused on the following issues:

- He expressed his gratitude towards the Islamic Forum for International Islamic Humanitarian Law, the administration of the Islamic University in Uganda and whoever was behind the organization of this event and urged them to continue with similar events due to their benefit to students of the faculty of law.
- He called upon the university administration and the Islamic Forum to publish the proceedings of this competition together with the submissions on the cases discussed by students.

- He also urged participants to take interest in similar programs. He also informed participants that legal practice is not limited only to those who have passed the Bar course at the law development centre but law students are capable of offering legal services in various ways such as legal advisors, lecturers, etc.

Announcement of Final Results

Final results were announced by Dr. Abdul Hafiz Walusimbi, one of the members on the panel of judges where he announced Kampala Campus as the winner of Abu Mayanja Moot Court Competition for the year 2013.

Award of Certificates and Gifts

All members of the panel of judges took a centre stage before the participants and presented certificates and gifts to all participants in the competition and to whoever contributed to its success directly or indirectly.

Group Photo

All participants, administrators and the panel of judges stood for a group photo after which the competitions were officially closed.

Closing Dua

The closing Dua was recited by one of the participants in the competition at exactly 2:30 Pm.

Dr. Abdul Hafiz Walusimbi

Rapporteur

Violations Committed during Armed Conflicts according to International Humanitarian Law and its related Provisions in Islamic Shari'ah.

الانتهاكات المرتكبة أثناء النزاعات المسلحة وفقا لقانون الدولي الإنساني واحكام الشريعة الإسلامية ذات الصلة

By Dr. Abdul Hafiz Mussa Walusimbi,

Islamic University in Uganda



الدكتور عبدالحفيظ موسى
الجامعة الإسلامية في أوغندا

الخلاصة :

لقد كانت الصراعات المسلحة السبب الرئيسي للإصابات والخسائر في الأرواح في أوقات وأماكن مختلفة. على الرغم من العديد من الجهود لتقليص معدل هذه الإصابات، واستمر الجنس البشري يعانون من آثار النزاعات المسلحة. وقد تفاقمت هذه المعاناة من خلال اختراع واستخدام أسلحة الدمار الشامل، والتي تدمر بدون تمييز، وإمتداد تأثيرها الكارثي على الكائنات الحية وعلى حياة الأجيال القادمة والبيئة الطبيعية.

وتهدف احكام القانون الدولي الإنساني العلمانية والإسلامية إلى حماية وصون مصالح الإنسان، والحد قدر الإمكان من تأثير النزاعات المسلحة على المقاتلين. اتفاقيات جنيف الأربع الموقعة في 12 أغسطس 1949، و البروتوكولين الإضافيين الموقعين في 8 يونيو 1977 تشكل المصادر الرئيسية للقانون الدولي الإنساني العلماني (القانون الدولي الإنساني) وأحكاما لتحقيق هذا الهدف. وانتهاك هذه الأحكام تؤدي إلى جرائم الحرب المحددة في نظام روما الأساسي للمحكمة الجنائية الدولية الموقعة في 1 يوليو 2002.

تحتوي الشريعة الإسلامية من ناحية أخرى، على مبادئ القانون الدولي العام، والتي يتم استخلاصها من المصادر الرئيسية، مثل القرآن الكريم والسنة النبوية الشريفة، الإجماع (إجماع علماء المسلمين)، القياس (قياس على المثل)، من بين أمور أخرى. وحيث أن الهدف العام من الشريعة الإسلامية هو ضمان رفاه الجنس البشري بأكمله حماية والحفاظ على الضروريات الخمس الأساسية من الدين والنفس والنسل والفكر والملكية، وتقوم أحكامه على مبدأ ضمان نفع للإنسان ولخلافة الله في الأرض، ودرء الضرر والخسارة. لذا فمن نافذة القول أن الشريعة الإسلامية تقف إلى جانب إدانة وحظر كل أنواع الانتهاكات ضد البشر في كل حالات السلم والحرب، ما عدا في حالات الضرورة.

Topic:

Violations Committed during Armed Conflicts according to International Humanitarian Law and its related Provisions in Islamic Shari'ah. A paper presented by Dr. Walusimbi Abdul Hafiz, under the theme: Violations of International Humanitarian Law: Humanitarian & Legal Solutions in the OIC States, Kyrenia, Turkish Republic of Northern Cyprus, between 29th -3rd March 2012.

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Abstract

Armed conflicts have been the major cause of injury and loss of lives in various times and places. Despite numerous efforts to scale down the rate of such inflictions, the human race has continued to suffer the consequences of armed conflicts. This suffering has been aggravated by the invention and employment of weapons of mass destruction, whose destruction is indiscriminate, and their disastrous effect has been extended to the unborn future living organisms and the natural environment.

Both secular and Islamic International Humanitarian law war provisions aim at protecting and safeguarding human interests, and to limit as much as possible the effect of armed conflict to the combatants.

The four Geneva conventions of 12th August 1949, their two additional protocols of 8 June 1977 constitute the major sources of

secular International Humanitarian law (IHL) contain provisions to achieve this objective. Violation of these provisions give raise to war crimes defined in the Rome Statute of the International Criminal Court of 1st July 2002.

Shari'ah on the other hand, contains principles of public international law, which are drawn from the major sources, like the holly Qur'an, Sunnah (traditions of the prophet), Ijma (consensus of Muslim scholars), Qiyas (analogical deduction), among others. Since the general objective of Shari'ah is to ensure the well-being of the entire human race through protecting and safeguarding the five basic essentials of religion, life, progeny, intellect and property, its provisions are based on the principle of ensuring benefit to man, the vicegerent of God, and warding off harm and loss. It therefore goes without saying that Shari'ah

stands on the side of condemning and prohibiting all kinds of violations against human beings in both situations of peace and war, except where necessities so dictate.

This paper presents violations committed during armed conflicts as laid down in the sources of international humanitarian law, and then provides the Shari'ah position on these violations, with the aim of indicating how both sets of law relate to each other in ensuring human well-being and welfare.

1.0. IHL Provisions of armed Conflicts

International Humanitarian Law is a branch of Public International law which comprises the rules which, in times of armed conflict, seek to protect people who are not or are no longer taking part in the hostilities, and to restrict the methods and means of warfare employed. Through its major sources, i.e. the four

Geneva Conventions, their two additional Protocols and the Hague Statute of International Criminal Court, IHL generally aims at ensuring that all parties to a conflict must at all times distinguish between the civilian population and combatants in order to spare the civilian population and civilian property, respect and protect the lives of those who do not and no longer take part in the hostilities, and to regulate the methods and means of warfare so as to avoid unnecessary losses or excessive suffering.

IHL further regulates the post-war situations by advocating for care for the sick and the wounded, advocating for protection and respecting the captured combatants and civilians who find themselves under the authority of the adverse party from all acts of violence or reprisal and advocating for their rights to exchange news with their families,

receive aid and subjected to a fair judicial process.

The 1st Geneva Convention laid down rules to avoid violations against the wounded and the sick in the armed force in the field, the 2nd provided for protection of the wounded, the sick and the ship wrecked members of Armed forces at sea, the 3rd provided for the rights of the prisoners of war, while the 4th provided for protection of Civilian persons.

In addition to that, two additional protocols have been enacted; Protocol I relates to the protection of victims of International Armed conflict, while Protocol II relates to the protection of victims of Non-International Armed conflict.

The basic rules of international Humanitarian law in armed conflict are summarized as under:

1. Persons hors de combat and those who do not take a direct part in hostilities are entitled to

respect for their lives and their moral and physical integrity.

They shall in all circumstances be protected and treated humanely without any adverse distinction.

2. It is forbidden to kill or injure an enemy who surrenders or who is hors de combat.

3. The wounded and sick shall be collected and cared for by the party to the conflict which has them in its power. Protection also covers medical personnel, establishments, transport and equipment. The emblem of the Red Cross or the Red Crescent is the sign of such protection and must be respected.

4. Captured combatants and civilians under the authority of an adverse party are entitled to acts of violence and reprisals. They shall have the right to correspond with their families and to receive relief.

5. Everyone shall be entitled to benefit from fundamental

judicial guarantees. No one shall be held responsible for an act he has not committed. No one shall be subjected to physical or mental torture, corporal punishment or cruel degrading treatment.

6. Parties to a conflict and members of their armed forces do not have an unlimited choice of methods and means of warfare. It is prohibited to employ weapons or methods of warfare of a nature to cause unnecessary losses or excessive suffering.

7. Parties to a conflict shall at all times distinguish between the civilian population and combatants in order to spare civilian population and property. Neither the civilian population as such nor civilian persons shall be the object of attack. Attacks shall be directed solely against military objectives.

Articles 46, 47, 13, of the Geneva Conventions I, III, and IV respectively as well as Articles

20, 51-56 of Additional protocol I prohibit reprisals, violations of the law in response to other violations of the law and to make them cease against the wounded, sick and shipwrecked, medical services and personnel, civil defense services and personnel, prisoners of war, civilians, civilian and cultural property, the natural environment and works and installations containing dangerous forces.

The particular significance of the Geneva conventions' articles and those of their additional protocols relate to both offences which are subject only to administrative or disciplinary sanctions as well as to grave breaches, against which they constitute an embryonic international penal law by elevating them to the rank of international crimes and designating them as "war crimes".

Article 8 of the Rome Statute of ICC states that:

1. The court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes. It can therefore be concluded from the preceding article and as stated by Section (2), subsection (a):

- i. Willful killing;
- ii. Torture or inhuman treatment, including biological experiments;
- iii. Willfully causing great suffering, or serious injury to body or health;
- iv. Extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly;
- v. Compelling a prisoner of war or other protected person to serve in the forces of a hostile power;
- vi. Willfully depriving a prisoner of war or other protected person of the rights of fair and regular trial.
- vii. Unlawful deportation or transfer or unlawful confinement;
- viii. Taking of hostages.

Subsection (b) of the same article provided for more serious violations as under:

- i. Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
- ii. Intentionally directing attacks against civilian objects which are not military objectives;
- iii. Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilian objects under the international law or armed conflict.
- iv. Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to

the concrete and direct overall military advantage anticipated;

v. Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives.

vi. Killing or wounding a combatant who, having laid down his arms or having no longer means of defense, has surrendered at discretion;

vii. Making improper use of a flag or truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death of serious personal injury;

viii. The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;

ix. Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic are collected, provided they are not military objectives;

x. Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;

xi. Killing or wounding treacherously individuals belonging to the hostile nation or army;

xii. Declaring that no quarter will be given;

xiii. Destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;

xiv. Declaring abolished, suspended or inadmissible in a court of law

the rights and actions of the nationals of the hostile party;

xv. Compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;

xvi. Pillaging a town or place, even when taken by assault;

xvii. Employing poison or poisoned weapon;

xviii. Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;

xix. Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pieced with incisions;

xx. Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict,

provided that such weapons, projectiles and material and methods of warfare are the subject of a comprehensive prohibition and are included in an annex to the statute, by an amendment in accordance with the relevant provisions set forth in Article 121 and 123.

xxi. Committing outrages upon personal dignity, in particular humiliating and degrading treatment;

xxii. Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Convention;

xxiii. Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operation;

xxiv. Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions;

xxv. Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.

Subsection (c) of the same article provides for other violations against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention or any other cause as provided for by Article 3 common to the four Geneva Conventions of 12 August 1949. Such acts include:

- i. Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- ii. Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
- iii. Taking of hostages;
- iv. The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted recognized

as indispensable.

Subsection (e) provided for other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:

- i. Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
- ii. Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
- iii. Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peace-keeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

- iv. Intentionally directing attacks against buildings dedicated in religion, education, art, science, or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
 - v. Pillaging a town or place, even when taken by assault;
 - vi. Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;
 - vii. Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities;
 - viii. Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;
 - ix. Killing or wounding treacherously a combatant adversary;
 - x. Declaring that no quarter will be given;
 - xi. Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
 - xii. Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict.
- From the above provisions of sources of international Humanitarian Law confirm two major facts:
- a. The main objective of the four Geneva Conventions and their two additional protocols is to safeguard and protect the interests of civilians during an armed conflict;

2.0. The Related Provisions of Islamic Shari'ah on Armed Conflict

The term Shari'ah refers to the total sum of laws revealed by Allah (God) to Prophet Muhammad (S.A.W) as guidance to mankind.

As a set of laws, Shari'ah draws its injunctions from Qur'an, Hadith, Ijma, Qiyaas, as primary sources, but its sources are extended to cover secondary sources like Istihsaan, Istislaah, among other sources.

Like the IHL provisions, Shari'ah stands to protect the interest of the human race. Its provisions aim at ensuring the well-being of the human race by safeguarding its five basic necessities of Religion, Life, Progeny (Off spring), Intellect and Property. () Although the provisions of Shari'ah do not specifically mention the violations of IHL during armed conflict, its provisions from Qur'an, Sunnah and the behavior of Muslim commanders in ancient history of Islamic civilization clearly exhibit regulations

before, during and after an armed conflict. The objective of such rules is to spare the civilian population and their property, protecting the hors de combat, the sick, the wounded, among others.

Peace is the original basis of international relations in Shari'ah. War is just incidental and thus can be declared for purposes of fighting against oppression, establishing justice, and ensuring equality. Jihad in Islam is prescribed for fending off aggression, self defense, resisting oppression, quelling down affliction, and liberating the lives of the vulnerable groups like women, children, the elderly, the sick, weak, or rescuing them from the vehemence of dictatorship and oppression.

This is manifest in a number of Qur'anic injunctions some of which are provided below:

i. Qur'an provides that "And fight in the way of Allah those who fight you, but transgress not the limits. Truly, Allah likes not transgressors".(3)

ii. Qur'an provides that "And fight them until there is no more affliction (Fitnah)."(4)

iii. Qur'an states "But if they inline to peace, you also inline to it...(5)

In cases where waging of war becomes necessary, its course and proceeding must adhere to such principles that ensure minimization of war burdens. Some of them are discussed below:

i. Respect of human life has to be foremost, for terminating one life equivalent to killing all mankind.()

In addition to that, goodness (Ih-saan) is demanded in all human acts, even in those directed towards animals. Shaddād bin Aus reported: Two are the things which I remember Allah's Messenger (P.B.U.H) having said: verily Allah has enjoined goodness to everything; so when you kill, kill in a good way and when you slaughter, slaughter in a good way..."(). The Hadith is generally prescribing taking care of lives. If this is on animals, then extending it to human beings is by

fortiori (with greater reason).

ii. All human beings are equal, and no discrimination on grounds of race, religion, etc. is entertained in Islam. Qur'an declares that that

"Oh Mankind! We have created you from a male and female and made you into nations and tribes that you may know one another. Verily, the most honorable of you with Allah is that who has piety".()

In a prophetic tradition "Oh you people, verily your creator is one, and your father is one, there is no preference for an Arab over a non Arab, for a non Arab over an Arab, for a red over a black, or for a black over a red except by (criteria of) piety"(). This principle doesn't only put humanity on the same equal footing but also call for respecting human life more especially during armed conflict.

iii. Justice shall be upheld in situations, either of peace or war. Adhering to this principle lead to prohibition of all kinds of excessive and unnecessary attacks during the

armed conflict, which include prohibition of mistreating captives, mutilating dead bodies, destruction of buildings, among others whose details shall be provided.

iv. International treaties have to be respected and adhered to. Qur'an dictates that "And fulfill (every) covenant, verily the covenant will be questioned about". () This provision infers to avoiding bloodshed as much as international treaties may provide.

v. War shall not be declared abruptly. It was the practice of the prophet ever to send warning to an adversary before launching any attack to them.

2.1 Pre-war instructions

It was Prophet Muhammad's practice to issue instructions meant to safeguard the interests of the civilian population, their property, preservation of environment, etc. the following proof shall suffice:

1) 'Ali reported: the prophet used to say whenever he was seeing off an army for expedition "Go in the

name of Allah, kill not a woman, a child or an old man, do not sink down a water source, do not cut down any tree, except the one which prevents you from fighting or obstructing between you and the enemy, do not mutilate human beings, nor animals, do not perfidy and do not act excessively". ()

2) Abubakr, the Second Caliph amplifies the prophet's sound when he issued similar instructions while seeing off the army led by Usāma. He said "I prescribe ten commandments: do not perfidy,, don't be excessive (in attack), do not cheat, do not kill a woman, a child or an old man, do not cut down fruitful trees, do not destroy inhabited areas, do not slaughter any sheep, cow or camel except for food, do not burn date palms, do not embezzle, nor be guilty of cowardliness. You will come across people who are committed to their monasteries (Christians/clergymen), leave them (alone) at what they are committed

to (do not attack them), ... and you will meet people who have hid their half of their heads, hide your swords (do not pursue them), go in the name of Allah”()

3) The fair pens of history have recorded that when Palestine fell in the hands of crusaders on 15th July 1099, they committed several kinds of atrocities against the hors de combat, civilians and captives.

Over 70000 lives of Muslims were terminated in just 3 days characterized by smashing heads of children on walls, throwing suckling children from above fences, grilling men on fire, slitting pregnancies open to confirm that they were not swallowing gold, among other atrocities. But when Salahu-d-dīn Al-Ayyūbī liberated it from these tyrants after 90 years of occupation, he didn't subject any of them to similar treatment. Instead, he offered peace to all of them and gave more than 100000 people an ample time to leave in peace without revenge.

2.2 Islamic Law Provisions after an Armed Conflict

On the aftermath of war, the prophet prohibited such acts which inflict more pain or harm to enemies. The rights of captives, prisoners of war, and those who die in an armed conflict have to be upheld. The Islamic Shari'ah prescribes ensuring peace to captives and prisoners of war in the following injunctions:

i. Perfidy and treachery are prohibited. The prophet said “Am far away from anyone who assures (peace) for the other, and then he turns against him (by killing), even if he victim is a non-believer”.() He also said The prophet said “Every betrayer will have a flag on the day of Resurrection”()

ii. Prisoners should not be forced to do anything against their creed or faith. AbūHuraīra narrated: The prophet sent some horsemen to Najd and they captured a man called Thumaama bin Uthaal from BaniHanifa. They fastened him to one of the pillars of the mosque.

The prophet came and ordered them to release him. He went to (garden of) date-palms near the mosque, took a bath and entered the mosque again and said, "None has the right to be worshipped but Allah and Muhammad is His Apostle (i.e. he embraced Islam)."()

iii. Hors de combat should not be deprived of the life basic necessities like food, water, shelter, etc. When Thumaama bin Uthaal embraced Islam, he told the prophet: "Your horsemen captured me when I intended going for Umra. Now what is your opinion (in the matter)? The Messenger of Allah announced good tidings to him and told him to go on 'Umra. When he reached Mecca, somebody said to him: Have you changed your religion? He said: No! I have rather embraced Islam with the Messenger of Allah. By Allah, you (non believers) will not get a single grain of wheat from Yamama until it is permitted by the messenger of Allah. Meccans suffered until they

fed on animal skins. Later, Abu Sufyan came to the prophet and said: You claim that you were sent with mercy, yet you killed our elders with swords (in battles) and (now) our children with hunger. When the prophet heard this he told Thumaama to let Meccans access to food"()

iv. The prophet offered amnesty and set free over 70 captives who had intended to descend on(kill) him and his companions from the hills of Tan'im. It is this event that led to the revelation of Qur'an 48:24.

v. 'Umar, the second Caliph received information that one of his soldiers fighting against Persians persuaded an enemy to draw near to him. When the enemy drew closer, the Muslim fighter killed him. 'Umar wrote to the commander "It has come to my knowledge that some of you persuade enemies to surrender, and when they do, you kill them. By the one in whose hands my soul rests, I will never

hear such (again) unless I will kill the one who did it".

vi. Prohibition of Mutilation. The prophet didn't only issue clear injunction against mutilation but also demonstrated a practical prohibition against it. In the aftermath of the battle of Uhud, non believers committed several kinds of mutilations on bodies of Muslims who fell dead in this battle, including the prophet's uncle Hamza whose private parts were chopped off, his stomach slit open, his nose lopped off, among other kinds of mutilation. Hind bint 'Utba chewed his liver and then spat it. On seeing this event, the prophet commented "May the mercy of Allah be upon you, Hamza, I have not known you except as righteous doer, extending relationships to kindred, if it wasn't for fear of grief of people after you, I would have left your body to be eaten by beasts and birds. But I swear by Allah, if Allah grants me victory over them, I will mutilate 70 men of them in retaliation".

Later, Allah revealed, Qur'an 16:126-128 which stated that "And if you punish (your enemy) then punish them with the like of that which you were afflicted. But if you endure patiently, verily, it is better for the patient. And endure you patiently (Oh Muhammad), your patience is not but from Allah. And grieve not over them (polytheists and pagans), and be not distressed because of what they plot. Truly Allah is with those who fear Him and those who are good-doers". After these revelations, the prophet gave up his vow and expiated. (17)

Abdallah bin Yaziid also narrated that the Prophet forbade robbery (taking away what belongs to others without their permission), and also forbade mutilation of bodies. (18)

2.3 Rights of Captives in Islamic law

On the treatment of captives, customs and traditions only recognized two options for them; either

to be killed or enslaved. Islamic Shari'ah provided for the following rights for the captives:

- i. Sympathy and compassionate to captives. On distributing the captives of the battle of Badr among companions, the prophet said "Take good care of them". He also strongly condemned Bilal when he rolled up Jewish female captives over the bodies of their deceased husbands that "has your mercy been extracted away oh Bilal to the extent that you roll two women over their dead husbands?! (19) Abu 'Ās bin Rabi', narrates: I was captured with a group of Ansar. Whenever we had lunch or supper, they used to favor us with bread as they took dates, yet bread was scarce with them.
- ii. Feeding the captives. Islamic law provided for feeding of captives. Qur'an provides that "And they give food, in spite of their love for it, to the poor, the orphan and the captive. (saying) "We feed you seeking Allah's countenance

only. We with for no reward, nor thanks from you".(20)

- iii. Setting the captives free. In a prophetic Hadith narrated by Abu Musa Al-Ash'ari, the prophet said "Feed the hungry, visit the sick, and set free the captives".(21) This injunction was translated to practice when the prophet conquered Mecca. He told all the captives: "Go you are free". The same happened in the war with the Banu-l-Mustalaq when the prophet married one of the captives, all Muslims set free the captives from her tribe.
- iv. Providing shelter for captives. Captives should be provided with shelter. When the prophet saw the captives of BanuQuraizah tied under hot sun, He ordered his companions to sprinkle water on them so that they don't suffer the heat of summer and the heat of the sword".(22)
- v. Medical treatment. The prophet offered kindness to the wounded and ordered to set them free (23).

It was also reported that 'Ali (R.A) ordered for medical treatment of 40 men who were wounded in the battle of Nahrawan in Kufah. He then later set them free to go wherever they wanted. ()

2.4. Protection of Natural environment

On indiscriminate attack, destruction of natural environment, bombarding towns, villages, dwellings or buildings which are not military objectives, Qur'an condemned this act when it provided that " And when he turns away (from you) his effort in the land is to make mischief therein and to destroy the crops and the cattle, and Allah likes not mischief".

3.0 Conclusion

Apart from few differences, the provisions of International Humanitarian law as provided for in the secular sources are to a great extent similar to the provisions of Shari'ah. However, Shari'ah provisions, unlike the secular have transcended the theoretical step to include the practical implementation of these provisions.

1.) International humanitarian law, answers to your questions, ICRC, Pg. 4.
2.) See Qur'an 6: 151-2.
3.) Surat Al-Baqarah, 2:190.
4.) Surat Al-Baqarah, 2:192.
5.) Surat Al-Anfaal, 8:61.
6.) Surat Al-maidah (5:32)
7.) Surat Al-maidah (5:32)
8.) Surat Al-Hujraat, 49:13.

9.)Musnad Ahmad, 5/411, Hadith No: 23536.
10.)Surat Al-Isra, 17:36.
11.)Sunan Al-Bayhaqī, 9/90, Hadith No: 17934.
12.) Malik, Al-Muwatwa, Hadith no. 965.
13.)SunanIbnMajah, 2/859, Hadith No: 2688.
14.)Ibid, 3/1164, Hadith No. 3015.
15.)SahihBukhari, 1:176, Hadith No: 450.
16.)SahihBukhari, 4:1589, Hadith No: 4114; Sahih Muslim, 5:158, Hadith No: 4688.
17.)Ath-tha'labi, Ahmad bin Muhammad, Al-Kashfwal Bayan, Beirut, 2002, 6/52.
18.)SahihBukhari, 4:1535, Hadith No: 3956 .
19.)SiratIbn Hisham,3:351.
20.)Surat Al-Insaan, 76:8.
21.)SahihBukhari, 3: 1109, Hadith No: 2881 .
22. Athar-ul- Harb, page 405.
23. Kashf-ul-Astar, 2:282 .
24. Ibid.
25. Surat Al-Baqarah, 2:205.