

# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary  
Peer Reviewed Edition :

[www.ijlra.com](http://www.ijlra.com)

## **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume 2 Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

IJLRA

## **EDITORIAL TEAM**

### **EDITORS**



### **Megha Middha**

*Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar*

*Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society*

### **Dr. Samrat Datta**

*Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board*



## Dr. Namita Jain



*Head & Associate Professor*

*School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.*

*Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019*

## Mrs.S.Kalpana

*Assistant professor of Law*

*Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.*



## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and*

*learning.*

## **ABOUT US**

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS

ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

# **HUMANITARIAN RELIEF IN TIMES OF WAR** **AN ISLAMIC PERSPECTIVE ON COMPASSION,** **JUSTICE, AND SOLIDARITY**

AUTHORED BY - IHSAAN MEERA E<sup>1</sup>

POST: Assistant Professor

INSTITUTION: Chennai Dr Ambedkar Govt Law College, Pattaraiperumbudur (Group A,  
Gazetted rank officer with the Government of Tamilnadu)

QUALIFICATION: BA.BL(HONS), M.L(INTERNATIONAL LAW AND  
ORGANISATION), NET, pursuing PhD in International Humanitarian Law

EXPERIENCE: 8 years of experience in teaching, 2 years' experience in practicing as an  
advocate at High Court of Madras.

Have written and published many articles, participated in various seminars, gave lectures at  
various schools and colleges regarding legal rights, participated and judged in various moot  
court competitions.

## **Introduction**

Provision of humanitarian assistance to victims of armed conflicts has become more important in recent years. Often, a big challenge in providing humanitarian assistance is a State's sovereignty. The current violations and challenges faced in providing humanitarian relief to victims of armed conflict in Gaza serve as a poignant reminder of the critical importance of understanding the historical context of humanitarian assistance in Islamic law. Generally speaking, a State has no obligation to admit foreigners to its territory, and its consent must be obtained before foreign humanitarian workers can legally enter a country. Another challenge is that conflicts nowadays involve non-State armed groups, and humanitarian worker often need to obtain the permission of a group, though this is not required by the law, before they can enter into its stronghold.<sup>2</sup> In order

---

<sup>1</sup> The Author is an assistant professor at the Chennai Dr Ambedkar Govt Law College, Pattaraiperumbudur, Thiruvallur, Tamilnadu.

<sup>2</sup> Mohd Hisham Mohd Kamal(2015), "Is neutral humanitarian action permissible under Islamic law?", An Opinion Note is based on a paper entitled Neutral and Independent Humanitarian Action: Islamic Perspective, presented at the International Conference on Humanitarian Action in the World of Today – Challenges and Perspectives in the Light of Shari'a and International Humanitarian Law, organized by the International Islamic University, Islamabad, and the International Committee of the Red Cross (ICRC), Islamabad, 22–23 October 2014.

to overcome this challenge, the International Committee of the Red Cross (ICRC) and wider Red Cross and Red Crescent Movement successfully conducts its humanitarian operations based on seven Fundamental Principles, namely: humanity, impartiality, neutrality, independence, voluntary service, unity and universality.<sup>3</sup>

The ICRC is described by Article 3 common to the four Geneva Conventions<sup>4</sup> as “an impartial humanitarian body” that “may offer its services to the Parties to the conflict”. Its Statutes also describe it as “an independent humanitarian organization”<sup>5</sup> and identify its Fundamental Principles<sup>6</sup>.

### **Islamic perspectives on Humanitarian Aid**

Under Islamic law, it is permissible to render or accept relief work and/or medical services. According to Muhammad Hamidullah, it is permissible for Muslims to accept ambulance services and medical help from neutral parties or even non-Muslims. It is also permissible for Muslims to render relief work to non-Muslims.<sup>7</sup> He argues that this is based on The Glorious Qur’an which provides to that effect on helping each other in righteousness and piety.<sup>8</sup>

Indeed, it is permissible for Muslims to render relief work to their enemies. This was practiced by Prophet Muhammad (PBUH). Once, when famine was afflicting the Quraysh (Prophet Muhammad’s tribe) in Mecca, the Prophet (PBUH) sent a contribution of ripe dates and 500 dinars even though in the preceding year, the Quraysh had attacked his stronghold Medina, resulting in the martyrdom of many Muslims in the Battle of Uhud.<sup>9</sup>

---

<sup>3</sup> Statutes of the International Red Cross and Red Crescent Movement, October 1986, Preamble, available at [www.icrc.org/eng/resources/documents/misc/statutes-movement-220506.html](http://www.icrc.org/eng/resources/documents/misc/statutes-movement-220506.html).

<sup>4</sup> Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949, 75 UNTS 31 (entered into force 21 October 1950); Geneva Convention (II) for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949, 75 UNTS 85 (entered into force 21 October 1950), Geneva Convention (III) relative to the Treatment of Prisoners of War of 12 August 1949, 75 UNTS 135 (entered into force 21 October 1950); Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War of 12 August 1949, 75 UNTS 287 (entered into force 21 October 1950).

<sup>5</sup> The Geneva Conventions, Art.3(2), “The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.”

<sup>6</sup> Statutes of the ICRC, 3 October 2013, Art. 1, available at: [www.icrc.org/eng/resources/documents/misc/icrc-statutes-080503.html](http://www.icrc.org/eng/resources/documents/misc/icrc-statutes-080503.html).

<sup>7</sup> Muhammad Hamidullah (1945), *Muslim Conduct of State*, revised ed., Kashmiri Bazar, Lahore, p. 271.

<sup>8</sup> The Glorious Qur’an-Chapter 5-Al-Maidah-Verse 2, The Almighty(PBUH) says, “.... *And cooperate in righteousness and piety, but do not cooperate in sin and aggression...*”

<sup>9</sup> Hamidullah, *supra* note, pp.216.

## Principle of Humanity

The principle of humanity dictates that such aid should consist of goods and services essential to the survival of the population, that it should be provided to the civilian population deprived of the basic necessities of life as a result of conflict, and that the purpose of the aid should be to alleviate human suffering and protect human life, health and dignity.<sup>10</sup>

Islam states that service to humanity is a part of faith. Muslims should be actively engaged in social welfare and in meeting the medical and educational needs not only for Muslims, but for all the communities.<sup>11</sup>

The Glorious Qur'an indicates in the following verse: "...O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise each other). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you. And Allah has full knowledge and is well acquainted (with all things)..."<sup>12</sup> In this regard, as a matter of safeguarding the unity of humanity, Muslims have the responsibility to redress the human suffering of other members of the creation. These values of solidarity have continued to be developed by later declarations and legal documents, though within the strict parameters of the UN Charter, under which no intervention is permitted within the domestic affairs of states unless decided otherwise by the UN Security Council. In spite of this traditional approach to state sovereignty, the 1981 Universal Islamic Declaration on Human Rights enacts that human rights are the instruments for challenging human suffering inflicted by oppressive regimes.<sup>14</sup> The 1982 Agreement establishing the Islamic Commission of the International Crescent<sup>15</sup> also gives a specific role to its Commission to assist victims of warfare in case oppression has taken place.<sup>16</sup> The 1990 Cairo Declaration on Human Rights in

---

<sup>10</sup> Case concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Merits, Judgment, 27 June 1986, ICJ Reports 1986, para. 218; para. 242. See also Resolution VIII of the 20th International Conference of the Red Cross and Red Crescent, Vienna, 1965.

<sup>11</sup> The Glorious Qur'an-Chapter 3-Ali-Imran-Verse 114, The Almighty says, "... And they enjoin what is right and forbid what is wrong and hasten to good deeds. And those are among the righteous..."

<sup>12</sup> The Glorious Qur'an-Chapter 49-Al-Hujurat-Verse 13.

<sup>13</sup> 10th Session of the Islamic Summit Conference (Session of Knowledge and Morality for the Progress of Ummah), Resolution No. 17/10-P(IS) on the Security and Solidarity of Islamic States, Putrajaya (Malaysia), 16-17 October 2003, paras 7-8.

<sup>14</sup> Preamble, 1981 Universal Islamic Declaration of Human Rights:

<sup>15</sup> Islamic Committee of the International Crescent (ICIC) is dealt in elaborate in this chapter.

<sup>16</sup> Article 7, 1982 Agreement establishing the Islamic Commission of the International Crescent"

Islam emphasises the civilizational role and individual and collective responsibility of the Muslim community, i.e. the ummah, in this process to respect the rights of God given to all human beings.<sup>17</sup> Their violation would constitute a violation of the responsibility which every believer has toward God. The 1997 Tehran Declaration adopted by the Organisation of the Islamic Conference adds that only positive dialogue and the elimination of distrust can be the fundamental grounds for any sustainable and peaceful relationship between peoples and nations.<sup>18</sup> In addition, the unity of humanity through creation ensures that all human beings have to exercise such shared responsibility for the sake of the survival of their own humanity. The fulfilment of such responsibility is a matter of piety for which Muslims will be rewarded in the hereafter.<sup>19</sup> The 2004 Arab Charter on Human Rights continues on the same note of interrelationship between human rights and collective security, which has come into being through the interactions between several civilisations and religions of humanity from whose core these humanitarian values come.<sup>20</sup> The 2008 Charter of The Organisation of the Islamic Conference also that these Islamic values of tolerance and compassion, peace and diversity, can be secured within the present international legal system and collective security regime of the UN, in which self-determination and non-intervention remain its cornerstones.<sup>21</sup>

Thus, from the Islamic law perspective, the Revelation sets the boundaries of interconnectedness and the individual and collective responsibilities to uphold the unity in diversity of God's creation. The preservation of humanity is the natural outcome of the respect for the sanctity of life the Almighty has given to humanity, as the following the Glorious Qur'anic verse indicates:

*“.... And if any one saved a life, it would be as if he saved the life of the whole people...”<sup>22</sup>*

How could Muslims ever inflict human suffering upon other human beings who are also part of the same creation and are infused with God's spirit?<sup>23</sup> In this regard, the qualitatively social diversity amongst human beings has its quantitative source of existence, namely the creation, whose natural laws of sustainability are ensured by the Revelation.

---

<sup>17</sup> Preamble, 1990 Cairo Declaration on Human Rights in Islam

<sup>18</sup> 8<sup>th</sup> Islamic Summit Conference (Session of Dignity, Dialogue, Participation), Tehran Declaration, Tehran (Islamic Republic of Iran), 9-11 December 1997”

<sup>19</sup> Article 1, 1990 Cairo Declaration on Human Rights in Islam.

<sup>20</sup> Preamble, 2004 Arab Charter on Human Rights:

<sup>21</sup> Preamble, 2008 Charter of the Organisation of the Islamic Conference

<sup>22</sup> The Glorious Qur'an-Haptr 5-Al-Maidah-Verse 32.

<sup>23</sup> M. Cherif Bassiouni (2007-2008), *Evolving Approaches to Jihad: from Self-Defense to Revolutionary and Regime-change Political Violence*, 'Chicago Journal of International Law', pp.145.

The positive duties, derived from the natural rights of human beings to be respected with human dignity, also emanate from the religious obligation of Muslims to assist peoples who are suffering through genocide and crimes against humanity and are driven by the same humanitarian conscience which allows human beings to respect the nature and/or creation they share and come from. How could Muslims not assist their fellow human beings who are suffering and protect the sanctity of life against any infringement?<sup>24</sup> Moreover, in a globalised world with multiple identities the growing awareness of human moral and material interconnectedness and unity could be further enriched by a spiritual explanation for action in order to give full effect to the human rights given by God to human beings and to their obligations to protect all the other members of humanity.

The same values protecting the sanctity of life through both military and peaceful means are again represented in later declarations and legal documents. In particular, the 1981 Universal Islamic Declaration of Human Rights considers that the sanctity and inviolability of human life should be protected against injury or death.<sup>25</sup> In this regard, the 1990 Cairo Declaration on Human Rights in Islam invokes the duty of individuals and states alike to protect the right to life and prohibits genocide and other forms of human suffering.<sup>26</sup> In order to give effect to these protections of human rights, a spirit of human solidarity, according to the 2004 Arab Charter on Human Rights, could transcend the divisions and ensure that human generations live together based upon a common understanding governed by equality and tolerance.<sup>27</sup> The 2008 Charter of the Organisation of the Islamic Conference also supports such cooperation and solidarity toward those ends as well as a dialogue between civilisations on issues such as human rights, which touch upon every aspect of life beyond the diversity of creation.<sup>28</sup> Evidently, all forms of oppression and exploitation, such as colonialism and foreign occupation, as the 1990 Cairo Declaration on Human Rights in Islam indicates, are prohibited and have to be combated.<sup>29</sup>

Thus, Muslims are committed to the principle of humanity even during armed conflict. Prophet (PBUH) emphasised love, sympathy, and kindness towards all mankind, he said

*“One who is not grateful to mankind is not grateful to Allah(Tirmidhi). Again*

---

<sup>24</sup> The Glorious Qur’an-Chapter 37-Surah-As-Saffat-Verse 25, The Almighty (GBUH) says, “... [They will be asked], “What is [wrong] with you? Why do you not help each other...”?”

<sup>25</sup> Article 1, 1981 Universal Islamic Declaration of Human Rights

<sup>26</sup> Article 2, 1990 Cairo Declaration On Human Rights in Islam

<sup>27</sup> Article 1, 2004 Arab Charter on Human Rights

<sup>28</sup> Article 1, 2008 Charter of the Organisation of the Islamic Conference:

<sup>29</sup> Article 11, 1990 Cairo Declaration on Human Rights in Islam: Article 11

Prophet (PBUH) has exhorted: -“*All creatures of Allah are his family, therefore amongst His creations, God likes the person who treats his creatures in a good manner (and takes care of their necessities)*” (Mishkat).<sup>30</sup>

## Principle of Neutrality

If one State aggresses against another and systematically violates the law of war by, for instance, directing attacks against the civilians of the latter, committing murder and rape on a massive scale, is it permissible under Islamic law for Muslims who take humanitarian action in the armed conflict to remain neutral? It seems that being neutral with regard to good and evil is incompatible with the principle of justice that Islam enjoins.<sup>31</sup> Justice in this context means establishing a balanced position, without inclining towards or favouring any side and without being swayed by biases or prejudice, and this is achieved by way of fulfilling everyone’s rights and obligations and eliminating excess and disparity.<sup>32</sup> Neutrality in this situation also appears not to be in conformity with the commandment of the Glorious Qur’an on Muslims to enjoin good and forbid evil.

Muhammad Hamidullah writes that the term *i’tizala*, which means being neutral, was used by nations since before the advent of Prophet Muhammad (PBUH) and continued into his time. The Glorious Qur’an commands the Muslims to fight those who pretend to be Muslims but actually support the Muslims’ enemies. However, the verses prohibit the Muslims from fighting a third party who does not want to fight the Muslims nor support the Muslims’ enemy.<sup>33</sup> It is submitted that by the prohibition from fighting a genuine third party, the Glorious Qur’an, 4:88– permits the Muslims to recognize a neutral party. Hamidullah gives examples that show variations of neutrality that occurred during the era of the Prophet (PBUH). One example that is quite close to the modern concept of neutrality is the stance of Banu ‘Abd ibn ‘Adi regarding the war between the Muslims and the Quraysh.<sup>34</sup> In the fifth year after the Prophet (PBUH)’s Migration to Medina,

---

<sup>30</sup> Sayyiduna Abu Huraira narrates that the Prophet (PBUH), once said, “*Whosoever removes worldly grief from a believer, Allah will remove from him a grief on the day of judgment. Whosoever alleviates [the] lot of deprived [destitute] person, Allah will alleviate his lot in this world and the next. Allah will aid a servant so long as the servant aids his brother*”

<sup>31</sup> The Glorious Qur’an-Chapter 4-Surah An-Nisa-Verse 58 & 59

Similarly, The Glorious Qur’an –Chapter 4-An-Nisa-Verse 135

<sup>32</sup> Mohamad Akram Laldin, Introduction to Shariah and Islamic Jurisprudence, CERT Publications, Kuala Lumpur, 2006, p. 33.

<sup>33</sup> The Glorious Qur’an-Chapter 4-An-Nisa-Verse 88-91

<sup>34</sup> Abu al-Fida Ismail ibn Kathir, Tafsir Ibn Kathir, Vol. 2, abridged by Safi-ur-Rahman al-Mubarakpuri, 2nd ed., Darussalam, Riyadh, 2003, pp. 537–542.

Banu 'Abd ibn 'Adi called to the Prophet (PBUH), "*O Muhammad!... We do not want to fight you. On the other hand, we are prepared to help you in your expeditions, except against the Quraysh of Mecca, for we would not want to fight against the Quraysh.*"<sup>35</sup>

Regarding the war between the Muslims and the Quraysh, the tribe did not want to take a side but wanted to be neutral instead. Although the Quraysh was the aggressor who declared war on the Muslims<sup>36</sup> and had mutilated the dead Muslims' bodies in the Battle of Uhud, the Prophet (PBUH) did not say that the tribe's declaration of neutrality was unjust or tolerating evil. In fact, the Prophet (PBUH) recognized the neutral status of Banu 'Abd ibn 'Adi and did not fight the tribe. As there was no rejection by the Prophet (PBUH) of the declaration of neutrality, it is submitted that being neutral is originally permissible under the Islamic law.

## **Fieldwork for humanitarian relief**

### **Islamic Committee of International Crescent**

The Islamic Committee for the International Crescent is a specialized institution of the Organization of Islamic Cooperation. It helps to alleviate the sufferings caused by natural disaster and war. The Eighth Islamic Conference of Foreign Ministers, held in May 1977, at Tripoli (Libya), approved the principle of creation of this institution.

The Islamic Committee of International Crescent (Hereinafter mentioned as ICIC) acts according to the basic humane principles drawn from the Holy Quran and the Islamic Law which embody the basics of the humane dealing and the spiritual and ethical values that the divine laws and religions recommended and that all people of the world agreed on<sup>37</sup>.

<sup>35</sup> M. Hamidullah, supra note , p. 289.

<sup>36</sup> The first verse of the Qur'an revealed on the subject of fighting shows that it was the Quraysh who had declared war on the Muslims: "...*To those against whom war is made, permission is given (to fight)...*" (The Glorious Qur'an-Chapter 22-Al-Hajj- Verse 39).

<sup>37</sup> These principles are :

1. Human Dignity: -

The ICIC shall uphold the principle of human dignity and its inherent spiritual and ethical values what formulate a basic requirement for better human relations that derives its strength from the existence of the factors of respect, cordiality and goodness to all mankind.

2. Justice: - The ICIC shall consider that justice among people and restoring peace as well as social justice are noble objectives, likely to ensure the stability of humane communities and welfare.

3. Equality: -

The ICIC believes in equality among all people without discrimination or distinction due to any reason. It seeks to display Cordiality and fraternity and to put an end to reasons of hatred and animosity.

4. Impartiality: -

### **Medical Assistance during war**

Women companions played a major role in nursing the wounded soldiers during war. Women during war of the Prophet(PBUH) also shouldered other responsibilities such as delivering food and water to the combatants, cooking, keeping the belongings of the combatants, procuring medicine, delivering weapons, repairing equipment, transporting the martyrs, participating in defensive wars, encouraging combatants to go to warfront

#### **(a) Rufaidah bint Sa'ad**

Rufaidah bint Sa'ad, is recognized as the first Muslim nurse.<sup>38</sup> When the Islamic state was well established in Madina, Rufaidah devoted herself to nursing the Muslim sick. In peace time she set up a tent outside the Prophet's mosque in Madina where she nursed the sick. During war she led groups of volunteer nurses who went to the battlefield and treated the casualties. She participated in the battles of Badr, Uhud, Khandaq, Khaibar, and others. Rufaidah's field hospital tent became very famous during the battles and the Prophet used to direct that the casualties be carried to her.

At the battle of the trench (ghazwat al khandaq), Rufaidah set up her hospital tent at the battlefield. The Prophet Muhammad (PBUH) instructed that Sa'ad bin Ma'adh who had been injured in battle be moved to the tent. Rufaidah nursed him, carefully removed the arrow from his forearm and achieved homeostasis. Rufaidah had trained a group of women companions as nurses. When the Prophet's army was getting ready to go to the battle of Khaibar, Rufaidah and the group of volunteer nurses went to the Prophet Muhammad (PBUH). They asked him for permission "Oh messenger of Allah, we want to go out with you to the battle and treat the injured and help

---

The ICIC stresses the state of neutrality in dealing with the disputant parties and considers it as a positive force that build Confidence and leads to the domination of right views and wisdom.

#### 5. Independence: -

According to the nature of ICIC's humane activities, it totally works independently when performing the tasks stipulated in the agreement.

#### 6. Peace: -

The ICIC believes that the honest call for peace must surmount abidingly in order to stop suffering and devastation caused by armed conflicts and wars.

<sup>38</sup> Her full name was Rufaidah bint Sa'ad of the Bani Aslam tribe of the Khazraj tribal confederation in Madinah. She was born in Yathrib before the migration of the Prophet Muhammad (PBUH). She was among the first people in Madina to accept Islam and was one of the Ansar women who welcomed the Prophet on arrival in Madina.

Rufaidah's father was a physician. She learned medical care by working as his assistant. Her history illustrates all the attributes expected of a good nurse. She was kind and empathetic. She was a capable leader and organizer, able to mobilize and get others to produce good work. She had clinical skills that she shared with the other nurses whom she trained and worked with. She did not confine her nursing to the clinical situation. She went out to the community and tried to solve the social problems that lead to disease. She was both a public health nurse and a social worker.

Muslims as much as we can". The Prophet (PBUH) gave them permission to go. The nurse volunteers did such a good job that the Prophet (PBUH) assigned a share of the booty to Rufaidah. Her share was equivalent to that of soldiers who had actually fought. This was in recognition of her medical and nursing work.

Rufaidah's contribution was not confined only to nursing the injured. She was involved in social work in the community. She came to the assistance of everyone in need: the poor, the orphans, or the handicapped. She looked after the orphans, nursed them, and taught them. Rufaidah had a kind and empathetic personality that soothed the patients in addition to the medical care that she provided.

Setting up of this tent means provision of what the injured could lie on, availability of surgical and autopsy materials, drugs, bandages for dressing wounds, special foods, availability of nurses who were, of course, the female Companions who served the wounded and took care of them. All this was under the supervision of Rufaidah, and with her personal participation. Rufaidah's Tent can be compared to what is known as field hospital in modern military terms. It was certainly one of the first founding cells of Islamic civilisation.

History has recorded names of women( May Allah be pleased with them all) who worked with Rufaidah: Umm Ammara,<sup>39</sup> Aminah, Umm Ayman, Safiyat, Umm Sulaim,<sup>40</sup> and Hind. Other Muslim women who were famous as nurses were: Ku'ayibat, Aminah bint Abi Qays al Ghifariyat, Umm 'Atiyyah al Ansariyat,<sup>41</sup> and Nusaibat bint Ka'ab al Maziniyyat.<sup>42</sup>

---

<sup>39</sup> Her acts of bravery in the Battle of Uhud were such that they were profoundly praised and appreciated by the Prophet(PBUH).

<sup>40</sup> She was one of the six women who made their way to the castle of Khaybar. The Prophet (PBUH) asked them: "By whose order did you come here?" Umm Ubayyah said: "*Since we could notice the sign of anger on his countenance, I said: 'We have come here with some medicine to treat the wounded,' so, the Prophet (PBUH) agreed for us to stay. Our assignment in that war was treating the wounded and cooking food*".

<sup>41</sup> Umayyah bint al-Qays. She became Muslim after the migration (hijrah) to Medina. She said: "I went to see the Prophet (S) along with a group of women from Bani Ghaffar. I said: '*We want to be with you in going to Khaybar to treat the wounded and assist the combatants.*' Showing his happiness, the Prophet (PBUH) said: '*You move by the grace of God!*'"

<sup>42</sup> She is an early reverted to Islam and she is known to be the first women to fight in defence of Islam. Having fought many battles and rendering assistance, she once told Prophet(PBUH) that only men were mentioned in Glorious Qur'an and women were deprived of any importance. Then this verse was revealed, The Glorious Qur'an-Chapter 33- Al-Ahzab-Verse 35, "*....Indeed, the Muslim men and Muslim women, the believing men and believing women, the obedient men and obedient women, the truthful men and truthful women, the patient men and patient women, the humble men and humble women, the charitable men and charitable women, the fasting men and fasting women, the men who guard their private parts and the women who do so, and the men who remember Allah often and the women who do so – for them Allah has prepared forgiveness and a great reward...*"

Thus, it is evident that humanitarian relief extended to the battlefield setting Islam as a model.<sup>43</sup>

## Sanctity of dead body

Islam has categorically prohibited its followers from disgracing or mutilating the corpses of their enemies as was practised in Arabia before the advent of Islam. It has been said in the hadith: “*The Prophet (PBUH) has prohibited us from mutilating the corpses of the enemies*” (al- Bukhari; Ab Dawud). The occasion on which this order was given is highly instructive. In the Battle of Uhud the disbelievers mutilated the bodies of the Muslims, who had fallen on the battlefield and sacrificed their lives for the sake of Islam, by cutting off their ears and noses, and threading them together to put round their necks as trophies of war. The abdomen of Hamzah, the uncle of the Prophet (PBUH), was ripped open by Quraysh, his liver was taken out and chewed by Hind, the wife of Abu Sufyan, the leader of the Meccan army. The Muslims were naturally enraged by this horrible sight. But the Prophet (PBUH) asked his followers not to mete out similar treatment to the dead bodies of the enemies. This great example of forbearance and restraint is sufficient to convince any reasonable man who is not blinded by prejudice or bias, that Islam is really the religion sent down by the Creator of the universe, and that if human emotions had any admission in Islam, then this horrible sight on the battlefield of Uhud would have provoked the Prophet (PBUH) to order his followers to mutilate the bodies of their enemy in the same manner.

Preparing the dead for burial is a “*Fard Kifaayah*”<sup>44</sup> or a communal duty, meaning that if some Muslims properly carry out this duty, then other Muslims are exempt from the responsibility. Preparing the dead for burial consists of the following: Bathing the dead, wrapping the body with a shroud, praying for the dead, and burying the body.<sup>45</sup>

## Return of Corpses of the Enemy

After the cessation of hostilities, the bodies of the enemy warriors should be handed over to the enemy if they require it, otherwise Muslims are to bury them. In general, the jurists’ position is in agreement with Article 17 of the first Geneva Convention (1949). According to several reports, the Prophet (PBUH) always ensured the burial of the dead, irrespective of whether the bodies

---

<sup>43</sup> Muhammad 'Ali Qutb (Translated by 'Abdur-Rafi' Adewale Imam), “Women around Messenger(PBUH)” International Islamic Publishing House, 2008, revised 2nd ed., Riyadh.

<sup>44</sup> Refer Chapter 4 for understanding the meaning of fard al kifayah.

<sup>45</sup> A human body is sacred even after his/her dead. The Prophet (PBUH) said, “*Breaking the bone of the dead person is simisar (is sin) to breaking the bone of a living person*”.

belonged to the Muslims or their enemy. Ibn Hazm advocated that it was obligatory for Muslims to bury the enemy dead because if they did not, it would be tantamount to mutilation, which is prohibited by the Prophet (PBUH).<sup>46</sup>

In the Battle of Ahzab a very renowned and redoubtable warrior of the enemy was killed and his body fell down in the trench which the Muslims had dug for the defence of Medina. The unbelievers presented ten thousand dinars to the Prophet (PBUH) and requested that the dead body of their fallen warrior may be handed over to them. The Prophet (PBUH) replied: *“I do not sell dead bodies. You can take away the corpse of your fallen comrade”*.<sup>47</sup>

## Conclusion

The Muslim religion considers both humanitarian actions and the duty to help as religious obligations by which all Muslims, rich and poor, are bound. At other times the texts are formulated as a clear order: *“Rescue prisoners, feed the hungry and look after the ill...”*<sup>48</sup>

It should also be noted that this obligation to assist is not applicable only to Muslims in distress. The Glorious Quranic texts and hadiths do not exclude the non-Muslim from humanitarian aid. This principle was often given tangible form. In the early years of hijra, there was a famine in Modar (Saudi Arabia). The Prophet (PBUH) organized a humanitarian convoy to help the inhabitants there who, at that time, were not converted to Islam.

The study of Glorious Qur’anic and hadith texts gives a clear idea of the intensity of the force with which the Muslim religion has stimulated humanitarian action. This is both a ritual and an obligation. When a Muslim undertakes a humanitarian action he does so primarily as an act of worship, to be nearer to God. He expects a reward in this life or in the hereafter. He cannot declare himself a believer if he does not come to the aid of his fellow men. In his eyes piety is indissociable from pity. He knows that he can be prosecuted if he does not fulfil his obligation to the poor and the victims of armed conflict. He firmly believes that rendering humanitarian aid erases his sins and will serve as an intercession in his favour to avoid the punishment of the grave, the tests on the Day of Judgement and the flames of hell.

---

<sup>46</sup> ‘Ali ibn Ahmad ibn Sa’id ibn Hazm, Al-Muhalla (Beirut: Dar al-Afaq al-Jadidah), Vol. 7, pp.117.

<sup>47</sup> Haiṯh number 1715 in al-Tirmidhi, Sunan al-Tirmidhī, Vol. 4, pp.214.

<sup>48</sup> Shahih Al Bukhari, Sahih Al Jami’e, Vol. 4, pp. 90.