

IMAM ALI'S LEGAL REGULATIONS OF NON-INTERNATIONAL ARMED CONFLICTS

Ahmed Yaqoob Ibrahim, University of Al-Ameed
Golamali Ghasemi, Qom University

ABSTRACT

The Islamic religion is the second globally prevalent heavenly religion to which nearly 25% of the world's population belongs. Its principles targeted at all human beings everywhere and every time and are, in their entirety, calling for peace and good for all. These principles are included in the scripts of Holy Quran and the Prophet Mohammed taught them to his family and his companions in order to spread the message of heaven to all mankind.

Among the main influential Islamic figures is Imam Ali, one of the Muslim clerics, the leader of pious and the God Messenger's trustee heir. Imam Ali is one of the miracles of Islam due to his vastly expanded personality, richness in various human life aspects, cultural creativity and doctrinal establishment for ages.

Imam Ali took over the top of hierarchy of the Islamic state in 35 AH which is corresponding to 656 AD. During that era, a series of armed conflicts had occurred within the Islamic State as he set the governing rules, methods and means of warfare, which are, since then, regulating such armed conflicts in a manner that has not yet been reached by the international community.

Therefore, it is necessary, for the sake of justice, to refer the governing principles of non-international armed conflicts to the first subject who established these rules and norms for such disputes, namely Imam Ali. This is especially considered when keeping in mind that Islam is one of the main civilizations adopted by the United Nations and it is one of the main sources of international legislation, particularly with regard to the rules of international humanitarian law and, according to Islam, what is issued by Imam Ali is a binding lawful legislation for all people.

Keywords: Peace, Lawful Legislation, Civilizations

INTRODUCTION

War is a social phenomenon as old as human life, and it is an exceptional phenomenon in this universe and the first types of wars was between the first ones Habeel and Qabeel, the sons of Adam at the beginning of creation, and thus wars continued and renewed through the generations and took many forms with the development of societies and expanded with the increase and diversity of human beings and their distribution among The surface of the globe, and it is still varied in its styles and the woes of which affect people in all regions of the world.

International law divides armed conflicts into international and non-international, as non-international armed conflicts had little and limited organization, if not non-existent, despite the fact that countries at the beginning of their inception knew this type of armed conflict with the tragedies it left behind, especially on the civilian population as these conflicts are Armed forces occur within the province of the state.

The restriction of methods and means of warfare has not been regulated, in addition to providing protection to some groups that do not directly participate in combat operations under the

pretext that these conflicts are subject to the internal laws of countries with the necessity to respect the sovereignty of these countries, so the scourge of these conflicts continued to affect humanity until recently, as the international community agreed on International legal rules governing non-international armed conflicts

International law jurists believe that the organization of non-international armed conflicts goes back to the system of recognition of combatants that appeared in the nineteenth century, which is one of the international law traditional systems, as non-international armed conflicts witnessed a primitive type of organization through the recognition of states by the combatants who are fighting a civil war within the territory of a state.

However, there is an accurate legal organization with humanitarian features issued in the form of binding legal rules by the president of a superpower at the time and the commander of that state army, who is Imam Ali (peace be upon him) in armed conflicts that are considered in its essence, non-international armed conflicts are in accordance with the concept of contemporary international law, which indicates the greatness of Islamic teachings and the possibility of their application in every place and time.

PROBLEM STATEMENT

The problem of research lies in the historical establishment of the legal rules that regulate non-international armed conflicts, as the international community acknowledges that these rules were established with late periods of time and were not subject to many of the conflicts that caused destruction and killed many people, in addition to the fact that the modern concept of the state and the rules of law are International was it prevalent in the Islamic era or is there a different concept that prevents the application of these rules?

Questions Raised by this Research

The research raises a set of questions, which we summarize as follows:

1. Does Islamic legislation define the concept of a state and what are the components of a state in accordance with Islamic law?
2. Do the rules of Islamic law have a global dimension, and what are the binding obligations of these rules for the rest of humankind?
3. What is the legal value of the rules issued by Imam Ali (peace be upon him) in periods of armed conflict?
4. Are the Camel and Siffin Wars considered non-international armed conflicts according to the modern concept of these conflicts?

Fourth: Research Plan

To obtain the topic of the research, The study was divided into two demands, preceded by an introduction and followed by a conclusion that included the most important results of the research, as well as suggested recommendations that may open new horizons in subsequent research.

The first requirement included the universality of the provisions of Islamic law by discussing the concepts of the nation and the state, as well as identifying the sources of rule legalization in Islam, while the second requirement came to shed light on the legal regulation of non-international armed conflicts, knowledge of the historical chain of development of this organization, as well as the rules that Imam Ali (peace be upon him) enacted it in regulating these disputes. God bless.

The First Requierment: The Univesality of the Provisions of Islam

Religion is the divine status that God has chosen for His worshippers to guide them in this life and the hereafter, and the Islamic religion addresses all human races and does not pertain to the era in which it began, but extends to every time and place. Almighty Allah says in the holy Quran (Blessed is He who sent down the Criterion upon His Servant that he may be to the worlds a warner) and, (But it is not except a reminder to the world), and the noble Messenger Muhammad, may God's prayers and peace be upon him and his family, says in his book to Jafer and Abd the kings of Oman sons of Al-Jalandi: (For I am the Messenger of God to the people to warn those who are alive and have the right to say to the infidels) and God also says (I sent to all creation and sealed the prophets with me.

Islam includes a number of general rules that represent the basic legislation in it, and it is the basis of diligence in Islam. Sub-provisions can be deduced from them that address all the problems of society, which indicates the flexibility of the provisions of Islam and its suitability for implementation at all times.

The famous English writer Bernard Shaw says, "I have always been full of respect for the religion of Muhammad, because of the amazing vitality that this religion has, and I believe that Islam is the only religion that possesses the ability of harmony and control over different states and changing forms of life and the possibility of conformity with different eras." None of the religions interfered as much as Islam interfered in the affairs of human life. Islam was not satisfied with a number of ritual acts of worship, remembrance, desires and moral commandments. Just as it explained the relationship of man with his Lord, it also clarified the general lines of human relations and the rights and duties of the individual towards the other individual and society in their various forms.

Islam appeared in the seventh century AD in a period dominated by wars, domination, slavery and ignorance, and cruelty was the prominent feature in all aspects of life, and societies did not have any social or economic structure or that this structure was at a very weak level, while the human laws in particular International ones did not crystallize until after the second half of the twentieth century with the emergence and spread of international conventions that regulate issues of human rights and international humanitarian law, so we will explain in this requirement the concept of the nation and the state in the Islamic system and then explain the sources of Sharia rule in Islam and this will be in two branches and as follows: The following: -

The First Section: The Nation and the State

The nation (Nation) This term appeared with the emergence and spread of Islam, which eliminated all the physical ties that bound tribes and peoples, and the Islamic nation according to the document enacted by the Noble Messenger, may God's prayers and peace be upon him and his family, consisting of believers, Muslims and those who followed them from non-believers, non-Muslims, and from those who fought with them.

The nation is made up of believers whose faith has entered their hearts, Muslims who utter the Shahada and proclaim their Islam, and the children of other denomination who live in the shadows of the Islamic State and its region and are committed to its laws and legislations and implement its judicial decisions. These are all one nation, distinct from other nations, with one leadership and reference, which is the presidency of the legitimate Islamic state, and it has a powerful legal system, which is the divine system.

As for the state, which is a permanent organization that includes a group of individuals who reside in a specific region and are subject to political authority, and according to the Islamic concept

of the state, the individuals of this state are bound by the bond of belief and are not bound by regional boundaries. It was the fusion of the concepts of the nation and the state in Islamic law.

The realization of the concept of the state and the necessity of its existence according to the Islamic vision, can only be achieved with the knowledge of a set of deep ideological principles, and because the state is a social phenomenon of human creation, it is necessary to study the philosophy of the social reality of human beings and analyze the true meaning of some of them needing others so that man can almost impossible to live alone.

This need and compulsion arose out of the nature of the divine creation and the instinctive formation of human beings. They understand and this state of affairs is compelled by the origin and nature of their creation to meet and live-in groups, as the divine will required that man be a civil of course, and it is known that all that God Almighty wants for the sake of great wisdom and a supreme purpose is reached. Every creature to his happiness and perfection.

Some researchers divide countries into the regional state, the nation state and the intellectual state. The nature of the intellectual state is that it carries an intellectual message and does not recognize for itself the limits of that idea and therefore seeks to achieve its mission on the broadest possible human scale, and Islam is a general humanitarian call sent by the Prophet Muhammad, may God's prayers and blessings be upon him and his family.

The Second Section: The Sources of Legal Rule in Islam

The provisions of Islamic law contain various laws for an integrated social system, and under this system it fulfills all human needs, starting with relations of neighbors, children, clans and sons of the homeland and ending with laws that regulate war and peace and international relations.

The Holy Quran is considered the source of the first legislation in Islam in addition to the noble Sunnah. The Noble Sunnah has several concepts. The first says that it is what the Prophet, may God's prayers and peace be upon him and his family, issued in terms of saying, deed, or report. As for the second concept, the Sunnah of the Companions of the Prophet to do as it and refers to it. As for the third concept, it is all what the sinless say, act or report.

According to the last two concepts, what is issued by Imam Ali (peace be upon him) are legally binding rules that must be applied within the scope of Islamic law, and there is ample evidence for the authenticity of the Sunnah of the infallible from the people of the house of the Prophet, may God's prayers and peace be upon him and his family. Allah said about the people of the Prophet's house (peace be up on him) (Allah intends only to remove from you the impurity [of sin], O people of the [Prophet's] household, and to purify you with [extensive] purification.) and since the intent of God Almighty is impossible for him to fail from His will because of the Almighty saying (His command is only when He intends a thing that He says to it, "Be," and it is.). They must be protected from sins, and whoever was infallible from sins, all his actions and words were in conformity with the provisions of Islamic Sharia, which aim at the satisfaction of the Creator in the first place and the happiness of mankind in the second place.

Among the sources of Islamic legislation followed in some Islamic doctrines is the doctrine of the Companion, which is what was issued by the companions of our Noble Messenger in terms of saying or behavior in matters of ijtihad in the legal rulings, and they cited the Almighty saying: (You are the best nation produced [as an example] for mankind.) and His words (And the first forerunners [in the faith] among the Muhājireen and the Anṣār and those who followed them with good conduct - Allāh is pleased with them and they are pleased with Hi m) and what was told by the Noble Prophet (My companions are like stars, by them you seek guidance)

We infer from what was mentioned above that what was issued by Imam Ali (peace be upon him) legal rules according to Islamic law, especially during the days of his caliphate and his

presidency of the sprawling Islamic State in which (Iran, Egypt, Hijaz and Yemen) states and territories belonging to the Islamic State.

The Second Requirement: The Legal Regulations of Non-International Armed Conflicts

International conventions dealt with this type of armed conflict in organization, and a formal international agreement was issued related to organizing non-international armed conflicts represented by the four Geneva Conventions of 1949, specifically in the common Article 3 of these conventions, and then the Additional Protocol was issued after that the second of 1977 AD annexed to the four Geneva Conventions, which was concluded for the regulation of non-international armed conflicts,

He defined it as those conflicts that take place on the territory of a country between its armed forces and dissident forces or other organized armed groups, which are exercised under responsible command and have control over a part of the region that enables them to carry out continuous and coordinated military operations.

Based on this definition, there are conditions that must be in place to complete the features of the legal description of a non-international armed conflict, namely: -

1. Armed conflict must occur within the state, as combat operations take place within the state's territory.
2. The regular army of the state must be a party to this conflict, while the other side is the armed forces of dissidents or rebels.
3. The dissident armed forces or the rebel group must be organized under a responsible command and it must have a military organization.
4. The rebel party must be able to carry out continuous and coordinated military operations, that is, not intermittent or sporadic.
5. The rebels must exercise control over a part of the state's territory to enable them to carry out military operations.

In light of these objective criteria drawn up by international conventions and organizations, we can formulate a legal description of the two sentences and two descriptions as non-international armed conflicts, as the fighting took place between the citizens of the Islamic State and its region and between the legitimate regular forces led by the head of the state and the commander in chief of its forces, and between a group of organized militants. Those who went out against the legitimate caliph and took control by force over a part of the state's territory, and it had a military organization and unified leadership. Imam Ali's (peace be upon him) sermons stated that they are warriors and that humanitarian principles must be applied in war with them.

Therefore, the scope of our discussion will be in the rules that Imam Ali (peace be upon him) set for his army in these two battles, since the description of a non-international armed conflict applies to them, which we will explain later.

The First Section: The Historical Development of the Regulations of Non-International Armed Conflicts in International Humanitarian Law

In the past, the existing authorities considered the rebels against them as criminals who violated the duty of loyalty to their state. Therefore, the authorities always resort to internal penal laws, and all of these laws criminalized acts committed against the internal security of the state.

The majority of traditional international law jurists called for the necessity to expand the application of the law of war to include non-international armed conflicts, as the jurist Fateel was one of the first jurists who called for the application of the laws and customs of war to non-international armed conflicts, so he called on governments in the mid-eighteenth century through his book (Law of Nations Not to treat insurgents as criminals, and those who say that the laws of war do not apply to rebels who deserve execution are tyrannical).

International law jurists consider that the oldest organization of non-international armed conflicts is the system of recognition of combatants, as this system began to appear in the nineteenth century until the first half of the twentieth century, and this system was applied in the Spanish civil war that broke out in 1936 and in which the warring parties obeyed. According to the rules and norms of war, despite being an internal war, the rebels were recognized as warriors.

As the legal concept of non-international armed conflicts in this era goes back to the exact meaning of civil war, as there must be two elements, the first objective and the other formality. The objective is the need for the rebellion to fulfill all the elements of organization that are represented by the rebels exercising a measure of control over a part of the region. As for the formal component, it is achieved upon the issuance of recognition by the incumbent government as combatants of the rebel movement.

However, this system has ceased to exist after the emergence of a more precise international legal organization than this system, as the common Article 3 of the four Geneva Conventions of 1949 was organized, as non-international armed conflicts were for the first time subjected to humanitarian reasons, which was indicated by the International Court of Justice in its ruling issued in 1986. In the case of military and paramilitary activities in Nicaragua.

It is noteworthy that the Common Article Three of the four Geneva Conventions of 1949 AD, that it overlooked the terms that were used in traditional international law, such as revolution, rebellion, and civil war, stipulated a new term, which is armed conflict that does not have an international character.

As the third common article was described in the four Geneva Conventions of 1949 CE for its importance as a convention in itself within the framework of the Geneva Conventions, as it is the only article at the time that applies to non-international armed conflicts, as it stipulates the minimum applicable humanitarian standards in international humanitarian law, It also provides a minimum level of protection for those affected by non-international armed conflicts.

Whereas, the International Court of Justice clarified this opinion by stating that the text of Common Article Three of the four Geneva Conventions of 1949 reflects the primary values of humanity that are applicable in accordance with customary international law to any armed conflict.

The Second Additional Protocol of 1977 Concerning Non-International Armed Conflicts is the outcome of the legal regulation of non-international armed conflicts, which complements and develops the rules of Common Article Three of the Geneva Conventions of 1949, and it is the only text that has been applied until that time in non-international armed conflicts.

The text of Article 1, paragraph (1) of Additional Protocol II of 1977, considered non-international armed conflicts for the purposes of the application of this protocol to be those armed conflicts that arise in the territory of the state between the armed forces of the existing government on the one hand, and the armed forces of the rebel group on the other hand, When that group fulfills the specific elements required here by the first paragraph itself, those three elements are the general nature of the insurgency on the one hand, its fulfillment of the requirements of the organization on the other hand, and finally its fulfillment of the requirements of regional control.

This would have converged the first Article, Paragraph (1) of the Second Additional Protocol of 1977 AD with the Common Article Three of the Geneva Conventions (1949) in two of the elements necessary for civil wars for the purposes of the application of the rules of international humanitarian law in facing them, those common elements may It resulted here from the generality of the rebellion in terms of its size and extent, on the one hand, and its fulfillment of the requirements of the organization whose list is established whenever the rebels submit to an organized command and respect the requirements of international humanitarian law for non-international armed conflicts on the other hand.

However, the Second Additional Protocol was unique in facing the Common Article 3 by requiring a third element, which is the rebellion's fulfillment of the requirements of calm and stable regional control over a part of the state's territory.

In light of these objective conditions stipulated in the Second Additional Protocol of 1977 AD, which is the last conclusion reached by the international community in terms of organizing a non-international armed conflict agreement, we can formulate a legal description in accordance with the conditions set forth therein for the two sentences and two descriptions and the extent to which they are considered non-international armed conflicts, as follows: -

First: The Legal Description of the Camel War

The nakathons for the pledge of allegiance to the legitimate caliph gathered an army and marched with it from Mecca in the Hijaz towards Basra in Iraq and their number was about a thousand fighters under one banner and leadership, and they entered Basra and seized the House of Governance and removed the legal ruler Othman bin Hanif and killed seventy of his companions. A number of tribes joined this army in Basra, increasing the number of the army and fully controlling the city of Basra.

And from the analysis of the aforementioned data that there is an armed party outside the legitimate authority under one military command and a hierarchical military organization that seized part of the state's territory and has exercised its actions on this part of the region, and that this party will engage in an armed conflict with the state's regular army. The components of a non-international armed conflict are available in this battle and that all the rules laid down in it by Imam Ali (peace is upon him) are legal rules for organizing a non-international armed conflict.

Second: The Legal Description of the Siffin War

This incident occurred after the incident of the camel in a place called Siffin near the city of Raqqa, where Muawiya bin Abi Sufyan, the governor of Levant at the time of the third caliph, Othman bin Affan (may God be pleased with him) refused to pledge allegiance to Imam Ali (peace be upon him) and hand authority of the state after his dismissal by Imam Ali (peace be upon him), who represents the regular authority, as the isolated governor organized an army and remained in possession of a part of the state's territory and led the army to fight the army of the regular authority.

Therefore, this armed conflict applies to it all the conditions of a non-international armed conflict in accordance with modern international legal jurisprudence, and based on the foregoing we will explain the rules that Imam Ali (peace be upon him) laid down in these two conflicts and compare them with the contemporary rules that the international community has reached to put in place to organize such armed conflicts.

The Second Section: The Role of Imam Ali (peac be upon him) in Establishing Rules for Non-International Armed Conflicts

The rules of armed conflict regulate issues related to protection and the rules relating to the methods and means of warfare, and all these rules were founded by Imam Ali (peace be upon him) in these two-armed conflicts, which we will explain in succession.

First: The Rules Relating To the Protection of People and Places

When Imam Ali (peace be upon him) spoke on the day of the Al-Jamal incident, he recommended to his fighters, saying, “a planner must not be followed and must not kill the wounded person, nor kill a prisoner.

He also ordered his fighters not to represent or enter a house without permission, and to insult anyone, nor to incite a woman, and to take nothing but what is in the enemy's army. From the analysis of the above texts, we see that they have added protection to many categories and places, which are as follows:

1. The fighters who stopped fighting and no longer had direct participation in it, as Imam Ali (peace be upon him) ordered members of his armed forces not to start fighting and not to follow the masterminds, and whoever closes his door is safe from enemy soldiers, which is stipulated in Article 4 of the Second Additional Protocol of 1977 AD.
2. He also ordered his fighters not to finish off and kill the wounded (and not to beat the wounded), which was stipulated in Article Seven of the Second Additional Protocol of 1977.
3. He also ordered the fighters to provide protection to the people who are being detained and called them prisoners, where he said (a prisoner must not be killed) with the protection that a prisoner of war enjoys in the provisions of Islam. The army also ordered to treat them well, by not insulting any of them, and for them to speak to them kindly. The Second Additional Protocol of 1977 AD stipulated in Article (2/2) of it that persons whose freedom was restricted due to the armed conflict would enjoy the protection stipulated in this protocol.
4. He instructed his fighters not to violate in any way the dignity of women and not to harm them, as he said (and do not irritate a woman) even if the women fought them, as he said (even if they curse your leader) and most international humanitarian law agreements stipulated a set of rules that require the protection of women in times of armed conflict.
5. He also ordered the combatants not to disassemble the dead bodies and respect the sanctity of the dead combatants, which was stipulated in Article 8 of the Second Additional Protocol of 1977 AD by stating, "Searching for the dead and preventing their sanctity from being violated."
6. He also ordered his fighters to treat members of the enemy's army in conditions other than combat with leniency and to speak to them kindly and not to insult any of them, as stipulated in Article (1/4/e) of the Second Additional Protocol of 1977 AD.
7. Imam Ali (peace be upon him) also established to protect private money, as he prevented members of his army from entering homes unless they sought permission and did not take money unless it was owned by the enemy's army. He emphasized the inadmissibility of corruption in the country, such as cutting down fruit trees and killing domestic animals, except for a necessity that is estimated to be necessary.

Second: The Rules Relating to the Methods of Warfare are as Follows

1. The distinction between civilians and combatants, as Article (2/13) of the Second Additional Protocol of 1977 AD states that it is prohibited to make the civilian population as well as individual civilians the object of attack, and the third paragraph of the same article, as well as the third common article of the four Geneva Conventions of 1949 states: Protecting people who do not take a direct part in hostilities. "Among Imam Ali's (peace be upon him) teachings to members of his army is that whoever closes his door is safe, and whoever puts up weapons is safe.
2. The prohibition of treachery and the permissibility of deception in war: International humanitarian law has distinguished between treachery and war ruses in terms of the legitimacy of each of them during the fighting. It has prohibited treachery and authorized war tricks as a means of warfare. In Article (37/1) which defines perfidy as (acts that provoke the confidence of the opponent while deliberately betraying this trust, and lead the opponent to believe that he has the right of Protection, and that he has an obligation to grant protection in accordance with the rules of international law applicable in armed conflict).
3. Also, Imam Ali (peace be upon him) excused the army of his enemies more than once to be aware of their command and warned them against fighting, and this leaves no room for treachery, Uday bin Hatim Al-Taie narrates that Imam Ali (peace be upon him) said raising his voice in the siffin war so that his companions heard him "By God, I will kill Muawiya and his companions." Then he said at the end of his speech, by God willing, and lowered his voice, then Uday told him that you swore to what you said and then excluded, what did you want with that? Then he said that war is a trick and I wanted to incite my friends against them so that

they do not fail. Therefore, Imam Ali (peace be upon him) has approved deception in war and forbade treachery in it.

4. Prohibition of reprisals and unjustified suffering: Reprisals are intended as coercive measures in violation of the normal rules of international law, taken by one of the parties to the armed conflict as a result of unlawful acts committed against them by the other party. The First Additional Protocol of 1977 explicitly prohibited reprisals in the past. Many places.
5. When Muawiyah bin Abi Sufyan prevented water from the army of Imam Ali (peace be upon him), the Imam ordered his army to fight them on the water, and when the army of Imam Ali (peace be upon him) took over the water, he ordered them to make room for the enemy's army to supply water, as some of the fighters of Imam Ali's (peace be upon him) army called for them to not allow them to supply water Imam Ali (peace be upon him) forbade them for this act of revenge. He also ordered combatants in a number of places not to cast poison in the country of enemies, because it might cause undue pain.

CONCLUSION

At the conclusion of the research, we reached a set of conclusions and recommendations, summarizing them as follows

First: Conclusions, which include

1. The rules of the Islamic religion, being one of the divine religions, address all human beings, and they are rules that can be applied at all times and places, so they can be described as international legal rules.
2. That one of the most important sources of the provisions of Islamic law that represent its rules is the Sunnah reported by the Noble Prophet Muhammad, may God's prayers and peace be upon him and his family and the people of his infallible household. Therefore, the words, deeds and reports issued by Imam Ali (peace be upon him) are legal rules that are binding on all as it is one of the rules of religion Islamic as from the Sunnah of the infallible or from the Sunnah of the Companions.
3. Imam Ali (peace be upon him), after his allegiance to the caliphate, represents the legitimate legal authority that governs the Islamic state, which includes a group of states and regions.
4. The two facts of the sentences are two descriptions that can be described as non-international armed conflicts due to the applicability of all the conditions that must be met in this form of armed conflict.
5. The rules governing non-international armed conflict established by Imam Ali (peace be upon him) In these two incidents, they represent a high degree of human meaning and a careful organization of protection-related matters, as well as methods and means of warfare.
6. The historically rooted rules governing non-international armed conflicts are attributed to most of the legal jurisprudence the system for the recognition of combatants that emerged in the eighteenth century, which represents a great prejudice to the right of the first to establish precise legal rules governing non-international armed conflicts, which is Imam Ali (peace be upon him).

Second: Recommendations

1. Re-study the legal rules regulating armed conflicts, especially non-international ones, in the Islamic religion, and the contributions of leaders of Islamic armies by laying solid foundations for this organization in order to adopt them as a basis for international organization.
2. Harmonizing the international legal rules that regulate armed conflicts with the humanitarian rules in the divine religions in general and the Islamic religion in particular for the purpose of limiting or mitigating the scourge of armed conflicts that affect people, especially civilians.
3. Spreading knowledge of the Islamic rules that regulate armed conflicts between Muslim combatants, especially those whose content corresponds to the rules of international humanitarian law.

RERERNCES

Surah Al-Ahzab Verse 33.

Surah Yasin, verse 82.

Al-Bahadli, J.A. (2012). *Al-Fattah brief in comparative jurisprudence*. Ahl al-Bayt Complex Press, Najaf.

Surah Al Imran Verse 110.

Surah At-Tawbah Verse 100

Article (1/1) of the Second Additional Protocol of 1977 annexed to the four Geneva Conventions of 1949

Article 19 of the repealed French Penal Code issued in 1832 stipulates the death penalty for anyone who incites civil war and other serious disputes, as stipulated in Article 275 of the Swiss law issued in 1950, as well as the text of Article (202/2).) of the Italian Penal Code repealed in 1930, which is the same direction that the former Soviet law of 1922 took

Atlam, H.M. (2003). *The law of non-international armed conflicts, international humanitarian law, (first edition). A Guide to Implementation at the National Level*, presented by Ahmed Fathi Sorour, Arab Future House, 210.

Ismail, R. (2011). *Master's thesis in international law submitted to the faculty of law at the university of Algiers*. Algeria, 13.

In this regard, the Court held that “the rules set forth in Common Article 3 of the four Geneva Conventions and applicable to non-international armed conflicts should be applied here. The United States is obligated to “respect” and even “ensure its respect” and thus is obligated not to encourage persons or groups involved in the conflict. In Nicaragua, not to violate the provisions of the third common article, and this obligation derives from the general principles of international humanitarian law, which do not add to the Convention, provided that the Convention is a specific expression of it. - Prospects and Challenges - An article by a group of researchers, Al-Halabi Human Rights Publications, Part Three, 267-268.

The first to use this term was the Preliminary Conference of the Red Cross Societies, held in Geneva in 1946, which criticized the project of the International Committee of the Red Cross, which is related to internal conflict, because it limited the scope of application in the case of civil war, which erupts

Al-Anbaki, N. (2010). *International humanitarian law, first edition*, Wael Publishing House, Amman, 196.

Lessons in IHL education are available on the website:

<http://www.icrc.org/web/are/tisitearao.nsf/htmlfile.law1-r.pdf>.

It should be noted that these conditions are required after a setback for the efforts made to develop and strengthen the rules of international humanitarian law applicable to victims of non-international armed conflicts, and the Syrian delegate expressed this after his vote against this article

See: d. Hazem Muhammad Atlam - Law of Non-International Armed Conflicts. *Journal of Legal and Economic Sciences*, previous source, 4.

It should be noted that the term “censorship” contained in the first paragraph of Article One of the Second Protocol was opposed by many of the countries participating in the diplomatic conference, and they demanded its abolition from the final text, according to which they rejected any distinction between forms of non-international armed conflicts, but their demands were unsuccessful. by failure.

See: Report of the Work of the Diplomatic Conference for the Confirmation and Development of International Humanitarian Law Applicable in Armed Conflicts (Additional Protocol to the Geneva Conventions 1949) relating to the protection of victims of non-international armed conflicts, Geneva, 1977, p. 232.

Faris Hassoun Karim, Al-Rawd Al-Nadir, 334-339.

Al-Masoudi, Muruj Al-Dhahab, 2/384, Siffin Siffin: 131.

Al-Sayyid, A. (2009). *Imam Ali and the Wars of Interpretation*, 1, 2, Dar Al-Uloom, Beirut.

Al-Abadi, M.I. (2005). *The ethics of war according to Imam Ali*. Dar Al-Amin, 1, Beirut, 97.

Article (4/1) of Additional Protocol II of 1977 stipulates that all persons who desist from hostilities have the right to respect for their persons, their honor and their beliefs.

Article (7/1) of the Second Additional Protocol of 1977 stipulated the need to protect and respect all the wounded.

Article (7/1) of the Second Additional Protocol of 1977 stipulated the need to protect and respect all the wounded.

Abdul-Jabbar A.A. (2009). *Protection of human rights during international armed conflicts between Shariah and law, (first edition)*. Al-Halabi Human Rights Publications, 286,

Muhammad Bin Al-Hassan Al-Hurr Al-Amili, *The Shiites' Means to the Collection of Shariah Issues*, 15/133

This definition was approved by the Institute of International Law in 1934.

See Articles (20, 53, 56) of Additional Protocol I of 1977.

Muhammad Bin Al-Hassan Al-Hur Al-Amili, *The Shiites' Means to Collecting Shariah Issues*, previous source, 15/62.