



TREATMENT OF PRISONERS OF WAR BETWEEN INTERNATIONAL HUMANITARIAN LAW AND ISLAMIC SHARIA

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Abstract:

The international community has made great efforts to establish humane treatment of prisoners within the framework of International Humanitarian Law, which reflects the principles of the noble Islamic Sharia, which has significantly contributed to this treatment during international and non-international armed conflicts. The prisoner is the weakest link in an armed conflict after he has been stripped of his weapons. Both international conventions and Islamic Sharia guarantee a number of rights for prisoners during their captivity, demonstrating the commitment to the principle of equality in humane treatment.

Keywords: Prisoners of war, humane treatment, legal guarantees, international humanitarian law, Islamic Sharia.

INTRODUCTION:

The existence and evolution of law are linked to the existence and evolution of the society it governs and organizes. It is natural that the rules of international law evolve in relation to the international community, which has undergone rapid and successive developments¹, especially in the means of warfare, a phenomenon inherent to humanity, which has invented its causes, participated in it, and suffered its consequences². Mankind often resorts to war in moments of recklessness, while in moments of rationality it strives to limit it, although war is permissible only in cases of legitimate self-defense or to protect a recognized right that has been violated by another state without justification. This is called a just war, which may not involve the use of methods that are illegal under international law³.

Wars have been and continue to be a prominent feature of relations between States, causing considerable material and human damage⁴. This reality has led to the convening of conferences and agreements aimed at curbing these violations during international armed conflicts, focusing on the rights and protection of individuals, including prisoners of war.

By "prisoners of war" we refer to members of the armed forces who fall into the hands of the enemy or surrender to him, resulting in their arrest and disarmament, rendering them incapable of fighting. The revealed religions have addressed warfare in a way that alleviates its suffering and preserves humanity, especially since captivity is not a form of punishment or revenge, but rather a preventive measure taken against an unarmed opponent to prevent him from continuing to fight.

¹- Omar Hafsi Farhati et al., Mechanisms of International Protection for Human Rights and Fundamental Freedoms, Dar Al-Thaqafa for Publishing and Distribution, Amman, Jordan, 2012, p. 11.

²- Werniqi Muhammad and Werniqi Sharif, "Prisoners of War in International Humanitarian Law and Islamic Law," Islamic Studies Journal, Issue 02, 2013, p. 244.

³- Werniqi Muhammad and Werniqi Sharif, *ibid.* p. 247.

⁴- Jaafar Radhia and Abdel Halim Bouchekiouh, "Respect for International Humanitarian Law in the Treatment of Prisoners during the Algerian Liberation War (1954-1962)," Legal and Political Thought Journal, Volume 07, Issue 02, Algeria, 2023, p. 963.



The issue of prisoners is a pressing concern for the peoples of the world because of the brutality and aggression that prisoners face at the hands of their captors. Today, it is well known what enemies of humanity and murderers of prophets do to prisoners in different parts of the world. This treatment is the result of the laws they have created, which do not protect the rights of anyone, nor do they protect them from aggressions against their freedoms.

If we look at the civilizations that preceded Islam, we find that they established laws for the treatment of prisoners. Islamic law, however, introduced an unprecedented organization of the principles of warfare by providing protection for individuals not involved in military operations. It also called for the humane treatment of captured combatants, urging compassion and kindness toward them.

A prisoner enjoys special treatment from the moment he falls into the hands of the enemy until his return to his homeland. Their right to life is guaranteed, and it is inadmissible to violate this right by reason of incapacity, injury, illness, surrender or capture. Capture is a precautionary measure against an unarmed enemy, and therefore torture is prohibited; they must be treated humanely.

The protection of prisoners of war falls under one of the most important branches of international law, international humanitarian law, which, through the Geneva Convention on the Treatment of Prisoners of War, has assumed the duty to protect all human life involved in armed conflict. This Convention does not define a prisoner, but rather specifies the categories of prisoners who are entitled to certain rights and protections. "Prisoners" refers to persons captured by enemy forces or those who surrender for military reasons in an armed conflict.

This study is based on a descriptive methodology to illustrate some forms of treatment that prisoners of war endure from the detaining authorities. It also uses an analytical approach to examine the legal texts and religious foundations, tracing the religious origins to reach international laws, agreements and protocols, and analyzing them to determine the legal and international implications of violating the protections afforded to prisoners under the Geneva Conventions. In addition, a comparative method will be used to distinguish between the treatment of prisoners in Islamic law and international law.

Research question:

What protections do international humanitarian law and Islamic law provide for prisoners of war?

In order to answer this question, the study will be divided into the following sections:

Section One: The Basis of Prisoner Rights in Islamic Law and International Humanitarian Law.

Section Two: Guarantees for the Application of Prisoner Treatment Rules in Islamic Law and International Humanitarian Law.

First Section: Establishing the Rights of Prisoners of War in Islamic Law and International Humanitarian Law

A combatant captured by an opposing party in an international armed conflict is considered a prisoner of war. Humanitarian law ensures protection for all individuals who fall into enemy hands during armed conflict, whether they are combatants—classified as prisoners of war—or civilians, who are guaranteed protection on that basis. Both Islamic law and international humanitarian law advocate for the humane treatment of prisoners, aligning with the teachings of Islam and the provisions of international treaties, thereby establishing a specific protection system for those deprived of their freedom.

Subsection 1: The Rights of Prisoners in Islamic Law

Islam calls for respect for the dignity of human beings and kindness towards them, especially when they are prisoners. Islamic law contains many humane principles and rules that ensure dignified treatment and kindness towards prisoners, giving them rights that have often been lacking in various religions and many societies. Since a prisoner in such circumstances is defeated, lacks resistance and may be psychologically shattered, it is essential to show kindness and compassion towards them. The Prophet Muhammad (peace be



upon him) addressed the captives of Banu Qurayza after a hot day: “Do not combine the heat of this day with the heat of weapons; let them rest until it cools down. He would distribute the prisoners among his companions to look after them. As Al-Baydawi mentioned in his commentary, “A prisoner would be brought to the Prophet (peace be upon him) and he would hand him over to some Muslims, saying, ‘Be kind to him,’ recognising the prisoner’s right to the basic necessities of life”.

The status granted to prisoners by Islamic law allows them to enjoy a number of basic needs, the first of which is the provision of shelter. The Prophet Muhammad (peace be upon him) was known for his kindness towards prisoners, urging his companions to take them into their homes or keep them in the mosque until their situation was resolved.

The needs of prisoners, including food and clothing, are mandated by Islam to ensure their care. In fact, Islam emphasizes the treatment of prisoners and the provision of food because they need it. The clothing of prisoners is supported by the verse: “And they give food to the poor, the orphans, and the captives despite hunger”¹ (Quran 76:8). The Prophet Muhammad (peace be upon him) instructed his companions about Thumama bin Uthal when he was captured, saying, “Be good to your captive,” and he added, “Gather whatever food you have and send it to him”².

Providing clothing for prisoners is also a religious obligation. It is narrated by Jabir ibn Abdullah that on the day of Badr, when the prisoners were brought in, Abbas was among them without any clothes. The Prophet (pbuh) asked for a shirt for him, and they found the shirt of Abdullah ibn Ubay, with which he clothed him, since leaving a prisoner naked would undermine his dignity³.

It is also important to provide shelter for prisoners. Ibn Ishaq reported that Sawda bint Zam’a saw Abu Yazid ibn Suhail ibn Amr, one of the prisoners of Badr, with his hands tied behind his neck. The other prisoners were distributed among his companions, and he said: “Treat the prisoners well”⁴.

With the development of today’s penal systems, prisoners are not shackled; rather, they are placed in detention facilities that meet the necessary conditions for humane treatment, which reflects kindness toward this category of prisoners.

Islamic law emphasizes the need for equality among prisoners, without discrimination based on gender, religion, or other factors. This is supported by the verse: “O you who have believed, be firm in justice, witnesses for Allah, even if it is against yourselves or parents and relatives. Whether one is rich or poor, Allah is more worthy of both”⁵ (Quran 4:135).

The disbelief of a non-believer does not prevent justice from being applied to him⁶. Ibn Kathir, may Allah have mercy on him, stated that Allah commands justice in actions and words, both for those near and far, and He commands justice for everyone at all times.

¹- Surah Al-Insan, Ayah 08.

²- Wahba Al-Zuhayli, *The Effects of War in Islamic Jurisprudence*, Dar Al-Fikr Al-Arabi, 1st Edition, Beirut, Lebanon, 1964, p. 38.

³- Ahmad ibn Ali ibn Hajar Al-Asqalani, *Fath al-Bari in Sahih al-Bukhari*, Dar Al-Ma'rifah, Volume 6, 1st Edition, Beirut, Lebanon, no publication year, p. 144.

⁴- Khalifi Muhammad, "The Guarantees Established for the Protection of Prisoners of War between Islamic Law and International Humanitarian Law," unnamed journal, unnamed country, p. 80.

⁵- Surah Al-Ma'idah, Ayah 8.

⁶- Muhammad Jabr Said Abdullah Jamil, "The Concept of Prisoner of War and Their Rights in International Humanitarian Law: A Comparative Study in Light of Islamic Law," *African Journal of Legal and Political Studies*, Volume 8, Issue 2, 2024, p. 239.



The required justice applies to all people, including prisoners of war. Islamic law goes to great lengths in dealing with prisoners of war, as it does not only consider material needs but also takes into account the feelings of the prisoner. Islam does not prevent the prisoner from contacting his family to ensure their well-being, which is entirely in line with the spirit of Islam. Additionally, the prisoner has the right to ransom in Islam, which is considered a secondary means of ending captivity. This means the release of the prisoner, but in exchange for something, whether it be the exchange of a Muslim prisoner, money, or anything else deemed appropriate by the guardian or his deputy.

Regarding the prisoners of Badr, it has been reported that the Prophet Muhammad (pbuh) ransomed them and released them in exchange for teaching a group of Muslims to read and write. This could also be in exchange for a service or craft. Ibn Qudamah, may Allah have mercy on him, stated: "When the leader captures captives¹, he has options: he may decide to kill them, to set them free without compensation, to release them for a price, to ransom them, or to enslave them. The leader may do what is in the best interest. Ibn Qudamah supports this with evidence: "The permissibility of granting freedom and ransom is indicated in His saying: {Either a favor or a ransom...} ... and that the Prophet (pbuh) granted freedom to Thumamah ibn Athal, Abu 'Izzah the poet, and Abu al-Aas ibn al-Rabi. He also said about the prisoners of Badr: 'If Mut'im ibn 'Adi were alive and asked me about these filthy ones, I would have released them for him,' and he ransomed the prisoners of Badr.

The Hanafi school of thought holds that the leader has the discretion to choose from three options: execution, enslavement, or granting them amnesty by making them dhimmis (protected persons) in exchange for a tax. They do not allow unconditional amnesty or ransom, except in the case of an elderly person, according to Muhammad ibn Hassan, or when Muslims are in need of money. However, the issue of ransoming Muslim captives is a matter of dispute among them². Al-Jassas (may Allah have mercy on him) said: "Allah Almighty said: {”And when you meet those who disbelieve, strike them on the neck.”}³

From what has been presented, we can say that Islam was the first to recognize the principle of distinction between combatants and non-combatants, and it mandated the protection of the latter group. It was also a pioneer in distinguishing between military and civilian targets and affirming the protection of civilian targets. This is evident from the teachings of the Prophet Muhammad (peace be upon him): "Go forth in the name of Allah, and by Allah, and with the blessings of the Messenger of Allah. Do not kill an old person, a small child, or a woman, and do not commit treason... and be kind, for Allah loves those who do good".

We can also state that Islamic law is considered one of the most important basic sources of modern positive international humanitarian law, due to its principles and humane treatment, through which prisoners of war enjoy essential and significant guarantees.

The Second Requirement: The Status of the Prisoner of War in International Humanitarian Law

The status of a prisoner of war in the Hague Conventions⁴, or what is known as Hague Law, leads us to discuss the legal description of combatants and the implications of this in terms of the right to inflict harm on the

¹- Surah Muhammad, Ayah 4.

²- Al-Kasani, *The Marvels of Crafts in the Arrangement of Laws* 2nd Edition, Volume 7, p. 119.

³- Surah Muhammad, Ayah 4.

⁴- Professor Omar Saad Allah defines the term "Prisoner of War" (Prisonnier de guerre) as a combatant in the army or organized militia captured by the enemy. In other words, it refers to an individual from the armed forces of one party in an international armed conflict or an individual enjoying equivalent legal status, including war correspondents, supply contractors, civilian aircraft crew, and civilians who take up arms spontaneously to resist invading forces. In case of doubt, any person participating in hostilities is presumed to be a prisoner of war. This term applies to anyone detained in an international armed conflict, retaining the status of prisoner until evidence proves otherwise, through a fair trial ensuring the other party basic rights of defense.



enemy on the one hand, and the extent to which the right to humane treatment as a prisoner of war is acquired when captured by the enemy on the other. Although the status of prisoners of war during this period was not entirely stable with clear texts, we will attempt to address their status as follows: An International Declaration Project on the Laws and Customs of War was signed, consisting of 56 articles, which included the codification of the customs and traditions of land warfare¹.

Section One: The Brussels Conference of 1864

The Brussels Declaration focused on the treatment of prisoners on the basis of how they should be treated, ensuring the rights of individuals who volunteered from militias and others. The Brussels Declaration also played a role in giving the laws of war a humanitarian character through the provisions and restrictions it imposed on the parties to the conflict, which mandated the protection of military personnel who were unable to fight. It also limited the methods of combat, thereby improving the status of combatants captured by the enemy². This conference guaranteed the necessary treatment of prisoners, especially through the texts dealing with this issue³. Although it did not achieve the goals for which it was created, due to various factors, it became the basis for subsequent conferences and meetings on the laws and customs of war.

Section Two: The Hague Conference of 1899

This conference is known as the First Hague Peace Conference, held from May 18 to June 29, 1899, with the participation of the United States, Mexico, China, Japan, and European countries. The conference resulted in several agreements and declarations concerning the laws and customs of war. Although the question of the status of prisoners of war did not receive much attention, the war was organized according to rules and customs that gave them some protection.

The purpose of the Convention was to establish international rules prohibiting the use of weapons that inherently cause unnecessary suffering or excessive injury. The most important rules regarding the status of prisoners can be found in the Hague Regulations of 1907, which contained 56 articles dealing with principles relating to the protection of victims of international armed conflicts, including the sick, wounded, shipwrecked, and prisoners. Of particular relevance to this research is the category of prisoners and how they are addressed in this regulation, which clarifies the status of prisoners of war through the following principles:

- It is usually defined as "members of the armed forces of one party to the conflict who fall into enemy hands."

- Based on jurisprudential definitions, a prisoner of war is a person who has stopped participating in hostilities, laid down their arms, and is obliged to follow the instructions of the capturing party, whether voluntarily or due to circumstances beyond their control, such as being injured during military operations. In such cases, this person transitions from a combatant to a non-combatant, requiring care and protection in accordance with international humanitarian law. For further clarification, see: Zryani Abdullah, "The Legal Protection of Prisoners of War and the Role of the International Committee of the Red Cross in Their Protection," *Oases Journal for Research and Studies*, Volume 12, Issue 2, Algeria, 2019, p. 978.

¹- Abdel Ghani Mahmoud, *International Humanitarian Law: A Comparative Study with Islamic Law*, Dar Al-Nahda Al-Arabiya, 1st Edition, 1991, p. 29.

²- Omar Saad Allah, *The Development of Codification of International Humanitarian Law*, Dar Al-Gharb Al-Islami, 1st Edition, 1997, p. 31.

³- Articles 23 to 34 of the Brussels Declaration of 1874.



The submission of prisoners to the authority of the detaining state, which excludes the authority of individuals and military units in dealing with these prisoners¹.

- The necessity for the detaining state to provide for all needs related to food, water, clothing and shelter, as well as everything essential for the life of the prisoner, falls upon this state².

- Consideration that the wages received by prisoners for work done in the framework of improving the living conditions in the camp are their right, and they are entitled to receive any remaining wages upon their release³.

- Extend protection to persons accompanying the military who are not part of it, such as journalists, supply contractors, and others. This protection also extends to militias and volunteer units, provided that they meet the conditions established by law.

- Extend protection to wounded and sick combatants, in accordance with the rules and principles of the 1864 Geneva Convention and the 1907 Geneva Convention⁴.

Section Two: Guarantees for the Application of Rules on the Treatment of Prisoners in Islamic Law and International Humanitarian Law

The application of rules and provisions regarding the treatment of prisoners requires a set of guarantees to ensure respect for these rules. Therefore, Islamic law and the Geneva Conventions have sought to establish guarantees aimed at achieving this, which we will present in turn:

Subsection One: Guarantees for the Application of Rules on the Treatment of Prisoners in Islamic Law

The sources of guarantees for the treatment of prisoners in Islamic law can be summarized as follows:

1- The Holy Quran:

Allah the Almighty said: "So when you meet those who disbelieve, strike the necks; then, when you have inflicted a massacre upon them, then bind their captives tightly. Either [confer] favor afterwards or ransom [them] until the war lays down its burdens..."⁵

This verse is evidence of the legitimacy of granting safety; whoever seeks safety shall be given it, unless they are a spy or a vanguard of a people. Whoever has secured a pledge must have their blood and property protected.

2- Treaties and the Dissemination of Their Texts:

The conclusion of treaties was conducted in the presence and hearing of Muslims. For example, the Treaty of Hudaibiyyah, which was concluded by the Messenger of Allah (peace be upon him) with the disbelievers of Quraysh, involved prominent figures like Abu Bakr, Umar, and Ali ibn Abi Talib, who witnessed the discussions and negotiations of this treaty. Consequently, it is incumbent upon the Imam of the Muslims (the head of state) to inform the leaders of the army, its members, and all Muslims about these treaties so that they may respect and uphold their sanctity.

Section Two: International Guarantees for the Application of Prisoner Treatment Rules

¹- Article 4 of the Regulations concerning the Laws of Land Warfare (1907), Sharif Alatom and Muhammad Maher Abdel Wahid, Encyclopedia of International Humanitarian Law Agreements: Official Texts of Agreements and Ratifying States, 6th Edition, International Committee of the Red Cross, Cairo, 2002, p. 8.

²- Article 7, *ibid.*, p. 8.

³- Paragraph 3 of Article 6, *ibid.*, p. 8.

⁴- Rouchou Khalid, "Prisoners of War in International Humanitarian Law," Master's Thesis, Tiaret, 2007, no page number.

⁵- Surah Muhammad, Ayah 4.



There have been significant developments in the status of prisoners, particularly in terms of their humane treatment and the protection of their rights and privileges. This is evident in the rules and foundations established by Islamic law, which serve as guarantees for the protection of prisoners and impose punitive measures on anyone who harms or violates this group. In addition, the international community has established mechanisms or institutions to implement these guarantees, including

1- The Protecting Power: This is a state designated by another state (known as the “sending state”) to represent its interests and those of its citizens in relation to a third state (known as the “receiving state”).

Professor Omar Saadallah defines it as follows: “The protecting power is a neutral state that, in the event of a break in normal relations between two warring states, agrees to represent the interests of one party to the conflict vis-à-vis the other, and is particularly willing to undertake humanitarian tasks under the four Geneva Conventions of 1949. In this way, the protecting power helps to ensure that the parties to the conflict respect international humanitarian law¹.

In general, even outside the context of an international armed conflict, the Protecting Power can be defined as a state that is willing to agree with one of the disputing states to ensure the representation of the interests of one party vis-à-vis the other and to protect the nationals of that party and persons associated with it.

The appointment of a Protecting Power occurs when each party to the conflict designates a Protecting Power at the beginning of the conflict and allows the designated Protecting Power to carry out its activities. If the parties cannot agree, the International Committee of the Red Cross or another neutral organization may offer to act as Protecting Power².

Section Two: International Guarantees for the Application of Prisoner Treatment Rules

There has been significant progress regarding the treatment and protection of prisoners, reflected in the rights and privileges granted to them. This is evident through the rules and principles established by Islamic law, which serve as a guarantee for the protection of prisoners and impose punitive measures on anyone who harms this group or threatens them. Additionally, the international community has introduced mechanisms or institutions to implement these guarantees, including:

1. The Protecting Power: This is a state designated by another state (known as the “sending state”) to represent its interests and those of its citizens in relation to a third state (known as the “receiving state”). Professor Omar Saadallah defines the protecting power as follows: “The protecting power is a neutral state that agrees, in the event of a breakdown of normal relations between two warring states, to represent the interests of one party to the conflict before the other, and is particularly willing to undertake humanitarian tasks under the four Geneva Conventions of 1949.” Thus, the protecting power contributes to obliging the parties to the conflict to respect international humanitarian law.

The protecting power can also be defined more generally, even outside the context of any international armed conflict, as a state that is willing to agree with one of the disputing states to ensure the protection of that party’s interests before the other and to safeguard its nationals and affiliated individuals.

Each party to the conflict designates a protecting power at the outset of the dispute and allows the chosen protecting power to carry out its activities. If they do not agree on this, the International Committee of the Red Cross (ICRC) or another neutral organization may offer to act as the protecting power.

¹- Khouni Munir, “The Protecting Power: An Ineffective Mechanism or One That Should Be Activated for the Application of International Humanitarian Law,” Professor Research Journal for Legal and Political Studies, Issue 6, Algeria, 2017, p. 208.

²- Abdel Kader Houba, National and International Efforts to Enforce the Rules of International Humanitarian Law, Dar Houma for Printing and Publishing, 2015, p. 83.



The protecting power must appoint representatives from its nationals or from the nationals of other neutral states, distinct from its diplomatic or consular officials. The appointment of these representatives is subject to the approval of the state where they will perform their duties, and the parties to the conflict must facilitate the activities of the representatives of the protecting power to the fullest extent possible.

The duties of the protecting power include monitoring the judicial procedures taken by the detaining state against prisoners accused of crimes, upon notification by the detaining state. During trial sessions, its representatives may attend and oppose the verdicts issued against the prisoners, except in exceptional cases related to the security of the detaining state.

2. The International Committee of the Red Cross (ICRC): The ICRC is an organization governed by Swiss civil law, which grants it national legal personality and a number of immunities. It is an independent and neutral organization that provides protection and assistance under international humanitarian law to victims of armed conflict and other situations of violence. It takes action in emergencies while promoting respect for international humanitarian law and its incorporation into national legislation. The role of the ICRC is of great importance in caring for the victims of international conflicts.

States have entrusted the ICRC with this task in the four Geneva Conventions of 1949 and their Additional Protocols of 1977 and 2005, as well as in the statutes of the International Red Cross and Red Crescent Movement. In addition to the treatment it receives from States, including permanent observer status at the United Nations, the ICRC has participated in various intergovernmental conferences since its creation and has concluded several agreements with numerous States to secure immunities and privileges not enjoyed by international officials of governmental organizations.

Criminal and civil immunity: This immunity applies to all statements and actions related to their functions. The International Committee of the Red Cross (ICRC) seeks to protect the health and dignity of civilians affected by armed conflict and other forms of violence, including detainees. The ICRC does this by encouraging government authorities and other groups to assume their responsibilities under international humanitarian law and other rules that protect individuals from armed conflict.

3. Central Information Office for Prisoners of War In the event of a conflict, each party to the conflict must establish an official office for inquiries about prisoners of war in its custody. This office will be responsible for all information concerning prisoners of war which can be obtained by official or private means. This information should be transmitted as soon as possible to the country of origin of the prisoners or to the State to which they belong. The parties to the conflict must provide this office with all necessary facilities and financial support.

4. Neutral State A neutral¹ state is defined as the legal status of a state that remains uninvolved in the fighting between two or more states. This status carries with it certain rights and obligations with respect to the warring states, as determined by customary international law or international treaties.

¹- Neutrality:

- Negative neutrality refers to the legal form of neutrality, whereby states declaring their neutrality commit not to engage directly in an ongoing war between other parties. However, they may provide humanitarian aid and military equipment to some parties, as seen with Switzerland and Austria during the Russia-Ukraine war. Negative neutrality is only manifested in the event of a war, without these states contributing to ending it, maintaining their neutral position despite their passive actions.

- Positive neutrality emerged practically with the first international conference of the Non-Aligned Movement in Belgrade in 1961, attended by 25 countries at the time. They chose to distance themselves from the aftermath of World War II and the resulting military alliances; Warsaw Pact and NATO, and the onset of the Cold War, which had devastating economic effects on some countries, especially in Asia. For instance, Sri Lanka declared its positive neutrality to mitigate the economic impacts of the Cold War on its fragile economy. Positive neutrality involves countries avoiding participation in wars or military alliances while



The duties of a neutral state include acting as a protectorate in place of the original protectorate if those individuals do not benefit from its activities. The neutral state may also detain prisoners, if an agreement is reached between the detaining state and the state to which the prisoners belong. Furthermore, the Neutral State may shelter the wounded and sick on its territory until their full recovery.

5. International Fact-Finding Committee: Any party to the dispute may submit a request, as determined by the parties involved, to conduct an investigation into any alleged violation of the Agreement. This committee shall consist of fifteen members elected every five years. Its duties shall be limited to the following

- To examine the facts relating to any allegations of grave breaches of the four Geneva Conventions and their Additional Protocols.
- To use its good offices to restore compliance with the provisions of the Conventions and Protocols.

CONCLUSION:

Both Islamic law and the Geneva Conventions agree on the need to disseminate the rules of warfare and combat among soldiers and to oblige members of the armed forces to abide by the principles of war. They also agree on the general principle of imposing penalties on those who violate the laws of war.

The Geneva Conventions have established various mechanisms to monitor the extent to which the parties to the conflict respect the rights of prisoners, such as the Official Office for the Investigation of Prisoners, the International Committee of the Red Cross, the Protecting Power System and the System of Neutral States.

The prominent role of the International Committee of the Red Cross and the Red Crescent in reducing human rights violations against detainees has contributed significantly to the reunification of families in conflict areas.

To ensure that detainees receive optimal treatment, the following should be implemented: - Activate monitoring committees to reduce violations of international humanitarian law and establish a specific international governmental mechanism for the protection of detainees.

- Strengthen the role of protecting powers to provide better care for those captured by their enemies.
- Activate the universality of international agreements on the status of prisoners of war in terms of application beyond the states that have signed them.

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