

# The Execution of Prisoners of War in Islamic Jurisprudence and International Law: A Comparative Doctrinal Study

Rohile Mohammad Gharaibeh<sup>1\*</sup>

<sup>1\*</sup> Associate Professor, Department of Islamic Jurisprudence and its Foundation, School of Sharia, University of Jordan, Islamic Jurisprudence and its Foundation.

\*Corresponding author: Rohile Mohammad Gharaibeh.

E-mail: R.Gharaibeh@ju.edu.jo

ORCID ID: <https://orcid.org/0000-0002-3090-9720>

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## ABSTRACT:

This study examines the legal ruling on killing or executing prisoners of war after capture in Islamic jurisprudence and contemporary international humanitarian law. It distinguishes post-capture treatment from the use of lethal force during active hostilities and asks whether captivity itself permits killing. The study clarifies the concept of the prisoner in Arabic usage, classical Islamic jurisprudence, and the Third Geneva Convention of 1949, and reviews key principles including the sanctity of life, human dignity, humane treatment, and the responsibility of the detaining authority. Using inductive, doctrinal, deductive, and comparative analysis, it examines Qur'anic texts, Prophetic reports, classical juristic works, historical materials, modern Islamic legal scholarship, and the Geneva Convention framework. The analysis identifies two principal juristic positions: one permitting limited governmental discretion that may include execution, and another rejecting killing merely on the basis of captivity. The study favors the latter view, while recognizing individual liability for separately established offences. It concludes that Islamic jurisprudence and international humanitarian law converge on the principle that prisoner status alone does not justify killing, and that any penal responsibility must be legally distinct and determined through lawful process.

**Keywords:** prisoners of war; Islamic jurisprudence, Geneva Convention III, international humanitarian law, humane treatment.

## Introduction

In addition to the many legal and ethical aspects that pertain to the treatment of prisoners of war, there is another aspect that examines the limits of both law and ethics on the conduct of war. When a soldier or civilian is taken prisoner, disarmed, detained, and under the control of an opposing belligerent, their legal status, as one who was previously entitled to the lawful application of force in the course of hostilities, dramatically

changes. Inasmuch as a combatant may be killed as a legitimate military objective while engaged with an adversary in the field of battle, once such a combatant has been captured, there is no longer a state of "immediate" need on behalf of the capturing party to kill him. The reason for this change is that the very fact that the combatant is now being held captive eliminates any potential for the detainee to confront the captor. Instead, it places upon the capturing party all responsibilities relating to the detainee's

maintenance, including respect for the basic rights, dignity, and needs of the detained combatant. Thus, whether it is permissible to kill a prisoner of war must be determined by means other than the rules applicable to the use of deadly force in the midst of hostilities.

Although this question remains relevant to present-day armed conflicts and debates about these issues, modern wars and modern public discourse often confuse three discrete questions: confronting an enemy combatant in hostilities; holding a person in detention following capture; and punishing an individual for having committed some offense. This paper addresses this conceptual confusion through analysis of the distinction made in this area from two legal perspectives: Islamic law (Shariah) and International Humanitarian Law (IHL). Unlike other studies of this topic that deny that different views exist at different times among scholars interpreting Islamic jurisprudence pertaining to prisoners of war, this study seeks to catalog competing views found in scholarly literature, examine the rationale behind each view, and conclude which view best represents the most accurate reading of the applicable textual evidence, underlying principles and goals of Shariah, and the new legal status of individuals prior to and subsequent to capture.

### 1.1 Research Problem and Questions

The research problem concerns the legal basis, if any, for killing or executing a prisoner of war after capture. The study is guided by two principal questions:

1. What is the position of Islamic jurisprudence on laws, decisions, or practices that permit the killing or execution of prisoners of war after capture?
2. What is the position of international humanitarian law on killing, executing, or otherwise attacking prisoners of war, and how does it distinguish prohibited killing from punishment for a separately established offence?

### 1.2 Objectives of the Study

To clarify the principal juristic positions in Islamic law concerning the killing of prisoners of war and to identify the view that is more strongly supported by the relevant evidence.

To compare the preferred juristic position with the protection afforded to prisoners of war under contemporary international humanitarian law.

To contribute to a clearer and more consistent legal understanding of the protection of captives against unlawful killing, torture, humiliation, and other serious violations of their human dignity.

### 1.3 Scope of the Study

The research focuses solely on the issue of execution or killing of a captured prisoner and does not seek to evaluate each law concerning detention, accommodations, labor, letters, health care, repatriation, etc., regarding the prisoner of war. Only those broader laws will be referenced when they contribute to an understanding of the nature of imprisonment and the obligations of the authorities responsible for the welfare and dignity of the captive. "Prisoner of war" has been utilized as the closest approximation in the English language for the ancient Islamic term *asir*, since there are distinctions between the two definitions.

## 2. Literature Review and Legal-Conceptual Background

### 2.1 The Prisoner in Arabic Linguistic Usage

The Arabic word "*asir*" (أسير) is derived from the Arabic root "*asara*," which provides the meanings of "binding," "restraining," "capturing," and "confining." Classical dictionaries define the *asir* as a person taken and confined by force, specifically as a prisoner of war (Ibn Manzur, 1882; al-Fayruzabadi, 2005). The Qur'an makes use of the concept of captivity in multiple contexts. Qur'an 33:26 uses the term to refer to capturing a group after fighting, while Qur'an 76:8 commends those who feed the poor, orphans, and captives. The references demonstrate two basic aspects of this research: captivity entails living prisoners being taken into custody by their enemies, and as such, they

continue to be human beings for whom obligations of care may exist.

Classical interpretations of Qur'anic commentary typically portray the captive as a human being who has been restrained as a result of being captured by the victors. Al-Tabari (2001), al-Qurtubi (1964), and other classical commentators have discussed the Qur'anic terms within the normal scope of their conventional sense of seizing and holding someone captive.

## 2.2 The Prisoner in Classical Islamic Jurisprudence

Classical juristic definitions for "prisoner" are largely compatible with the meanings conveyed through language regarding the individual's position relative to the armed conflict. Al-Mawardi (2006) defines prisoners in the sense provided above as enemy males engaged in combat who fall alive into Muslim control. In addition, other jurists focus on characteristics such as combatant status, age, legal capability, agreements providing safe conduct, diplomatic immunity, and whether they engage in combat or generally would be entitled to protection from direct military attack (al-Kasani, 2003; Ibn Qudamah, 1997). Contemporary studies of modern Islamic law place emphasis on the fact that the capture of individuals in this area arises both out of their participation in the armed conflict and out of their relationship to the enemy war effort (Shbeer, 2004; Jawad, 2005; al-Zuhayli, 1998).

Classical materials accordingly reflect the following recurring concerns. The detainee must have been taken alive while under the authority of the enemy; there must be a causal link between detention and the armed conflict as opposed to some unrelated civil offense; and detainees whose protection is provided pursuant to an agreement of safe passage or by virtue of a recognized diplomatic function are not typically considered ordinary prisoners. Classical jurists also differentiated between fighters and non-fighters, including women, children, older adults, etc. The distinctions made among the legal schools were not identical; however, the common doctrinal principle was that captivity is a post-conflict

circumstance subject to rules that distinguish it from those applicable to direct engagements during warfare.

## 2.3 Prisoner-of-War Status in International Humanitarian Law

Contemporary international humanitarian law defines "prisoner of war" primarily based on treaty provisions that establish categories of prisoners of war. The Third Geneva Convention of 1949 established the following as examples of prisoners of war: members of the armed forces of one of the parties to the conflict; militias and volunteer corps; certain organized resistance groups; members of regular armed forces who are subject to an authority that is not recognized by the Detaining Power; individuals authorized to accompany military personnel into combat areas but who do not constitute part of such forces; certain crew members; and inhabitants of territories that have not been occupied who spontaneously take up arms against occupying forces, provided those inhabitants meet the requirements set forth in Article 4 of the Convention (Geneva Convention III, 1949, art. 4).

Therefore, the treaty concept is an institutional and status-based concept, rather than merely referring to any individual held captive at some point during hostilities. The principal focus for determining whether a detainee qualifies as a prisoner of war under the Third Geneva Convention is the law of international armed conflict. While the term "prisoner of war" may not be applicable in the same treaty sense in non-international armed conflicts, Common Article 3 provides independent protection against murder and executions without a prior judgment issued by a regularly constituted court that has afforded all required legal protections (Geneva Conventions, 1949, common art. 3).

## 2.4 Historical Context of Captivity

The Islamic rules for dealing with captured people are best understood within a larger history of how prisoners have often been killed, made slaves, demeaned, etc., at the will of their victorious opponents. The body of scholarly

research confirms that warfare has typically been linked to slavery and significant coercive methods toward prisoners; however, the types varied throughout time and society (Khadduri, 1955; Abu Hayf, 1960). Thus, there was a limitation on the victorious party's ability to treat its defeated military opponents poorly due to the existence of specific legal norms applicable to prisoners.

The treatment of prisoners is part of the broader body of regulations governing war, government, and human dignity within the Islamic legal tradition. For this paper, the importance of these developments is not in glorifying all past practice; rather, it is in establishing what laws and judicial reasoning determine when capture ends, limits, or allows for the continuation of killing.

## **2.5 Normative Foundations for the Treatment of Captives in Islamic Law**

Before addressing the disagreement over execution, several broader Islamic legal principles provide the normative framework within which the dispute should be understood.

### **2.5.1 Human Equality and Common Human Origin**

The Quran provides evidence of this principle through the affirmation that humans come from a single human ancestor and the rejection of differentiation based on human differences as grounds for arbitrary discrimination. Quran 49:13 mentions that peoples and tribes were created to allow people to recognize one another. Furthermore, it outlines the relevant criteria for distinguishing people as their level of moral character, not their family lineage, ethnic group, or skin color. Likewise, Quran 4:1 recollects the shared human origins of both males and females. Thus, applied to captivity, these two principles disallow the conclusion that simply because a person is an adversary in war, his humanity loses all value.

### **2.5.2 Respect for Human Life**

Another principle is the protection of human life. The prohibition against taking a life that Allah made sacred is expressed in Quran 17:33. Likewise, the taking of an innocent human life is

classified as one of the most serious sins in Islam (Al-Bukhari, n.d., Hadith 5977). This does not mean that there are no situations where lethal force can be used under Islamic law. However, lawful killing may only occur when there is a legitimate legal justification, and killing cannot result from captivity alone.

### **2.5.3 Human Dignity**

The general formulation of Qur'an 17:70 provides a basis to support a conception of dignity that encompasses all people, regardless of their membership within any particular community. Therefore, when an individual is imprisoned, is still recognized as a human being with a right to have physical integrity and moral dignity preserved, although liberty may have been legally curtailed as a result of participation in an armed conflict.

### **2.5.4 Custodial Responsibility of the Detaining Authority**

When a combatant is captured during an armed conflict, there is a shift in the person responsible for providing for the captive. From the time the detainee is taken into custody by the detaining authority, the captor typically assumes responsibility for ensuring the safety of the captive. Generally speaking, the captive will not be able to independently provide for his or her basic needs, including, but not limited to, personal safety, food, medical services, and/or freedom of movement. Consequently, this transfer of control obligates the detaining authority to protect the captive. One example of the treatment of a captive while under the control of the detaining authority can be seen in the Prophetic tradition regarding Thumamah ibn Uthal, who was detained in Medina after surrendering, subsequently was treated humanely, and eventually released. The Prophetic tradition concerning Thumamah ibn Uthal is referenced in Islamic legal texts to illustrate both the type of treatment provided to detainees and the types of limitations placed on them (Muslim ibn al-Hajjaj, n.d., Hadith 1764). In addition to this specific example, the larger juridical discussion generally recognizes that decisions regarding how to treat prisoners are made by

public authorities and not by those seeking private revenge (Jawad, 2005; al-Mawardi, 2006).

### **2.5.5 Humane Treatment and Meeting Basic Needs**

Quran 76:8 is referenced as a means of providing food to a prisoner in addition to providing food to the poor and orphans. In this way, Quran 76:8 demonstrates that assisting a prisoner (regardless of the prisoner being from the enemy's side) is an activity that produces moral value, and the prisoner's needs should be met. Therefore, Quran 76:8 contributes to establishing that when a person is taken captive during an armed conflict, there will be a protective custodial relationship formed between the two parties.

## **2. Methodology**

### **3.1 Research Design**

A qualitative doctrinal-comparative methodology will be employed within this research study. This methodology utilizes both an inductive method and a deductive/argumentative analytical process. The inductive aspect of this methodology will explore all of the applicable Qur'anic texts, Prophetic reports, historical events, and juristic positions regarding prisoners. The deductive portion of this methodology will utilize these explorations to evaluate them against well-established legal doctrines, juristic reasoning, and the goals of Islamic Law. Finally, the comparative methodology will compare the conclusions reached through this juristic evaluation to the prevailing International Humanitarian Law provisions that relate to the treatment of prisoners during times of war.

### **3.2 Sources**

Primary Islamic sources include the Qur'an and all applicable Prophetic reports. These primary sources will be reviewed in conjunction with traditional Arabic scholarly commentary on the Qur'an; jurisprudence; public law; biographies of the Prophet Muhammad (peace be upon him); legal rationale from multiple Sunni schools of jurisprudence; and modern Arabic literature that addresses prisoners and their rights under contemporary laws of war. For International

Law, the central primary source will be the Third Geneva Convention dated August 12, 1949. Supplemental use may also be made of Common Article 3 to identify differences in the applicability of law in non-international armed conflicts.

### **3.3 Analytical Procedure**

The analytical process is carried out through four different phases. In Phase I, the definition of the legal subject pertinent to this analysis is established, with that legal subject being the live captive person placed into the control of the adversary. Phase II identifies the primary juridical positions regarding the killing of captives and then provide a comprehensive evaluation of the textual, historical, and rational bases for both positions. Phase III compares and evaluates the two juridical positions by establishing the differences between those rules governing active hostilities as opposed to those rules governing activities post-capture. Additionally, Phase III examines whether the historical instances cited to support either position indicate a universal principle applicable to all individuals or merely represent specific examples of individual wrongdoing. Lastly, Phase IV compares the juridical rule identified as preferable with the prohibition on violence, wilful killing (murder), summary executions, and procedurally defective punishments contained within the Third Geneva Convention.

### **3.4 Scope and Methodological Limitations of the Doctrinal Study**

The scope of this doctrinal study is limited to a review of literature and jurisprudence. This is not an empirical research project. State practices were not measured, nor were individuals interviewed in the field. Therefore, no effort was made to address every historical disagreement regarding specific incidents in the Prophetic life. Historical accounts were utilized only to illustrate how jurists have historically employed such accounts in their respective arguments. In addition, a distinction was drawn throughout the analysis between the classical Islamic category of "captive" and the treaty-based category of "Prisoner of War." Although these categories

may be similar for comparative purposes, they are not identical legal constructs.

#### 4. Results and Discussion

##### 4.1 The Juristic Position Permitting Execution in Limited Circumstances

The position that is most commonly held by the majority of classical Sunni scholars provides the state or public authority competent under the law with various alternatives in how to deal with live enemy combatants. Each school has a slightly different way of stating these alternatives. Hanafis consider execution or slavery to be among the possible options when specific circumstances have been met. Malikis, Shafi'is, and Hanbalis view the government as having a wide range of alternatives, including but not limited to execution, slavery, ransom, release, and, in some views, alternative arrangements that may be deemed acceptable due to the greater public benefit (al-Sarakhsi, 1997; al-Hattab, 2010; al-Mawardi, 2006; Abu Ya'la, 2000; al-Kasani, 2003). Even those supporting this position did not see it as a license to kill all captives. They usually distinguished adult males from non-combatant females, children, etc., and persons who were not typically subject to being killed directly during war. Thus, the advocates of this position view the government's right to determine what to do with adult males as a limited right to make decisions regarding them rather than a blanket license to kill.

##### 4.2 Evidence Advanced for the Permissive Position and Its Evaluation

###### 4.2.1 Qur'an 9:5 and the Claim of Abrogation

One of the arguments uses Quran 9:5, which refers to fighting against specific polytheist enemies in its historical and textual framework. A number of jurists have interpreted this verse as overriding or restricting the options of release and ransom identified in Quran 47:4 (Ibn al-'Arabi, 2003; al-Nahhas, 1938) with regard to post-capture treatment. Based on this interpretation, captured enemy polytheists would continue to be legally killable until such time as some other applicable law intervened.

This reasoning does not provide a convincing rationale regarding the general treatment of prisoners. The two verses are concerned with different aspects of war and can therefore be interpreted in harmony with one another and without having to assume abrogation. Quran 47:4 explicitly moves from fighting to capture and then describes the possible treatments of persons once they have been captured. Therefore, where two texts can functionally exist in their own contexts, abrogation must be proven by more than just inference. In addition, classical exegesis and jurisprudence do not indicate that unbelief alone will constitute a sufficient legal basis for killing a subdued person (al-Razi, 1420 AH; al-Zuhayli, 1998).

###### 4.2.2 Qur'an 8:12

In addition to arguments based on the texts quoted earlier regarding permitted killing in war, the text also argues that Quranic verses such as Quran 8:12 permit the killing of those deemed to be lawful military targets even after they are captured by virtue of the actions described in that verse. Specifically, one rationale provided by al-Kasani (2003), among others, was that because the action described in Quran 8:12 involved striking at the top of their necks and striking the tips of their fingers, the killings referred to in the verse could be carried out against enemies in a state of captivity. However, there is a more plausible interpretation of this verse that understands it to refer to an act of warfare and/or an act of violence on a battlefield when both parties are engaged in combat with each other. This understanding of the verse would make it clear that the acts described in the verse do not provide evidence for the permissible killing of captives after they have surrendered or stopped engaging in hostilities against the person being killed. In like manner, al-Sa'di (2002) provides support for the notion that the relevant events described in the verse occur while combatants are actively engaged with one another.

Therefore, while Quran 8:12 permits the killing of enemies in certain contexts, it does not provide authority for killing them simply because they have been captured.

#### 4.2.3 Qur'an 8:67

The third and final reason examined here for why it is permissible to kill prisoners taken during wartime is based upon Quran 8:67. That verse states: It is not fitting for a prophet that he should take captives until he had thoroughly subdued the enemy in the land. As part of the analysis of Quran 8:67, al-Tabari (2001) suggests that some people may interpret this verse as referring to Muhammad's decision to allow his soldiers to take captives and ransom immediately after the Battle of Badr. From this perspective, al-Tabari believes that Muhammad criticized his soldiers for turning too quickly from pursuing further military victory over their enemy into focusing on acquiring wealth through taking captives and offering ransom. Therefore, the focus of Quran 8:67 is on what constitutes a proper transition from continuing to pursue military victory to ceasing pursuit and instead beginning negotiations and possibly negotiating ransom payments with defeated forces. Thus, Quran 8:67 prohibits taking captives before sufficient military victory has been achieved but does not prohibit killing those who have already been captured. Similarly, Ibn 'Ashur (1984) interprets Quran 8:67 in terms of the tactical and moral considerations that arise during battles.

#### 4.2.4 Individual Executions Reported in the Prophetic Biography

Permissive View Advocates Cite Reports Regarding Execution of Several Individuals Captured or Apprehended During the Prophetic Period Following Conquest or Capture, Including 'Uqbah ibn Abi Mu'ayt & al-Nadr ibn al-Harith After Badr, Abu 'Azzah After Uhud, and Named Persons Accounted For in Narratives Concerning the Conquest of Makkah. These Narrations Have Been Discussed in Works of Hadith Commentary, Legal Interpretation of Quranic Texts, Public Finance, and Biography of the Prophet (al-'Ayni, 2001; al-Jassas, 1992; Abu 'Ubayd, 2007; Ibn Hisham, 1955).

In order to evaluate the probative value of these narratives, their legal classification will determine their importance. If there are executions which occurred solely due to the fact that the executed

individuals were prisoners, then these would demonstrate a broad authority regarding the execution of prisoners of war. However, a different interpretation has been employed by the proponents of the restrictive view of killing of captives and is supported within this study. It appears that each one of the cited examples involved particularized wrongdoing either occurring before the execution or constituting a separate crime against those who executed them. The mass of the remaining captives who were taken at Badr were not collectively executed. Therefore, singular events do not individually prove that being a captive is an independent reason for the death of a person.

#### 4.2.5 The Case of Banu Qurayzah

The Banu Qurayzah Incident is also commonly mentioned when discussing this issue. The circumstances surrounding the Banu Qurayzah incident are generally considered as having legal implications that differ from the norm with regard to prisoner-of-war executions. Based upon the account of events provided by the authors of history and the jurisprudence manuscripts (Ibn Hisham, 1955; al-Zuhayli, 1998), it is stated that Banu Qurayzah had breached its commitment to remain neutral and accept adjudication and therefore was subject to the ruling issued by Sa'd b. Mu'adh. While other factual issues exist relative to the larger picture of this event, according to the author's understanding of the rationale employed by the manuscripts, the incident was based upon an alleged serious breach of faith and/or an adjudicated case and not a general principle that every combatant/captive enemy fighter should be killed simply because he/she is a captive.

#### 4.2.6 Rational and Public-Interest Arguments

Another reason suggests that anybody whose killing was permissible as they were engaged in combat at the time of their capture could still have their life taken upon capture. Likewise, some jurists tie the selection of prisoners' fates to *maslahah*, or public interest, which would be determined by the ruler (al-Kasani, 2003; al-Mawardi, 2006). The problem with this reasoning is that it ignores the legal implications of changing

one's fact pattern. The permissible use of lethal force against an active combatant is based upon both armed hostility and military necessity; when an individual is no longer a threat due to being disarmed and securely confined, the initial justification for using lethal force against him/her is greatly diminished. Public interest is certainly relevant to issues such as confinement, exchange, release, security, and accountability; however, public interest cannot automatically turn ordinary imprisonment into an independent basis for taking someone's life.

### **4.3 Jurisprudence Prohibiting Killing Based Upon Captive Status**

A second juristic position asserts that a person who becomes a prisoner should not be killed solely because s/he has become a prisoner. This position is represented by 'Abd Allah ibn 'Umar along with many early jurists from the Successors, including al-Hasan al-Basri, 'Ata' ibn Abi Rabah, Sa'id ibn Jubayr, Hammad ibn Salamah, Mujahid, and Muhammad ibn Sirin. Additionally, classical comparative works report positions that limit the choices available after capture primarily to either releasing them or ransoming them. Further, references to al-Shafi'i and Abu Yusuf can be found in comparative works to establish limits on executions for various specific legitimate grounds instead of merely their status as captives (Ibn Rushd, 1996; Ibn Qudamah, 1997; Abu 'Ubayd, 2007; al-Shafi'i, 2001; Abu Yusuf, n.d.).

### **4.4 Evidence for the Restrictive Position**

#### **4.4.1 Qur'an 47:4**

The most compelling textual evidence for the restrictive approach to execution is found in Qur'an 47:4. In the context of armed conflict and striking at the enemy during battle, the verse explains that after the enemy is sufficiently subdued, "bonds should be formed"; following that transitional statement, the verse provides two options for release: either through mercy or through payment of ransom. As such, classical commentators have differed regarding some of the details of the verse; nonetheless, the order of these statements is legally significant: prior to discussion of capture, there was discussion of

fighting; following the binding of the captive, there were discussions of release and ransom (al-Qurtubi, 1964; Ibn al-'Arabi, 2003; Ibn Kathir, 1999; al-Sa'di, 2002).

Accordingly, this interpretation views Qur'an 47:4 as indicating a normative shift in the applicable law. As such, lethal force is part of the initial period of armed struggle; however, upon completion of the process of capture, the prisoner's legal status shifts. The absence of death as one of the post-capture options expressed in Qur'an 47:4 is a strong argument against execution being considered a normal disposition of prisoners. However, a prisoner can still face liability for other crimes. Nonetheless, such a disposition undermines the claim that the mere fact that a person engaged in combat and subsequently became a captive would provide sufficient legal grounds for the prisoner to be executed.

#### **4.4.2 Qur'an 76:8 and Benevolent Treatment of Captives**

In addition to encouraging acts of benevolence toward individuals who are needy due to poverty or orphanhood, Qur'an 76:8 specifically includes captives among those who may receive assistance. Although it cannot be concluded that each act of benevolence automatically results in complete immunity from all forms of penal liability, the verse clearly establishes that the captive occupies a similar moral status to those who are needy due to poverty or orphanhood. Such a moral status makes it difficult to justify the exercise of unlimited authority to kill the prisoner simply due to his/her state as a captive. Thus, Qur'an 76:8 provides additional support for the general presumption that captives should be spared and treated humanely unless there exists another lawful reason to establish a different outcome.

#### **4.4.3 Prophetic Practice Toward Captives**

In terms of the restrictive view's reliance on the general practices of the Prophet, there are many examples of how captives were treated within the context of larger episodic events, including through ransom, release, exchange, etc. There are

multiple examples of this type of treatment, such as the treatment of Thumamah ibn Uthal in Medina, when he was eventually released without ransom (Muslim ibn al-Hajjaj, n.d., Hadith 1764). The treatment of most of the captives taken at Badr similarly illustrates that being part of an opposing force does not result in execution simply because one has been captured. Therefore, the few reports of executions may have occurred under special circumstances and may not indicate a general rule of executing all prisoners of war.

#### **4.4.4 The Argument from Sanctity of Life and Changed Circumstances**

A second way to think about the rational justification for the restrictive view is to apply the concept of sanctity of life in Qur'an 17:33. Deadly force directed toward an adversary is an extraordinary legal outcome that is justified based upon the fact that deadly force is legally permissible due to the immediate necessity presented during armed conflict. In contrast, once an adversary is captured, disarmed, and secured, the factual conditions that necessitated the immediate use of deadly force in response to an opponent are no longer present. Consequently, the law should return to its original protective baseline until some additional independent legal basis for lethal action is identified. Further, this rationale helps explain why classical jurists who authorized deadly force during armed combat still provided certain noncombatants with immunity from death after capture (al-Kasani, 2003).

#### **4.5 The Preferred Juristic View**

The evidence presented by both positions, along with an evaluation of the history of the positions, has led to the preference for the position that prisoners of war should not be killed solely due to their status as prisoners. The historical support for the permissive position cannot be ignored and therefore must be considered when presenting the views on this issue. However, the evidence supporting a general right to execute a prisoner post-captivity is less clear than the evidence distinguishing combatants from those who are captured. There are several passages in the Quran

that provide guidance on how to treat individuals during and after battle. Specifically, Quran 47:4 is most explicit in providing a structural distinction between the use of force on the battlefield and what should be done once a person is no longer being engaged as a combatant (i.e., post-capture). Furthermore, Quran 76:8 supports treating prisoners with humane care.

Additionally, there are strong implications in Islamic jurisprudence regarding the sanctity of life that would weigh heavily against expanding the permissible actions taken on the battlefield into post-capture executions of prisoners. Lastly, the majority of Prophetic traditions dealing with the treatment of captives emphasize the protection of captives through either releasing them, ransoming them, or placing them in protected custody. Therefore, while it is possible to hold someone accountable for conduct that would constitute an offense independent of their status as a prisoner, such accountability would be based upon the independent existence of the offense rather than the fact that they were being held as a prisoner. This understanding of the preferred juristic rule is necessary to maintain consistency and to provide clarity with regard to exceptions.

#### **4.6 International Humanitarian Law on Killing and Penal Responsibility of Prisoners of War**

The Third Geneva Convention includes many protections when an individual who has been identified as a prisoner of war and/or other protected person (as outlined above) is taken into custody by an opposing force. Article 13 requires that prisoners of war be treated humanely throughout their detention. In addition, Article 13 states that any action or failure to take action by the Detaining Power that results in death or causes serious harm to the physical well-being of prisoners of war constitutes an "unlawful" act. Additionally, prisoners of war are protected from violence, threats, insults, and public spectacle (Geneva Convention III, 1949, art. 13). Furthermore, wilful killing of any protected person is defined as a grave breach of this Convention (art. 130); therefore, it is not

permissible to kill a prisoner of war as a form of retaliation or revenge, due to convenience, or as a collective punishment, nor may a prisoner of war be killed solely on the basis that being a captive is worthy of death.

While the distinction between the unlawful taking of life and punishing an individual after having followed lawful procedures is one of legality, the level of detail required in order to make such a distinction means that the taking of life as a consequence of criminal liability can only occur through legal channels. According to Article 82 of the Third Geneva Convention, prisoners of war are subject to the laws, regulations, and rules in effect within the armed forces of the Detaining Power; however, the judicial and/or disciplinary process used to prosecute prisoners of war must be conducted consistently with this Convention. Similarly, according to Article 85, even if a prisoner of war is found guilty of an offense committed prior to capture, he/she retains rights granted to him/her under the Convention. Articles 99-108 provide for certain judicial safeguards. Articles 100-101 address the specific scenario where a death penalty would be legally authorized under existing law. Article 100 requires that the court be informed that the accused does not owe allegiance to the Detaining Power and was captured by reason of circumstances beyond his own control; and Article 101 requires a minimum six-month period between notice of a final conviction resulting in a death penalty and actual execution (Geneva Convention III, 1949, arts. 82, 85, 99-101).

In accordance with these conclusions, the Convention should never be defined in terms of an absolute prohibition against all possible executions of prisoners of war. Instead, the Convention's provision is more specific and clearly states that a prisoner of war can never be killed simply because they were captured. Moreover, the Convention clearly identifies summary and willful killings of prisoners of war as being prohibited. Finally, penal responsibility of a prisoner of war must be determined based on their guilt for an independent offense that has been separately adjudged under the judicial procedures provided in the Convention.

Similarly, in cases involving non-international armed conflict, Common Article 3 of the Geneva Conventions prohibits the execution of persons convicted of crimes committed during the course of hostilities who have not had their cases tried before a regularly constituted court providing indispensable guarantees.

The results above indicate that there is a central juridical question that arises when considering the legality of lethal force used upon a person after they have been taken into custody. The preferable position here is that the basis for using lethal force against a combatant is changed once that combatant is subdued and is no longer posing a direct threat on the battlefield. Qur'an 47:4 supports this distinction in its description of the difference between "fighting" and "securing prisoners." After mentioning fighting, the verse describes what happens after the battle is over—i.e., how prisoners are secured and then released or ransomed. While some historical exceptions exist where executions were conducted during times of war or conflict, those examples are best viewed in light of their occurrence as a response to individual offenses committed during the time period and do not provide evidence to support the contention that capturing someone provides the legal basis for killing them. The preferred interpretation of Qur'an 47:4 regarding lethal force is also most consistent with the principles of protecting life, preserving human dignity, and promoting other objectives articulated within the body of Islamic law.

Further, there appears to be significant overlap between the preferred Islamic juridical views of the use of lethal force and international humanitarian law. Specifically, both Geneva Convention III and Qur'an 47:4 distinguish between the combat aspect of warfare and the custodial aspect of warfare, thereby rejecting the notion that one can kill another solely because that other was in a state of captivity. Additionally, both sources allow for the determination of individualized responsibility for independent offenses committed prior to capture. Consequently, captivity status, military status, and criminal liability appear to be and should continue to be legally discrete concepts, and any

punishment applied to an individual must be for an independent offense committed prior to capture and pursuant to a lawful process.

## 5. Conclusion and Recommendations

### 5.1 Conclusion

A comparison was conducted regarding the treatment of prisoners of war who are captured during combat in Islamic law and international humanitarian law. The study found a real disagreement within classical Islamic jurisprudence. In general, the majority view permitted rulers to execute prisoners of war under certain conditions; however, one other early school of thought did not permit the killing of prisoners solely due to their captive status and instead required release or payment of ransom.

The stronger position, based on evidence derived from Qur'anic verses, Prophetic actions and decisions, examples of historical events, and rationales offered by each side, was that a prisoner's status as a captive would not provide a legitimate rationale for taking their life.

Qur'an 47:4 supports this conclusion, along with the value placed on protecting life (Qur'an 5:32), the humane treatment principle embodied in Qur'an 76:8, and the fact that the combatant is no longer able to fight because they have been restrained.

It should also be noted that the preferred conclusion does not equate with impunity for independent wrongdoing. If a prisoner has been charged with committing a crime while being held as a prisoner of war, then liability will attach to that particular offense and will need to be differentiated from the prisoner's status as a prisoner of war. Therefore, any punishment must be predicated on an independently established legal basis and cannot be predicated simply on the prisoner's captive status.

International humanitarian law also largely corresponds to the status-based protections outlined above. The Third Geneva Convention of 1949 prohibits wilful killing and provides numerous substantive and procedural

protections for prisoners of war. It does not eliminate all possible death sentences, but it does prevent the use of captivity as a justification for execution.

### 5.2 Recommendations

Practitioners of Islamic legal scholarship should articulate better what constitutes the difference between killing as a result of being a captive and punishing someone for a crime that existed prior to their imprisonment, especially where they interpret extraordinary events throughout history.

In addition to that, all states and military entities have an obligation to protect POWs from harm, torture, degradation, reprisals, and collective punishment. The responsibility for their protection and humane treatment is always incumbent upon the entity responsible for holding them from the time of their capture.

All allegations of criminal conduct (i.e., offenses) against a detainee/POW must be resolved by means of a fair trial based on evidence regarding each individual case by a court with sufficient jurisdiction, competence, and continuity of operation that provides the defendants with the due process rights guaranteed under the laws applicable to it.

States, international organizations, and humanitarian bodies must also speak out against and investigate killings and mistreatment of captives. In addition, these same entities must advocate for adherence to the principles set forth in the Geneva Conventions and other applicable standards for those in custody.

Additionally, Muslim jurists, legal scholars, and governmental officials must produce modern guidelines concerning prisoners of war that draw upon the Quranic distinctions made between combatants and detainees, the purposes of Islamic Law, and obligatory international humanitarian commitments so as to reduce excessive uncertainty associated with developing doctrine in this field

## 6. References

- Abu Hayf, A. S. (1960). *Al-qanun al-duwali al-'amm* [Public international law]. Mansha'at al-Ma'arif. <https://books.google.com/books?id=Mub4r5G9EaYC>
- Abu 'Ubayd al-Qasim ibn Sallam. (2007). *Al-amwal* [The book of public finance] (S. ibn R. Abu Anas, Ed.). Dar al-Hady al-Nabawi. <https://www.waqfeya.net/books/%D8%A7%D9%84%D8%A3%D9%85%D9%88%D8%A7%D9%84-239f4ea725c54215bf01692153de7c33>
- Abu Ya'la al-Farra'. (2000). *Al-ahkam al-sultaniyyah* [Ordinances of government] (M. H. al-Fiqi, Ed.). Mustafa al-Babi al-Halabi. <https://waqfeya.net/books/%D8%A7%D9%84%D8%A3%D8%AD%D9%83%D8%A7%D9%85-%D8%A7%D9%84%D8%B3%D9%84%D8%B7%D8%A7%D9%86%D9%8A%D8%A9-%D8%AA-%D8%A7%D9%84%D9%81%D9%82%D9%8A/f9649672ed1e420ea5d7d55cc4c2d88c>
- Abu Yusuf, Y. ibn I. (n.d.). *Kitab al-kharaj* [The book of taxation]. Dar al-Ma'rifah. <https://waqfeya.net/books/%D8%A7%D9%84%D8%AE%D8%B1%D8%A7%D8%AC/67c6d2d4f0dc40a-aa9b9d1f77cbcf83a>
- Al-'Ayni, B. al-D. M. ibn A. (2001). *'Umdat al-qari sharh Sahih al-Bukhari* [Commentary on Sahih al-Bukhari] (A. M. M. 'Umar, Ed.). Dar al-Kutub al-'Ilmiyyah. <https://waqfeya.net/books/%D8%B9%D9%85%D8%AF%D8%A9-%D8%A7%D9%84%D9%82%D8%A7%D8%B1%D9%8A-%D8%B4%D8%B1%D8%AD-%D8%A7%D9%84%D8%A8%D8%AE%D8%A7%D8%B1%D9%8A-%D8%B7-%D8%A7%D9%84%D8%B9%D9%84%D9%85%D9%8A%D8%A9-7f920846177046bba3a7166257ecec41>
- Al-Bukhari, M. ibn I. (n.d.). *Sahih al-Bukhari* (Hadith 5977). <https://sunnah.com/bukhari:5977>
- Al-Fayruzabadi, M. ibn Y. (2005). *Al-qamus al-muhit* [The encompassing dictionary] (M. N. al-'Iqrusi, Ed.; 8th ed.). Mu'assasat al-Risalah. <https://waqfeya.net/books/%D8%A7%D9%84%D9%82%D8%A7%D9%85%D9%88%D8%B3-%D8%A7%D9%84%D9%85%D8%AD%D9%8A%D8%B7-%D8%B7-%D8%A7%D9%84%D8%B1%D8%B3%D8%A7%D9%84%D8%A9-d288293bc875465fb7b6f532d7416035>
- Al-Hattab al-Ru'ayni, M. ibn M. (2010). *Mawahib al-jalil fi sharh Mukhtasar Khalil* [Gifts of the Sublime in the commentary on Khalil's abridgment]. Dar al-Ridwan. <https://www.waqfeya.net/books/%D9%85%D9%88%D8%A7%D9%87%D8%A8-%D8%A7%D9%84%D8%AC%D9%84%D9%8A%D9%84-%D9%81%D9%8A-%D8%B4%D8%B1%D8%AD-%D9%85%D8%AE%D8%AA%D8%B5%D8%B1-%D8%A7%D9%84%D8%B4%D9%8A%D8%AE-%D8%AE%D9%84%D9%8A%D9%84-%D9%88%D9%85%D8%B9%D9%87-%D9%85%D8%AE%D8%AA%D8%B5%D8%B1-%D8%A7%D9%84%D8%B4%D9%8A%D8%AE-%D8%AE%D9%84%D9%8A%D9%84-5ef2eeaaeda3477ca062cf1e45b75f6c>
- Al-Jassas, A. B. A. ibn A. (1992). *Ahkam al-Qur'an* [Legal rulings of the Qur'an] (M. S. Qamhawi, Ed.). Dar Ihya' al-Kutub al-'Arabiyyah. <https://www.waqfeya.net/books/%D8%A3%D8%AD%D9%83%D8%A7%D9%85-%D8%A7%D9%84%D9%82%D8%B1%D8%A2%D9%86-3cb53aba36c74d5ea2b6d131d8eea53c>
- Al-Kasani, A. B. ibn M. (2003). *Bada'i al-sana'i fi tartib al-shara'i* [Marvels of the crafts in the arrangement of legal rulings] (A. M. Mu'awwad & 'A. A. 'Abd al-Mawjud, Eds.). Dar al-Kutub al-'Ilmiyyah. <https://www.waqfeya.net/books/%D8%A8%D8%AF%D8%A7%D8%A6%D8%B9-%D8%A7%D9%84%D8%B5%D9%86%D8%A7%D8%A6%D8%B9-%D9%81%D9%8A-%D8%AA%D8%B1%D8%AA%D9%8A%D8%A8-%D8%A7%D9%84%D8%B4%D8%B1%D8%A7%D8%A6%D8%B9-3eb4313d457e494aac202d54d907fa34>
- Al-Mawardi, A. al-H. 'A. ibn M. (2006). *Al-ahkam al-sultaniyyah* [Ordinances of government] (A. Jad, Ed.). <https://waqfeya.net/books/%D8%A7%D9%84%D8%A3%D8%AD%D9%83%D8%A7%D9%85-%D8%A7%D9%84%D8%B3%D9%84%D8%B7%D8%A7%D9%86%D9%8A%D8%A9-%D8%AA-%D8%AC%D8%A7%D8%AF/a2945154a4fc425d962b2d0a7b74b1b1>

- Al-Nahhas, A. J. (1938). *Al-nasikh wa-al-mansukh fi al-Qur'an al-karim* [Abrogating and abrogated verses in the Qur'an]. Al-Maktabah al-'Allamiyyah. <https://quranpedia.net/book/24199>
- Al-Qurtubi, M. ibn A. (1964). *Al-jami' li-ahkam al-Qur'an* [The compendium of Qur'anic rulings] (A. al-Barduni & I. Atfish, Eds.; 2nd ed.). Dar al-Kutub al-Misriyyah. <https://quranpedia.net/book/14565>
- Al-Razi, F. al-D. (1420 AH). *Mafatih al-ghayb* [Keys to the unseen] (3rd ed.). Dar Ihya' al-Turath al-'Arabi. <https://quranpedia.net/book/352>
- Al-Sa'di, 'A. al-R. ibn N. (2002). *Taysir al-karim al-rahman fi tafsir kalam al-mannan* [Facilitation from the Most Merciful in the interpretation of the Qur'an] ('A. al-R. ibn M. al-Luwayhiq, Ed.; 2nd ed.). Dar al-Salam. <https://waqfeya.net/books/%D8%AA%D9%8A%D8%B3%D9%8A%D8%B1-%D8%A7%D9%84%D9%83%D8%B1%D9%8A%D9%85-%D8%A7%D9%84%D8%B1%D8%AD%D9%85%D9%86-%D9%81%D9%8A-%D8%AA%D9%81%D8%B3%D9%8A%D8%B1-%D9%83%D9%84%D8%A7%D9%85-%D8%A7%D9%84%D9%85%D9%86%D8%A7%D9%86--%D8%AA%D9%81%D8%B3%D9%8A%D8%B1-%D8%A7%D9%84%D8%B3%D8%B9%D8%AF%D9%8A-%D8%B7-%D8%AF%D8%A7%D8%B1-%D8%A7%D9%84%D8%B3%D9%84%D8%A7%D9%85-2275f0a671a249c7ac00dfd7c5fc9c05>
- Al-Sarakhsi, M. ibn A. (1997). *Sharh Kitab al-siyar al-kabir* [Commentary on al-Shaybani's Great Book of International Conduct] (M. H. M. H. al-Shafi'i, Ed.). Dar al-Kutub al-'Ilmiyyah. <https://waqfeya.net/books/%D8%B4%D8%B1%D8%AD-%D9%83%D8%AA%D8%A7%D8%A8-%D8%A7%D9%84%D8%B3%D9%8A%D8%B1-%D8%A7%D9%84%D9%83%D8%A8%D9%8A%D8%B1-%D8%B7-%D8%A7%D9%84%D8%B9%D9%84%D9%85%D9%8A%D8%A9-4eaa15ccd3c8412dac24b1838a29f733>
- Al-Shafi'i, M. ibn I. (2001). *Al-Umm* [The Mother] (R. F. 'Abd al-Muttalib, Ed.). Dar al-Wafa'. <https://waqfeya.net/books/%D8%A7%D9%84%D8%A3%D9%85-%D8%B7-%D8%A7%D9%84%D9%88%D9%81%D8%A7%D8%A1-600ea104307f43a1b06ccf360823dcff>
- Al-Tabari, M. ibn J. (2001). *Jami' al-bayan 'an ta'wil ay al-Qur'an* [The comprehensive exposition of Qur'anic interpretation] ('A. ibn 'A. al-M. al-Turki, Ed.). Dar Hajr. <https://waqfeya.com/books/%D8%AC%D8%A7%D9%85%D8%B9-%D8%A7%D9%84%D8%A8%D9%8A%D8%A7%D9%86-%D8%B9%D9%86-%D8%AA%D8%A3%D9%88%D9%8A%D9%84-%D8%A2%D9%8A-%D8%A7%D9%84%D9%82%D8%B1%D8%A2%D9%86-%D8%AA%D9%81%D8%B3%D9%8A%D8%B1-%D8%A7%D9%84%D8%B7%D8%A8%D8%B1%D9%8A-%D8%AA-%D8%A7%D9%84%D8%AA%D8%B1%D9%83%D9%8A-d3521452cecd44759809dd9a2f3fc5a1>
- Al-Zuhayli, W. (1998). *Athar al-harb fi al-fiqh al-Islami: Dirasah muqaranah* [Effects of war in Islamic jurisprudence: A comparative study] (2nd ed.). Dar al-Fikr. <https://fil.law.cu.edu.eg/cgi-bin/koha/opac-ISBDdetail.pl?biblionumber=80279>
- Geneva Convention relative to the Treatment of Prisoners of War (Third Geneva Convention), August 12, 1949, 75 U.N.T.S. 135.* (1949). <https://ihl-databases.icrc.org/en/ihl-treaties/gciii-1949>
- Geneva Conventions of 12 August 1949, common Article 3.* (1949). <https://ihl-databases.icrc.org/en/ihl-treaties/gciii-1949/article-3>
- Ibn al-'Arabi, M. ibn 'A. (2003). *Ahkam al-Qur'an* [Legal rulings of the Qur'an] (M. 'A. Q. 'Ata, Ed.). Dar al-Kutub al-'Ilmiyyah. <https://waqfeya.net/books/%D8%A3%D8%AD%D9%83%D8%A7%D9%85-%D8%A7%D9%84%D9%82%D8%B1%D8%A2%D9%86-%D8%A7%D8%A8%D9%86-%D8%A7%D9%84%D8%B9%D8%B1%D8%A8%D9%8A-e6bc8e28d5944d11adb02b61d74762d7>
- Ibn 'Ashur, M. al-T. (1984). *Al-tahrir wa-al-tanwir* [Liberation and enlightenment]. Al-Dar al-Tunisiyyah lil-Nashr. <https://www.waqfeya.net/books/%D8%AA%D9%81%D8%B3%D9%8A%D8%B1-%D8%A7%D9%84%D8%AA%D8%AD%D8%B1%D9%8A%D8%B1-%D9%88%D8%A7%D9%84%D8%AA%D9%86%D9%88%D9%8A%D8%B1-ededed17d08645d8a3bb7aec2078a35a>

- Ibn Hisham, 'A. al-M. (1955). *Al-sirah al-nabawiyyah* [The Prophetic biography] (M. al-Saqqa, I. al-Abyari, & 'A. al-H. al-Shalabi, Eds.; 2nd ed.). Mustafa al-Babi al-Halabi. <https://www.waqfeya.net/books/%D8%A7%D9%84%D8%B3%D9%8A%D8%B1%D8%A9-%D8%A7%D9%84%D9%86%D8%A8%D9%88%D9%8A%D8%A9-%D8%B3%D9%8A%D8%B1%D8%A9-%D8%A7%D8%A8%D9%86-%D9%87%D8%B4%D8%A7%D9%85-%D8%B7-%D8%A7%D9%84%D8%AD%D9%84%D8%A8%D9%8A-f6efd41bb75a43e2a000ece33188d397>
- Ibn Kathir, I. ibn 'U. (1999). *Tafsir al-Qur'an al-'azim* [Exegesis of the Great Qur'an] (S. ibn M. Salamah, Ed.; 2nd ed.). Dar Tayyibah. <https://www.waqfeya.net/books/%D8%AA%D9%81%D8%B3%D9%8A%D8%B1-%D8%A7%D9%84%D9%82%D8%B1%D8%A2%D9%86-%D8%A7%D9%84%D8%B9%D8%B8%D9%8A%D9%85-%D8%AA%D9%81%D8%B3%D9%8A%D8%B1-%D8%A7%D8%A8%D9%86-%D9%83%D8%AB%D9%8A%D8%B1-%D8%B7-%D8%B7%D9%8A%D8%A8%D8%A9-a9419796dbfe447c8d790445a209bbe3>
- Ibn Manzur, M. ibn M. (1882). *Lisan al-'Arab* [The Arab tongue]. Dar Sadir. <https://waqfeya.net/books/%D9%84%D8%B3%D8%A7%D9%86-%D8%A7%D9%84%D8%B9%D8%B1%D8%A8-%D8%B7-%D8%B5%D8%A7%D8%AF%D8%B1-95f4323034d049229a15f5df1f2fb8ae>
- Ibn Qudamah, 'A. ibn A. (1997). *Al-Mughni* (A. al-Turki & A. al-Hilw, Eds.; 3rd ed.). Dar 'Alam al-Kutub. <https://waqfeya.net/books/%D8%A7%D9%84%D9%85%D8%BA%D9%86%D9%8A-%D8%AA-%D8%A7%D9%84%D8%AA%D8%B1%D9%83%D9%8A-dd971f31938f403598e07b26ee2670f9>
- Ibn Rushd, M. ibn A. (1996). *Bidayat al-mujtahid wa-nihayat al-muqtasid* [The distinguished jurist's primer] ('A. M. Mu'awwad & 'A. A. 'Abd al-Mawjud, Eds.). Dar al-Kutub al-'Ilmiyyah. <https://www.waqfeya.net/books/%D8%A8%D8%AF%D8%A7%D9%8A%D8%A9-%D8%A7%D9%84%D9%85%D8%AC%D8%AA%D9%87%D8%AF-%D9%88%D9%86%D9%87%D8%A7%D9%8A%D8%A9-%D8%A7%D9%84%D9%85%D9%82%D8%AA%D8%B5%D8%AF-%D8%B7-%D8%A7%D9%84%D8%B9%D9%84%D9%85%D9%8A%D8%A9-a9d077020db04c29b0e8b5f509b04a8c>
- Jawad, 'A. A. (2005). *Ahkam al-asra fi al-fiqh al-Islami wa-al-qanun al-wad'i: Mulhaqan bi-Ittifaqiyyat Geneva* [Rulings on prisoners in Islamic jurisprudence and positive law: With the Geneva Convention]. Dar al-Ma'rifah. <https://books.google.com/books?id=k0YmAQAAIAAJ>
- Khadduri, M. (1955). *War and peace in the law of Islam*. Johns Hopkins Press. <https://books.google.com/books?id=6-4IAQAAIAAJ>
- Muslim ibn al-Hajjaj. (n.d.). *Sahih Muslim* (Hadith 1764). <https://sunnah.com/muslim:1764a>
- Shbeer, M. O. (2004). *Ahkam al-asra fi al-fiqh al-Islami* [Rulings on prisoners in Islamic jurisprudence]. *Majallat al-Shari'ah wa-al-Dirasat al-Islamiyyah*, 19(56), 211–285. <https://search.mandumah.com/Record/104973>