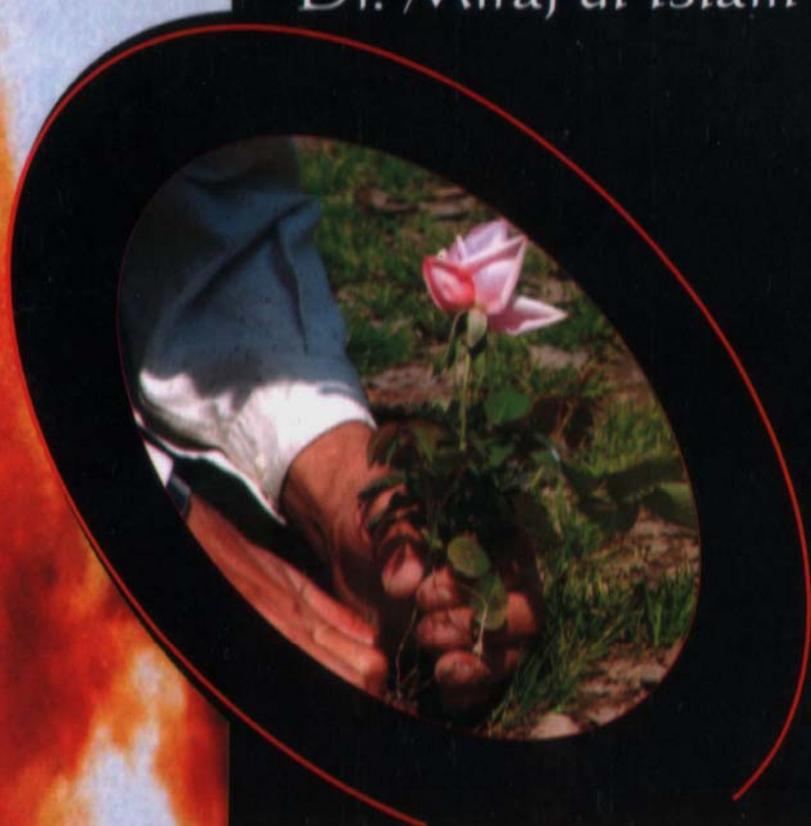


Landmines and Islamic Teachings

Dr. Qibla Ayaz

Dr. Miraj ul Islam Zia



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THE WORK CONTINUES

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LANDMINES AND ISLAMIC TEACHINGS

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LANDMINES AND ISLAMIC TEACHINGS

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FOREWORD

Sustainable Peace and Development Organization (SPADO) feels honored to present this booklet on Landmines and Islamic Teachings. Presence of landmines is posing a serious threat to the world in general and the North Western areas of Pakistan in particular. The presence and use of landmines in Pakistan and particularly in the tribal belt adjoining Afghanistan has resulted in killing and maiming of thousands of civilians. Landmines which are indiscriminate killers have badly affected the socio-economic conditions of the local communities who are already spending miserable lives. This deadly device has not only killed and maimed men but also put the lives of elderly people, children and women into great jeopardy. It is also putting severe pressure on agriculture and economy of the mined areas because economic and agricultural activities cannot be pursued in an environment plagued with fear.

The need to create awareness in the general public against this pernicious weapon was being felt for a long time. This research is a step in that direction. Pakistan is a predominantly Muslim country. People in the tribal areas have unshakable faith in Islam and genuine respect for religious scholars. This scholarly work will immensely help the local people in becoming aware about the Islamic teachings on the use of such an anti human weapon.

Millennium Development Goals recently set by the United Nations include consultations with the religious scholars to seek their valuable guidance so that the achievement of positive goals can be guaranteed. This gives the work a global dimension. For the excellent job done in producing this scholarly work on such a complex theme I, on behalf of SPADO and myself, express my most sincere gratitude to its authors Dr. Qibla Ayaz and Dr. Miraj ul Islam Zia.

I deem it a very pleasant duty of mine to pay my special thanks to Landmine Action UK for the support provided for the English translation and publication of this work. The original version and publication of this book has been made possible with the support of Canadian Department of Foreign Affairs and International Trade (DFAIT) for which we own them our thanks.

Raza Shah Khan
Executive Director
Sustainable Peace and Development Organization (SPADO)

REVIEW

I had the opportunity to study the booklet "Landmines and Islamic Teachings," authored by Dr. Qibla Ayaz and Dr. Miraj-ul-Islam Zia. The booklet comprises of three compact chapters.

The first chapter defines the topic and the serious nature of the theme is discussed at length, supported by facts and statistical figures. The second chapter deals with the Islamic teachings - providing rules and regulations to be followed during wars/armed conflicts. Useful information has been provided in this regard in a logical and convincing manner. The third chapter examines the legal and moral aspects of the use of landmines in the context of Islamic teachings.

The authors have taken great pains to examine and portray the complexity of the topic by extensively quoting verses from the Holy Quran and the Traditions (ahadith) attributed to the Holy Prophet (pbuh). It is indeed a work of great social significance and very relevant to our times. It is the need of the day that our intellectuals and religious scholars provide the much-needed guidance by producing works on similar topics of importance

May this work prove beneficial for people and may Allah be pleased with their work.

Professor Dr. Qazi Muhammad Mubarak
Former Dean, Faculty of Islamic Studies and Arabic
University of Peshawar, Pakistan

IMPRESSIONS

This booklet on “Landmines and Islamic Teachings” by Dr. Qibla Ayaz and Dr. Miraj ul Islam Zia has appeared at a very opportune moment.

The destruction caused by antipersonnel landmines is no longer hidden from anyone. Images of disfigured and disabled children, women and men vividly portray the gravity of the problem. It is the need of the hour to present the Islamic point of view to raise awareness of the common man against landmines and their use.

The authors have produced valuable information on this topic by referring to verses from the Holy Quran and the sayings (ahadith) of the Holy Prophet (pbuh). The booklet proves the point that, like on other aspects of life, Islam has also provided clear cut rules for wars and armed conflicts so that no harm is done to the innocent civilians. It is unfortunate that it is mostly the innocent people who become the victims of this deadly weapon.

Sustainable Peace and Development Organization, Peshawar is playing a very constructive role in the eradication of this problem. May Allah Almighty acknowledge their noble endeavours.

Dr. Muhammad Umar
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Glossary

Abu Hurairah:	A famous companion of the Prophet of Islam
Ahadith:	(Singular: Hadith) Tradition of the Prophet of Islam
Fiqh:	Islamic Jurisprudence
Hazart:	The Nobel
Hudaibiyah:	A place between Makkah and Madinah where the Prophet (Peace Be upon Him) signed the truce with the Quraish tribe of Makkah
Imam:	Leader, Metaphorically used for a great scholar
Jami` al-Tirmidhi:	A book of Prophetic traditions compiled by scholar al-Tirmidhi
Ka`bah:	The House of God at Makkah
Mufti:	An expert on Islamic legal verdict
Al-Quran:	The Holy book of Muslims
Sahih Bukhari:	the first most authentic source of the Prophetic Traditions compiled by imam al-Bukhari
Sahih Muslim:	The second most authentic source of the Prophetic Traditions compiled by Imam Muslim
Sharh Ma`ani al-Athar:	An exegesis of Ma`ani al-Athar (a Hadith work) written by a Al-Tahawi (Abu Ja`far Ahmad b. Muhammad)
Shari`at:	Islamic Law
Sunan Abi Dawud:	A book of Prophetic traditions compiled by Abu Dawud
Sunan Ibn-i-Majah:	A book of prophetic traditions compiled by Ibn-i-Majah
Surah:	A Quranic Chapter
Umar:	The second Caliph of Islam

CHAPTER ONE

THE DEVASTATION OF LANDMINES

A landmine is a munition designed to be placed on the ground or hidden beneath the ground. Upon contact or under pressure of weight it explodes - causing severe damage to the person or object that triggered it. Landmines do not distinguish between soldiers and civilians, and they do not know when the war is over.

There are two main types of landmine:

- Anti-tank mines – usually used to disable tanks or other vehicles.
- Antipersonnel mines – defined as “mine[s] designed to be exploded by the presence, proximity or contact of a person that may incapacitate, injure or kill one or more persons.”

From the First World War (1914-18) onwards the use of landmines in armed conflicts and wars increased at a rapid pace. During the Cold War era, landmines were used internationally on a huge scale. Over time landmines were designed to be more difficult to detect; they now contain less metal but are more sophisticated and more lethal. Laying landmines has become very easy, while detecting and clearing of mines has become more costly and dangerous.

When once activated this cruel device does not perish but lasts for decades and can cause injury or death to any unsuspecting passer by. For this reason it is called a “hidden killer.”

The civilian suffering caused by the use of landmines has added to the tragedy of conflict and war. The use of landmines in Afghanistan, and the suffering caused to the civilian population there, is a classic example of this international problem.

Use of landmines in Afghanistan began during the resistance movement against Soviet occupation (1979-89). During the civil war that followed the Soviet withdrawal from Afghanistan, the use of landmines continued – even increased – killing and crippling hundreds of thousands of innocent people.

Another sad development was the introduction of landmines into the tribal areas of Pakistan, where people began using them in their personal and tribal animosities.

Internationally the problem is on a great scale. During the period 1999-2004, The Landmine Monitor has recorded 42,500 new landmine and ordnance casualties. The fact that a large number of landmine incidents remain unreported means that the actual number of casualties is much higher. The Landmine Monitor estimates that there are still 15,000-20,000 casualties caused by landmines every year - which means 1,500 people per month or 50 casualties every day. As a result, they estimate some 300,000-400,000 landmine accident survivors are living around the world today.

Certainly, thousands of people have fallen prey to this hideous device – most of them civilians, including women and children.

In a report prepared by Sustainable Peace and Development Organization (SPADO), in 2004 alone 195 persons were affected by landmines or similar devices in Pakistan. SPADO prepared this analysis on the basis of press

reports. With many accidents not recorded or reported the true numbers will be even more shocking. Some 67 out of these 195 landmine victims died, the remaining 128 became disabled for the rest of their lives. Of these 195 reported casualties, 155 were in the tribal areas, 25 in Balūchestān and 9 in North West Frontier Province.

A grim aspect of landmines is their inability to differentiate between a combatant and a non-combatant, between a civilian and a soldier. Victims are mostly those who are not a party to the ongoing conflict. Landmines remain equally active in times of war and peace; killing innocent people long after the conflict is over.

The way landmines inflict pain and misery is evident in the following:

- Victims are usually non-combatant civilians who, while on their way to their fields, schools, shops or places of worship, unluckily step on a mine and get killed or maimed. Most landmine victims from the tribal areas of Pakistan (particularly Bajaur, Kurram and Waziristan Agencies) fall into this category.
- In many cases, the victim is the sole bread-winner of the family. Their death or disability puts the entire family under unbearable economic pressure.
- The victim, if disabled, may be alienated or abstain from social events. Economic pressures and social alienation ultimately create vulnerability to various psychological disorders.
- Women play a very active role in our agrarian society. When a woman working in a field loses a limb due to a landmine the tragedy may not only put an end to her life as a worker but may also terminate her marital life.
- Prosthetic limbs (if the victim is lucky enough to get one) are not only expensive but can also cause great physical and mental discomfort.
- Vast areas of cultivable land are turned into wasteland by the use of landmines. Their presence deters farmers from going to their fields – agricultural production is severely hampered leading ultimately to economic stagnation and decline in the standard of living.
- Landmines can kill and injure livestock in the fields.
- Landmine contamination can stop people from accessing their water sources or repairing infrastructure. This can result in water pollution, the outbreak of diseases, lack of irrigation and destruction of livestock - further aggravating the financial problems of mine-affected communities.

The huge suffering caused by anti-personnel mines ultimately awakened the human conscience and a world-wide movement started, demanding a ban on the production, use, stockpiling and trade of anti-personnel landmines. This movement ultimately succeeded in establishing a treaty to ban anti-personnel landmines - known as the Ottawa Treaty. This treaty was signed on September 3, 1997 in Ottawa, Canada. On March 1, 1999, this treaty became an international law.

Sustainable Peace and Development Organization (SPADO), is the Pakistan chapter of the global organization striving for a total ban on landmines – The International Campaign to Ban Landmines (ICBL). SPADO endeavours to raise public awareness against landmines. SPADO is advocating for Pakistan's ratification of the Ottawa Treaty and at the same time struggles for the rehabilitation of landmine accident survivors.

CHAPTER TWO

ISLAMIC CODE OF WARFARE

Devastation caused by landmines has been discussed in detail in the previous chapter. Now we proceed to examine what Islamic teachings and traditions have to say about such destructive weapons and their use. For this purpose we will have to examine the Islamic code of conduct and also to check what rules Islam lay down for its followers to follow in times of war or an armed conflict.

The word Islam has two meanings (i) Peace (ii) Total submission to Allah (The Only God). Thus, connotatively speaking, it is religion of peace and amity. It wants human beings to live a peaceful life by avoiding getting involved in disputes caused by mischief. It is for this reason that it invites the whole humanity to the direction of amity and virtue.

Holy Quran in its Surah –al-Nisa , verse 114 reads as following:

“NO GOOD comes, as a rule, out of secret confabulations – saving such as is devoted to enjoining charity or equitable dealings or setting things to rights between people: and unto him who does this out of a longing for God’s goodly acceptance We shall in time grant a mighty reward.”¹

There are innumerable ahadith, traditions or sayings attributed to the Holy Prophet (PBUH) – which give great importance to such noble deeds.

According to Hazrat Abu Hurairah:

The Holy Prophet (PBUH) said: Every day when the sun rises, charity becomes obligatory on every body joint of all the human beings. It is charity to judiciously decide a dispute between two persons; it is charity to help somebody in lifting burden, it is charity to say nice and kind words, every step taken in the way of performing prayers (salat) is a charity and clearing the pathways from harmful objects is also a charity (Sahih Muslim).²

In another hadith, the Holy Prophet (PBUH) is reported to have said:

Should I inform you about something more precious than (saying) prayers, fasting and zakat (annual obligatory alms-giving of 2.5% of one’s movable wealth)? Prophet’s (PBUH) companions replied “Why not, Allah’s Prophet.” He (PBUH) then said, (it is) “to have amity between you because mischievous dispute (that pits one against the other) shall make you perish.” (Jami` Tirmizi)³

Making peace between two persons is considered such a noble act that even telling a lie is permissible for this purpose.

He who spreads a good word or says a good thing to make peace between (quarreling) people is not a liar. (Sahih Muslim)⁴

However, countries and nations at times find themselves caught in situations where they have to resort to armed conflict for their survival. Islam too allows its followers to fight in the self defense. But the Holy Quran and the Holy Prophet (PBUH) have laid down certain rules ad restrictions.

“AND FIGHT in God’s cause against those who wage war against you, but do not commit aggression – for, verily God does not love aggressors.” (Surah Al- Baqarah Verse 190).⁵

In this verse Allah forbids the Muslims from committing acts of excess against their enemies during war time. Excesses have been described as disfiguring, mutilating corpses, killing non-combatant children, women and men, burning of trees and killing animals.

Infidels may be treated the way they had treated the Muslims in the past. However, in the case of a victory Muslims are persuaded to forgive their combating enemies.

“ and who, whenever tyrann afflicts them, defend themselves. But (remember that an attempt at) requiting evil may, too, become an evil: hence, whoever pardons (his foe) and makes peace, his reward rests with God – for, verily, He does not love evil doers.” (Surah Al- Shura. Verse 39-40)⁶

Holy Prophet’s (PBUH) reluctance in seeking revenge on different occasions should be the guiding principle for Muslims in times of wars. For example, when Makkah was conquered by the Holy Prophet (PBUH), he declared general amnesty – forgiving even those who were thirsty for his blood. In Hudaibiyah, he forgave those 80 persons who had conspired against him. He even forgave the Jew woman who had poisoned him, the discomfort of which he felt till his last moments.

The following code of warfare has to be strictly followed by Muslims:

Non-Combatants not to be harmed:

Non-Combatants are not to be harmed under any circumstances. The above quoted surah Baqarah from the Holy Quran clearly orders Muslims to fight against those who are bent upon fighting against them. Otherwise, Muslims are not permitted to thrust war on non-combatants.

Under normal circumstances Islam does not permit display of weapons by the muslims nor does it permit unjustified bloodshed. The sanctity of human life has been highlighted in Surah Al- Maidah, verse 32 as:

“ Because of this did We ordain unto the children of Israel that if anyone slays a human being – unless it be (in punishment) for murder or for spreading corruption on earth – it shall be as though he had slain all mankind; whereas, if anyone saves a life, it shall be as though he had saved the lives of all mankind.⁷

Hazrat Abdullah bin Abbas, a companion of the Holy prophet (PBUH) quotes him saying:

The Holy Prophet (PBUH) said: “Allah holds grudge against three persons, one who commits (act of) tyranny in the premises of (Holy) Ka’ba, and the one who introduces the ways of the (pre- Islamic) age of ignorance, and the one who seeks to spill blood without justification. (Sahih Bukhari)⁸

Another tradition of the Holy prophet (PBUH) quoted by Hazrat Abdullah Bin Abbas says:

“Holy Prophet (PBUH) banned the display of arms in Islamic cities on Eid days, unless there is a danger of encounter with the enemies”. (Sunan-Ibni -Maja)⁹

As we all know mining of civilian areas created a strong possibility of physical harm to humans and animals coupled with the risk of damage to property. It is for this reason that the use of landmines causing unjustifiable injuries and deaths constitute “mischief on Earth” an impermissible cardinal sin.

Not to kill the Elderly:

Allah says in his Holy Book – the Quran – in Surah al – Baqarah, verse 190:

“AND FIGHT in God’s cause against those who wage war against you, but do not commit aggression – for, verily God does not love aggressors.”¹⁰

This verse means that women, children and old men, who are usually non-combatants, will not be killed. The rule, however, changes if they directly or indirectly take part in the fighting.

Similarly, at the time of sending troops to the battlefield, the Holy prophet (PBUH) ordered them “not to kill aged people.” (Sharh Ma’ani al-Athar)¹¹

Another Hadith (tradition) quoted by Imam Muslim in his chapter on “Al-Jihad” through Hazrat Abdullah Bin Umar states:

Not to Kill Children and Women

“The dead body of a woman was found in a battle. Upon seeing her slain body, he (PBUH) showed his disapproval of the killing of children and women and prohibited it.”¹²

Imam Bukhari has devoted a full chapter in his book Sahih Bukhari to the traditions of Prophet Muhammad (PBUH) regarding prohibition of the killing of children and women in war.

Hazrat Umar, second Caliph of Islam, had issued strong instructions to his soldiers to avoid killing of women and children in war.

Prohibition to punish by setting at fire

In Islamic traditions it is prohibited to set enemy’s buildings at fire or punish any person in this way.

Prohibition on mutilation of corpses:

Desecration of corpses by their mutilation – dismembering body parts during wars is strictly prohibited in Islam. A tradition of the Holy Prophet (PBUH) quoted by Hazrat Abdullah bin Yazid Ansari states:

“The Holy Prophet (PBUH) disallowed loot, plunder and mutilation (of corpses).” (Sahih Bukhari)¹³

Hazrat Samura bin Jundab has reported: The Holy Prophet (PBUH) persuaded us to give charity and told us to refrain from mutilation of corpses. (Sunan Abi Dawud)¹⁴

Islamic jurisprudence (fiqh) strictly disallows burning of human bodies – dead or alive – whether in war or as recompense. Muslims going to war during the Holy Prophet’s

time were strictly instructed not to raze or burn oasis, houses and trees, not to kill animals needlessly and not to desecrate/destroy places of worship.¹⁵

Similarly, destruction of harvests and wanton killing is also highly discouraged.

“But whenever he prevails, he goes about the earth spreading corruption and destroying (man’s) tilth and progeny; and God does not love corruption.”(Surah Al Baqarah, Verse 205).¹⁶

Not to Cut Trees, Destroy Crops and Livestock

Muhammad “ The Prophet of Islam “ has, in a number of traditions, forbidden the Muslim army from cutting trees and destroying standing crops of the enemy during war, except in very unavoidable circumstances.

Imam Bayhaqi has referred to a number of ahadith in this regard. Hazrat Abu Bakr Siddique, the first Caliph of Islam had issued instruction against cutting trees or destroying crops of the enemy. Similar instructions are available regarding killing of enemy’s livestock.¹⁷

ISLAMIC TEACHINGS regarding the disabled people:

As stated earlier, anti-personal mines cause disabilities and deaths at massive scale every year. Physically disabled landmine survivors are forced to live a life of dependence on others – physically, economically and socially. In a true Islamic society such people deserve sympathy, consideration and help. Physical disability whether it is by birth, caused by an accident or through injury by another person deserves equal sympathy. Physical, social and economic rehabilitation of these people is a sacred duty that Islam assigns to the physically able and affluent section of the society. Islam dictates that these people be taken well care of throughout their lives. A proper guidance as to the mechanism of providing help to the disabled persons has been provided by Islam:

1. The help is to be given selflessly, altruistically and only to win the approval of Allah almighty.
2. The help may be given openly or discreetly.
3. The help is to be given without hurting the self-respect of the person receiving it.
4. That for of help which guarantees the economic independence and liberty of the recipient will be considered more appropriate.

CHAPTER THREE

ISLAMIC CODE OF WARFARE AND THE USE OF LANDMINES

A famous Egyptian Islamic jurist and a former grand Mufti Shaikh Nasr Farid decreed that Muslims should abstain from the use of anti-personnel mines because this deadly weapon inflicts immense pain and misery on human beings. According to him if its use becomes un-avoidable for defense purpose, then a proper mapping of the mined area should be done and after cessation of war all these APM's should be properly and systematically destroyed.

Dr. Amir Abdul-Azez (Professor of Shariat at An-University , Nablus Palestine) and Shaikh Abdul Majeed a prominent scholar of Al-Azhar Islamic University , Cairo, Egypt too have issued similar Fatwa (Legal Islamic Verdict)

In the first chapter a detailed description of the destruction caused by the deadly anti-personnel mines has been given. We have seen how affects ordinary non-combatant civilians. In addition to human suffering these landmines cause, damage to infrastructure, pollution of water ways and threat to the livestock resulting in decline in economic and agricultural output.

Chapter Two explains how Islam allows armed configuration under unavoidable circumstances, but at the same times spells out a clean code of combat that disallows killing of non-combatants, respect for and protection of children, women the elderly and places of worship. It further bans causing unnecessary damage to trees, crops, houses and livestock.

This leads us to the logical conclusion that the use of anti-personnel mines is not permitted by Islam as it clearly violates the Islamic code of combat by causing all the aforesaid crimes

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Diana

THE WORK CONTINUES
The Diana, Princess of Wales
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