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### The islamic law of Qital and the law of armed conflict : a comparison / Niaz A. Shah

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Abstract:	<p>This chapter seeks to demonstrate the broad compatibility between the Islamic law of qital and the law of armed conflict by examining the basics and general principles of both bodies of law. It does this in two parts. The first part discusses and compares the basic principles of the Islamic law of qital - military necessity, distinction, proportionality, humanity and an obligation to accept offers of peace- with similar basic principles of the law of armed conflict. The second part of this chapter discusses and compares some general principles of the Islamic law of qital, related to genocide, war crimes and crimes against humanity, the treatment of war captives, rape as a war crime, civilian immunity, individual criminal responsibility, mutilation, perfidy and ruses of war, child soldiers, safe passage and quarter, hostages and truces and armistices, with identical general principles of the law of armed conflict. Although not discussed in detail in this chapter, it should be pointed out that the grey areas and blind spots of the Islamic law of qital can also be clarified; they can be expanded upon and developed to ensure their compatibility with the law of armed conflict.</p>
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