



## PROTECTING ANIMALS RIGHTS IN ARMED CONFLICTS FROM THE PERSPECTIVE OF INTERNATIONAL HUMANITARIAN LAW AND ISLAMIC LAW

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### ABSTRACT

Nowadays, the effects and consequences of armed conflicts are not limited to human beings and they adversely affect the environment and many species of animals as well. Animals are considered to be the unknown and forgotten victims of armed conflicts. In international humanitarian law (IHL) this issue is largely ignored and there are only few rules that indirectly and ambiguously deal with the protection of animals during armed conflict. However, in the sources of Islamic law there are explicit rules and regulations that directly protect the rights of animals during the war. These rules fall into two different categories. First, those concerned with those animals which are used during the conflict as tools and methods of warfare and are regarded as part of military property and equipment. Second, those relating to animals that are not used in the conflict but are affected by the effects and consequences of the war similar to civilians and individuals who do not have a direct participation in hostilities. This study attempts to comparatively examine the relevant rules and principles in IHL and Islam. Based on the findings of the paper, it could be concluded that due to inadequacy and insufficiency of IHL concerning the protection of animal rights during armed conflicts, it appears to be necessary to develop new rules in this regard and employing the existing sources such as religious ones, including Islamic teachings, that are closely linked with ethical treatment of animals.

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## Introduction

Animals are considered to be a crucial part of ecosystem and, as a consequence, their preservation and protection against threats and dangers they face is necessary for the arrangement and development of ecosystem and the environment. From time immemorial, animals including horses, camels, elephants, dogs, bees, scorpions and bats, have been present on the battlefield alongside humans in all wars. Sometimes they were used as weapons, sometimes they facilitated the combat process, and sometimes they were the target of the enemies' attack and implacability. Relying on some works of art, Pipia tactfully brings some examples to show how wars have also non-human victims, such as animals in his paper: "In his 1964 painting entitled 'War,' the Franco-Russian artist, Marc Chagall, depicts images of victims of war and the misery they experience. The painting shows a white horse alongside the last remaining helpless people in a city at the mercy of an 'all-consuming inferno' ravaging houses. Chagall sensitively portrays the suffering of all victims, including animals, who experienced war. This painting later became a source of inspiration for another artist, the Balkan film director Emir Kusturica, who animated the scene from Chagall's image in his acclaimed 1995 war drama, 'Underground.' One of the scenes in the movie shows people escaping burning buildings and a white horse running through the flames and disappearing. The movie also re-enacts 'Operation Retribution,' the air raid of Belgrade in 1941 led by the German Axis Powers, which, among other military objectives, also targeted the city's zoo, killing several animals, and forcing countless others to flee, leaving them unaccounted for.<sup>1</sup>

Although animals have always been the victims of war throughout history, they have not yet gained a special attention in International Law of Armed Conflict (ILAC) in general and International Humanitarian Law (IHL) in particular the aim of which is to protect the victims of armed conflicts. Nowadays, however, animals and their protection are addressed in different legal systems. In addition, religions have paid a special regard to ethical treatment of animals both in times of peace and war. For example, in Islam there are several rules and principles concerned with animal protection.<sup>2</sup> Indeed, animals and their treatment are of a great signifi-

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1. Saba Pipia, 'Forgotten Victims of War: Animals and the International Law of Armed Conflict', (2022), 28 *Animal Law*, 176-177.

2. Javaid Aziz Awan and Syed Fazal ur Rahim, 'Animal Rights and Welfare in Islam', (2018), 3 *International Journal of Avian & Wildlife Biology*, 427.



cance in Islamic teachings. As Gulzar and Tasgheer put it, “Islam provides universal rights to terrestrial, aquatic, and aerial animals. It offers extensive orders and principles to animals’ protection and welfare. Although Allah has made animals subjected to human service, at the same time human is accountable for the utilization of the resources he[/she] has been provided with. Animal manipulation is allowed for lawful acts but exploitation is prohibited”.<sup>1</sup> It is worth to mention here that according to a Hadīth by Prophet Muhammad (PBUH): “A good deed done to an animal is as meritorious as a good deed done to a human being, while an act of cruelty to an animal is as bad as an act of cruelty to a human being”.<sup>2</sup>

Due to the significance of animals for their intrinsic value as well as their instrumental role in the development and arrangement of ecosystem and preservation of biological diversity of the world and, as a result, the necessity to protect them both in times of peace and during armed conflicts, in this study an attempt has been made to examine the question of animal protection during armed conflicts from the perspective of IHL and the Islamic law. In doing so, the present paper first briefly discusses the role of animals in armed conflicts (Section 1). Then it turns to the debate on the protection of animals during armed conflicts under IHL (Section 2). Finally, the paper addresses the protection afforded to animals in times of armed conflicts in Islamic teachings.

## 1. The Role of Animals in Armed Conflicts

Human history is made of war/peace dichotomy. In fact, as Kistler remarks, “human civilizations wax and wane, like the Moon in its periodic phases, through ceaseless phases of peace and war”.<sup>3</sup> It can be claimed that war almost leaves no creature non-affected. Different species of animals have been and are affected by armed conflicts. Throughout history, human beings have taken for granted the right to conscript animals for purposes of battle and defense.<sup>4</sup> The most famous and useful animal used during conflicts is the horse. Even today, in some developed countries, such as Britain and France, horses are symbolically used in military parades. Historically, military organizations relied on armored cavalry to win battles because they moved faster than infantry and inflicted heavier on the enemy. As Mooney puts it, “before 1500 BCE the Mesopotamians hitched horses to their chariots during battles. Ancient Egyptian and Chinese soldiers also fought from horse-drawn chariots. Other early armies rode horses into battle. Foot soldiers were driven back by troops charging on horseback. Some troops fired arrows on horseback... During the Revolutionary War (1775–1783) in the US, General George Washington created cavalry units called the Continental Dragoons. In addition, in the Civil War (1861–1865) the North and South used cavalry units. Horses were also used in World War I.”<sup>5</sup>

Furthermore, the mention can be made to elephants in this regard. In the past, especially in India and Africa, elephants were used in wars because of their strength and armed forces were easily relying on these animals to achieve their military goals. During the Sultans of Delhi’s era, the elephants were the mainstay of the corps on the battlefield. It is said that an elephant chain

1. Samreena Gulzar and Aqsa Tasgheer, ‘Animal’s Protection for Environmental Sustainability: An Islamic Perspective’, (2020), 3 Al-Qamar, 138.

2. Quoted in Sira Abdul Rahman, ‘Religion and Animal Welfare—An Islamic Perspective’, (2017), 7 Animals, 2.

3. John M Kistler, *Animals in the Military: From Hannibal’s Elephants to the Dolphins of the U.S. Navy* (Greenwood Publishing Group 2011) xi.

4. Elizabeth A Lawrence, ‘Animals in War: History and Implications for the Future’, (1991), 4 Anthrozoös, 145.

5. Carla Mooney, *Ready for Military Action: Remarkable Military Animals*, (Abdo Publishing 2015), 13-16.



in a corps alone has been as effective as five hundred cavalries.<sup>1</sup> The screams, the smell and the terrifying horror of the elephants on the battlefield caused the horses to stampede and, as a result, disrupted the order of the enemy corps. In addition, they were suitable for transporting equipment in battle scenes. Elephants are the best and safest means of transporting troops and equipment across rivers.<sup>2</sup> Camels are often used in deserts and barren areas. Camels are suitable for fighting in dry areas due to their ability and durability. It is said that the Parthians and Sassanids sometimes cleverly covered their camels with old armor and that Arab warriors when attacking other tribes or Muslims during the conquests of the Middle East and North Africa rode on camels. In the 1700s and 1800s, with the development of firearms, the role of camels in campaigns diminished.<sup>3</sup>

The most important benefits of animals during armed conflicts are: 1) Using animals as weapons, such as scorpion bombs and snake bombs<sup>4</sup>; 2) Using animals to defuse mines and trap; 3) Using animals or their carcasses as explosive traps; 4) Using animals such as dogs to track the enemy; 5) Using animals such as pigeons to spy; 6) Using animals to camouflage military targets and positions; 7) Using animals for deception operations; 8) Using animals to move light weapons, especially in impassable areas such as mountains and deserts. Contrary to the motives, motives, and grudges that led to war among humans, innocent animals were harmed and killed for no particular motive, and sometimes they themselves led to the killing of humans or other animals. Although the use of animals as tools and weapons of war is limited today and is less common on the battlefield, it should be noted that the effects and consequences of armed conflict can lead to harm to animals similar to humans.<sup>5</sup>

In addition to the role animals play in warfare as tools and weapons of war, they are the victims of armed conflicts as well and, as a consequence, deserve legal protections among other things. For this reason, in the next sections animal protection from the perspectives of IHL and Islam are addressed respectively.

## 2. Animal Protection from the Perspective of IHL

The rules and principles governing animal protection in armed conflicts can be divided into two distinct categories. First, those concerned with those animals which are used during the conflict as tools and methods of warfare and are regarded as part of military property and equipment. Second, those relating to animals that are not used in the conflict, but are affected

1. Fardin Mehrabi Kali and Mohsen Masoumi, 'The Elephant in The Delhi Sultans Era: Its Significance and Functions', (2014), 18 Quarterly Journal of Islamic History and Civilization, 111. [In Persian]

2. Ibid, 119.

3. See Mehr News Agency, 'Introducing Military Animals Throughout the History of Human Wars' (Mehr News Agency, September 12, 2010) < <http://ceesty.com/edKlQv> > accessed May 15 2022. [In Persian]

4. Hannibal had one of the largest armies and used many animals in wars. In one of the naval battles, he ordered large jars to be filled with venomous snakes. Then, as they approached the enemy ships, they threw jars at them and the snakes were released. This weapon was one of the deadliest weapons in history that took the lives of many people. It has also been used after Hannibal. See Tabnak Professional News Site, 'Animals That Became Weapons' (Tabnak Professional News Site, February 16, 2012) < <http://ceesty.com/edKlmm> > accessed May 15, 2022. [In Persian]

5. In Islamic law, as a general principle, it is not permissible to kill or harm animals belonging to another person. Even in the case of an animal owner, there are rules regarding the behavior for animals. For more information in this regard see Alirezā Nāinī and Muhammad Rabbānī, 'Animal Rights from the Perspective of the Qur'an and Hadīths', (2000), 7 Daneshvar Medicine, 43-50 [In Persian]; Abu al-Qāsem Moqīmī Hājī, 'Animal Rights in Islamic Jurisprudence', (2007), 48 Fiqh Ahl al-Bayt Journal, 138-195. [In Persian]; Pūr Muhammadī, Shīmā, 'Scope of Animal Rights in Islam and the West', (2006), 40 Jurisprudence and Family Law, 136-151. [In Persian]



by the effects and consequences of the war similar to civilians and individuals who do not have a direct participation in hostilities. It is clear that each of these categories can be discussed in a different and distinct way from the perspective of IHL.<sup>1</sup>

There is no principle in IHL that directly protects animals during hostilities. Enforcement of IHL has only indirectly benefited animals.<sup>2</sup> Both animals that are involved in the conflict process and those animals that are not involved in the conflict but are the subjects of war damage and injuries benefit from the benefits of limiting tools and methods of warfare and as well as support for civilians involved in armed conflict. Of course, as much as IHL can limit the extent of war damage, or limit war to humans, it also means protecting the life and health of animals and causing less harm and pain to these creatures.<sup>3</sup>

These are animals that are not used as tools or methods of warfare in conflict, but are harmed by the harmful effects of war<sup>4</sup>. The rules of IHL are clearer for such animals. In addition, the rules of peacetime also apply to this group of animals. Legally, such animals should be considered in two different categories. Some of these animals are owned by individuals and others are not owned by any particular person. The rules of ownership apply to the first category and in the event of damage, the offender is liable to pay compensation to the owner of the animal. The second category, which is considered permissible, such as mountain and desert wildlife, is governed by a public law regime of environmental protection, and governments have a duty to protect, pursue and compensate for wildlife damage during armed conflict.

### 3. Animal Protection from the Perspective of Islamic Humanitarian law

In Islamic humanitarian law, there are numerous Āyahs (verses), Hadīths, rulings and recommendations on respecting animal rights. Of course, some of these rules become less important during the war, and Islamic jurists have expressed various issues and views in this situation. This study first tries to discuss the importance of paying attention to the animal protection from the perspective of Islam, and then refers to a set of animal rights that must be observed in both peace and war, and finally, the rules that protect animals in times of conflict are discussed in terms of Islamic jurisprudence and law.

#### 3.1. The Importance of Paying Attention to the Animal and Its Rights

Among the great divine religions (Abrahamic religions), Islam has always considered the animals' rights, both at the level of moral and mystical advices and at the level of rules related to the treatment of animals and those have been considered alongside humans as living beings. There are many narrative and hadith sources in this regard. In some important juridical books, a special chapter has been opened for the virtue of watering and feeding animals which can be mentioned from Shiite juridical books, al-Hadaïq al-Nadharah<sup>5</sup>, and from popular juridical

1. Anne Peters, Jérôme de Hemptinne and Robert Kolb (eds), *Animals in the International Law of Armed Conflict* (CUP 2022), 5.

2. For example, the technical annex to the Mine Ban Convention, which was adopted in accordance with Article 3 of the Mine Prohibition Protocol, sets out a rule on trapping that indirectly protects animals. According to part of this annex, animals or their carcasses cannot be used as traps. Although the purpose of this document is not to protect animals at all, this rule can prevent the use of animals and their carcasses in war.

3. Anne Peters, Jérôme de Hemptinne and Robert Kolb (eds), *Animals in the International Law of Armed Conflict*, (CUP 2022), 54.

4. Anne Peters, de Hemptinne J and Kolb R (eds), *Animals in the International Law of Armed Conflict* (CUP 2022), 264.

5. Yusuf al-Bahrani, *al-Hadaïq al-Nadharah*, Vol. 25, 129.



books, Sahih Muslim<sup>1</sup>. Alimony for livestock is considered as one of the duties and obligations of Muslims.<sup>2</sup> The Prophet (pbuh) said, “When traveling, if you stop at a residence, you should first give water and grass your pack animal.”<sup>3</sup>

In another hadith, the Prophet said, “I saw the owner of the cat in the middle of the fire, who was holding him back and forth and eating him. He was the one who imprisoned the cat and did not feed it or release it so that it could eat the insects on the ground.”<sup>4</sup> In support of the birds, it is said that Abu Dharr al-Ghifari in the season of hatching was walking in the streets and wherever he saw a baby sparrow in the hands of a child, he would buy it and release it.<sup>5</sup>

It is also narrated that the Prophet (PBUH) entered a garden and a camel came towards Him and made a noise. The Prophet stroked the camel and it calmed down. Then the owner summoned and said that this camel complains to me about hunger, do you not fear God that you keep it hungry. The animal rights have been emphasized to the extent that if the owner does not pay the alimony of the animal, the ruler of Sharia will force the owner, and if the coercion does not work, the ruler will do whatever is expedient. It is narrated from Imam al Sadiq (PBUH) that an animal has six rights over its owner, which are:

1. Do not put more weight on the back of an animal;
2. Do not talk to another person while sitting on the back of your animal;
3. When you get off the back of your animal, first give it grass;
4. Do not mark with a branding iron your animal;
5. Do not touch the face of your animal, which also glorifies God;
6. Water your animal as it crosses the stream.

Other animal rights include:

It is not permissible to milk the animal so that it is damaged due to lack of grass. It is not permissible to create an early estrous cycle (for reproduction) so that the baby of the animal is harmed. It is not permissible to kill honey bee and ant. There are also three types of travel to catch:

1. Hunting is permissible for the livelihood of himself and his family and guests.
2. Hunting is permissible for commercial gain.
3. Hunting is not permissible for fun and play, and enjoy.

The third hypothesis can be very helpful, so we can talk a little more about it.

Imam al-Sadeq (pbuh) was asked if a man who goes out to hunt should pray brokenly or fully. He said that he should pray fully, because his journey and path were not right. According to this hadith, it is clear that the broken prayer is for a person whose journey is not sinful, but since hunting is fun, the journey is sinful, such a hunter must pray fully.

1. Noori, Sahih Muslim, Vol. 14, 241.

2. Abolghasem Yazdi, Persian translation of Sharā'ī al-Islām, Vol. 3, 1214.

3. من سافر منكم بدابته فليبدأ حين ينزل بعلفها و سقيها. Bihar al-Anwar, Vol. 61, 213.

4. «رأيت في النار صاحب الهرة تنهشها مقبله مدبرة كانت او ثقها ولم تكن تطعمها ولا ترسلها تاكل من خشاشه الارض».

Bihar al- Anwar, Vol. 11, 268.

5. Bihar al-Anwar, Vol. 61, 271.



### 3.2. The animal protection exclusively During Wartime

Part of the rules that cover animal protection is related to the circumstances of the wartime. For example, amputation of animals in wartime is forbidden in Islamic sources. In the following, some of these rules are reviewed.

#### 3.2.1. Prohibition of harming civilian animals

As a principle, only military property and persons should be affected by a war, and damage to those animals that are considered civilian property is prohibited. God has beautifully stated this assumption in the Noble Quran in the story of Solomon's army and ants. Solomon's forces of jinn, humans, and birds were rallied for him, perfectly organized (An-Naml, 17).

And when they came across a valley of ants, an ant warned, "O ants! Go quickly into your homes so Solomon and his armies do not crush you, unknowingly."<sup>2</sup> (An-Naml, 18). So Solomon smiled in amusement at her words, and prayed, "My Lord! Inspire me to 'always' be thankful for Your favors which You have blessed me and my parents with, and to do good deeds that please you. Admit me, by Your mercy, into 'the company of' Your righteous servants."<sup>3</sup> (An-Naml, 19). Therefore, during any conflict, in addition to humans, a large group of animals and living beings are also affected by the unfortunate consequences of war.

This principle, previously referred to in IHL as the The Martens Clause, is referred to in Islamic sources as kind and human behavior for animals (whether military or civilian animals). In fact, animals, even military animals, have no grudges against humans and are used only as military tools. Therefore, human behavior for animals is a necessity of Islamic behavior. This has always been considered both in the behavior and speech of the infallibles. For example, as mentioned in the discussion of water, in the event of Karbala, when the al-Hurr Army approached the of Imam al-Husayn's caravan (pbuh) at noon (because the weather was very hot and there were signs of thirst in the army and horses), Imam (pbuh) said that Water the thirsty and their horses<sup>1</sup>.

#### 3.2.2. Prohibition of animal amputation (Sterility)

One of the most important issues in Islamic humanitarian law among jurists is the animal amputation of during conflict. The Arabs and sometimes the Muslims used this during the war, both before and after Islam, as a tactic of war. They usually cut off the limbs of the enemy animal with a sword or other

device in order to capture the enemy or reduce the enemy's military efficiency. This action was called sterility. A fundamental issue here is whether sterility is permissible in war under any circumstances. Are soldiers allowed to amputate limbs of their own animal or another in any situation? Can sterility be used as a last military solution? Is it permissible to use this method in any situation, even without military necessity? Is not sterility in war a violation of the principles of segregation, proportionality, necessity, etc. of IHL? In response to such questions, especially from the perspective of Islamic humanitarian law, there are very scattered issues among juridical sources. However, some principles and rulings can be achieved in this regard.

In some sources, the Prophet of Islam forbade soldiers to amputate limbs of their own animal

1. Soleimani Saifuddin Reza, *Animal Rights in Islam*, (Parto Velayat Publications, Qom, 1st edition 2010), 157.



or another; even if the animal disrupts military performance. For example, the Prophet (pbuh) commanded his soldiers to stop moving whenever their livestock rebelled in the land of the enemy, and they were allowed to kill him, but they were not allowed to cut off its hands and feet<sup>1</sup>.

Another question that may be raised here is whether this command of the Prophet (pbuh) in war only refers to the assumption that the possibility and conditions of killing the animal are provided. Or if such conditions are not provided, can the animal's limbs be amputated to increase military efficiency?

In this regard, some great jurists believe that the words of the Prophet (pbuh) only refer to the time when such a thing is possible and the soldier has sufficient opportunities and conditions to kill the animal. Otherwise, if the conditions of the war are such that it is not possible to kill the animal in a sharia manner, the animal's limbs can be amputated in such circumstances<sup>2</sup>.

In an opposing view, it can be said that the Prophet (pbuh) gave this command to the soldiers, considering the state of war and the importance of animal protection and the need for this protection. Therefore, the soldiers were not allowed to amputate the animal's limbs under any circumstances. As some jurists have commented<sup>3</sup>. In fact, it is not permissible to harass animals (torture) under any circumstances. However, some reject this view, arguing that it is permissible under certain military conditions. Some have even said that Ja'far b. Abi Talib did so in the battle of Mu'tah.<sup>4</sup>

In this regard, other views have been raised. Some jurists have considered it disgusting to cut off the limbs of animals. Others have allowed the amputation of animal limbs if the animal falls into the hands of the enemy and strengthens the enemy forces. However, it is recommended to kill the animal instead of amputating its limbs.

Some have argued in this regard and in justifying this approach, others elaborate and believe that this ruling is true for the animals (horses and camels) of the Muslim army, but it is not abhorrent for the animals of the infidel army and may be permissible, otherwise it will strengthen the enemy forces.<sup>5</sup> But it seems that the jurists did not forbid the sterility in the case of enemy animals<sup>6</sup>. Others believe that it makes no difference and that the animal is the property of man, and that sterility is permissible in any case because of the proprietary domination that humans have over animals<sup>7</sup>. This is based on a purely proprietary view of animals and is certainly not compatible with some Islamic moral advice and some principles of animal rights rulings. Criticizing this view, al-Karaki argued with the same argument that harassment of animals is forbidden in Islam, that it is necessary to water and feed them, and that it is forbidden to put an extra burden on the back of them, how can sterility be allowed<sup>8</sup>. Therefore, it is obvious that this view (considering the animal as property) is not acceptable, and according to the first view, it should be said that since there are many sanctities in behavior for animals, the sanctity will be more severe in the case of the sterility.

1. Nazari Tavakoli Saeed, animal rights; Protection Laws and Productivity Limits in Islam, (Samt Publications, first ed 2009), 108.

2. Ibid, 109.

3. Hilli Allameh, Hasan bin Youssef bin Motahar Asadi, Qaa'eem al-Ahkam fi Marafah halal va haram, (1992) 3 volumes, Islamic Publications office affiliated with the Qom Theological Seminary Society, Qom, 486.

4 al-Karaki, 1987, Vol. 3, 387; al-Najafi, 1988, Vol. 21, 82-85, Quoted from Nazari Tavakoli, the former, 108

5 Jawahir al-kalam, op. cit 82

6. Shahid Thani Zain al-Din Ibn Ali, Masalak al-Afham, (Al-Maarif al-Islamiya Institute, Qom 1992), 27.

7. Karki A, Jami al-Maqasid fi Sharh al-Qasas, Qom, (Al-Al-Bayt Institute 1987), 386.

8. Ibid.

### 3.2.3. Prohibition of Aiming At Animals

Aiming at animals, especially in combat exercises such as hunting and sharpening, was one of the tasks used in the past by the military to prepare for battle and increase their combat capability. Even today, this method may exist more or less among the military and civilians. This action is prohibited in Islamic law because it causes harassment of animals. Although there is a lot of emphasis and recommendation on the sport of shooting in Islamic teachings, according to some analysts, if the sport causes harm to an animal, it is not only undesirable, but also forbidden<sup>1</sup>. Also, from the Islamic point of view, “البهائم صبر” is forbidden and several texts indicate it. That is, to tie the animal's limbs and provide the ground for its gradual but painful death by targeting and shooting at it.<sup>2</sup> It is a hadith that the Prophet (PBUH) cursed a group that targeted a live chicken. Therefore, such an act by the military is forbidden even to increase combat readiness, because from the perspective of Islamic law, it leads to the harassment of animals.

Because animals have souls, this action is generally forbidden in Islamic law. In this regard, there is no difference between Shia and Sunni jurists. The reason for this sanctity is considered to be the unnecessary waste of the animal and the loss of property<sup>2</sup>, which is not rationally permissible.

### 3.2.4. Capturing animals

During or after the war, animals may be captured as spoils of war or any other title by the warring parties. In this regard, general rules and principles governing the animal protection apply. Therefore, Muslim military personnel are not allowed to harass animals because they belong to the enemy or deprive them of the basic rights provided in religious texts for the animal protection.

According to Islamic jurists, water and food for animals must be provided, and imprisoning and keeping them in an inappropriate place is not permissible and is forbidden<sup>3</sup>. Therefore, it can be said that the animals of the enemy, which are captured by the Muslims as spoils of war, are subject to the prescribed protections. These animals should be given enough water and food, and if they are injured or sick, they should be treated by their new owners. If it is necessary for them to be killed, all the rights stipulated in the religious texts regarding them must also be observed.

### 3.2.5. Prohibition of killing animals in vain

This prohibition is not limited to wartime, but it is very important in times of conflict. During the war, soldiers are only allowed to inflict damage as needed and in proportion to the specified attack and targets. This principle also applies to animals. In IHL, this protection is mentioned in the framework of some principles such as segregation, proportionality and protection of civilian property. In Islamic law, killing animals in vain is also irrational and forbidden. It is stated in the hadith that even a sparrow should not be killed for no reason.

1. Nazari Tavakoli Saeed, animal rights; Protection Laws and Productivity Limits in Islam, (Samt Publications, first ed 2009), 109.

2. Nazari Tavakoli, Ibid; Maqrebi, 2006, Vol. 2, 175.

3. Sistani Seyyed Ali, Menhaj al-Salehin, (Ayatollah Sistani School, Qom 1995) 136;

Nazari Tavakoli Saeed, animal rights; Protection Laws and Productivity Limits in Islam, (Samt Publications, first ed 2009), 110.



## Conclusion

The use of animals in wars is an issue that should be considered by existing and future humanitarian law rules. The probability of using new laboratory animals in the future wars is very high. This article, as discussed, only deals with a small part of the existing rules. Part of these rules was related to humanitarian law relating to protection of civilian persons and property in war. Another part of the rules should be found in the Hague Laws related to the limitation of the means and methods of war. In addition, there were several rules in this field that mentioned in some Islamic sources. As a general conclusion, it should be said that the existing laws of war are very inadequate. Therefore, it is necessary to develop the rules of this area by using some existing resources (such as religious rules) and predicting some future events.





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