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COMMISSION ON HUMAN RIGHTS
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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND
SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO
COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES:
REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN
RIGHTS RESOLUTION 8 (XXIII)**

ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY

SPECIFIC HUMAN RIGHTS ISSUES

**Joint written statement* submitted by Association of World Citizens and Association for
World Education, two non-governmental organizations on the roster and International
Humanist and Ethical Union, a non-governmental organization in special consultative
status**

The Secretary-General has received the following written statement which is circulated
in accordance with Economic and Social Council resolution 1996/31.

[1 July 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting
non-governmental organization(s).

Muslim Victims of Jihad in the Sudan

Introduction:

1. For details on the NGO Parallel Conference held on 18 April 2005 (VICTIMS OF JIHAD: Muslims, Dhimmis, Apostates, Women), see the introduction to our previous written submission: E/CN.4/Sub.2/2005/NGO/15.

2. This statement is adapted from the forceful presentation by Hamouda Fathel-Rahman Bella, a Muslim Sudanese human rights activist, delivered when consideration of the resolution concerning the Sudan was taking place at the adjacent Commission plenum.¹

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3. Hamouda Fathel-Rahman Bella began his presentation by explaining that before addressing the important and controversial issue of Jihad, he wished to make it clear that he felt comfortable being with colleagues from different cultural and religious backgrounds in the human rights struggle, joining hands to denounce the atrocities committed under the name of Jihad. He wished to make clear “the distinction between Islam and those few miscreants who take the law in their own hands and commit heinous crimes in the name of Islam by waging Jihad war to kill or torture innocents.”

4. He went on to ask what can be done, declaring that the miscreants must be brought before the International Criminal Court (ICC), and that Muslims need to step forward and denounce the atrocities committed by these few extremists, “the fanatic factions in the Sudan, Iraq, USA, Spain and anywhere in the world. We need to be more courageous and not to be intimidated by those who disgrace our culture and religion,” he declared.

5. He then explained: “Myself, I am a victim of a group of fanatic extremists who seized power in the Sudan through a coup d’état on 30 June 1989. Most of the Sudanese were expecting this coup; I myself went underground for a month, fearing liquidation by the fanatics, especially since I knew that the coup leaders were Muslim Brothers. Some of them went to school with me and most of them were trained by Hezbollah in Lebanon and by the Mujahideen in Afghanistan. They tried to disguise their real intentions by declaring that they were a group of nationalists, and as a matter of fact they put their leader Hassan Al-Turabi in detention with the other political leaders.”

6. He then described in detail how he had been dragged from his home in November 1989 and cruelly tortured for 12 days with many friends. His detailed testimony was later published by Amnesty International and then by the Sudan Human Rights Organization in a book, “Torture in Sudan”. The BBC was the first to announce and make public the fact that detainees could be kept in secret houses “Ghost Houses”, subjected to severe torture.

7. Following his release after a public outcry, he went to Cairo and underwent major surgery on his knees as a result of the torture. He tried afterwards to find an answer to the question, “Why did this happen to me?” And he answered that question as A Muslim victim:

“I still do not know. With the other atrocities taking place in my country, and with a Jihad war claiming so far more than two million lives and resulting in the complete destruction of the infrastructure of the Southern Sudan and Nuba Mountains, with thousands of families losing contact with each other, with thousands enslaved, and with many extra-judicially killed in both the north and the south, the question must be asked: does this Jihad war have any roots in our religion? To me and to the vast majority of Muslims, Jihad is an ongoing

religious ordinance and a Muslim duty. It is not a war against others but a war against oneself to purify yourself, to learn how to sacrifice for others, love them, bring peace and love on earth — not war and destruction; and to respect the beliefs of others as long as they respect yours. According to the Prophet Mohammad, there are two types of Jihad the small (war) and the big (against oneself). Upon his return to Mecca, the Prophet declared that the small Jihad has ended and the big Jihad started, that is, the Jihad against oneself. This is the Islam that the Sudanese used to know and lived with for a long period.”

8. He then explained how this coup d'état in 1989 had brought a regime unparalleled in modern Sudan. It aimed at establishing a religious state in a multi-religious, multi-racial and multi-lingual country. To carry out its design it used deceit, coercion, destruction and genocide, with verses from the Koran to justify its goals. Its Jihad ideology divided the world between Muslims, living in Dar Al-Salam (the realm of Islam) and called “Hizb Allah,” and non-Muslims living in Dar Al-Harb (the realm of war) and called “Hizb Al-Shaitan” (Satan's Party). Those in Dar Al-Harb were to be killed if they opposed the implementation of Sharia or objected to pay a jizya “protection tax” to the Islamic State.

9 This philosophy, he declared, is attributed to the ideas introduced by Sayed Qutb, the prominent Egyptian Muslim Brother, executed in 1960 after being convicted of plotting. In “Jahiliyat Al-Garn Alishreen” (The Twentieth Century Barbarity), Sayed Qutb stated:

“It is not the function of Islam to compromise with the concept of Jahiliyat which is current in the world, nor coexist in the same land together with the jahiliyat system.² Jahiliyat, to whatever period it belongs, is Jahiliyat: that is deviation from the worship of one Allah and the way of life prescribed by Allah (...) Islam can not accept any mixing with Jahiliyat; either Islam remains or Jahiliyat, no half way situation is possible (...) the foremost duty of Islam is to depose Jahiliyat from the leadership of man.”

10. The regime's constitution states in article 6 that “Governance is for Allah in Sudan,” which means any opposition to the regime would be considered against Allah, and the dissidents considered apostates. On 27 April 1993 the NIF regime issued a religious edict, a fatwa, for Muslim who do not agree with the Jihad war. The fatwa stipulated: “Those Muslims who try to question or doubt the Islamic justification of Jihad are hereby classified as ‘hypocrites’ who are no longer Muslims, and also ‘apostates’ from the religion of Islam; and condemned permanently to the fire of hell.” The same fatwa continued: “(...) therefore, the rebels who are Muslims and are fighting against the ‘Muslim State’ are hereby declared Kaffirs (infidels) who have been standing up against the efforts of preaching, proselytization and spreading Islam into Africa. However, Islam has justified the fighting and the killing of both categories without any hesitation whatsoever with the following Koranic evidence...” According to this Fatwa, war was also to be waged against Muslim opponents of the regime, and many human rights organisations have documented the violations of the regime against Khatmyiah and Ansar, the main Sufi sects, the Beja Muslim tribes in the east, against Ansar Al-sunna in 1994, and lately against the Muslim tribes of African origin in Darfur.

11. Hamouda Bella went on to explain how, on the morning of 18 January 1985, under pressure from the Muslim Brothers, Numeri hanged the 76-year-old Mahmoud Mohamed Taha and crucified him in public. He had been accused of renouncing the Muslims' duty of Jihad and convicted of the crime of apostasy because of his public objection to the implementation of Sharia. Bella, the courageous Sudanese human rights defender, declared:

“The regime used this Fatwa as a justification for war, especially in Bahr El-Ghazal and the Nuba Mountains. Enslavement was legalized following military assaults on towns and

villages suspected of collaborating with the opposition. During these raids the regime's regular troops, as well as its militia, the Popular Defence Forces, destroyed homes, schools and churches, looted crops, stole cattle, seized the water supplies, raped women and girls, killed the old, and enslaved younger males and females."

"In its ongoing efforts to transform an ethnically and religiously diverse country into an Arab and Islamic state, the regime devastated the infrastructure of the regions that refused to submit, killing the people and destroying the economy, the health system, education, and the communications network. The mass displacement of the population by the war led to starvation, and the spread of disease and death, leading to the complete desolation of many areas. The war has already claimed over two million lives, and displaced over five million people. The mass displacement and deaths, the ongoing aerial bombardment and ground attacks on civilians, systematic slavery, seized water supplies, and the obstruction and manipulation of humanitarian aid constitute genocide."

Muslims should denounce crimes against humanity carried out in the name of Islam

He concluded his courageous testimony with a question: "What should Muslims do?"

"I believe we should step forward and denounce what is going on under the banner of Islam and Jihad war. We need to call for serious reform of Sharia law to bring it into conformity with contemporary changes especially with regard to the concept of Jihad, which should be seen within its historical context. By that I mean that Jihad – in the sense of Muslims' duty to wage war – can only be justified if Muslims are targeted by others and war is waged upon them. In that case it would be justified as a means of self-defence. What is going on now is simply that crimes are being committed by isolated, fanatic factions. We need to expose them and bring them to trial."

"The other issues include discrimination against women and minorities. Lots of *Shari'a* laws should be revised regarding those issues, and Muslims may agree unanimously on what can be considered acceptable in today's world."

"I want to be a Muslim who is proud of his religion and ready to defend it, but at the same time condemn any crimes against humanity committed by anyone, be he Muslim, Christian, Jewish, or a non-believer. I am sure that everyone here today agrees with me that we need a world united against human rights violators and free of religious hatred and intolerance."

Notes:

1. 1. The full texts of the presentations made at the conference can be found at www.iheu.org/UNCHR2005; and the text by Simon Deng is at: www.iheu.org/modules/bfsection/article.php?articleid=382

2. Jahiliya , etymologically, relates to the state of paganism existing in the world before the advent of Islam, but today it is considered by Islamists as any system of government that does not apply complete *shari'a* legislation.

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