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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-sixth session
Items 2 and 3 of the provisional agenda

**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

Written statement* submitted by the World Union for Progressive Judaism,
a non-governmental organization on the Roster

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

[21 July 2004]

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

Muslim Brotherhood/Hamas/Hizbullah/Al-Qaeda :
Terror Legacy of ‘Jihadist-Martyrdom-Bombings’

Recapitulation on the position of Muslim Brotherhood spiritual leader Sheikh Yusuf al-Qaradawi

1. This written statement is a further development of our written statement under items 5 and 6.
2. In 1997 Egyptian-born Sheikh Yusuf al-Qaradawi, a graduate from Al-Azhar University – one of the most prominent clerics of Sunni Islam, a senior spiritual leaders of the Muslim Brotherhood movement, and a religious guide for many other Islamist organisations, including the main supporters of Al Qaeda – founded the European Council For Fatwa and Research (registered in Dublin, Ireland).
3. On 19 June 2001 he stated publicly on Al-Jazeera’s weekly religious programme that Palestinian attacks are considered as “self-sacrifice: a person who commits a carnage ‘is not a suicide [bomber]. He kills the enemy while taking self-risk, similarly to what Muslims did in the past (...) He wants to scare his enemies and the religious authorities have permitted this.” He added: “He who got killed is a Shahid [Martyr] in heaven.”¹ He then clarified this position: “the term ‘suicide operations’ is incorrect and misleading, because these are heroic operations of martyrdom, and have nothing to do with the mentality of someone who commits suicide.”²
4. In a Qatar Television sermon on 18 October 2002, Sheikh al-Qaradawi referred to the massacre of civilians in Bali by Al-Qaeda: “Islam does agree to such acts.” He also declared then that “Hamas and its counterparts cannot be wiped out, for they are the mouthpiece of the Islamic nation all over the world.”³ In another sermon six months later (7 March 2003), on the same Qatar Television station, he stated that Hamas, Islamic Jihad, Hizbullah, Al-Aqsa Martyrs Brigades and Abu-Ali Brigades are not terrorist organisations and should be praised by Muslims.⁴
5. His European Council for Fatwa and Research held its 11th session in Stockholm (July 2003) on “*Jihad* and Denying its Connection to Terror.” There, he distinguished between colonial, state, political, and international terrorism on the one hand; and terrorism that is prohibited or permitted by Islamic law, including ‘martyrdom operations’ which he justified: “even if the victims include some civilians.” He explained the difference between ‘suicide’ and ‘martyrdom’: “...the one who carries out a martyrdom operation does not think of himself...He sells himself to Allah in order to buy Paradise in exchange. ‘Allah has bought from the believers their souls and their properties for they shall inherit Paradise...’ [Koran 9:11]”⁵
6. A year later on 7 July 2004, the controversial Sheikh – barred from entering the U.S. since 1999 – arrived in Britain to much media attention as guest of the Muslim Association of Britain: – to lead Friday prayers at the Central London Mosque; convene the European Council on Fatwa and Research – a body he formed to spread the word of Islam – and to announce the establishment of the International Council of Muslim Clerics (‘Ulama); as main speaker on women’s issues and at “Our Children Our Future” conference in London.⁶ Opposition leader Michael Howard officially asked Prime Minister Tony Blair why he was allowed into the UK, and the Board of Deputies of British Jews made a court complaint.
7. Nearly three years after the murderous 11 September 2001 attack on New York and Washington, DC inaugurated a new era of ‘*jihadist-martyrdom*’ warfare, which reached Madrid on 11 March 2004, the World Union for Progressive Judaism wishes to highlight to the Special Rapporteur on terrorism

and to members of the Sub-Commission that a crucial reality is still being obfuscated at the UN and elsewhere.

8. The current use of simplistic terms: ‘terrorism’/‘fascism’/‘suicide bombers’/‘kamikaze bombers’ that allegedly result from ‘frustration’/‘poverty’/‘education’/‘Middle East conflict’ (or other conflicts) is misleading. Not only does it diminish the deadly intentions that are motivated by hateful religious fundamentalist interpretations, it also suggests that it should be tolerated and justified. These ‘*jihadist*-martyrdom’ bombers follow an Islamist interpretation that considers them as ‘martyrs for Allah,’ for whom a ‘*jihad* ideology’ and a ‘*jihad*-war’ against infidels is considered normative – as proclaimed by Osama bin Laden in February 1998: “Do Jihad against the Crusaders and the Jews.”⁷

9. More *jihadist* attacks are expected at any time worldwide – from Al-Qaeda, Hamas and other *jihadist* terror groups. The current attitude of concealing the true religious significance of the Islamist interpretation of ‘martyrdom’ bombings by the international community implicitly condones an plague-like epidemic of our time. If such a ‘culture of hate and death’ is not utterly condemned and outlawed soon by all, then the future promises to be very bleak for humanity as a whole.

10. A previous Islamic explanation on ‘Holy Jihad’ (regarding Jerusalem/Al Quds) by the Third Islamic Summit Conference (Mecca, 25-28 January 1981) is noteworthy: “Guided by the resolutions of the First Islamic Conference in Rabat and the Second Conference in Lahore...”, Resolution N° 5/3-P(IS) on the ‘Declaration of Holy Jihad’, Decided: To declare Holy Jihad as the duty of every Muslim, man or woman, ordained by the Shariah and glorious traditions of Islam”; “(...) To specify that Islamic states, in declaring Holy Jihad (...) wish to explain to the world that Holy Jihad is an Islamic concept which may not be misinterpreted or misconstrued, and that the practical measures to put it into effect would be in accordance with that concept and by incessant consultations among Islamic states.”⁸ Soon after, in southern Lebanon, Hizbullah began its ‘*jihadist*-martyrdom’ bombings and hostage-taking, later to be followed by Hamas.

11. In view of this, we solemnly call on Muslim leaders – both spiritual and secular, and particularly the Organization of the Islamic Conference (OIC), officially representing fifty-six States and the Palestinian Authority – to speak out unequivocally on the concept of ‘Holy Jihad.’ It should be made crystal clear to the international community – to Muslims and non-Muslims alike – that extremist Islamist interpretations of the *jihad*-war ideology and of ‘*jihadist*-martyrdom’ terrorism must be condemned as a total denial of the International Bill of Human Rights, and world civilisation. This growing ‘culture of hate and death’ must be outlawed by the OIC and by the international community. Only through a strong and unequivocal rejection of the ‘*jihadist*-martyrdom’ mindset can the responsible leadership of the Islamic world counter the current dangers of a clash of cultures and the derogatory ‘labelling’ – resulting from so many terrorist deeds against civilians carried out by non-State actors, allegedly in the name of Islam.

12. The World Union for Progressive Judaism once again calls on the new High Commissioner for Human Rights, the Commission on Human Rights and the Sub-Commission – and all human rights bodies – to act urgently in condemning ‘*jihadist*-martyrdom bombers.’ And also to condemn the 1988 Hamas Charter and the Fatwa declarations of Osama bin Ladin in 1996 and again with others in 1998.⁹ These texts, and others, are clearly oriented toward genocidal aims. The WUPJ also calls on the competent working groups of the Sub-Commission to raise this matter with the Counter-Terrorism Committee of the Security Council, especially in the light of the 1948 Genocide Convention and all the relevant International Covenants. We would expect Member States of the United Nations to request

from the International Court of Justice in the Hague a ‘ruling’ on this grave breach of international law by murderous *jihadist*-martyrdom operations,’ carried out by non-State actors.

Notes

1. *Al-Jazeera* TV [Qatar], 19 June 2001, trans. in “The Prophet Muhammad as a Jihad Model,” Sheik Yussef al-Qaradawi, MEMRI, Special Dispatch Series – N° 246, 24 July 2001.
2. *Al-Raya* (Qatar), 25 April 2001. This and all quotations that follow may be found in the MEMRI Special Report - No. 30 of 8 July 2004 (10pp.), entitled: “Sheikh Yousef Al-Qaradhawi in London to Establish ‘The International Council of Muslim Clerics’” by Steven Stalinsky (Executive Director of MEMRI): <http://memri.org/bin/opener.cgi?Page=archives&ID=SR3004> This affirmation was confirmed by Franz Rosenthal (tr. of Ibn Khaldun) in his masterly article “On Suicide in Islam,” *Journal of the American Oriental Society* (1946) 66:243, 256 (quoted in WUPJ written statement: E/CN.4/Sub.2/2003/NGO/41, §13).
3. *Ibid.*, note 8 (other sources such as Islam Online.net (15 Oct 2002) said he had denounced the Bali attack); and note 13
4. *Ibid.*, note 14
5. *Ibid.*, note 2
6. “Cleric could face prosecution after protest by Jews,” by Richard Alleyne (filed 9 July 2004), telegraph.co.uk.
7. Text of Fatwah Urging Jihad Against Americans. Published in *Al-Quds al-'Arabi* on February 23, 1998. Statement signed by Sheikh Usamah ... www.ict.org.il/articles/fatwah.htm - 9k –
8. United Nations General Assembly, A/36/138, original : Arabic/English/French. Thirty-sixth session.
9. “Declaration of War Against the Americans Occupying the Land of the Two Holy Places – Expel the Infidels from the Arab Peninsula. A Message from Usama bin Muhammad bin Laden to His Muslim Brethren all over the World Generally and in the Arab Peninsula Specifically” (23 August 1996). The second fatwa “Against Jews and Crusaders” (23 February 1998) was signed by the Egyptian Jihad, the Islamic Group in Egypt, the Pakistani Djemat al Ulema, the Bangladeshi Jihad Movement, and Osama bin Laden.
