

EXONERATION

A treatise on the exoneration of the nation of the pen and sword of the denigrating charge of being irresolute and weak.

By the Mujahid Shaykh Dr. Ayman al-Zawahiri

Introduction:

May God be praised. We pray for His assistance, guidance, and forgiveness. We take refuge in God from the evil that is inside us and our bad deeds. He who is guided by God cannot be led astray and he who is allowed to go astray, there is none that can guide him.

I declare that there is no God but Allah without associates and that Muhammad is His slave and messenger.

"O ye who believe, fear God as He should be feared, and die not except in a state of Islam" [Koranic verse; Al- Imran 3:102] and "O mankind, revere your Lord, who created you from a single person, created, of like nature, his mate, and from them twain scattered like seeds countless men and women. Revere God through whom ye demand your mutual rights and revere the wombs that bore you, for God ever watches over you" [Koranic verse; Al-Nisa 4:1] and "O ye who believe, fear God and always speak words of righteousness that He may make your conduct whole and sound and forgive you your sins. He that obeys God and His messenger has already attained the highest achievement [Koranic verse; Al-Ahzab 33:70-71].

Now to our subject:

1. A document called "Rationalizing Jihadist Action in Egypt and the World" became public and was accompanied by much attention and furor. When I carefully examined it, I found--regrettably as I had expected--that it served, in the best possible way, the interests of the alliance that the crusaders and Jews have with our rulers, who act in contradiction of Shari'ah. This document is an attempt to sedate their mujahidin enemies, make them doubt their methods, and drive them from the battlefield under the pretext of weakness and impotence, the lack of resources necessary for jihad, and the absence of hope that the Islamic movements can bring about any change in Egypt.

I also found that the document focused on me personally, both by implication and by direct reference, in addition to Shaykh Usama bin Ladin, may God preserve him and give him victory over his enemies. In the statements he made, the author mentioned other names.

I found myself in a very awkward position. If I remained silent, those who stood to benefit from the document would be able to claim that they had succeeded in making the mujahidin doubt their methods. How could I remain silent while seeing the document openly and obviously support falsehood against the truth? If I responded to the document,

my response might be in defense of myself and thus make me abandon the position that I had chosen for a long while. In that case the document and the response to it, in addition to subsequent reactions, would turn into an exercise in mutual recriminations in full sight of the world against brothers with whom I had been honored to exchange sincere amity and fraternity on the path of sacrifice and jihad in the cause of God. What is more bitter and worse than engaging in mutual recriminations is that the brothers chose in this conflict to stand in the ranks of the enemies of Islam, who are encouraging and applauding them, inciting them against their brothers, and pushing them to make further responses and accusations.

Hence the message that I address to the readers today is one of the most difficult things that I have written in my life. I had formerly thought that my response to the HAMAS brothers was the most difficult thing I had written in my life until this document came along.

After pondering the matter for a while and making some consultations, I decided to write this message while trying to be as fair as possible and committing myself to avoid slighting anyone as much as I possibly could. I am determined to convey the truthful facts to the readers in the best way possible.

I would like to draw the attention of the readers and the persons to whom I am responding to the fact that I do not intend to slight any person or denigrate his worth and that my response and criticism are directed to the ideas and meanings, not to the persons. In my heart I have the greatest respect, appreciation, and amity for the document's author, those who agree with him, and those who claim to agree with him. They know this fact and are certain of it. They are now in captivity, a condition that I twice experienced in my life, may God be praised, for we praise God even for an affliction. How could I insult them when they are suffering this hard affliction?

I also would like my dear readers and any persons who come across my message to alert me to any exaggeration or insulting remarks that they imagine are directed at any of my dear brothers. I also would like them to alert me to any departure on my side from the path of truth or impartiality.

I also would like those to whom I am responding to know that it was they who drove me to respond--just as they drove others to do the same--out of my desire to defend Islam and jihad against the lurking enemies.

I will now move on to the guidance document mentioned above and ask three questions:

- A. Why was this document published at this time?
- B. For whose benefit was this document published and distributed?
- C. How was this document written?

A. As to why this document was published. This was done for the following reasons:

1. The document came to the public eye in a desperate attempt, or a near desperate attempt at best, to confront the overwhelming jihadist reawakening that is, with God's assistance, powerfully shaking the Islamic world and warning its crusader and Jewish enemies of what they fear and hate.

2. It is clear that the document's aim is to stop the Muslim jihad and resistance to the crusaders, Jews, and puppet ruling regimes in our countries whether by word of mouth or act of hand, or even peaceful protests in the form of demonstrations, strikes, sit-ins, conferences, and meetings. In Interior Ministry parlance, the document seeks to prevent the disturbance of public order.

3. This document has become public at a time when the United States, in view of the blows it is suffering, has decided to abandon its former policy of allowing partial freedom to opposition groups by letting them hold elections. It therefore confronted such elections with bans and restrictions as in the case of the elections in Egypt, Morocco, and Jordan. It did the same with the HAMAS government, which it declared illegal, and in the case of the Annapolis conference and the expected treacheries and aggression that will proceed from it.

The document has also come out at a time when America openly finances the traitors in the openly collaborative Awakenings Councils. The revisions included in the document appear at this time so that the United States can encourage the emergence of a trend that is more defeatist and despairing than the opposition trend in the elections.

B. As to the parties that stand to benefit from this document's publication and distribution, they are:

1. The United States is the first beneficiary from these revisions.

a. The mujahidin call on the nation to rise, resist, conduct jihad, and seek martyrdom while the revisionists call on it to abandon its resolve and surrender. In this way they open the door wide for the spread of the Zionist-US scheme.

b. It was the mujahidin who foiled the US scheme in the region and it is they who are criticized by these revisions.

c. The United States is aware of the threat that the jihadist trend and Al-Qa'ida pose to it, its future, and its standing in the world. Al-Qa'ida is not merely demanding the expulsion of the crusader occupiers and the Jews from the Muslim countries, but also that petroleum should be sold at its real price. This call poses the threat of destructive effects on the US global hegemony, which was erected on the basis of its theft of Muslim resources.

d. The entire crime of Al-Qa'ida and the mujahidin is that they stood up to the Americans, Jews, and their collaborators. For this reason the US propaganda machine produced such documents to make the Muslims ignore the real criminals, the Americans and their

helpers, who have led the nation from one calamity to another from the catastrophe of 1948 to the recent Annapolis conference so that the document and similar writings would be a loud shout in the mujahidin's face: "You are the cause of the calamity, the advocates of ruin who have caused disasters!!"

Yes, they are the cause of the ruin of the interests of the opportunists, the subservient, and those who accept the crumbs from the tyrants' tables. They serve their own interests, nurture their children, and increase their wealth while the nation's enemies sink their fangs into its flesh. Yes, the mujahidin are the cause of the ruin of such parties but they are the real defenders of the nation's creed, status, land, and resources.

2. I call on the readers to search for the US factor in the revisions found in the document:

a. The Islamic Group's revisions began in 1997, but then slowed down until the 11 September events occurred. A new wave of revisions then began, which many Islamic group members denounced who had initially accepted the no-violence initiative. This wave went as far as to consider Al-Sadat a martyr. More significantly they mostly focused on attacking Al-Qa'ida. Then real worldly benefits began to accrue to the revisionists.

b. Regarding this document's author, he announced his revisionism in his book "The Compilation" in 1994. He then returned to his private life under his real name in Yemen in a show of strange co-existence with its security services. After 11 September 2001, the Yemeni authorities arrested him on US orders and extradited him to Egypt. The Americans imagined that he might be useful to them in their new crusade. After remaining silent about his detention for around three years, during which he was undoubtedly subjected to various forms of pressure, restrictions, and oppression, combined with alternating periods of temptation and intimidation, he was brought into the open and surrounded with great media attention.

Will this document bring any benefit to Egypt and other countries of the Islamic world?

I have viewed some of the reactions to the document in the official and semi-official media. They all focused on the document's supporters, who considered it beneficial to Egypt and welcomed it. The voice of those who sincerely opposed the document could barely be heard in Egypt and the Arab world, perhaps because they were in jail or threatened to be sent to Guantanamo if they said no. Only those whom the document's author called idiots, agents, heroes behind microphones, and Internet heroes strongly opposed it because they took their cue from the following verses by the poet Al-Mutannabi:

Fate afflicted me with so many troubles that my heart was
Wrapped in a membrane of arrows fired at me.
Fresh volleys of arrows broke on those already in my heart.
I no longer worry about them because it is fruitless to worry. [end of poetry]

I would like to ask those who welcomed the document and regarded it as beneficial to Egypt two questions, one a general question and the other more specific:

The first question: If we took Egypt as a model of the Arab and Islamic countries, is there any hope of peaceful change in Egypt? Is there any hope of at least peaceful demonstrations in Egypt when the government is working on a law that it will push through the People's Assembly to ban demonstrations at houses of worship? By this it means no demonstrations at Al-Azhar, the very place where Egyptians have protested against injustice for hundreds of years?

Let me ask the question with more frankness: Is the situation in Egypt improving or growing worse? Let us examine its foreign policy, the corruption in the country, its economy, and agriculture. Let us explore not Shari'ah and religion but normally recognized morals in the media and in public life, human rights, poverty, sickness, and education. Where is Egypt heading? Is it heading toward the leadership of the Arab and Islamic world or is it heading toward being a client and subservient? Do its ruler defend its rights or are his best efforts devoted to acting as America's broker or the informant who submits to it reports on his colleagues, the other Arab rulers?

The second question: Keeping in mind the reality to which I referred in the first question, does this document offer a plan for change in our Arab and Islamic countries or do its six options--a) emigration, b) self-isolation, c) amnesty, d) withdrawal from action, e) patience, and f) concealment of faith--supply a recipe for escaping from reality?

Escaping from reality might be a Shari'ah sanctioned solution vis-à-vis the corrupt conditions that cannot be changed. Imam Al-Bukhari, may he rest in peace, cited Abu-Sa'id al-Khidri, may his soul find favor with God, that the prophet, may God's prayers and peace be upon him, said, "It might almost be best for a Muslim to herd his sheep through the narrow mountain passes and follow the pasture in order to keep his religious faith safe from conflict and sedition."¹

Do those who welcome the document see the situation like this? Escape from reality might be a solution that is against Shari'ah to which a person might be pushed by different motives. It remains a solution for one person or a group of persons but it cannot be a solution for a society, a population, or a nation. If it cannot be a solution for a society, a population, or a nation, then more logically it cannot be a solution to a nation that is the victim of aggression, whose land is occupied, whose territories are stolen, and whose sanctities, creed, and values are under attack.

Furthermore the document's author does not offer this merely as a solution for himself or even for those who signed alongside him at the official government departments or the other detainees or even the other Islamic movements. He offers this as a solution to the whole nation!

¹ Sahih Al-Bukhari, The Book of Faith, a chapter on Religion and Escaping Sedition (Part 1, page 31).

It is astonishing that when he was proposing his solution to the whole nation or even to the Islamic movements or the detainees, he offered emigration as a solution. This drove me to ask: emigration to where? The best place where a Muslim can live in dignity today is among the mujahidin, whom the author said were living in caves under the protection of tribesmen and intelligence services. Those who welcomed his document said that it was at least a step on the road. But I ask: What road? Where does it lead?

This makes me caution the document's author and all those who signed it alongside him to look and explore in which direction they are pushing them? To what destination are they taking them? To proclaim their repentance, consider Al-Sadat a martyr, and recognize Husni Mubarak and his children and grandchildren as an Egyptian ruling dynasty? This makes me ask the same question of those who welcomed the document: To where? It is a simple question but is very embarrassing.

A section of those who welcomed the document do not believe in Islam and do not want it. Another group claims that it wants Islam on condition that it should not negatively affect its official and informal relations with power centers and official and non-official media. Others want Islam without it posing a threat to their positions, salaries, and other privileges. Another group is prepared to pay a small price for its Islamic belief but some of its leaders do not object to the establishment of a bi-national secular state in Palestine on the way to finally achieving two states in the land of Palestine. So, to where are they going? Does the nation not have the right to ask? Are they not obligated to answer? Finally are these not worthy of being asked?

They claim that they welcome the document because it calls for halting internal conflict. I ask them: When did internal conflict ever stop? The government conducts internal conflict against its people on a daily basis, in every sphere.

Furthermore the document does not call for a halt of internal conflict. It goes far beyond this. It calls for no objection to injustice and refusal to be preoccupied with public affairs or the Muslim people's affairs. The document solves the problem of a captive who feels he has made enough sacrifices or regrets that he has made them and who wants to devote his attention to his own affairs. This, by the way, has been its author's problem for the past 14 years. It does not, however, solve the problem of a society, population, or nation.

I might understand that a captive might make such a decision in his circumstances of detention. I was twice a captive, may God be praised for everything, and I know what it is like to be in captivity. However, the Muslim nation in Egypt and elsewhere can do without this decision completely in these tempestuous circumstances in its history.

Let us assume that the internal conflict stopped and no one disturbed public order any more. Would those who welcomed the document have then arrived at the goal they wanted? Would conditions be better or would they deteriorate? Moreover, why are you urging the oppressed detainees inside the Egyptian jails and members of Al-Qa'ida of Jihad to sign the document so that the internal conflict might stop but you do not ask

HAMAS to do the same? Has not HAMAS carried out and does it not continue to carry out internal conflict? Is this not a clear contradiction?

Would it be logical for a person who sees eye to eye with the document's author to draw up a document for the Palestinians urging them to abandon jihad because it has caused the shedding of Muslim blood and tell them that they have to make a choice among the six options offered by the document?

If it is claimed that there is a big difference between Egypt and Palestine because Palestine is under Jewish occupation, the answer is that Jewish occupation does not justify the shedding of Muslim blood. There is a US occupation in Egypt and the number of Muslim dead who were killed by US planes that took off from Egypt and from the US warships that passed through the Suez Canal were supplied at Egyptian ports and were loaded from the US military stores in Egypt was greater than the number of Palestinians whom the Jews are killing in Gaza; 1 million Iraqi children were killed by the embargo, not the war.

If it is said that the benefit to be reaped by expelling the Zionist enemy from Palestine is greater than the loss of Palestinian lives, then the answer that it is also a benefit to establish a mujahidin Islamic state in Egypt that will seek to liberate Palestine and every Muslim land, eliminate corruption, establish justice, and restore Egypt's historical role of defending Islam and the Muslim people. This benefit is greater than the loss represented by the shedding of some innocent blood.

If it is said that the jihad in Egypt has not led to the establishment of a Muslim state or the expulsion of the Americans from Egypt, then the answer is that 80 years of jihad have not led to the expulsion of the occupiers from Palestine, which the British occupied and then delivered to the Jews. If it is said that the jihad in Egypt ruined the tourism business and hurt the economy, then the answer is that the jihad in Palestine has led to the siege on Gaza and the halting of food supplies, fuel, and salaries.

If it is said that the jihad in Egypt has led to killing children, then the answer is that the jihad in Palestine led to the killing of Jewish children. Shari'ah forbids killing children, whether Muslim or non-Muslim. Indeed Hizballah's missiles that were fired on northern Palestine killed Arabs. Similarly Al-Qassam's missiles are fired haphazardly and it is not known if they kill old people or children.

You might be asked, do you justify the killing of innocent people? Do you claim that there have been no mistakes in jihad? The answer is that those who have made mistakes can be held accountable and those who suffered damage can be recompensed according to Shari'ah, but jihad must continue. As in any other human activity, mistakes have been and will be made in jihad. For every mistake, there is accountability according to Shari'ah. This Shari'ah was not revealed to govern angels, but was revealed to humans who sometimes do right but sometimes make mistakes.

Even in the prophet's era the Muslim commanders made mistakes, but jihad did not stop. Our master Khalid Bin-al-Walid, may his soul find favor with God, erred and killed captives from the Banu-Juhaymah tribe. The prophet, may God's prayers and peace be upon him, exclaimed: "God, I declare that I am innocent of what Khalid has done."² The prophet then paid blood money to the executed captives' people. Yet the jihad did not stop. Our master Usama Bin-Zayd, may his soul find favor with God, erred and killed an enemy combatant even after that man made the Muslim declaration of faith. The prophet was extremely angry with him. This comes from a Hadith that Al-Bukhari transmitted about Usama Bin-Zayd. Bin-Zayd which said: "The messenger of God, may God's prayers and peace be upon him, sent us to Al-Hurqah and we caught up with our enemies and defeated them. I and a man from Al-Ansar pursued one enemy. When we caught up with him, he said: "There is no god but Allah." The man from Al-Ansar stayed his hand but I stabbed the fugitive with my spear until he died. When we went back to the prophet, he remarked: "Oh Usama, you killed him after he said there is no god but Allah." I answered: "He said that just to protect himself." The prophet kept repeating his remark until I wished I had not converted to Islam before that day."³ Yet the jihad did not stop.

Furthermore army life, including in the Egyptian army, is full of crime. Do armies not have a military law and military courts? Soldiers are tried for offenses ranging from delinquency in sentry duty to high treason. Military jails are full. Would those who agreed with the document, on the instigation of a thinker among them, demand the abolition of the Egyptian army because its members committed crimes and urge the Egyptians to choose one of the six options?

The Muslim nation, a victim of aggression, has no army to defend it. The mujahidin are its army. There is no other. It is they who defend the nation today. Or do those who accepted the document believe that Husni Mubarak and Abdallah Bin-Abd-al-Aziz are the defenders of the Muslim nation's rights?

Furthermore the party that should halt internal conflict is the government. This is the anti-Islam campaign, which is carried out in the name of the war on terrorism, which the Egyptian Government and other regional governments vie with each other to conduct to please the White House so that the president without a vice president will guarantee that his beloved son will inherit Egypt's throne. He who bans internal conflict in this case is like someone who prohibits the Arabs from possessing nuclear weapons but at the same time supplies Israel with hundreds of nuclear bombs and other means of mass destruction. It is the same logic, the logic of prohibiting the wronged party from responding to the injustice simply because it is the weaker party.

Then let us speak frankly. This campaign and media furor is basically directed against and focused on Al-Qa'ida of Jihad because, in American eyes, it is the most dangerous opponent to US interests and national security. What Al-Qa'ida advocates is liable to

² Sahih Al-Bukhari, The Book of Raids, the chapter on the prophet, prayers and peace be upon him, sending Khalid Ibn al-Walid to Bani Juzaimah [tribe].

³ Sahih Al-Bukhari, The Book of Raids, the chapter on the prophet, prayers and peace be upon him, sending Usamah Ibn Zaid to Al-Hurqat from Juhainah.

shake America's very existence. Otherwise internal conflicts have been found in the Moroccan desert, Sudan, Lebanon, and Yemen for decades but no one raised any furor about them.

We in Al-Qa'ida of Jihad do not seek internal conflict. We seek to expel the invaders from the Muslim lands and establish a Muslim state. As we have been led by the mental efforts we made to act in accordance with Shari'ah, our practical plan, which we have repeatedly announced, is the following:

- a. striking at crusader and Zionist targets; and
- b. making serious efforts to change these corrupt regimes and establish an Islamic order.

I repeat that serious efforts are necessary. I do not mean attending a conference or demonstrating for an hour or even attending a lesson for two hours. These might be among the efforts used but making serious efforts is a much larger undertaking. Serious efforts to make changes are much bigger than some people imagine who believe that it is possible to bring victory to the Muslim nation while sitting in their offices among papers and books, criticizing this person and correcting the other person without ever joining the real battle, offering sacrifices in the form of their persons, wealth, children, or leaving their homeland, jobs, salaries, and other trivial worldly things.

Serious efforts to bring about change require:

1. sincerity in pursuing the objective for the pleasure of God; and
2. persistence, perseverance, and determination to reach the goal in addition to mobilizing and organizing resources, planning one's steps, and seizing opportunities.

The great Islamic poet Allamah Mohamed Iqbal, may he rest in peace, says:

To the sun always make your way
In the heat of the day and early morning.⁴

They also require a willingness to sacrifice one's dearest possessions, including one's life, to reach the objective and be ready to live under pursuit, be made homeless and poor, or spend one's best years of life in jail.

When we do this, we will have done our best and all that is left is to implore God for victory.

⁴ One of the paradoxes is that my grandfather from my mother's side, the scholar Abd-al-Wahab Azzam, may God have mercy upon him, was the first to translate the poetry of Iqbal to Arabic, but for my lack of constancy in one location, I am not in possession of his books. May the reader accept this humble translation.

We do not exhort only the mujahidin and the religiously committed to do this but all Muslims because it is their obligation, like prayers and fasting.

I urge those who welcomed the document to answer my questions so that they will be better able to place the document in the proper perspective. I alert those who loudly applauded it, especially the members of Islamic trends, to realize that they have offered the government the knife with which it can slaughter them. Their welcome of the government's policy of blackmailing the detainees from the jihadist movements to make them abandon their principles or pretend to abandon them by ensnaring some of their leaders and tempting them with rewards or by intimidating them might rebound against them. By applauding the government, they allow it to use the same policy against them.

This applauding of the government's state security policy is shortsighted for two reasons:

first, this policy might be used against the applauders themselves; and second, the mujahidin, with the help of God, are not influenced by such farces.

Many leaders and commanders recanted and issued statements and edicts [fatwas] to smother the nation's jihadist spirit. In the end they went their way but jihad persisted and Islam was victorious. "And God hath full power and control over His affairs; but most among mankind know it not" [Koranic verse; Yusuf 12:21].

C. How this document was written

1. These revisions were not written in circumstances of oppression, imprisonment, and fear alone but were composed under the supervision, direction, planning, and financing of the resources of the crusader-Jewish campaign. They devoted their resources and efforts to it only because it served their purposes. If it had not been so, they would not have allowed the document's author to utter a word.

2. Hence, I declare to all Muslims, that if--God forbid--I or some of my brothers, were taken captive, and then in captivity we spoke or wrote things that contradicted what we said and wrote prior to our captivity, do not accept from us anything except what we said and wrote before we were taken captive.

3. The Egyptian Government claims that these revisions were written freely by its authors who had freedom of choice. I wish to ask them:

a. If these revisions were freely written by their authors who had freedom of choice, why did we not hear about them except after the authors were taken captive by the crusaders. Indeed some of them at first rejected these revisions even after being taken captive but finally capitulated.

b. If these revisions are part of a free dialogue, why are they administered by the security services? These services are criminal apparatuses that practice oppression, torture, lying,

deception, and forgery. Is someone who has these qualities suitable to conduct a free dialogue?

c. If these revisions truly come from the authors who are free to say what they want, where are their opponents' voices? They are, after all, the oppressed majority with muzzled mouths whose members are punished for their steadfastness.

d. If these revisions are free and spontaneous, why did we not hear the authors criticizing the Egyptian ruling regime, which is the most corrupt regime that Egypt has ever seen and has, as both its loyalists and opponents agree, perpetrated more torture and murders than any previous regime. It is enough to note that the regime has passed nearly 130 death sentences and carried out approximately 100 of them, something that Egypt had never experienced before. Add to this the fact that it also killed others unofficially.

e. It is the regime that sold Egypt to the Zionist-US-Israeli crusade and turned Egypt from the Arab and Islamic world's leader into a services establishment of the US forces.

f. Why do we hear from the document's backers only criticism of the mujahidin, specifically Al-Qa'ida, just as the Islamic Group's revisionists did after 2001?

g. Furthermore why is the course of these revisions not transparently clear? Why is it full of secrets and riddles? After a long period of silence, we are surprised by someone who comes forward suddenly, amid a media brouhaha and abrupt loud applause, to proclaim his retreat, concessions, and defeat?

h. Why do they not inform the people of the identity of those who supervised these revisions among the security services' personnel, their names and roles? Which lawyers and unofficial and official religious scholars participated in the process? Which writers, journalists, and politicians?

i. What offers were made in exchange for those revisions? What privileges did the revisionists obtain? Alternatively what persecutions, punishments, and restrictions were inflicted on those who refused to recant and make concessions?

j. What kind of negotiations took place between the revisionists and the government? What course did they follow and under what kind of circumstances did they occur? What subjects were discussed? What was the viewpoint of each side? Why should the issue not be transparent and clear so that one might understand its real aspects and be able to examine it and judge it impartially?

After referring to the document's author, those who agreed with him and those who claimed that they agreed with him, and after I posed the above questions about the document, I would like to move on to the effect that they alleged it had on the mujahidin. With all respect and appreciation to all my brothers, I would like to clarify some points:

a. The mujahidin, thank God, do not achieve understanding of what is right depending on the speaker. First of all they know what is right and through this knowledge can discern those who follow it.

b. This document's author washed his hands of jihadist action and criticized the jihadist 14 years ago. How representative of jihad can this document be? Has this jihad retreated, or has it rather escalated until it has become the most powerful threat to America, leader of the crusader West?

c. Additionally, with all due respect for all my brothers, I would like to ask a question and I hope that no one will regard it as a denigration of his worth. The document's author used uncomplimentary epithets to describe Shaykh Usama bin Ladin, may God preserve him. When you analyze the facts, who do you think has the greatest effect on young Muslim men and international politics?

d. Those who support Shaykh Usama or Mullah Omar, may God preserve them, do not do so for a whim or out of fanaticism. They support them because they see that these two men always back the righteous course and make sacrifices for its sake. We pray that their actions and the actions of all Muslims will find favor with God.

4. I will now speak about another group that is crushed, oppressed, and isolated. I will speak about the oppressed majority that languishes in jail, whose voice is not heard and is not allowed to reveal the horrible crimes to which it is subjected or the cheap conspiracies that are practiced against it to force its members to join the revisionists. This group of persons is steadfastly firm in its position despite the suffering. On this subject Al-Arabiyyah.net posted a report by its Cairo correspondent Mamduh al-Shaykh, which stated the following:

"Leading Islamist Mahfuz Azzam, deputy chairman of the suspended Labor Party, who is also Al-Zawahiri's lawyer in Egypt, has reported that 30 leading Al-Jihad Organization members including Engineer Muhammad Rabi al-Zawahiri, Amman's brother, have rejected these revisions. They are held in a top security prison and have been punished for their refusal by denying them visits by their relatives and their lawyers. This began when the revisions were published. Mahfuz Azzam does not rule out the possibility that a response to the revisions based on Islamic jurisprudence is being written. He expressed hope that the media will give it as much attention as they did to the revisions. He said: What is suspicious about the whole issue is not only the circumstances in which the revisions were published and some names 'circulated' but the fact that some are trying to give the revisions a global character.

"Azzam wondered about the significance of the arrest of Shaykh Abdallah al-Samoa, a leading Islamic Group official, two days after the revisions were published and after Al-Samawi gave two press interviews."⁵

⁵ Al-Arabiyyah.Net; Monday, 16 Dhu al-Qi'dah 1428 -26 November 2007. The uncle of Ayman Al-Zawahiri doubts the credibility of the research of Shaykh Fadl due to his incarceration.

I dedicate my modest message to this firm and steadfast group and hope that its members will accept it.

5. In conclusion I reaffirm my and my brothers' appreciation for our captive brothers and the conditions under which they live. If I have found myself forced to respond to some of them, I hope that my captive brothers to whom I responded will forgive me. I never thought that I would find myself publicly disagreeing with my dear brothers except that righteousness is dearer to my heart than mere persons. It was for the sake of righteousness that we left our dear kinfolk and our dear homeland in search of God's favor. We pray to God to accept our efforts.

I pray to God to give victory to His religion, holy book, and virtuous saintly men. I ask Him to bring quick relief to the Muslim captives everywhere, to let us be joined by all the Muslims in the search of what He loves and what finds favor in His eyes, gather us together, unite our hearts, end our differences, and forgive us our excesses.

I have written these pages in search of God's favor. Whatever is good and correct in them is success given by God alone. Whatever is otherwise comes from me and from Satan. I wrote them quickly. I would have liked them to be more strongly based on Islamic principles, more substantive, and in better style. However, this is what my circumstances have allowed me to achieve. Let my brothers complete whatever is missing in these writings, correct any errors in them, and forgive their author.

I hereby allow anyone to publish these pages, summarize them, or quote from them with the provision that he not alter their original intention. God is behind our intentions and He will guide us to the right path. My success can only come from God.

We praise God, Lord of the Worlds. May God's prayers and peace be upon our master Muhammad, his household, and companions.

Written to gain God's favor and reward by Ayman al-Zawahiri

Muharram 1429 HA, January 2008 AD

Part One: General Comments on the Document's Method

A careful reader of the document can make several observations on its method of swerving away from impartiality and objectivity. We will mention the following examples:

1. The first observation: The document's title does not agree with its contents. The title "Rationalizing Jihadist Action" makes one wonder what is meant by jihadist action here? Jihadist action with whom and against whom? If we search through the document, we will find that its author--as we shall see later on--wishes to restrict every jihadist action inside and outside Egypt, against the rulers who act in contravention of Shari'ah and against the Americans and Jews because--as he claims--we are paralyzed, impotent,

incapacitated, put upon, and oppressed. So, where is the jihadist action that he wants to rationalize? To keep the title truly expressive of the document's substance, he should have called it abolishing, halting, or rendering impossible all jihadist action. To reduce the impact of the book on the reader, it was given a title that contradicted its subject. Actually the book was written in the spirit of the Interior Ministry and is clearly designed, in the Interior Ministry's spirit, to refrain from disturbing public order.

2. The second observation: The document immediately jumped to what it alleged were errors in the jihadist action without explaining the conditions that jihadist action was actually undertaken to change. So it hastened to list the alleged errors that need to be remedied without first examining the causes of the errors, making a proper diagnosis of the facts, and only then proposing a remedy. The author should have tackled all these points and only then could he have spoken about the alleged errors and the proposed remedy. Hence the document's method is incomplete and curtailed.

Let us give an example from the field of medicine. Let us assume that an author wishes to write about pathology or surgery. When he tackles a particular sickness like malaria or a condition like appendicitis, he should first of all mention the reason for the spread of the condition in certain areas, among different age groups of male and female patients, the causes of the condition, and then he must discuss the sickness' effects on the body's organs. After this theoretical introduction, he can tackle the practical side and write about the different aspects of the diagnosis and finally the drugs, surgical intervention, or preventive treatment used as a remedy. In the end he can discuss the doctors' errors in prescribing medicines or conducting surgery.

If a few lines after he jots down the title, he jumps directly to the doctors' claimed errors, without tackling any of the points we mentioned, then he is a writer whose books are not acceptable within the medical profession.

3. The third observation: The document neglected the more important points and occupied itself with the less important--as it imagined--things. It neglected the crimes of the crusaders and their agents, abandoned the need to exhort the nation to fight and resist them, and occupied itself with what it alleged were the mujahidin's errors.

This situation resembles a city afflicted by an epidemic that is swiftly mowing down its inhabitants. Instead of the city's wise and reasonable people rising to enlighten the inhabitants on how to avoid getting infected, urging them to seek remedies, mobilizing doctors and gathering medicines, equipping hospitals, collecting money, and adopting preventive measures, a man who disregards the facts rises among the people warning them of the doctors' errors and calling on them to be patient and abandon the remedy because they do not have the ability to seek it and because there are errors, big or small, that doctors are liable to make.

4. The fourth observation: The document failed not only in diagnosing and describing the actual situation but also failed to treat it and did not offer a reasonable alternative remedy. The six options that it offered, namely, a) emigration, b) self-isolation, c) amnesty, d)

withdrawal from action, e) patience, and f) concealment of faith--about which there is more to say later -- do not provide a practical solution. How could millions of religiously committed Muslim young men who are eager to serve their religion emigrate? Emigrate where? How could they impose self-isolation on themselves? How could they conceal their faith versus momentous events that are sweeping like a storm through the Islamic world and against an overwhelming wave of multifaceted corruption? The author further complicates the solution by infusing despair of the possibility of the success of any Islamic or popular movement in Egypt because, he says, "Popular movements, including Islamic movements, have failed throughout history to change the regime in Egypt," as he puts it. This shows that the solution he is proposing is one that is unable to change the facts and is too difficult to implement. In the end the writer preaches despair of any solution's success.

Add to this the fact that the writer is setting conditions for jihadist action which, if we implemented them in any field of jihad, would destroy jihad completely as I will show later. Furthermore the writer did not propose any form of opposition or defense, even if peaceful. Therefore where does the document lead us, and for whose benefit?

5. The fifth observation: The document made accusations against the mujahidin without proof. It did not cite any sources to corroborate its accusations. Indeed it disregarded testimonies by the mujahidin although most of them are upstanding men by the document's own admission. The author, or perhaps authors, wrote: "We say this with all appreciation for the mujahidin and with our acknowledgement that the brother mujahidin everywhere are generally the defenders of a noble cause and the bearers of a lofty message. It is not true that they seek worldly benefits. Indeed many of them sacrifice their own lives and goods for the uplifting of the Islamic religion and the Muslim people."

6. The sixth observation: The document did not adhere to an objective method or impartiality in presenting jurist views. On the question of security, it did not cite Al-Shawkani's views and on the question of human shields it reported Al-Ghazali's view but disregarded the views of other ulema. The author stated that he would refer to noncombatants as civilians, after the usual custom. And of course, he made the grievous error of not dropping the condition of asking one's parents or one's creditors' permission before going forth to jihad. What was worse, as evident in the document's general style, was disregarding detail and adopting the method of generalization.

7. The seventh observation: The document lacks balance. While accusing the mujahidin of errors without proof, it totally disregards the ugly crimes against the Muslims that the crusaders and their agents, the puppet governments that contradict Shari'ah, perpetrate.

8. The eighth observation: The document did not honestly adhere to historical accuracy while narrating the Al-Jihad Organization's operations. It presented the narration only from the security services' perspective.

9. The ninth observation: The document is self-contradictory. The author says he is neither a religious scholar nor mufti but he still calls this action permitted, that action obligatory, and that one prohibited. He passes Shari'ah judgments over momentous events that are rarely judged by one religious authority alone.

10. The tenth observation: The document takes for granted issues that are not generally accepted without taking the trouble to try and prove his view, including his declaration that clashing with the government has caused great harm or that the condition of the Islamic groups ranges from impotence to being oppressed.

11. The eleventh observation: The document expresses absolute opinions without holding them up to the well-known Shari'ah restrictions that are known to all scholars, for example the rule of "what is accepted by norm is like that which is subject to conditions."

12. The twelfth observation: The document's author intentionally concealed important points that are inseparably connected with the document's general theme. He mentioned them in his earlier books "Shari'ah Rules Governing Preparations for Jihad," and the "Compilation." He did not mention whether he still adheres to those points. He did not trouble himself to clarify the views he expressed in the first book, which he retracted in the second, although he admitted that his first two books were misunderstood and he was writing this document to clarify the misunderstanding. He did not tell us whether he still believed in everything he said in those two books or if he had retracted some of his views.

a. In the Compilation the writer considers most of the Muslim countries' rulers apostates who are beyond the pale of Shari'ah. He also regards their helpers like the police, army, security services, judges, and official journalists and ulema as individually infidel, every one of them. Indeed he considers every person who does not declare them infidels an infidel himself because he has differed from the community's unanimous opinion, as he put it. He even declared his brother mujahidin, who were fighting against those governments, infidels if they did not adhere to his view on the matter.

In the Compilation he says: "It is a definite matter with the undisputed concurrence of all ulema that the supporters of the tyrants who refuse to declare the tyrants individually infidel are non-believers. Such unanimity of opinion renders anyone who disagrees with it an infidel. Anyone who rejects this unanimity is a non-believer who pursues the path of the non-believers and has set himself apart from the community."⁶

Does the author still adhere to this view?

His Eminence Shaykh Abu-Yahya al-Libi, may God preserve him, strongly refuted this view in his book on the foundations of Shari'ah "Views on Absolute Consensus."

b. The author regards everyone who enters parliament or even votes in parliamentary elections as an infidel who cannot be excused by claiming that when he voted or entered

⁶ The Compilation of Seeking Noble Knowledge. Part 2, page 676

parliament he had the good intention of serving Islam. Does the author hold this view still?

c. In the Compilation the author says that everyone who bore arms against the apostate governments prior to the advocacy of the message was disloyal and impious.

He says: "Doing so is a form of haste, which results in deprivation. Umar Ibn-al-Khattab said that war cannot be properly handled except by some one who is patient and takes his time. God said: 'It is no virtue if ye enter your houses from the back; it is a virtue if ye fear God. Enter houses through the proper doors, and fear God that ye may prosper' [Koranic verse; Al-Baqarah 2:189]. Everything, including Islamic change, has its own door through which it may be entered. Climbing the walls by resorting to democracy, carrying out collective action without Islamic method, or acting with haste shows neither loyalty nor goodness and produces only deprivation and regret."⁷

At the time he wrote that book he condemned the mujahidin who were killed, jailed, and tortured by the anti-Muslim government in Egypt as lacking in loyalty and piety. Unfortunately many of those whom he described as disloyal and impious were operating under his command. Does this judgment also apply to him? Does he still hold this opinion?

For example the author considers the Egyptian Islamic Group as extreme Murji'ites [comparison to old Muslim sect that believed in deferring punishment]. Does he still hold this view?

13. The thirteenth observation: The author intentionally concealed some Shari'ah rules and remained silent about them. When he claimed that the Muslims and the Islamic movements were unable to carry out jihad, he did not say what alternatives he was proposing for jihad although he had mentioned this point in his book "Shari'ah Rules Governing Preparations for Jihad." He also failed to speak the truth to the unjust ruler although this is the duty of prophets and their followers.

14. The fourteenth observation: The document's author uses repetition for the purpose of sedating his readers without being fair to the mujahidin. The readers get the false impression that the mujahidin definitely have the faults that he mentions. He cautions those who issue edicts connected with the shedding of blood without understanding the question of ritual purity. He warns those who make stupid errors and search for excuses for them and those who draw religious knowledge from the writings of the ancient ulema without being qualified to do so. He says nothing about the mujahidin's scholarly efforts, giving the reader the impression that they are a group of stupid ignoramuses who are good at only finding excuses for themselves.

This is similar to someone advising another: Do not steal, do not fornicate, do not lie, and do not betray. The other replies: I do not steal, fornicate, or lie and I am not a traitor. The first responds: I was only giving advice. Why did you get angry?

⁷ The Compilation of Seeking Noble Knowledge. Part 2, page 1022

Someone listening to this conversation would get the impression that the person given the advice has stolen, fornicated, lied, or betrayed. The author resorted to this method many times.

15. The fifteenth observation: In his writing style the author sank to the level of invective and used unfounded personal accusations and insults. He spoke about those who deserted their wives and children, about ignorant, stupid persons, and those who sent their children to safe havens but left others to be imprisoned or killed. He called some people agents and mercenaries. We cannot sink to his level.

This is a level that is appropriate to members of an investigation department. It is not a level that characterizes those who claim to be reputable ulema or those who try to rationalize people's behavior, especially those who seek to rationalize the mujahidin's actions, whom the document's authors praised. Did the author adopt this writing style as a result of his relationship with those investigating officers? Was the document one of the fruits of this relationship? Those investigation department officers were undoubtedly very pleased with the document, its publication and distribution, forcing people to accept it by fair or foul means, and touring the prisons to make publicity for it. There is no doubt that all these actions created a kind of amicable relationship between the two sides. A popular proverb goes: Beware of keeping company with a mean person for he can infect you with his meanness.

16. The sixteenth observation: Judging by this document and his earlier book "The Compilation," the writer suffers from extreme self-contradiction. The contradiction began with the Compilation but reached its peak in this document. The writer is very hard on the mujahidin but very tolerant of common criminals who, he advocates, should be treated with friendliness, patience, and forgiveness. He accuses the mujahidin of all forms of sins and regards them as the cause of calamity. Yet he does not utter one word about the common criminals around him.

A striking example is his attitude to the great Islamic martyr Shaykh Abdallah Azzam, may he rest in peace. In his book the Compilation the writer declares that jihad is more appropriate for the Islamic movements' ulema rather than their rulers because they will not accept a Shari'ah judgment if it is against them instead of on their side. He did not, of course, state that this scholar was the martyr of Islam Shaykh Abdallah Azzam, may he rest in peace. The writer repeated almost the same view in this document, and in describing those ulema, he quoted some Koranic verses that mention the qualities of the Jews. I will talk about this point in more detail in its right place, God willing.

The seventeenth observation: This concerns the writer's dissociation from reality, especially when he talks about treatment in kind with the West. He says: "In the countries of the original infidels today, millions of Muslims reside and work in safety." Has the writer forgotten what the West has been doing against us for centuries, from the events in the Caucasus to Ceuta and Melilla? One is astonished at this disregard of the facts. Is he out of touch with the facts or is he just being stubborn in adhering to his own opinion? Or

is it something worse, an attempt to placate his captors by using any pretext, even if it sounds senseless?

Thus this document was written in an abbreviated and unbalanced style that tried to persuade the readers to condemn the mujahidin without taking the trouble of providing proof. Indeed the author sank to a style that is inappropriate to objective research.

Part Two: Discussing the Document's Subjects

Chapter One: Discussing the Alerts in the First Episode

In his alerts, the author says: "I am neither a religious scholar nor a mufti. All that is found in my books is a process of conveying religious knowledge to the people; it is not a fatwa. The difference is that religious knowledge is written for the people to read and use just as our great ancestors did, may they rest in peace, and we still learn from their writings. A fatwa is choosing what is suitable from this knowledge to apply to a particular situation and is meant to address particular persons at a particular time and place. A fatwa serves to show what it is our duty to do in a particular situation. What appears to be a fatwa in my books is my personal opinion that no one is bound to accept. It is merely what I judged to be righteous when I wrote it."

His words show several contradictions.

a. First he says that his comments are general talk, not connected with a particular time or place. He then adds that what appears to be a religious edict [fatwa] is merely his own opinion. Therefore he expresses personal views pertaining to particular times and particular occurrences, which are, therefore, not general talk.

Second, he says that his views that resemble fatwas are not binding on anyone else. The same, however, applies to a fatwa, where the mufti does not obligate the petitioner to follow his opinion. This is clear in the difference between a court judgment and a fatwa. The first is binding and the second is not.

Third, he says that he publishes his general talk in the context of disseminating religious knowledge, not as a way of issuing a fatwa. If we accept this argument about the general talk that is not connected with a particular time and place, what is the point of publishing his views, which resemble fatwas, when he refers to particular times and events? The benefit here goes to the Americans and the criminal investigation department for the purpose of making people "refrain from disturbing the public order."

b. If we apply this explanation to his document, we will find that it contradicts the author's claim that he is writing general talk that is not meant to apply to a particular event. There is no chapter in his document where he does not prohibit this action and permit that action with particular reference to actual events and actions that we carry out or that he thinks we carry out.

c. Furthermore the writer's claim that he does not obligate anyone to accept his views is totally untrue. The security services use fair and foul means to force the detainees to accept his views. A detainee who is responsive and shows acceptance of the views expressed in the document is given greater facilities and allowed visits. A detainee who rejects the document suffers greater restrictions and ill treatment.

If the document's author claims that he did not advocate such actions and that it is the security services who do this, the answer is this: You knew the consequences beforehand and your collusion with the security services is obvious. On your side you used invective and calumnies against your brother mujahidin but did not utter one word about the real criminals including the security services. For their part the security services published and distributed your document, forced the detainees to accept it, and persecuted those who refused.

Chapter Two: Discussing the First Episode's Mention of the Document's Motives

One: In discussing the document's motives, the author or authors reviewed what happened to the Islamic world after the caliphate fell. They did so with inappropriate brevity, quickly passing over the infidels' seizure of the Muslim countries, the establishment of Israel, the collapse of morale, and the failure to rule in accordance with Shari'ah. Then they jumped suddenly to the clashes that occurred. The writers expressed regret at certain errors in those clashes that needed to be corrected. We referred to this issue in the second and third observations on the document's method.

We cannot at this point let the issue pass without careful examination. If the author, or authors, were really intent on providing guidance to the mujahidin, we should discuss the Islamic world's condition in detail in order to reach a result. Is it a condition that should be changed or not? Should the change be carried out through jihad or by other means? When we do this, we will necessarily arrive at a real rationalization of jihadist action rather than the author's, or authors', criticizing the mujahidin for errors while remaining silent about the great historical crimes that the crusaders and their agents are perpetrating against the Muslims.

Therefore I have very important questions to put to the author, which I feel that he is obligated to answer if he really wants to provide guidance to jihadist action. If the writer, or writers, do not answer these questions, it will be for two reasons. The first is that they are unable to do so out of fear or because they are being forced not to answer. In this case they should have refrained from attacking the mujahidin in the first place if they are unable to talk about the crimes of the greatest criminals of all. The second is that they are hiding the facts. We call on God to guide them and warn the nation to be wary of them.

My questions are the following:

1. What is the writer's opinion about the secular regimes that are generally in power in the Islamic world, specifically in Egypt? Are they Muslim regimes that are legitimate

according to Shari'ah? Or are they apostate regimes that lie beyond the province of Islam?

2. Do these regimes defend the Muslim people's lands, resources, and sanctities? Or are they regimes that are loyal to the Americans and Jews and abandon Muslim territories to the Muslims' enemies for the sake of staying in power and maintaining themselves on the presidential chair? Do they recognize the legality of the Jews' seizure of Palestine, India's control over Kashmir, Russia's control over Chechnya, and Spain's control over Ceuta and Melilla?

3. Are the heads of these regimes pious men of God who are too chaste to seize the Muslim people's money and property, who defend the people's dignity and sanctities, govern according to Shari'ah, establish justice, propagate shura, and are unworldly enough to refrain from bequeathing the power to rule to their sons? Or are they corrupt, corrupting, and unjust traitors who monopolize power by force of arms, forgery, and lies and finally bequeath power to their sons by the same filthy methods?

4. Do they defend the Muslim people's rights and dignity or do they set on the people their executioners, torturers, and organs of oppression to torture, humiliate, oppress, and silence them to serve their mutual interests with the Zionist-crusader campaign?

5. I will be more specific and ask you in particular about Husni Mubarak and his son. Are they pious men of God who are solicitous about their nation's interests and make sacrifices in blood, wealth, effort, and their own health to protect these interests? Or are they some of the most corrupt rulers in Egyptian history, who operate outside Shari'ah, who steal the Muslim people's money, surrender to the United States and Israel, and persecute the poor population with torture, oppression, and imprisonment? Are they Muslims or two infidel apostates?

6. What do you think of the likelihood that Husni Mubarak might bequeath power to his son? Will this serve Egypt's interest or the interest of the crusader-Zionist scheme that commits aggression against the Muslim nation and the interest of the corrupt class that surrounds the regime and benefits from it? I would like a specific answer.

7. What do you think of the Israeli Embassy and its staff? Do you regard them as persons who have been given immunity from attack?

8. What is your opinion about the US Embassy and the FBI and CIA bureaus in Egypt? By the way they are the bodies that supervise your revisions. Does the US Embassy represent a country that is inimical to Islam and the Muslim people and that is hostile to them with regard to their religion, land, resources, and laws? Or is it the opposite? Is someone like the Israeli Embassy's military attaché or an FBI agent in Cairo considered a person worthy of being given immunity from attack?

9. What is your opinion of the US military forces stationed at Ra's Banas, the West Cairo Airport, and other bases? What do you think of the logistics, supplies, and storage facilities that the US forces enjoy in Egypt and indeed in most Muslim countries?

10. What do you think about the Egyptian Government's allowing the air and naval US forces to take off and sail from Egypt, cross its air space and territorial waters, and resupply in its airports and ports in order to attack the Muslims in Iraq and Afghanistan?

11. If a Muslim young man attacks any of the aforementioned targets, will he be a criminal or a mujahid?

12. By the way, what is your opinion of the peace treaty with Israel? What do you think of similar agreements including Oslo and the Wadi al-Arabah Treaty? What would Shari'ah say about these treaties? While talking about this, what is your opinion of the Annapolis conference? Could you express a view about it or does this lie beyond the scope of rationalizing jihadist action?

13. What is Shari'ah judgment on those who signed those treaties and agreements? Are they legitimate rulers who should be obeyed? Are we obligated to adhere to what they signed with Israel? Or are they rulers who have abandoned Shari'ah and are traitors to their religion and nation and, hence, we are not obligated to adhere to what they agreed upon with Israel and should indeed resist these agreements and expose them?

14. What is your opinion of the governments that exchanged ambassadors with Israel and implemented a policy of normalization with it?

15. What do you think of Israel's prostitution trade that is carried out under the guise of tourism in Egypt, specifically in Sinai?

Other questions branch out from this subject:

16. What is Shari'ah's judgment on the state of Israel? Is it a legitimate state whose sovereignty we are supposed to respect and on whose territories we should not encroach? Or is it an illegitimate state that every Muslim is obligated to try to eliminate and establish an Islamic state in its place?

17. What is Shari'ah's judgment on those rulers who recognize Israel as legitimate, like Al-Sadat and Husni Mubarak?

18. What is Shari'ah's judgment on the Arab initiative on which the Arab rulers agreed?

19. What is Shari'ah's judgment on rulers like Husni Mubarak who prevent the Muslims from carrying out jihad against Israel and even prevent the Egyptian Muslims from helping their brother mujahidin in Palestine? Is a Muslim person obligated by Shari'ah to obey an apostate, infidel ruler or at least a faithless, unjust ruler who obstructs jihad and is loyal to the enemies? Even if you claim that his alliance with the enemy does not

render him an infidel, are the Muslims obligated by Shari'ah to obey him and listen to his prohibition of jihad against Israel? On this point, what are your views on allegiance and disavowal? Are they religious principles? Is it obligatory to be loyal to Husni Mubarak or disavow him and be his enemy?

20. What is Shari'ah's judgment on the UN resolutions that established Israel and recognized its existence including the Partition Resolution of 1947 and Resolution 242?

21. What is Shari'ah's judgment on the United Nations that established Israel by its resolutions and whose Charter provides for respecting the sovereignty and territorial integrity of all member countries including Israel? Could we describe such a situation with the words "what is accepted as a norm is like that which is set as a condition?"

22. What is Shari'ah's judgment on someone who accepts this charter? Does the Koranic verse that you mentioned at the beginning of your document apply to this judgment, namely, God Almighty's pronouncement: "But no, by your Lord, they can have no real faith until they make thee judge in all disputes between them and find in their souls no resistance against thy decisions, but accept them with the fullest conviction" [Koranic verse; Al-Nisa 4:65].

23. What indeed is your opinion of the martyrdom operations that take place in Palestine and target the general Israeli population including women, children, handicapped persons, and old people, and even any Palestinians who happen to be among them?

24. What is your opinion of the missiles that Hizballah fired on Israeli cities in which children, women, invalids, and old people lived, which killed some Palestinians?

25. What, indeed, is your opinion of the Al-Qassam missiles and mortar shells that the mujahidin in Palestine fire on Jewish settlements where women, children, old people, and invalids live?

26. What, indeed, do you say about the jihad of defense that is occurring now in Chechnya, Iraq, Kashmir, Afghanistan, Palestine, and Somalia? Are the Muslims obligated to go forth and help them in their jihad with their persons, wealth, advice, and all other possible forms of assistance? What is your opinion of the governments which fight against the Muslims who go to help those countries' inhabitants, chiefly the Egyptian Government? Give us your opinion about those governments, specifically the Egyptian Government.

This leads me to some other questions about the security services whose corruption has spread to normal citizens and who use steel, fire, and oppression to defend the corrupt regimes, violating people's honor, maiming detainees, and killing thousands of people.

27. What do you think of these security services and what is Shari'ah's judgment on them? Are they the protectors of the apostate tyrants who oppress the Muslims and defend a corrupt secular government that surrenders to the crusaders and Jews? Or are

they the preservers of Shari'ah rules and defenders of Islam and the Muslim people's sanctities?

28. If they commit a crime against a Muslim person, violate his honor or that of a male or female relative, if they kill a member of his family or maim him and destroy one of his organs, and he finally has the chance to seize one of them, is he permitted to avenge himself on him? Or should he take recourse to the corrupt secular courts that serve the government?

29. What do you say about the persons murdered by the regime? What do you say about the Muslim martyrs--as we hopefully think of them--who died during Husni Mubarak's rule, beginning with Muhammad Abd-al-Salam Faraj, Khalid al-Islambuli, Ahmad al-Najjar, and Adil al-Sudani, may they rest in peace? More than 100 martyrs were killed on Husni Mubarak's orders and on the strength of his signature.

30. Were they killed unjustly in the context of the war against Islam and in defense of US and Israeli interests? Or were they killed justly as a punishment that they deserved?

31. Who is guilty of their death? Do their families have the right to do justice to themselves by their own hands against Husni Mubarak and his aides, the murderers of Muslims?

32. What do you think of the military courts that ordered their death? Are they Shari'ah courts that rule according to God's commands? Or are they tyrannical apostate courts that fight against Islam and protect a corrupt apostate regime that acts as an agent of the United States and Israel?

33. What is Shari'ah's judgment on the judges presiding over these military courts? Do the Muslim people have the right to inflict a Shari'ah punishment on them?

34. What do you think of your jailed colleagues who are awaiting execution? What do you think of the death sentences passed against them? Are they just or unjust? What do you think of the restrictions imposed on the detainees who rejected your revisions who have been denied visits by their families and placed in solitary confinement? Do you accept what is happening to them?

35. What is Shari'ah's judgment on the officers and police personnel who beat up those who reject your revisions? Do they have legitimate power over them according to Shari'ah? Or are they criminals who are inimical to Islam and the Muslim people, who should be resisted by all possible means?

Answer these questions before we move on to the stage of explaining what the Muslim people's obligations are vis-a-vis what is happening. If you cannot answer the questions, it behooves you not to discuss the Muslim people's affairs to begin with, let alone the issues of jihad and combat.

Two: The author or authors say the following about the document's motives:

"Clashes spread in various countries from the farthest east to the farthest west. The clashes involved numerous violations of Shari'ah including killing persons because of their nationality, skin or hair color, and sectarian affiliation. Many Muslims and non-Muslims who may not be harmed were killed. The issue of human shields was exaggeratedly used as an excuse to kill more and more people, seize people's property, and ruin property."

My answer is this: We have heard a lot of talk from the establishment ulema accusing the mujahidin of killing innocent people. They brand them as infidels who damage property and do many other wrong things. However, you are the first to use the false accusation that the mujahidin killed persons because of their skin or hair color.

This is an example of the document's tendency, one to which I referred in the fifth observation, to make accusations without proof. Therefore I urge the writer, or writers, to mention specific incidents and specific dates, so that we can deal with them and discuss them. Making accusations without proof is the method of security services and police detectives. It is not the method of someone who wishes to rationalize jihadist action.

Chapter Three: Discussing the Points Mentioned in Section Two About a Captive's Competence or Lack Thereof To Express Opinions

One: In the second episode the document's author spoke about the need for caution when applying the rules of religious books to current situations. He said: "The early ulema wrote their books for ages past when the Muslims had a realm of Islam, a caliphate, and a caliph and when there were clear distinctions among the world's inhabitants. The Muslims resided in the realm of Islam and the infidels in the realm of war. In the realm of Islam a dhimmi could be distinguished from a Muslim by his appearance. Nowadays there is no such thing and the people are mixed together. This is a new and different situation and, as such, requires caution when one consults the writings of the early ulema and makes judgment on people."

This is what I have to say in response: This argument is deceptive from various angles, including:

In their writings, the early ulema, may they rest in peace, discussed various situations, including situations when there was no ruler or a state of Islam, even situations which did not exist in their eras, like the following:

1. Shari'ah rule pertaining to the apostate ruler and the nation's position on him:

In their compilations of authentic Hadiths, imams Al-Bukhari and Muslim Ibn-al-Hajjaj, may they rest in peace, cited Jinadah Bin-Abu-Umayyah as saying: "We visited Ubadah Bin-al-Samit when he was ill. We said: Greetings. Recount to us a Hadith you heard from the prophet for which God will reward you. He said: The prophet called on us and we

swore allegiance to him, and then he told us that once we swore allegiance to a ruler, we should remain loyal and obedient to him in all situations unless we perceived undeniable proof of his non-belief."⁸

Ibn-Hajar al-Askalani, may he rest in peace, explained this Hadith thus: "Ibn-al-Tin quoted Al-Dawudi as saying: The ulema have spoken to us about unjust rulers. If an unjust ruler can be deposed without internal conflict or unjust behavior, he should be deposed. Otherwise the people should be patient and endure. Some ulema declared that it is not permitted to swear allegiance to a corrupt ruler from the beginning. If he becomes unjust after being just, the ulema had different views on whether the people should rebel against him. The correct opinion is that they should not rebel unless the ruler expresses clear disbelief. In that case it is obligatory to rebel against him."⁹

Al-Askalani added: "A lot of discussion has been carried out regarding Ubadah's opinion on the requirement of obedience to the ruler unless the people perceive open non-belief on his part that precludes his restoration to power. This is mentioned in the book of sedition. In conclusion, such a ruler should be deposed for his non-belief by the unanimous will of the people. Every Muslim should participate in this action. Those who are able to do so will get their reward. Those who appease the ruler are sinners. Those who are unable to do anything to depose him should emigrate from the country."¹⁰

Al-Nawawi, may he rest in peace said: "Al-Qadi said: If the ruler shows signs of non-belief and tries to alter Shari'ah or introduce a heresy, he no longer has authority over the community and the people are no longer obligated to obey him and should depose him and install a just ruler if they can. If only a segment of the population is able to do so, its members should depose the infidel. This is not obligatory if he is only a heretic, not a complete infidel, unless they are able to do it. If they are certain that they will fail, they should not attempt to depose him but a true Muslim would go and live in another land, thus safeguarding his religion."¹¹

Ibn-Hajar al-Askalani said in his explanation of the prophet's Hadith: "He who differs just a little from the opinion of the community has already abandoned Islam."

Muslim jurists have generally agreed that the people should obey a despotic ruler and conduct jihad under his command because obeying him is better than rebellion as this prevents bloodshed. They made an exception only when the sultan showed open signs of

⁸ Sahih Al-Bukhari, The Book of Sedition, the chapter on the sayings of the prophet, prayers and peace be upon him, 'You will see events after my passing matters which you will deny,' Part 6, page 2588; Sahih Muslim, part 3, page 1470; Reference of Abu Awanah, part 4, page 408; the Extended Texts of Al-Baihaqi, part 8, page 145; Reference of Ahmad, part 5, page 314; Desire and Intimidation, part 3, page 157.

⁹ Sahih Al-Bukhari, The Book of Sedition, the chapter on the sayings of the prophet, prayers and peace be upon him, 'You will see events after my passing matters which you will deny,' Part 13, page 8

¹⁰ Fath Al-Bari, The Book of Judgments, the chapter on subservience and obedience to the Imam as long as it is not a sin, part 13, page 123.

¹¹ Explanations of Al-Nawawi, The Book of the Emirate, the chapter on the necessity of obeying the amir, as long as it is not a sin, and prohibiting the obedience if it is a sin, [based] upon the Sahih Muslim, part 12, page 229.

non-belief. In that case, he may not be obeyed and those who are able should fight against him."¹²

2. The same rule applies to the disappearance of the caliphate and the Muslim state, even Muslim emirates. Among the books that discussed this issue was the book "Al-Ghiyathi" by Imam Al-Juwayni, may he rest in peace.

3. Furthermore the Muslims historically experienced harsh circumstances when the caliphate disappeared for years. This happened when Baghdad fell to the Tartars in 656 HA and the caliphate was not restored in Egypt until 659 HA. The ulema ruled that it was obligatory to fight against the invading enemy. They participated in mobilizing the nation for jihad and took part in the fighting. They took part in restoring an Abbasid caliph and restored the Abbasid Caliphate in 659 HA.

Not all the periods of Islamic history had a stable caliphate where the realm of non-belief was distinctly separate from the realm of Islam. In the period just mentioned the Tartars mixed heavily the Muslims. The people were confused: Were they Muslims or infidels? The ulema, including Ibn-Taymiyyah, made classifications on this issue. Readers who want more details should consult the resources.

4. Ulema of the Maliki School of a later date in the Islamic Maghreb wrote extensively about the Muslims' conditions after the fall of Al-Andalus [Spain] and parts of the Islamic Maghreb fell under occupation. This was accompanied by conflicts and disturbances. One of the treatises they wrote was the edict [fatwa] called "An account of Shari'ah judgment on those whose homeland was occupied by the Christians but did not emigrate and the punishments and prohibitions to be meted out to them." It is found in the book "The Standard Collection of the Fatwas of the Ulema of Africa, Al-Andalus, and the Maghreb" by Imam Ahmad Bin-Yahya al-Wansharisi, may he rest in peace, and the book "Al-Tasawuli's Answers to the Questions Raised by Abd-al-Qadir al-Jaza'iri." In this book he responds to Prince Abd-al-Qadir al-Jaza'iri after the latter asked if it is permitted to make peace with the enemy if the enemy is under attack in his land. Al-Mutasawuli said in Al-Mi'yar [The Standard Collection]¹³: "If the enemy is invading, peace or truce are not permitted. If a peace agreement is made, it should be abrogated because if the enemy has arrived in the land or is close to the land, jihad becomes obligatory. It is forbidden to abandon what is an obligatory act. The peace in question is forbidden because it will benefit the enemy and hurt the Muslims."¹⁴

These were unstable and disturbed conditions during which the enemy had seized parts of the Muslim lands. The ulema discussed this issue and expressed opinions on them.

¹² Fath Al-Bari, The Book of Sedition, the chapter on the sayings of the prophet, prayers and peace be upon him, 'You will see events after my passing matters which you will deny,' part 13, page 7.

¹³ What is meant is Imam al-Wansharisi, may God have mercy upon him, in his book 'The Standard Collection of the Fatwas of the Ulema of Africa, Al-Andalus, and the Maghreb.'

¹⁴ The answers of Al-Tawasuli to Abd-al-Qadir al-Jaza'iri, page 272, First Edition 1996 AD, Dar al-Gharb Al-Islami, Beirut. This is a very precious book from both the jurisprudential and the historical points of view.

Conditions were not always stable as the document's author claimed. There was no caliphate and the Muslims and infidels were not in separate realms.

The ulema also wrote about conditions resembling our current ones: They spoke about abrogating a peace agreement signed by the Muslim ruler if they judge that it will hurt the Muslims.

Ibn-Qudamah said about this point: "The conditions for making a truce are divided into two classes. One class is a sound truce. The other is a false truce which for example includes a provision to return the women or their dowries, return the enemies' weapons to them, give them some of the Muslims' weapons and war machines, grant them sums of money that they should not get, grant them a condition that they may abrogate the treaty, or return their boy and men captives. All these are corrupt conditions that should not be fulfilled. Do such conditions nullify the whole truce? The answer has two sides."¹⁵

Al-Ramli, may he rest in peace, said: "A corrupt provision can nullify the whole truce if it calls for refusing to free our captives or abandon any property that the enemies have seized from us."¹⁶

Al-Ghazali, may God have mercy upon him, said in his manual regarding the conditions of a truce: 'The third –meaning, of the conditions- is to be free of a corrupting condition such as the condition of leaving a Muslim between their hands, or the money of a Muslim between their hands.'¹⁷

I discussed the Egyptian-Israeli peace treaty and demonstrated that it was false in many aspects on the basis of the rules of Islamic jurisprudence in my book "Knights Under the Banner of the Prophet." I cited the aforementioned examples to show that early Muslim jurists did not issue fatwas or discuss Islamic jurisprudence only in relation to stable conditions and that, therefore, their books apply to our era contrary to what the document's author claimed. The early ulema did indeed write about times of disturbances, problems, and sedition that resembled what is happening in our era.

Moreover jurists used to assume hypothetical conditions that might arise and subject them to discussion, including dealings with infidel countries and their inhabitants. Many ulema did this, especially the ulema of the Hanafi School. A reader who has read Muhammad Bin-al-Hasan's dissertations and Al-Sarkhasi's interpretations of them, and other books that emulated his dissertations would know all this. There were a lot of similar writings by the ulema of other Islamic schools.

¹⁵ Al-Maghni by Ibn Qudamah, The Book of Jihad, the chapter on the conditions of enacting a truce, pages 465 and 466.

¹⁶ Shams-al-Din Muhammad Ibn Abbas al-Ramli, The Finality of the Needy According to the Religious Permissibility of the Program, The Book of Truce, part 8, page 18, 1404 HA Edition, 1984 AD, Dar Al-Fikr, Beirut.

¹⁷ Ahmad Ibn Yahya al-Wansharisi, 'The Standard Collection of the Fatwas of the Ulema of Africa, Al-Andalus, and the Maghreb,' part 2, page 111, Dar Al-Gharb Al-Islamic, Beirut

The argument that the document's author uses rebounds on him for he uses the early ulema's arguments and applies them to our era, for example his argument that a visa is a covenant of safety. He also cites the arguments of Muhammad Bin-Hasan al-Shibani and Al-Shafi'i, may they rest in peace, about covenants of safety although in their time there were no such things as visas. We will discuss this further, God willing.

Two: The writer repeated more than once that it is not right to give preference to the views of non-specialists regarding our conditions.

This is a method by which he tried to distort the mujahidin's image. I pointed to this fact in my 16th observation on the document's method. I would like at this point to give some details about the mujahidin's efforts to consult the ulema and some contemporary ulema's efforts to speak truth to power and support the mujahidin. I would like to give some more details about the mujahidin's scholarly efforts to demonstrate how much injustice the author did to the mujahidin.

Asking God for assistance, I would like to note the following:

The ulema of this age, who have now departed this world, from whom the mujahidin benefited include:

--Shaykh Ahmad Shakir, may he rest in peace, who issued edicts declaring that governments that ruled outside Shari'ah were apostates. He issued fatwas declaring secular courts to be infidel. In his book "Foundation of Koranic Interpretation" and in his commentary on Al-Tabari's Koranic interpretation, he declared the judges of secular courts to be infidels. In the early 1950s he issued a famous fatwa against the British when the Egyptians were carrying out resistance against them in the Suez Canal region.

In this fatwa he said: "The British have declared a blatant, treacherous war against the Muslims in Egypt, a war of arrogant aggression. They also declared war on the Muslims in Sudan that they disguised as concern for the welfare of Sudan and its inhabitants, ornamented with the promise of self-rule, by which they formerly deceived the Egyptians. We have seen what the British have been doing in the vicinity of the Suez Canal and surrounding areas. They have killed peaceable civilians, acted treacherously against women and children, assaulted security personnel and judges, sparing almost no one big or small. Thus they demonstrated their enmity clearly and openly without any attempt at concealment. As a result, their lives and property have become permitted bounty for the Muslims. Every Muslim in the world should now fight them and kill them wherever they are found, be they civilians or military men. All of them are enemies, all of them are combatants.

"The prophet, may God's prayers and peace be upon him, forbade us to kill women in war on a clear, open foundation, namely, that they are not combatants. In one of his raids, he passed by the body of a woman who had been killed, and declared: This was not a combatant. He then prohibited the killing of women.

"Nowadays, however, their women are enlisted in the army and fight alongside the men. Those who are not soldiers still behave like men and open fire on the Muslims without any compunction. Hence, it is permitted to kill them. Indeed it is an obligation to do so in defense of religion, Muslim lives, and the country. Only weak women who can do nothing should be spared. The same applies to young boys and infirm old men. Those who fight among them should be killed. Those who do not should be spared, except when they are taken captive along with the women. We will later discuss Shari'ah rules pertaining to captives, God willing.

"We stated above that every Muslim in the world should now fight them and kill them wherever they are found, be they civilians or military men. We meant every word. Wherever a Muslim lives, to whatever nation or ethnic group he belongs, he has the same obligation that we have here in Egypt and Sudan. Even British Muslims, if they are truly Muslim, have the same obligation as other Muslims as far as they are able. If they cannot fulfill the obligation, they should emigrate from the enemies' country or from those countries where they are unable to fight the enemy as God commands them to do.

"To use this era's terminology, Islam consists of one nationality only. It abolishes ethnic and national boundaries. God said: 'Verily, this community of yours is a single community' [Koranic verse; Al-Anbiya 21:92]. There are numerous proofs of this fact; it is a definite fact of religion.

"Let every Muslim in Egypt and Sudan, India and Pakistan, and in every country ruled by the British enemies or is under their influence anywhere in the world, of whatever color or race he may be, listen to this and set it as a goal before his eyes. Collaboration with the British in any form constitutes extreme apostasy and open disbelief. No excuse may be made for it nor any attempt at justification.

"I think that every reader now has no doubt now that it is immediately obvious, with no proof needed, that for every Muslim on earth, what applies to the British in this sense also applies to the French. French enmity toward the Muslims and the French people's overwhelming fanaticism that makes them attempt to eradicate Islam and to fight against Islam is much greater than that of the British. Indeed they are insanely fanatical and hostile and they kill our Muslim brothers in every Muslim country where they rule or have any influence. They perpetrate such crimes and atrocities that make the British crimes and brutality pale beside them. They and the British are subject to the same rule: Their blood and property are permitted to the Muslims everywhere. No Muslim in any part of the world is permitted to cooperate with them in any form. Collaboration with them is subject to the same rule as collaboration with the British: apostasy and departure from Islam, regardless of the collaborator's nationality or color.

"Let every Muslim know this: If he stoops to such a vile action, his every act of worship to God will be worthless. God forbids that a true Muslim who believes in God and His messenger should accept this for himself. Faith is a condition for the validity of every act of worship, as is necessarily known in religion. No true Muslim would violate this rule."

God, may He be praised, says: "If anyone rejects faith, fruitless is his work, and in the hereafter he will be in the ranks of those who have lost" [Koranic verse; Al-Ma'idah 5:5].

He says: "Nor will they cease fighting you until they turn you back from your faith if they can. And if any of you turn back from their faith and die in unbelief, their works will bear no fruit in this life and in the hereafter; they will be companions of the fire and will abide therein" [Koranic verse; Al-Baqarah 2:217].

God Almighty says: "O ye who believe, take not the Jews and the Christians for your friends and protectors; they are but friends and protectors to each other. And he amongst you that turns to them for friendship is of them. Verily God guideth not a people unjust. Those in whose hearts is a disease, thou seest how eagerly they run about amongst them, saying: We do fear lest a change of fortune bring us disaster. Ah, perhaps God will give thee victory, or a decision according to His will. Then will they repent of the thoughts which they secretly harbored in their hearts. And those who believe will say: Are these the men who swore their strongest oaths by God, that they were with you? All that they do will be in vain, and they will fall into ruin" [Koranic verses; Al-Ma'idah, 5:51-53].

He says: "Those who turn back as apostates after Guidance was clearly shown to them, the Evil One has instigated them and busied them up with false hopes. This, because they said to those who hate what God has revealed: We will obey you in part of this matter. But God knows their inner secrets. But how will it be when the angels take their souls at death, and smite their faces and their backs? This because they followed that which called forth the Wrath of God, and they hated God's good pleasure, so He made their deeds of no effect. Or do those in whose hearts is a disease, think that God will not bring to light all their rancor? Had We so willed, We could have shown them up to thee, and thou shouldst have known them by their marks, but surely thou wilt know them by the tone of their speech! And God knows all that ye do. And We shall try you until We test those among you who strive their utmost and persevere in patience; and We shall try your reported mettle" and "Those who reject God, hinder men from the Path of God, and resist the messenger, after Guidance has been clearly shown to them, will not injure God in the least, but He will make their deeds of no effect. O ye who believe, obey God, and obey the apostle, and make not vain your deeds! Those who reject God, and hinder men from the Path of God, then die rejecting God, God will not forgive them. Be not weary and faint-hearted, crying for peace, when ye should be uppermost, for God is with you, and will never put you in loss for your good deeds."¹⁸ [Koranic verses; Muhammad 47:25-35].

--Shaykh Mahmud Shakir. He helped his brother with the aforementioned commentary on Al-Tabari's interpretation.

--Shaykh Muhammad Ibn-Ibrahim Al al-Shaykh, former Saudi mufti, may he rest in peace. He issued many fatwas pertaining to adherence to Shari'ah including his famous treatise "Adhering to the Laws" in which he ruled that secular courts were infidel.

¹⁸ The Word of Truth by Shaykh Ahmad Shakir, may God have mercy upon him, pages 126 to 135.

--The martyr--as we hope he is--Abd-al-Qadir Awdah, may he rest in peace, who authored the great encyclopedic treatise "Criminal Law Based on Shari'ah" and "Islam and our Legal Code."

--The martyr--as we hope he is--Sayyid Qutb, may he rest in peace, a symbol of firmness and purity in this era. Generations learned steadfastness by his example.

--Shaykh Muhammad Hamid al-Fiqi, may he rest in peace, who in his commentary on the book of monotheism ruled that anyone who accepts the judgment of secular laws is an infidel.

--Allamah Shaykh Muhammad Khalil Hiras, may he rest in peace. I petitioned him at his home in Tanta around the year 1974. I do not remember the exact date. He ruled that the Egyptian regime was apostate and should be overthrown by anyone able to do so. I discussed with him other issues including Shari'ah judgment on fighting the Jews in the Egyptian army for those who are coerced to do so. I presented him with the clues I had found in the writings of Imam al-Shafi'I, Shaykh al-Islam Ibn-Taymiyyah, and Shaykh Muhammad Abd-al-Wahhab, may they rest in peace. He endorsed my findings and expressed pleasure that young men like myself were able to find these clues and read those references.

--Shaykh Abd-al-Razzaq Afifi, may he rest in peace, member of the Saudi Committee of Senior Ulema. I spoke to a reliable person who had petitioned him for an opinion about Husni Mubarak's regime. The shaykh ruled that Mubarak was more of an infidel than the pharaoh. He told him the following: It is not merely an obligation to rebel against him but indeed anyone who does not call for rebelling against him is a sinner.

--Shaykh Salah Abu-Isma'il, may he rest in peace. He gave a momentous testimony in court during the Al-Jihad Organization trial. He said that when Al-Sadat declared that there should be no religion in politics and no politics in religion, he revealed that he was no longer a Muslim. Abu-Isma'il recounted his unsuccessful efforts through his membership in the People's Assembly to have Shari'ah implemented but he finally despaired. He recorded his momentous testimony in his book "Testimony."

--Shaykh Abdallah Azzam, a martyr--as we hope--may he rest in peace. He was the generation's mentor in action and knowledge. He declared that governments ruling in accordance with man-made laws were apostate. On this issue he wrote a treatise called "The Creed and its Influence on Building a New Generation." He left a great legacy of religious knowledge and the advocacy of the faith. His disciples collected this legacy in four large volumes full of incitement to conduct jihad against the Americans, the Jews, and the occupiers of Muslim lands.

Here I will cite a collection of his great sayings, may he rest in peace, inciting the nation to jihad and sacrifice. He said: "In my view nothing relieves a Muslim from the responsibility of abandoning jihad and turning away from fighting in the cause of God, whether he is advocating the faith, writing books, or educating others. I maintain that this applies to every Muslim on earth. Every Muslim who abandons the rifle will carry the weight of sin for that. Anyone who goes to his Maker without the rifle in his hand will

meet God as a sinner because he abandoned combat. Fighting today is the individual obligation of every Muslim on earth."¹⁹

May he rest in peace, he also said: "We should be aware of this Shari'ah rule. He who befriends the Americans is an infidel, who befriends the Jew is a Jew, and who befriends the Christian is a Christian." "And he amongst you that turns to them for friendship is of them" [Koranic verse; Al-Ma'idah 5:51]. "O ye who believe, if any from among you turns back from his Faith, soon will God produce a people whom He will love as they will love Him" [Koranic verse; Al-Ma'idah 5:54]. This means that befriending Jews and Christians is an apostasy that expels one from faith and distances him from this religion.²⁰

He said: "They used to tell Sayyid²¹: Oh Sayyid, why do you not submit a petition for mercy? He answered: The index finger that bears witness to God's Oneness during prayers refuses to write a single letter endorsing a tyrant's rule. Why should I submit a petition? If I have been convicted justly, I accept the judgment but if I have been convicted unjustly, I am bigger than to ask the false one for mercy.

"The masses are influenced by such examples. They follow them and emulate them. But why would you emulate someone whose nature you do not know? He constantly changes skin and supports this ruler, prince, or official. Why would the people imitate him? Even if he possesses the knowledge of the ancients and the contemporaries, how could the people emulate such a man?

"I ask you in the name of God, who among you heard Karim al-Anaduli's summation in court? Did you hear it? That brief summation can have an impact that will last for centuries, more so than the writings of Al-Azhar shaykhs for 10 centuries. Whenever I hear it, I am greatly moved. A young man stands and faces the court. It is not a case of the Military Technical College or the case of Salih Sariyah or Karim al-Anaduli but the case of Islam, which is being slaughtered in Egypt. It is the case of Ahmad Ibn-Hanbal and Al-Izz Ibn-Abd-al-Salam, Hasan al-Banna, and Sayyid Qutb, etc.

"I never heard a more powerful summation from a young man, a young man!. Karim al-Anaduli was killed but his words continue to echo in our ears. I was much more affected by what Karim al-Anaduli said than by all that Al-Azhar shaykhs have said, even though I am one of Al-Azhar's shaykhs. Whose words have had more impact, the words of Khalid al-Islambuli [Al-Sadat's assassin] or the words of all the world's shaykhs? Khalid had a greater impact because Islam will not triumph except by these specimens. Islam, my brothers will not triumph except by sacrifices. It will not triumph through philosophical talk, roundabout talk, deception, misleading statements, and pretentious claims like "I fooled the security services."²²

May he rest in peace, he said: "This religion was sent as a general message to all humanity. It declared that its scope of action is the human being, each human being, on earth. Hence, jihad is a necessary adjunct that adheres to it whenever we wish to carry

¹⁹ The martyr Abdullah Azzam, 'In Life and Martyrdom,' page 18.

²⁰ 'On Jihadist Upbringing and Foundations,' Third Hardcover, page 29.

²¹ Referring to the martyr, whom we consider as such, Sayyid Qutb, may God have mercy upon him.

²² In the shadow of the [Koranic] Verse of Al-Tawbah, page 18 to 20.

this message to the people or spread it in the world because major obstacles based on Jahiliyah [originally pre-Islamic Age of Ignorance, but here it is a non-Islamic worldview] will stand in Islam's way.

"Huge political, social, economic, ethnic, and geographical obstacles will stand in its way. No religion that was revealed to save humanity can stay with its hands tied, preaching only by word of mouth, leaving weapons only to Jahiliyah, because Jahiliyah itself will act to defend its existence and uproot Islam." "Fain would they extinguish God's light with their mouths" [Koranic verse; Al-Tawbah 9:32].

"Whether Jahiliyah acts or not, Islam should act on its own, under its own drive, which is necessary for the law of checks and counterchecks." "And did not God check one set of people by means of another, the earth would indeed be full of mischief, but God is full of bounty to all the worlds" [Koranic verse; Al-Baqarah 2:251].

"It is the law of check and countercheck that maintains a good life. Otherwise life will stagnate and rot and corruption will appear between the land and the sea as a result of the people's deeds." "The unbelievers are protectors one of another: Unless ye protect each other, there will be tumult and oppression on earth, and great mischief" [Koranic verse; Al-Anfal 8:73].

"This means that if there is no mutual allegiance among all groups of believers, combined with jihad and migration in the cause of God, the worship of idols will spread throughout the earth."²³

Speaking about Marwan Hadid and Ibrahim al-Yusuf, he said: "Advocacy does not triumph except by such specimens and cannot survive except by passing the test of ordeals. These specimens go through the fire of ordeal and become the solid foundation by which this religion triumphs. They become the pivotal points in guiding major nations."²⁴

May he rest in peace, he said: "This religion came through the sword, rose by the sword, will persist by the sword, and will be lost if the sword is lost. This religion is a religion of prestige, awe, strength, and dignity. Weakness about religion is a crime whose perpetrator deserves hellfire." "When angels take the souls of those who die in sin against their souls, they say: In what plight were ye? They reply: Weak and oppressed were we in the earth. They say: Was not God's earth spacious enough for you to move yourselves away from evil? Such men will find their abode in hell. What an evil refuge it is"²⁵ [Koranic verse; Al-Nisa 4:97].

He also said: "The popular jihadist movement, with its long way, bitter hardships, huge sacrifices, and tremendous burdens, purifies the soul. The soul then rises above life's minor disagreements and desires. Grudges evaporate, the souls are refined, and the

²³ Lessons and Discernment for Jihad in Modern Times, pages 6 and 7.

²⁴ 'Fee Zilal Surat al-Tawbah' page: 21 to 25

²⁵ 'Zikryat Falastine' page:17

convoy proceeds from the lowlands to the loftiest peaks far from the odorous mud and the strife over personal goals. Along the way of jihad, leaders emerge, competent persons able to contribute and make sacrifices come forward, and courageous, devoted men appear.

"[First three Muslim caliphs] Abu-Bakr, Umar, and Uthman, may their souls find favor with God, became prominent only through their majestic deeds and generous sacrifices. Abu-Bakr did not need an election campaign when the community unanimously chose him as the prophet's caliph after the messenger of God's soul departed to its Maker in heaven. The nation looked around it and found no better man than Abu-Bakr, may his soul find favor with God. A nation that carries out jihad and makes dear sacrifices will reap a bountiful fruit. It is not easy for such a nation to easily abandon what it gained by sweat and blood. Those who seize power and then lie heavily on the people's hearts through Communiqué Number One of a military coup that is planned behind the scenes at foreign embassies will find it easy to abandon everything.

"He who takes the land without war
"Will find it easy to abandon it later on.' [end of poetry]

"A jihadist nation that is led by exceptional men who emerge during the long jihadist process will not abandon its leaders or scheme to overthrow them. It is not easy for its enemies to make this nation doubt the struggle of its heroes. The long jihadist movement makes all members of the nation feel that they all have paid the price and made sacrifices to establish an Islamic society. Hence they remain loyal defenders of the new society, which the nation suffered hardship to produce. Islamic society needs rebirth and this needs hard, painful labor."²⁶

May he rest in peace, Shaykh Azzam used to urge young men not to surrender to the security forces but to resist them even if they get martyred in the process.

He used to say: "He who is killed defending his property is a martyr, he who is killed defending his life is a martyr, he who is killed defending his religion is a martyr, and he who is killed defending his kinfolk is a martyr."

He was quoting the prophet in this Hadith, which was transmitted by Abu-Dawud, Al-Tarmadhi, Al-Nisa'i, and Ahmad citing Sa'id Bin-Zayd.

In Islamic jurisprudence this is called repulsing the marauder who uses force to assault people's honor, lives, and property. The heads of the four schools of Islam are of the unanimous opinion that a marauder who assaults people's honor should be repulsed. The majority of ulema believes that he who assaults lives or property should be repulsed, which is the same view of Al-Maliki's and Al-Shafi'i's Schools of Islam. This should be done even if the marauder kills the Muslim defender as a result. Al-Jassas said: "We know no one who disagrees with the view that if a man draws his sword to kill another

²⁶ 'Al-Zakha'ir Al-Izam' Chapter 1 page 179 to 194, I copied it from 'The Call for a Global Islamic Resistance' page: 1591 to 1592.

without rightful cause, the other Muslim should kill him." Ibn-Taymiyyah said: "After the initial obligation to believe, there is no greater duty than to repulse a marauding enemy."

Ignorance of this Shari'ah rule has cost the Muslims many victims. A police informant used to come and take a man's wife away in the middle of the night but the man would not kill him out of fear of shedding another Muslim's blood.²⁷

May he rest in peace, he used to say: "Someone might ask: Are we permitted to kill a policeman who prays and fasts simply because he has come to take me to the police station? The unanimous opinion of Muslim jurists is that no one may surrender to another person who has come to violate his honor. Under [former Egyptian President] Abd-al-Nasir the authorities used to come and throw a Muslim brother in jail for 20 years. They used to bring the man's wife and violate her honor in front of him. In this case, the unanimous jurist view is that he should not surrender until death."

"The Muslim jurists' unanimous view is that repulsing the marauder who assaults honor is an obligation. If the police storm your house at night, with your wife in her sleeping clothes, raise the cover to see if you are there sleeping next to her, then your honor has been violated and thus you become a sinner in the eyes of God. The fact that the policeman prays and fasts should not preclude killing him."²⁸

May he rest in peace, he used to call on the Muslims, particularly the ulema, to speak truth to tyrannical, unjust power even if the speaker who wants to defend virtue and prohibit vice is martyred as a result.

He used to say: "A believer conducts jihad with his sword and mouth." He was quoting a prophet's Hadith transmitted by Ahmad and Al-Tabarani citing Ka'b Bin-Malik.

Jihad by word of mouth is when the ulema rule that jihad should be carried out even when it is against the sultan's wishes. It is hard to issue such a fatwa because it might cost the scholar his job, freedom, or life. For this reason only sincere, knowledgeable, and active ulema should be petitioned on matters of jihad.

In his collection of major fatwas, Ibn-Taymiyyah said: "In matters of jihad one should rely on the opinion of those who have a sound knowledge of religion and also experience of the world. Those ulema who do not delve deep into matters of religion and examine only the surface and those who have no experience of the world should not be consulted."

Someone who issues fatwas on matters of jihad should be able to make sincere deductions and be knowledgeable about the nature of the battle and the combatants²⁹.

May he rest in peace, Shaykh Azzam said: "The prophet, may God's prayers and peace be upon him, said: The master of martyrs is Hamzah Bin-Abd-al-Muttalib or someone who

²⁷ 'Ithaf Al-Ibad Bi Fadail Al-Jihad' page:8

²⁸ 'Fee Al-Jihad Fiqh Wa Ijtihad' page:175 and 176

²⁹ 'Ithaf Al-Ibad Bi Fadail Al-Jihad' page 48

stood up to an unjust ruler and rebuked him and the ruler had him killed." This Hadith was transmitted by Al-Tarmadhi.

He remarked: "This shows the momentous status of promoting virtue and prohibiting vice in Islam. It is an obligation to denounce sin and injustice in society even in the face of a Muslim ruler who is unjust or corrupt. If the ruler is a non-believer, one may not be silent at all about him. He should not continue to be ruler. It is an obligation to the entire nation to rise against him."³⁰

He also said: "Oh Muslims: Jihad is your life and pride. Your existence is fatefully linked to jihad. Preachers, you have no worth under the sun unless you carry your weapons and exterminate the tyrants, infidels, and unjust rulers.

"Those who imagine that God's religion can triumph without jihad, combat, blood, and torn limbs are deluding themselves and do not understand the nature of this religion."³¹

Such a man was Shaykh Abdallah Azzam, the mentor of the age, the mujahid allamah and martyr--as we pray to God to accept him. The document's author said the following about him in his book the Compilation.

"I have seen Islamic groups that refused to let Shari'ah be the arbiter in settling their disputes although they advocate Shari'ah rule and declare that their groups were only established to fight those who govern by laws other than Shari'ah. Yet when they are invited to abide by God's judgment, they turn away. They deserve to be fought more than their rulers. God said: 'When it is said to them: Come to what God hath revealed, and to the Messenger, Thou seest the hypocrites avert their faces from thee in disgust' [Koranic verse; the Women 4:61]. God so willed it that I was an arbiter among parties one of whom was a famous preacher. When the rightful judgment was made, he evaded it and refused to fulfill his obligation. I said: God will not grant us our wish of having an Islamic government until we accept God's judgment among us. God said: 'Verily never will God change the condition of a people until they change it themselves' [Koranic verse; Al-Ra'd 13:11]."³²

Nevertheless it is only fair to state that this was not his original opinion of Shaykh Abdallah Azzam. He authored his message "Comment on a Commentary" to defend Shaykh Abdallah Azzam's book "Defending Muslim Lands Is the Greatest Obligation of the Notables." He defended the book after Shaykh Safar al-Hawali criticized it. Time then passed and new events occurred. The whole incident is described in some detail in section 17.

--Shaykh Abu-Yusuf al-Muritani, the martyr of Kandahar, may he rest in peace. He studied under Mauritania's ulema and then under the scholars of the Arabian Peninsula. He then emigrated to Afghanistan and worked as a teacher at Kandahar's Arabic

³⁰ 'Ithaf Al-Ibad Bi Fadail Al-Jihad' page 6

³¹ 'Al-Shahid Azam Bayn Al-Milad Wa Al-Istishad' page: 15

³² 'Al-Jami Fi Talab Al-Ilm Al-Sharif', Chapter 2, page 1022 and 1023

Language Institute. The shaykh had a good command of Arabic subjects. I began to study under him by reading first Shaykh Al-Shanqiti's Foundations of Jurisprudence. Unsettled conditions, however, did not give me the chance to continue. This shaykh was modest, tolerant, of good manners, and had a sense of humor. He was martyred during the crusader shelling of Kandahar. We pray to God to gather us to him in paradise.

--Shaykh Humud al-Uqala al-Shu'aybi, may he rest in peace. He was one of this age's major advocates of the faith who spoke truth to power. Our brother Shaykh Abu-Qatadah, may God deliver him from captivity, described him as this era's revolutionary. He had a great legacy of backing jihad and the mujahidin and inciting jihad against both the Americans and Russians. He supported the Taliban government before and after the US invasion. Among the books he authored was The Choice Opinion on Seeking the Assistance of Infidels. This was printed with an introduction by Shaykh Usama bin Ladin, may God preserve him. The shaykh commented on the Gulf governments' position in asking for US assistance, thus allowing foreign armies to enter the Arabian Peninsula. The book illustrates the foreigners' threat to the region and their goal of seizing the Muslim lands.

He left a body of work on jurisprudence that contained courageous, daring fatwas including a fatwa on the September 11 incidents in the United States, which read: "Before we answer the question, we need to keep in mind that any decisions made by the infidel United States, particularly fateful war decisions, are made only after surveying public opinion or after a vote by the representatives in their infidel assemblies. These assemblies represent the people's opinion through their parliamentary representatives. Therefore, any American who voted for the war is a combatant or at least a helper and supporter."

After listing the Koranic proof enjoining enmity toward the infidels, he, may he rest in peace, continued: "After proving this point, learn that the United States is an infidel country that is inimical to Islam and the Muslim people. It has reached the pinnacle of arrogance by waging attacks on numerous Islamic populations in Sudan, Iraq, Afghanistan, Palestine, Libya, and elsewhere. The United States cooperated with the forces of non-belief in Britain, Russia, and others in attacking the Muslims and trying to destroy them. The United States also dispersed the Palestinians and settled the brothers of apes and pigs in their place in Palestine. It has supported the criminal Jewish state with money, weapons, and expertise. How could America perpetrate these actions and not be viewed as the Islamic nations' enemy that fights against them?"

Unfortunately I have heard many of our brother ulema who gave priority to mercy and sympathy and forgot or pretended to forget the killing, destruction, and corruption that this infidel country has carried out in many Islamic countries without mercy. I find that I need to respond to various ambiguities on which some of our brother ulema rely to justify their positions.

Among the things I have heard is that we have covenants and charters with the United States that we must fulfill. My answer is the following:

First, ambiguity: The speaker took a risk by accusing the Muslims of the incidents. It has not been legally proven that the Muslims were behind the incidents or that they participated in them and thus broke their covenant. If it is not proven that we carried out the bombing or participated in it, how did we break the covenant? Our declaration of enmity to those infidels, hating them, and disavowing them has no connection with breaking covenants and charters. It is merely an action that God enjoined us to do according to the text of his holy book.

Second: If we accept that there are covenants and charters between the Muslims and the American state, why did America not adhere to these covenants and charters and stop its assaults and hurtful acts against the Muslim populations? It is known that covenants and charters bind the contractors to fulfill the covenant. If they do not fulfill its provisions, the covenant is rendered null and void. God, the Blessed and Exalted, said: "But if they violate their oaths after their covenant, and taunt you for your faith, fight ye the chiefs of unfaith, for their oaths are nothing to them, that thus they may be restrained" [Koranic verse; Al-Tawbah 9:12].

The second ambiguity: They say that among the dead were innocent people who had done nothing wrong. The answer to this ambiguity is this:

First: Al-Sa'b Bin-Jathamah, may his soul find favor with God, recounted that the prophet was asked what rule pertained to the worshipers of idols who are attacked at night and then find that their women and children had been killed. He replied: "They are of them."

This Hadith shows that women and young boys, that is, those who may not be killed separately, may be killed if they are mixed with others and it is not possible to distinguish between one and the other. The Muslims were asking about night raids, when it is not possible to distinguish one person from another. The prophet permitted this because an act that follows another as a consequence is permitted even if it is not permitted separately.

Second: Muslim commanders used catapults in their wars with the infidels. It is known that a catapult cannot differentiate among those whom it hits. It might hit those so-called innocent people. Yet the Muslim custom in their wars was to use catapults. They used them against Al-Ta'if's inhabitants.

Ibn-Qudamah, may he rest in peace, said: Using catapults is permitted because the prophet, may God's prayers and peace be upon him, used catapults against Al-Ta'if's inhabitants and Amru Bin-al-As used catapults against the people of Alexandria. Ibn-Qasim says in his commentary: It is permitted to use catapults against the infidels even if young boys, women, old people, and monks are killed along with the others because it is permitted to attack them collectively. Ibn-Rushud, may he rest in peace, said: Collective attacks against all types of idolaters are permitted.

Third: Muslim jurists permitted killing Muslims used as human shields by the enemy after they fall captive into the infidels' hands. If the infidels use Muslim captives to

protect themselves from the Muslims' arrows, they may be killed although they are faultless. Ibn-Taymiyyah, may he rest in peace, said: The ulema have agreed that if the infidel army uses captive Muslims as human shields and there is fear for the Muslims' lives if they do not fight, they should attack even if this leads to killing the human shields. Ibn-Qasim, may he rest in peace, said: If they use a Muslim as a human shield, it is not permitted to fire arrows at them unless we fear for the Muslim army's safety.

This is a question that we address to the brothers who use the term "terrorism" to describe what happened in America. I would like an answer to it. This is the question:

When the United States fired missiles on the medicine factory in Sudan, destroying it over the heads of the employees and workers who were inside, what do you call this? What America did against the Sudanese factory, does it not constitute terrorism but what those men did against the American buildings is terrorism? Why did they condemn what happened in America but we heard no one condemn what America did to the Sudanese factory?

I see no difference between the two operations except that the money used to build the factory was Muslim money and the workers who died in the factory's rubble were Muslims while the money that was spent on the buildings that those hijackers destroyed was infidel money and the people who died in the explosion were infidels. Was this the difference that made some of our brothers call what happened in America terrorism? They did not condemn what happened in Sudan and do not call it terrorism. What about starving the Libyan people? What about the almost daily starving of the Iraqi people and the attacks on them? What about the sieges and attacks on the Muslim state of Afghanistan? What do you call all this? Is it or is it not terrorism?

What do you mean by innocent people? They come in three classes:

First class: They might be those who do not fight alongside the countries they live in and do not help them with their persons, wealth, counsel, or other types of assistance. These may not be killed but on condition that they hold themselves separately from the others. If they are not separated from the others, it is permitted to kill them including old people, women, young boys, sick persons, incapacitated persons, and unworldly monks. Ibn-Qudamah said: Women and children may be killed during a night raid on condition that they are not killed intentionally and separately. It is permitted to kill their riding animals and livestock if this helps the Muslims to kill them. There is no disagreement on this point. He added: It is permitted to carry out a night raid on the enemy. Ibn-Hanbal said night raids were permitted especially against the Byzantines. We will not discourage anyone from carrying out night raids.

Second class: Some do not go forth in their own persons to fight alongside their belligerent countries but they assist them with money or counsel. These are not called innocent persons because they support the troops. Ibn-Abd-al-Birr, may he rest in peace, said: The ulema never disagreed that the Muslims are permitted to kill women and children if they fight and also young boys able to fight and who do so. Ibn-Qudamah

reported a consensus among the ulema that it is permitted to kill women, young boys, and the old and infirm if they help their people in battle. Ibn-Abd-al-Birr said: They all recounted that the prophet killed Durayd Bin-al-Sammah in the Battle of Hunayn because he gave clever counsel to his people in war. All ulema agree that an old man of this type should be killed in war. Al-Nawawi, citing the book "Consensus on Matters of Jihad," said that old men among the infidels should be killed if they are men of counsel. Ibn-Qasim, may he rest in peace, wrote in his commentary: The unanimous opinion is that those who support the troops should be killed. Ibn-Taymiyyah cited this unanimous opinion. He also said that those who give any kind of aid to the sect that refuses to accept Islam should suffer the same fate.

Third class: If they are Muslims, they may not be killed if they stand apart from the rest. However, if they mix with others and one cannot avoid killing them along with the others, then it is permitted to kill them. This is obvious in the case of Muslim captives used as human shields.

When some people express regret at what happened to the innocent persons without knowing who they are, this kind of thinking is the result of being influenced by Western turns of expression and the Western media. Even Muslims who you would not have thought would ever talk that way have begun to use other cultures' terms and phrases which violate Shari'ah.

Keep in mind that we have the right to do to the infidels what they have done to us. This is both an answer and an explanation to those who have used the term "innocent persons." God himself, may He be praised, has permitted us to do this. The following proves what God's command is: "And if ye punish them, punish them no worse than they punished you" [Koranic verse; Al-Nahl, 16:126]. "And those who, when an oppressive wrong is inflicted on them, are not cowed but defend themselves. The recompense for an injury is an injury equal thereto in degree" [Koranic verse; Al-Ahzab, 42:39,40].

Ibn-Taymiyyah said: They have the right to mutilate their enemies' bodies to avenge similar mutilation done to the Muslims. They can, if they want, abandon this custom and endure especially when mutilation is not a necessary part of their jihad and not carried out in vengeance for similar mutilation. If, however, mutilation is used to call the enemies to the Muslim faith or deter them from further aggression, it comes under the heading of meting out Shari'ah punishment and legitimate jihad. Ibn-Miflih cited this opinion by Ibn-Taymiyyah.

Those who claim that killing innocent persons is absolutely forbidden are in a position of accusing the prophet, may God's peace and prayers be upon him, his companions, and the generation following them that they were killers of innocent persons, as they see it. The prophet used catapults in his war on Al-Ta'if and you know that catapults cannot distinguish between the innocent and guilty. The prophet killed all the males of the Jewish Banu-Qurayzah tribe and made no distinction between one person and another. Ibn-Hazm commented thus: On the Banu-Qurayzah day I was with the prophet when he killed every male among them. He left none of them, no merchants, tillers, or old men.

Ibn-al-Qayyim, may he rest in peace, narrated: The prophet, may God's prayers and peace be upon him, if he made a truce or a peace agreement with a tribe or a community and some of them endorsed it while others violated it, he invaded everyone and considered them all violators just as he did with Banu-Qurayzah, Banu-al-Nadir, and Banu-Qunayqa and just as he did with the people of Mecca. That was his policy with those who abrogated or violated the peace.

He added: Ibn-Taymiyyah ruled that the Christians of the east should be invaded after they helped the Muslims' enemies to fight the Muslims and supplied them with money and weapons although they had not actually fought against the Muslims. They were considered violators of the covenant just as Quraysh abrogated the prophet's peace covenant by helping Banu-Bakr Bin-Wa'il to fight the prophet's allies.

In conclusion: We know that the infidel West, particularly the United States, will exploit incidents and use them to inflict fresh injustice on the Muslims in Afghanistan, Palestine, and Chechnya and elsewhere no matter who the perpetrator of the incidents was. It will attempt to eliminate jihad and the mujahidin completely. It will not succeed. The United States will fight the mujahidin under the guise of fighting terrorism. It will fight our Muslim brothers in the Taliban Muslim state in Afghanistan, the state that protected and gave shelter to the mujahidin and went to their aid when others abandoned them. It will not submit to the infidel West.

Hence we should go to the aid of this mujahidin state with all our resources. God said: "The Believers, men and women, are protectors one of another" [Koranic verse; Al-Tawbah, 9:71]. The Almighty also said: "Help ye one another in righteousness and piety" [Koranic verse; Al-Ma'idah, 5:2]. We should help them with our persons, money, and good counsel. We should use the media to assist them and defend their honor and reputation. We should pray for their victory and steadfastness.

Just as I said that the Muslim peoples should go to the aid of the Taliban state, the Islamic countries especially neighboring ones should go to the aid of the Taliban state and assist it against the infidel West.

Let them know that abandoning this Muslim state, which is fighting to defend its religion and the mujahidin, and instead of helping it helping the infidels against it is a form of allegiance to the infidels and abandonment of the Muslims: "O ye who believe, take not the Jews and the Christians for your friends and protectors. They are but friends and protectors to each other and he amongst you that turns to them for friendship is of them" [Koranic verses, Al-Ma'idah 5:51]. The Almighty said: "O ye who believe, take not my enemies and yours as friends or protectors, offering them your love." God said: "There is for you an excellent example to follow in Abraham and those with him, when they said to their people: We are clear of you and of whatever ye worship besides God. We have rejected you, and there has arisen between us and you enmity and hatred for ever unless ye believe in God and Him alone" [Koranic verses; Al-Mumtahinah 60:1 and 60:4]. The Almighty said: "Thou wilt not find any people who believe in God and the Last Day, loving those who resist God and His messenger, even though they were their fathers or their sons, or their brothers, or their kindred" [Koranic verse; Al-Mujadilah 58:22]. May

He be praised, God said: "Lo, Abraham said to his father Azar: Takest thou idols for gods? For I see thee and thy people in manifest error" [Koranic verse; Al-Baqarah 6:74].

--The martyr Shaykh Abdallah al-Rushud, may he rest in peace. He fought against Al Sa'ud's government and then he emigrated to carry out jihad in Iraq, where he was martyred. He made continuous contributions to jihad with his hand, pen, and word of mouth, may he rest in peace. Among his blessed legacy is a series of articles published by Sawt al-Jihad magazine under the title "The Tartars and Al Sa'ud" in which he commented on the fatwas of Shaykh al-Islam Ibn-Taymiyyah showing the similarity between the conditions on which Shaykh al-Islam issued fatwas and the current conditions of Al Sa'ud. It is a valuable series of articles that I advise my readers to seek out and read.

He made the following comment on Shaykh al-Islam's declaration that "combat is an obligation until all religion is God's alone and there is no more conflict in the land. Whenever religion is not that of God, fighting is obligatory."

"This is a manifest response to the theoreticians of defeat in our era like some false advocates of the faith and others who declare that fighting in the cause of God until there is no more conflict in the land and all religion is God's alone is in itself a cause of conflict and those who advocate fighting are advocates of conflict. Those theoreticians have gone so far on their misguided path that they contradicted God's precise words with nonsensical arguments coming from their whimsical and defeatist minds. With regrettable arrogance they say: Do not fight or carry out jihad against the enemies of religion in this era to avert sedition and to preserve the gains we have made in our advocacy of the faith and national unity. I swear by God that these groups of people are the most evil in our nation and they pose the biggest threat to its current conditions and future. Awf Bin-Malik narrated the following Hadith: "The messenger of God said: My nation will be divided into 70-odd groups, of which the most dangerous will be one consisting of men who judge matters according to their whims, forbidding what is permitted and permitting what is forbidden." This Hadith was narrated by Al-Tabarani and Al-Bazzar. Al-Haythami confirmed its authenticity.

These men give preference to the benefits that occur to their barren minds and invent justifications to put it above the precise rules of scriptures. Their misleading explanations have affected others who do not consult the precise texts of the scriptures, nor even ambiguous texts, and believe people with whimsical interpretations, thus threatening a calamitous conflict, may God save the nation from their evil sedition.

The response to such theorists is the following: The nation's greatest gain of all is the assertion of God's Oneness in its comprehensive sense even if this clashes with the interests of evil rulers and misguided imams. Ma'adh Bin-Jabal narrated the following Hadith: I heard the messenger of God saying: "The wheel of Islam will turn. Stick to the book, for when the book and the rulers are separated, you should stick to the book. The time will come when your rulers will serve their own interests, not yours. If you disobey them, they will kill you and if you obey them, they will mislead you."

His listeners asked: "Oh messenger of God, what shall we do?"

He said: "Do as the followers of Isa Ibn-Maryam [Jesus] did. They were tortured and killed. Dying for the sake of obeying God is better than a life in which you disobey Him." This Hadith was narrated by Al-Tabarani.

True interest lies in seeking God's pleasure no matter what the cost is, for it is all God's will and wisdom. "Be sure that we shall test you with something of fear and hunger, some loss in goods or lives or the fruits of your toil, but give glad tidings to those who patiently persevere" [Koranic verse; Al-Baqarah 2:155].

Attempting to preserve worldly interests in the defeatists' view, at the expense of God's laws, is not a reputable or legitimate interest but a great disobedience that portends a momentous penalty. Think of God's words blaming his pious troops after the Badr Battle when they pardoned 70 infidel leaders in exchange for a worldly offer that would benefit them. That offer would be an addition to their resources in future preparations for jihad, as Abu-Bakr, may his soul reside in God's pleasure, advised the prophet. Following this God revealed momentous verses of blame disparaging the offer, which the best man after the prophets, Abu-Bakr, thought would be to the Muslim people's advantage. God said: "It is not fitting for an apostle that he should have prisoners of war until he hath thoroughly subdued the land. Ye look for the temporal goods of this world, but God looketh to the hereafter, and God is Exalted in might, Wise" [Koranic verse; Al-Anfal; 8:67].

This blame caused the prophet and Abu-Bakr to weep although previously there had been no scriptural injunction regarding prisoners of war so that they would be in violation of it. It was merely a benefit that they received in a certain circumstance regarding which no scriptural text existed until then. Yet God blamed them so effectively. What would be the judgment on those who refrain from preparation and jihad to begin with, who devote much of their effort to justify alleged national interests that are not connected, even by their own reckoning, with what the Koran and Sunnah dictate? Additionally such a course of action blatantly violates the rules of religion and the texts of the Koran and Sunnah, which the prophet's companions established as their law.

The will to establish God's rule, as God commanded it, is an honorable will that can never grow in minds where defeatism, low self-esteem, and humiliation have grown. For this reason God nurtures His prophets and their followers to be willing to shoulder the consequences of this great ambition and to combine with their belief in God's Oneness, fear of Him, hope, endurance, and reliance on Him. "It is the practice of those who preach the messages of God, and fear Him, and fear none but God. God is sufficient to call men to account." "Men said to them: A great army is gathering against you, and they frightened them but it only increased their faith. They said: For us God sufficeth, and He is the best disposer of affairs. And they returned with grace and bounty from God. No harm ever touched them, for they followed the good pleasure of God. And God is the Lord of bounties unbounded. It is only the Evil One that suggests to you the fear of his votaries. Be ye not afraid of them, but fear Me, if ye have faith." God also said: "Is not God enough for his servant? But they try to frighten thee with other gods besides Him! For those whom God leaves to stray, there can be no guide" [Koranic verses; Al-Ahzab 33, 39; Al-Imran 3:173-175; Al-Ahzab 39:36].

These are men with proud spirits who do not accept compromise and do not agree to divide religion or mix the good with the bad. They cannot enjoy life while religion is being chipped away at the edges, even at its heart. Abu-Bakr, may his soul find favor with God, bore in his heart this pure sense. When some tribes abandoned Islam [allusion to Wars of Apostasy], he exclaimed: "What, will this religion become less while I live?"

God is great. Let their followers follow their methods. How could they enjoy life while religion is being infiltrated and constantly under assault? Do we not fear that God will send retribution on us if we do not hasten to the aid of His religion, thus causing us to lose both this world and the hereafter? Did not God frighten his own prophet, His beloved friend, of the consequences of appeasing the unjust even a little? How can we be safe from the retribution that will not spare even the prophet, may Gods' prayers and peace be upon him, if he befriends the infidels even a little? And far be it from the prophet to do something like this. "And had We not given thee strength, thou wouldst nearly have inclined to them a little" [Koranic verse; Al-Isra 17:74].

What would happen if we, the sinners and abandoners, acted hypocritically against God and inclined ourselves to the apostates of the age and the homeland's tyrants in the name of preserving worldly national unity and the alleged gains of the advocacy of the age?³³

Shaykh Abdallah al-Rushud also said: "A solution to the nation's problems should not be drawn from men's views and perspectives. The Koran and the prophet's Sunnah are enough to guide us against every misguidance and provide proof to end our puzzlement. The nation's current weakness comes in two forms: religious and material. The solution to religious weakness is an advocacy that ensures undiminished faith in God's Oneness, which includes renunciation of evil and idols, and buttresses it with the detailed knowledge that the ulema can provide. The solution to material weakness is jihad in the cause of God for it will bring the nation many obvious and hidden benefits that only God knows, even if pessimistic persons who lack resolve do not like this option. "Fighting is prescribed for you, and ye dislike it. But it is possible that ye dislike a thing which is good for you, and that ye love a thing which is bad for you. But God knoweth, and ye know not" [Koranic verse; Al-Baqarah 2:216].

On this issue Shaykh al-Islam Ibn-Taymiyyah says: "Religion's foundations are a book that guides and a sword that brings victory and God is a sufficient guide and bringer of victory."³⁴

Al-Rushud also said: "Jihad and making preparations for it are two obvious and legitimate actions. This is made clear by Shari'ah in a way that refutes the stubborn ideas of those who follow the people of Israel's misguided course of prevarication, alteration, and evasion of obligations the rules of which have been made manifest. This was anticipated by the prophet's Hadith: You meticulously follow the example of those who came before you so that if they even enter a snake's lair, you will do the same. His listeners asked: The Jews and Christians? He replied: Who else? The verses talking about jihad are distinguished from other verses by their extreme precision in a way that leaves no room for ambiguous interpretations. They are clear and manifest. God said: 'Those

³³ 'Saut Al-Jihad' the eleventh issue, Muharram 1425 page: 25 and 26.

³⁴ 'Majalat Saut Al-Jihad' the third issue, Ramadan 1424 page: 13

who believe say: Why is not a sura sent down for us? But when a sura of basic or categorical meaning is revealed, and fighting is mentioned therein, thou wilt see those in whose hearts is a disease looking at thee with a look of one in swoon at the approach of death' [Koranic verse, Muhammad 47:20]. In the same way God said 'O ye who believe, fasting is prescribed to you as it was prescribed to those before you,' He also said 'Fighting is prescribed to you, and ye dislike it' [Koranic verse; Al-Baqarah 2:216 and 183].

"Indeed the verses that prescribe fighting are twisted and altered by those who refrain from fighting to a much greater degree than the verses prescribing prayers, forbidding sexual contact in the daytime in Ramadan, and consuming wine. Shaykh al-Islam stated that 'faith is confined to the believing mujahidin.' God Almighty told us that they are the sincere ones: 'Only those are believers who have believed in God and His messenger, and have never since doubted, but have fought with their belongings and their persons in the Cause of God: Such are the sincere ones' [Koranic verse; Al-Hujurat 49:15]. If you wish, go back and consult the ulema's interpretations of the jihad verses and you will discover the great importance of jihad and the mujahidin and the deplorable condition of those who refrain from jihad.

"The ulema have always been of the unanimous opinion that jihad is generally an obligation in three cases: If the Muslim imam, who has not committed any act that invalidates his faith, calls for war. If the ranks have mobilized, it is not permitted for anyone to back down or retreat. If the enemy advances even one inch into Muslim territory, the inhabitants should push him back. If they do not do so or are too weak to do so, those behind them should advance, and then the ranks that follow, and so on until the enemy is repulsed.

"Consequent upon this is the obligation to free the Muslim captives in the infidels' hands. Any person who has special qualities or abilities, like a doctor or student of religious disciplines, should join the jihad.

"For each of these cases there are subdivisions that we have no room here to describe. You can find them in detailed writings like the book Al-Mughni and Shaykh al-Islam Ibn-Taymiyyah's fatwas. Some people claim that jihad, in our present circumstances, is the duty of a sufficient number of combatants and no more [jihad kifayah], and if there are enough persons to do it, no sin of dereliction falls on the rest. When you apply this to the real world, anyone with a hint of reason realizes that not even one tenth of a sufficient number has carried out jihad. So what is your legitimate excuse, brother, to abandon the jihad of defense [jihad daff]? It is an obligation on which no two scholars have disagreed throughout the last 14 centuries.³⁵"

When he, may he rest in peace, was asked to direct a letter to Shaykh Usama bin Ladin, he said:

"To Shaykh Usama bin Ladin, may God preserve him:

³⁵ 'Majalat Saut Al-Jihad' the third issue, Ramadan 1424 page: 16 and 17

"Congratulations to you on the post of imam that God has granted you. May God plant your feet firmly on the path and please your eye with the victory of Islam and the Muslim people.

"May God reward you on our behalf and all the Muslim people's behalf for the projects of dignity that you have presented to the nation and the rules you set in this era for the purpose of achieving the meanings of monotheism and reliance on God alone. From your stance, we have understood the significance of the prophetic Hadith: 'Learn that if the whole nation gathers to do something for your benefit, they will not benefit you with anything that God has not willed all along. And learn that if the whole nation gathers to do you harm, they will not hurt you with anything unless God has willed it all along.'

"You have demonstrated to us that one sincere person from this blessed nation is able, with God's assistance, to struggle against the whole world, infidels and hypocrites alike. If the nation arranged its ranks and mobilized its young men, what a great victory and support from God it would have. However, most people do not know. May God bless your positions, give you victory and support, and please you with the defeat of the leaders of disbelief and hypocrisy."³⁶

--The martyr Shaykh Yusuf al-A'iri, may he rest in peace. He conducted jihad in Afghanistan, Bosnia, and the Arabian Peninsula. He was successful in both the military and scholarly fields and penned down lessons and dissertations on both subjects. He was killed as a martyr by Al Sa'ud. He bequeathed a huge collection of religious and Shari'ah writings including a book that he published after the blessed New York and Washington raids with the title "The Truth about the Crusader War" in which he responded to the critics of the two blessed raids and refuted the arguments against them. May God have mercy on him.

--The martyr shaykh Abu-Umar Muhammad Bin-Abdallah al-Sayf. He took part in the Afghan jihad and the Chechen jihad in the two Chechen wars. He played a role in inciting Chechen President Zelimkhan Yandarbi to issue several edicts to implement Shari'ah. He founded a Shari'ah courts institute and a Shari'ah guardians institute in Chechnya, acted as judge, helped to train judges, and founded the Imam Al-Shafi'i Institute. He later founded the Al-Huda Charitable Association, which focused on charity work and advocacy of the faith. He showed interest in the media, published several newspapers, started a radio station, and tried to establish a television channel. He presided over the Higher Appeals Court in Chechnya. Among his writings he published the book "Shari'ah Politics" and gave a series of lectures under the heading "Iraq and the Crusader Invasion: Lessons and Meditations."

In those lectures he said: "Those who have the power to do so are obligated to target the US and allied forces that are stationed in Iraq's neighboring countries, from where they move to strike Iraq. These forces did not come peaceably and on the basis of a covenant but came to fight Islam and the Muslims. The argument for signing treaties with these forces is similar to the argument to sign treaties with the Jews in Palestine. Furthermore such treaties, involving the building of military bases from where to proceed to strike Iraq,

³⁶ 'Majalat Saut Al-Jihad' the fourth issue, Ramadan 1424 page: 19 and 20

invalidate the Islamic faith of their signatories. They are not binding on the nation. Puppet rulers do not have the authority to obstruct jihad. No one is obligated to obey a mere human against God's wishes.³⁷

"If the loyalists of Islam put the Koran and weapons together, they will gain dignity and become the Muslim people's leaders, as in Afghanistan, Palestine, Chechnya, and elsewhere. This leadership comes only through jihad in the cause of God. After the fall of the Ba'th banner in Iraq, only the banner of jihad in the cause of God is now raised against the crusader banner. The banner of jihad should be made stronger and supported. Mujahidin from the Islamic countries should hasten to Iraq until there is a sufficient number of combatants to resist the allied Jewish, crusader forces.³⁸

"The US forces stationed in military bases in some of Iraq's neighboring countries are combatant forces, not peaceable forces present on the basis of a treaty. This is evident from the US crimes in Iraq and from the US schemes to partition the region and impose a US system on it. Senior US administration officials declare this in their statements and are trying to implement it. A peaceable person who has a covenant with the Muslims is one from whom the Muslims are safe and who is safe from the Muslims. The Muslims have not been safe from these Americans; indeed the Americans are waging war on Islam and the Muslim people.

"Among the treaties that invalidate the Muslim affiliation of their signatories are the treaties that make provisions to establish military bases from where forces proceed to strike Iraq, cause great harm to the Muslims, enable the infidels to occupy Iraq and later other countries, and help them to implement their satanic schemes in the region. Such treaties are basically invalid. Even when the puppet governments claim that the Americans have treaties with the Muslim countries and that the treaties are valid, the Americans have committed actions that are inimical to Islam and the Muslim people that violate the puppet governments' claims. A treaty should ensure that the Americans do not assault the Muslims' religion, persons, and properties. The Americans have committed the following assaults and crimes on Islam and the Muslim people:

"first, fighting against Islam, replacing it with infidel democracy, and imposing it on the region;

"second, occupying Muslim countries and attempting to redraw the regional map;

"third, assaulting the Muslims in their persons, property, and resources, including oil;

"fourth, backing the Jews, the nation's enemies, against the Muslims in Palestine; and

"fifth, insulting Islam, the Koran, and God's best messenger, may prayers and peace be upon him.

"Even one of these points is enough to invalidate a treaty, let alone all of them."³⁹

³⁷ 'Al-Iraq Wa Qazw Al-Salib: Durus Wa Ta'amulat- the fourth lesson

³⁸ 'Al-Iraq Wa Qazw Al-Salib: Durus Wa Ta'amulat- the fifth lesson

³⁹ 'Al-Iraq Wa Qazw Al-Salib: Durus Wa Ta'amulat-' the fifth lesson

May he rest in peace, Muhammad Bin-Abdallah al-Sayf also said: "Those who, while admitting that the Americans are combatants, claim that we should not fight the Americans who use Iraq's neighboring countries as a springboard to strike Iraq because it is not in our countries' interest to do so should not limit their perspective to the place where they live and its limited interests. They should think of the dangers surrounding the whole nation and the unjust US war on the Muslims in Iraq, Palestine, and Afghanistan. They should also think of the intended changes in the regional map in the wake of Iraq's war including social and educational changes and the imposition of infidel democracy on the region.

"Those who, for example, say that it is not legitimate to kill the Americans in Kuwait although they take off from that country to strike Iraq, will they say the same if their own country becomes the target after Iraq? Or will they change their minds when they see the reality of the war, suffer the bitter betrayal of the puppet regimes, see thousands of dead and wounded, and witness the war on religion, on morality, and the destruction of their country? Furthermore if the belligerent infidels feel that their backs are protected in their bases in Iraq's neighboring countries, they will find it easier to destroy the country that is currently under assault and then complete their schemes by assaulting other regional countries. It is obvious that the general harm caused to the nation by refraining from fighting them is greater than any other danger."⁴⁰

--The martyr Shaykh Nizamuddin Shamizi, may he rest in peace. He was a senior Pakistani allamah [highest ranked scholar]. He was a supporter of Shaykh Usama bin Ladin, may God preserve him and his friends. He visited him frequently in Kandahar and as a sign of his endorsement, signed the letter that Shaykh Usama issued with an introduction of his own under the title "Inciting the Nation to Jihad To Liberate the Kaaba and Al-Aqsa Mosque: A Message from the Muslim Ulema and the Leaders of Islamic Action." A large number of Pakistani ulema signed it with him. He was influenced by Shaykh Usama's call to liberate the Muslim countries from the crusader and Jewish military presence. Indeed after one of his meetings with Shaykh Usama, during which he showed him the distribution of crusader and Jewish forces on a map of the Islamic world, he gave a similar lecture in Islamabad to a number of politicians and opinion-makers explaining the same information on a similar map. He was very interested in the Islamic world's conditions and he once asked me to send him detailed information about Egypt's conditions. I sent him my treatise "Muslim Egypt between the Executioners' Whip and the Traitors' Puppetry." Every time he visited Afghanistan he used to visit Shaykh Usama and ask him to give a brief speech to his companions.

Shaykh Usama had extensive contacts with the Afghan and Pakistani ulema. Hundreds visited him and were responsive to his call to liberate the Muslim countries from the crusaders and Jews. He used to ask them to issue fatwas and gather signatures to exhort the nation to do just that. There was always great responsiveness to him. The ulema were greatly influenced by him. Indeed I saw many of them with tears in their eyes. They wept when the shaykh reminded them of their responsibility to defend the Muslim lands, the Two Holy Mosques, and Al-Aqsa Mosque. He reminded them of the revered prophet's

⁴⁰ 'Al-Iraq Wa Qazw Al-Salib: Durus Wa Ta'amulat- the fifth lesson

last command on his deathbed: "Drive the worshipers of idols from the Arabian Peninsula."⁴¹

That huge numbers of Afghan and Pakistani ulema rallied around Shaykh Usama's call to liberate the Muslim countries was not a strange thing. The Taliban state, after all, was a state of ulema and students of religious disciplines. It belonged to the Deobandist [Shaykh Abdul Ali Deobandi] School, a Hanafi school in Pakistan. Its ulema had the last word in making decisions.

This became evident when the Taliban destroyed the Buddhist idols. When Prince of the Faithful Mullah Omar asked the opinion of the senior Afghan ulema on this subject, they ruled that the idols must be destroyed. He then went ahead and did it. A delegation from Egypt visited at that time, trying to dissuade the Islamic Emirate from carrying out this act. It included Shaykh Al-Qaradawi, Egyptian Mufti Farid Wasil, Fahmi Huwaydi, Shaykh Ali Qurrah Daghi, and the Qatari minister of state for foreign affairs. The Qatari minister made them a tempting offer, saying that if they refrained from destroying the idols, he would make efforts to restore their membership in the Organization of the Islamic Conference. The prince of the faithful sent them a delegation of senior Afghan ulema, who made an irrefutable argument to them. Egyptian Mufti Farid Wasil finally made a statement to the media in which he praised the Islamic Emirate's commitment to Islam.

Included among the Afghan ulema delegation was their Grand Mufti Shaykh Abdul Ali Deobandi, whom I later met when I visited the minister of the promotion of virtue and prohibition of vice, a ministry that was found only in the Islamic Emirate of Afghanistan. I told him I had always been eager to meet with him, that I regularly listened to his religious lessons on the radio, and that I was happy to have had that opportunity. He looked to those around him and said: Listen to what he says. It is through such people that we draw closer to God. When we got up to leave, he rose, shook my hand, and said: We are ready to sacrifice ourselves for you.

The account I gave above is not a departure from the main subject, or the result of absentmindedness. I did it intentionally to show the reader the degree to which the mujahidin are closely associated with the ulema, particularly in Afghanistan and Pakistan and to show that the ulema used to consider Shaykh Usama bin Ladin, may God preserve him, their virtuous son and the mujahid who defended the Muslim people's sanctities. Thus the reader can tell how unjust and calumnious it is to accuse the mujahidin of being ignorant, stupid persons who select passages from ancient books and misunderstand them and similar epithets that filled the document of the so-called rationalization of Islamic action. May God help us.

Let me return to the subject of Shaykh Nizamuddin Shamizi, may he rest in peace. When the portents of the crusader campaign against Afghanistan with the help of Pakistan's puppet government began to appear, he issued his now famous fatwa:

⁴¹ 'Sahih Al-Bukhari' Kitab Al-Jihad Wa Al-Siyar, Bab [section] Hal Yastashfi Ila Ahl Al-Zimah Wa Muamalatihum- part 10 page 268.

"Oh ye who believe, Fear God and be with those who are true in word and deed. Our life would be meaningless if we agreed to be our enemies' slaves. It is absolutely impermissible, in any form, for an Islamic country or Islamic army to participate in an assault on the Islamic Emirate of Afghanistan. It is likewise impermissible for any Islamic country to offer facilities to allow its territories or air space to be used by any non-Muslim country. There is an absolute Shari'ah prohibition against this.

"We are certain that this is a very difficult time for the Muslims. If any Muslim helps an infidel in his war against the Muslims and in killing innocent Muslim people, and offers them land or air facilities to help them destroy an Islamic country, it is our duty in this case to assist Afghanistan and fight against the powers of disbelief. As Muslims, we must carry out our duty. If the ruler of any Muslim state gives assistance to an infidel state in its aggression against the Islamic countries, the Muslims should remove him from his office according to Shari'ah and regard him as a traitor to Islam and the Muslim people according to Shari'ah.

"I declare that if anyone commits aggression against Afghanistan, jihad against the aggressor becomes the individual obligation of every Muslim person."⁴² These were his words, may he rest in peace.

This was the same fatwa to which Shaykh Usama bin Ladin referred in his letter to the people of Pakistan when Pervez Musharraf's forces attacked the Red Mosque. In the letter, which was published in Ramadan 1428 [13 September to 11 October 2007], Shaykh Usama said he thinks Musharraf had killed Mufti Nizamuddin Shamizi because of the fatwa.

The martyr Shaykh Moulawi Abdullah, father of Shaykh Abdul Rashid Ghazi, martyr of Islamabad's Red Mosque, may they both rest in peace. He visited us in Kandahar with his son and a delegation of his school's ulema and teachers and spent a whole day with us. One of them read a poem in Arabic in praise of Shaykh Usama, may God preserve him. The martyr Moulawi Abdullah loved and backed Shaykh Usama, who asked him to gather the ulema's signatures on a fatwa urging jihad against the Americans to drive them out of the Land of the Two Mosques, Palestine, and the rest of the Muslim countries. Moulawi promised to do that. I spoke to him about conditions in Egypt and the crimes that its regime was perpetrating against Islam and the Muslim people. I remember that I presented him as a gift a copy of my book "The Black Book: The Story of Torturing Muslims in Husni Mubarak's Era."

--Shaykh Mohammad Yunus Khalis, may he rest in peace. He was a well-known leader of the Afghan jihad. He wrote a dissertation on Al-Tahawiyah school of religious thought. He was a supporter of the Taliban movement and played host to Shaykh Usama bin Ladin in Jalalabad. When Shaykh Usama asked his permission to give press interviews, he told him: Why do you ask my permission? Do what you think is right.

⁴² 'Haqiqat Al-Harb Al-Salibiyah' by Shaykh Yusuf al-Iri , may God have mercy on him, page:65

After the US invasion, despite his sickness and the weakness of his health at that time, he issued a fatwa urging jihad against the invaders.

I will now give examples of the ulema who are still alive who have been useful to the mujahidin with their counsel, who support jihad and the mujahidin, or those who actually take part in jihad.

--I will begin with our shaykh, the shaykh of the mujahidin, the chained lion and pinnacle of dignity, our allamah the mujahid Shaykh Umar Abd-al-Rahman, may God end his captivity and heal him of all sickness. A verse by the poet Ahmad Shawqi praising [Libyan resistance leader against Italians] Umar al-Mukhtar truly applies to him.

Lions roar even when in chains

You will never see a lion in captivity tearfully ask for mercy. [end of poetry]

Shaykh Umar Abd-al-Rahman, may God end his captivity, is the most famous man with whom to acquaint my readers. He represents a history full of jihad and speaking truth to power. He was jailed several times, tortured, beaten up, and sentenced. He emigrated, stood at the battlefronts, and conducted jihad with his tongue, pen, and leadership of his brothers until the United States succeeded in taking him captive. It enforced against him a law that had not been used since the American Civil War and a Jewish judge sentenced him to life imprisonment. The Americans are practicing the greatest restrictions against him and holding him in solitary confinement. He has described his conditions in jail in a last will and testament he sent from his jail:

"May God be praised. God's prayers and peace be on the messenger of God, his household, his companions, and those who are loyal to him.

"Revered brothers, Muslims of the world, the US Government has seized on my imprisonment and my presence in its hands as an opportunity to rub the Muslim person's dignity in the dirt and mortify his pride. They have me under siege, not only physically but also materially as they deny me an interpreter, someone to read to me, a radio set, or a tape player. I cannot hear any news. They besiege me in my solitary confinement and ban any Arabic speaker from coming to me. I spend days, months, and years without speaking to anyone or listening to anyone. Had it not been for my recitation of the Koran, I would be afflicted with mental and psychological maladies. Among the forms of siege they have struck around me is that they watch me through a security camera day and night including watching my private parts when I wash or respond to a call of nature. They are not satisfied by this alone but also place me under constant surveillance by their officers. They exploit my blindness to serve their vile purposes. They subject me to a body search and my make me take off all my clothes and examine my private parts from the front and the back. What are they looking for, drugs or explosives? This happens before and after every visit I receive. This offends me and makes me wish that the ground would open up and swallow me.

"Brothers, if they kill me--and inevitably they will--hold a funeral for me and send my body to my family. Do not forget my blood or let it go unavenged. Take the strongest and most violent revenge for my sake. Remember me as a brother who spoke truth to power and died for the sake of God. These few words are my last will and testament. May God guide your steps and bless your deeds. May God protect, preserve, nurture, and empower you. Peace and God's mercy and blessings be with you. [Signed] Umar Abd-al-Rahman."

Shaykh Umar, may God end his captivity, had illustrious stands in upholding Islam. As one example of many, I remember his stand in front of the State Security Court when he delivered his famous statements over three days, which he later collected in his book "A Word of Truth."

They included the words: "In conclusion, my crime is that I criticized the state and demonstrated the corruption and enmity to God's religion that are found in society. I stood up everywhere speaking the words of truth, which come from the depth of my religious faith.

"My religion and conscience require me to resist injustice and tyranny, respond to misguided and ambiguous ideas, and publicly expose deviancy and those who are unjust, even if it should cost me my life and everything I own. I am not afraid of imprisonment or death. I am not overjoyed at pardon or acquittal. I do not feel sorrow if I am sentenced to be killed, for it is a testimony to God. If this happens, I will say: By the God of the Kaaba, I have won. I will also say: If I am killed while I am still a Muslim, I will not care how I die. I am a Muslim who lives for his religion, dies for his religion, and absolutely cannot remain silent while Islam is under attack everywhere."⁴³

May God end his ordeal, he also said: "Counselor, President of the State Security Court: The argument has been made, right has become evident, and the light of day has come. So you have to rule according to God's Shari'ah, but if you do not enforce God's laws, then you will be an unjust infidel and God's words will apply to you: 'If any fail to judge by the light of what God hath revealed, they are unbelievers.' 'If any fail to judge by the light of what God hath revealed, they are wrongdoers.' 'If any fail to judge by the light of what God hath revealed, they are those who rebel' [Koranic verses, Al-Ma'idah 5:44,45,47]. Judgment will not end here or in this world but it will end in the afterlife when fair judgment is passed. 'One day the earth will be changed to a different earth, and so will be the heavens, and men will be marshaled forth, before God, the One, the Irresistible' [Koranic verse; Ibrahim 14:48].

"We fear neither imprisonment nor execution and are not terrified by torture or harm. We repeat what the magicians told the pharaoh: 'Never shall we regard thee as more than the Clear Signs that have come to us, or than Him Who created us! So decree whatever thou most desires to decree, for thou cannot only decree things that touch the life of this world.' Learn, oh counselor, that God has set limits as penalties to forbid transgressions,

⁴³ 'Kalimat Haq' page 101 and 102

so what will He do if sins multiply? God has set punishment as a new life for His subjects, but what will He do if they are killed by him who should rather avenge their rights?"⁴⁴

May God release him from captivity, he said: "Counselor, President of this court, God can protect you from the government but the government cannot protect you from God. God's command is above all other commands. Obedience to any human is not an obligation if it is against God's wishes. I warn you of God's power; he does not protect criminals. Oh Counselor Judge, retribution is behind you, a whip for a whip and wrath for wrath. God lies in waiting."⁴⁵

Shaykh Umar Abd-al-Rahman at first imagined that the initiative that the Islamic group's leaders submitted from jail was merely a truce, so he supported it with a statement entitled "At first they stood fast for the sake of God and later stopped for the sake of God." However, toward the end of the month of Safar 1421 HA, early June 2000, he issued a statement from his jail through his lawyer Lynne Stewart, saying that the shaykh was withdrawing his support for the initiative to end violence because it had not produced any positive results for the Islamists. Quoting Abd-al-Rahman, Stewart added that "no progress had been made for thousands are still in jail, the military trials are continuing, and executions are still being carried out."⁴⁶

Shaykh Rifa'i Taha, may God end his captivity, told me that before his lawyer made the above announcement, Shaykh Umar had sent a strongly worded letter to the leaders who had submitted the initiative. For this reason those leaders and their lawyers took care not to publish that letter until today.

In retaliation to lawyer Lynne Stewart's conveying her client Umar Abd-al-Rahman's statements, New York's Assistant District Attorney Patrick Fitzgerald sent a letter to her and the rest of the shaykh's defense team informing them that they were forbidden to visit the shaykh or speak to him by telephone. Afterward, at the shaykh's request, Lynne Stewart held a news conference, in which she announced that the shaykh was withdrawing his support for the initiative to end armed operations in Egypt.⁴⁷

From his jail the shaykh issued two appeals, one urging the Muslims to conduct jihad against the aggressor Jews in Palestine and target their interests everywhere and the other appealing to the Muslims to carry out attacks on the United States, sink its ships, and shoot down its planes. For this reason the shaykh's lawyer Lynn Stewart, his legal assistant Ahmad Abd-al-Sattar, and his interpreter Muhammad Yusri were charged with helping Shaykh Abd-al-Rahman to send instructions to fundamentalists from his prison. The lawyer faces a possible 40-year sentence on this charge.⁴⁸

⁴⁴ 'Kalimat Haq' page 102 and 103

⁴⁵ "Kalimat Haq' page 104

⁴⁶ 'Al-Sharq al- Awsat' Thursday 13 Rabi al-Awwal 1421H. [corresponding to] 15 June 2000, page 1and.3.

⁴⁷ Review the statement issued by the defending committee of Dr. Umar Abd-al-Rahman on Tuesday 14 Shawwal 1421 H. corresponding to 9 January 2001.

⁴⁸ 'Al-Sharq al-Awsat' newspaper- Sunday 24 Dhu al-Qi'dah 1423 H.,[corresponding to] 26 January 2003, issue 8825

All these restrictions have been imposed on Shaykh Umar Abd-al-Rahman, may God end his captivity, and other opponents of the document to rationalize jihadist action.

Meanwhile a media brouhaha is being conducted for its advocates inside Egyptian jails in the name of freedom and fighting terrorism. The poet Al-Mutanabbi was right when he said: How many things cause laughter in Egypt but it is laughter that resembles weeping.

--Shaykh Jalaluddin Haqqani, may God preserve him, an illustrious allamah and fighting mujahid. His famous battles against the Russians need no further proof. When the Taliban state arose, he swore allegiance to its amir and became one of its ministers. He has a large school in Miranshah called the Fount of Knowledge, which is considered one of the fortresses of Islam and jihad. However it is now under siege. Despite his age and poor health, he continues to participate in jihad with his views and advice. His sons are mujahidin leaders. May God give him long life, give him health, and reward him well for his services to Islam.

--Shaykh Fadlullah Muhammad, may God preserve him. He is professor of Hadith in Karachi, a lover and supporter of jihad and has an amicable and affectionate relationship with Shaykh Usama bin Ladin. He visited him more than once in Kandahar. I attended one of these visits. He authored a useful book called "A Call to Jihad" in Urdu, which was translated into Pashto. In Section 8 of Chapter Seven⁴⁹, it contains a useful discussion of the jihad of defense and the jihad of conquest. It also contains a useful discussion of the British conspiracies to incite deviant ulema in the Indian Subcontinent to ban jihad against the British. I pray to God to help this virtuous shaykh to translate the book into Arabic for the benefit of Arab readers, especially the section I mentioned to let the Arab readers know that American plots follow the example of their British predecessors.

--Shaykh Abd-al-Qadir Bin-Abd-al-Aziz, may God end his captivity. He produced a good body of work before a change came over him. He authored the book "Shari'ah Rules Governing Preparations for Jihad," a generally useful book, and also "The Compilation," which contains useful discussions but also has errors. I pointed out some of them in my observations on the document's method. Only God is perfect. The fact that the mujahidin can benefit from his writings is proof that the mujahidin do not learn righteousness from men but when they see righteousness, they know who its defenders are. We ask God to end his ordeal, improve his and our conditions, and deliver us, him, and all Muslims from the oppression and plotting of all unjust persons.

--Shaykh Mohammad Yasir, generally known as Master Yasir. He graduated from Kabul's Political Science College and then Medina's Islamic University. He took part in the Afghan jihad and became minister several times in the mujahidin's government. When conflicts erupted among the mujahidin factions, he retired from political life and began to teach the Islamic creed at a religious school in Peshawar.⁵⁰

⁴⁹ It is supposed to be the eighth chapter since the publisher missed the title of chapter eight.

⁵⁰ Shaykh Muhammad Yasir told me the name of the school when he visited us in Tora Bora before the beginning of the Crusader invasion of Afghanistan, but I forgot it and it might be 'Hadiqat al-Ulum' or a name similar to it.

When the Islamic Emirate was established, he proclaimed his support for it. When the portents of the crusader campaign against Afghanistan began to appear, he immigrated to Afghanistan and sought to meet with Shaykh Usama. He went to the Tora Bora mountains to see him. I attended this meeting prior to the invasion. Yasir told Shaykh Usama: I have no place among the mujahidin now and ask God to grant me the honor of being martyred in Jerusalem. When the crusaders entered Kabul, he undertook to manage the Taliban's information affairs. He was arrested and detained at the Poli Charkhi prison in Kabul until he was exchanged for hostages that the Taliban had taken.

The Al-Sahab [Media Production] Establishment conducted a long interview with him that included useful moral lessons, including his observation that many ulema had reached the level of expert in the religious sciences but when it came to faith, they had not gone further than the stage of mere pretenders to Islam [munafiqin].

--Shaykh Abu-Muhammad al-Maqdisi, may God end his captivity. Actually it is hard for me to speak summarily about this rich ocean of knowledge, his encyclopedic mind, and his firm steadfastness against the era's tyrants. What makes my task easier is that he really needs no introduction for he is a pillar of the advocacy of monotheism and the fight against falsehood in our age. I had the honor to become acquainted with him and benefited from him throughout his various stays in Peshawar during the Afghan jihad. It is sufficient honor to the mujahidin that among them is this tireless struggler, whom we pray to God to keep firm on his path of righteousness until he goes to His Maker. For lack of space, I will quote here two of his statements, the first expressing his opinion on the September 11 incidents and the second about the revisions that were made by jailed persons. Perhaps they will be useful to the subject with which we are dealing.

In an interview with the newspaper Al-Asr, he said the following in answer to a question about the September 11 events: "Yes, I supported them and was happy to hear about them just like every other Muslim who is aware of the crimes committed by the Americans and their brothers, the Jews, against his nation. I wrote a treatise demonstrating this point based on Shari'ah and relying on proof from the Koran and the prophet's Sunnah. It is published on our site under the title "This Is What I Believe in the Eyes of God" or the alternate heading "The Obligation To Assist the Muslims in Afghanistan and the Infidelity of Those Who Support the Worshipers of the Cross Against Them."

Asked about his opinion of Usama bin Ladin, he replied: "Shaykh Usama bin Ladin is the mujahidin's imam in this age. No one would dispute this except a non-believer annoyed by the services that this man made to uphold God's religion, a chameleon-like hypocrite who has personal interests to serve and gains to make from the tyrannical rulers, an ignorant coward who does not understand his religion and the reality of jihad in this religion, or a grudge-bearing hater who envies the shaykh for the dignity and loftiness God has given him for his defense of religion."⁵¹

⁵¹ An interview to Al-Asr electronic magazine 1423 H. Al-Jihad on line network.

May God end his captivity and protect him from every harm, Al-Maqdisi wrote an article entitled "Prison Is Paradise and Hellfire" about the revisions made by Shaykhs Al-Fahd⁵² and Al-Khudayr in the Arabian Peninsula, may God end their captivity. He said: "Imprisonment is an affliction that can bear good fruit, break the prisoner's resolve, or confuse him." It is the same remark that we, prison graduates, as some like to call us, make. It is based on our experiences in jail. It describes the reality of imprisonment and its various effects on those who live in dungeons and cells behind bars and live alongside its torture rooms. Someone who has not experienced this or seen it closely might be surprised by the changes that affect the inmates or the things they say. Someone who has experienced jail and tasted the various afflictions and tortures might not be hasty in making judgments against some of its people if they make certain confused or even broken-spirited statements and hesitate before accepting their fatwas that contradict their original attitudes and are made under coercion.

A prisoner is not fully qualified or responsible on the suspicion of pressure and coercion. Therefore it is not right that he should bear full responsibility for his statements until after he has left captivity and is no longer in chains and can demonstrate that his statements are freely given without pressure or compulsion. This is seen in the extreme pressure exercised on the jihadist shaykhs by hostile tyrants. It is obvious that the tyrants' hostility to those who raised arms in their face is greater than to any others.

For this reason we have counseled everyone who visited us and asked about our views on statements made by Shaykhs Al-Khudayr and Nasir al-Fahd and similar shaykhs not to readily accept the fatwas and revisions they made while in captivity. We also advised our questioners not to be hasty in slandering those shaykhs but to pray to God to deliver them from the tyrants' hands. For this reason we held our tongues regarding the Islamic Group's leaders in Egypt when they made retractions while in jail, which were called revisions. Until today we are reserved in our comments about those among them who are still in captivity. Instead we remember well their earlier advocacy of the faith and their jihad and services to the cause of God. We do not feel the same way about those who were either released from jail or were living abroad and then abandoned their earlier stances. We were very offended by their attacks on our brothers, Al-Qa'ida's mujahidin, and their disavowal of them. We were offended by their call to the mujahidin to repent their jihadist operations, as if the mujahidin had committed acts of vice. They slandered them by claiming that they killed Muslims and targeted Mecca and the pilgrims, relying in their slander on the infidel governments' media announcements although they themselves had experienced the lies of these governments and their media.

Would a reasonable Muslim believe that Al-Qa'ida's members and similar mujahidin would target other Muslims in Riyadh, Jeddah, or other cities, let alone the pilgrims in Inviolable Mecca [as received]? Would the mujahidin attack those, unless the media are referring to the Muslims who work as CIA and FBI agents who fill the Arabian Peninsula or the tyrannical officials who visit Mecca to be photographed, propagate the pictures

⁵² I read on the internet a statement attributed to Shaykh Nasir Al-Fahad, may God set him free, declaring his retreat of the revisions he stated.

among their population, and place restrictions on the true worshipers? I apologize to my readers for this digression and return to our subject.

Yes imprisonment might have splendid effects when the advocate of the faith or mujahid uses it to further his obedience to God, worship him, study the Koran, seek more knowledge, spread the faith, and learn from his experience and the experiences of others in order to leave jail stronger, firmer in his advocacy, and more steadfast in his jihad and method.

On the other hand imprisonment might break a prisoner's resolve, cause him to turn around, make him forget his fear of God's punishment, alter and retract his positions, and abandon the struggle, forgetting the righteousness he knew and the path he formerly followed. In this case he begins clothing the truth with lies and takes the side of religion's greatest enemies. There are many forms such a collapse might take. We pray for such persons that God will give them back their health, keep them safe, and give them a good end.

Finally imprisonment might confuse the prisoner. This means that it might push him away from the straight path, depending on his original character. If he is inclined to hardness, disenchantment, oppression, and torture might turn him into an extremist. Among these emerged the takfiri ideology that arose in prisons, which declares all humans and societies to be infidels. Their branding of others as infidels is based on their frenzied reaction to their detention and spares no one except those who follow their methods and accept their beliefs to the letter.

If the prisoner is inclined to gentleness, his circumstances might push him to glumness, a belief in the deferral of duties or abandonment of principle, appeasement, and the pursuit of an easier path. He might come to accept the erroneous opinions of some ulema, not out of conviction, but because they serve his inclinations and desires which he dreamt of while in jail and the false views to which his mind leaned under the oppression of imprisonment.

We have lived alongside persons who suffered all these afflictions. Only God's mercy and generosity kept us firm and saved us from both extremism and abandonment.

Add to this the fact that the effects that imprisonment has on a person depends on the country where he is imprisoned and the degree of the harshness of the torture to which he is subjected. It depends on whether he was open in his advocacy of the faith and rightful creed in the first place and on whether he was close to the jihadist stream, which is more hostile to the tyrants than other streams. It depends on the stages through which the detainee passes. The early days of detention, which include solitary confinement, endless interrogation, torture, and lack of communication with the outside world, are harsher than the later circumstances of being transferred to the general jail, where it is easier to have contact with other people.

Knowing all this and realizing in what circumstances and at what stages the detainee made a certain statement, makes it easier to judge his credibility and the value of what he says. In all cases being in prison is a reason for suspicion because a prisoner is subject to pressure and coercion and to a change of circumstances like being transferred to a different prison or coming under unexpected pressure. All these things should be taken into account when examining the statements and fatwas that prisoners issue. Our suspicion is confirmed if these statements contradict their former methods and attitudes.

I mention these matters for the benefit of those who have not experienced imprisonment so that they will think of a detainee's condition and not be hasty to judge him for saying or doing things or be offended by his change of attitude or his retractions of former ideas if he is a shaykh or a leader. Saying this, we still declare that it is more appropriate of a religious scholar or leader to maintain his resolve even if they cut him up or burn him and choose to be killed, hurt, or humiliated for the sake of defending his religion and refraining from deceiving the nation. This is important in the case of the symbols of the jihadist stream because they are few and the people look up to them and listen to what they say in the midst of the battle between Islam and disbelief. Such symbols should follow the example of those who went before them like Imam Ahmad, Shaykh al-Islam Ibn-Taymiyyah, and Imam Al-Nabulsi, whose jailers flayed his skin to force him to change his fatwa on the issue of fighting against the apostate Ubaydites but he refused until he finally died. May God have mercy on his soul and men like him whose memory remains alive as a result of their firmness in righteousness.

Let those symbols and leaders remember God's injunction: "O ye who believe, betray not the trust of God and His messenger, nor misappropriate knowingly things entrusted to you" [Koranic verse; Al-Anfal 8:27]

Let them always remember the words spoken by the prophet, may God's prayers and peace be upon, when some of his companions complained of the idolaters' ill treatment of them in Mecca: "Before you there were men who were placed in holes dug in the ground, tortured with saws or iron combs and their flesh separated from their bones but they would not abandon their religious faith." This Hadith was transmitted by Al-Bukhari.

Nevertheless it is important to take the explanations we gave above into account so that a man would not speak against his brothers who are in jail or be offended by the statements and fatwas they issue from behind bars. He should rather examine the statements carefully. If they are the same as their former righteous statements, then he can accept them. If he notices that their attitudes have changed either to extremism or abandonment, he should not hasten to attack them until he learns under what circumstances they made those statements. Let him wait until they are released from their captivity. If they persist in their new attitudes, then there will be time enough to respond to them. Otherwise they should refrain from comment and protect their brothers in their absence. The basic rule is to refrain from their doubting them, especially as they are our brothers in religion.

Finally God said: "Muhammad is no more than an apostle. Many were the apostles that passed away before him. If he dies or is slain, will ye then turn back on your heels? If any

turns back on his heels, not the least harm will he do to God, but God will swiftly reward those who serve Him with gratitude" [Koranic verse; Al-Imran 3:144].

This is a rule of Islam, namely, that God destined his prophet to die, saying "You will die and they will die." He did not let the survival of religion hinge on the prophet's continued life or presence among the people. May God be praised, He attached their hearts to God who does not die and whose religion and ineffaceable book cannot be touched by evil. He who clings to God's holy book, will have held onto the strongest bond that does not break. If this applied to the prophet himself, most beloved of all Muslims, then it applies to other humans who might, in addition to dying or being killed, undergo circumstances when they become apostates or change in other ways. A Muslim should not let his religious faith hang on their persons. The basic rule for us Muslims, especially the mujahidin and advocates of monotheistic belief, is not to imitate anyone or accept his sayings except on the strength of a Shari'ah proof.

God Almighty said to His prophet: "Say: I do but warn you according to revelation." He also said: "Follow, O men, the revelation given unto you from your Lord, and follow not, as friends or protectors, other than Him" [Koranic verses; Al-Anbiya21:45; the Heights 7:3].

Remember that God's religion is not dependent on the world's approval. "If ye show disbelief, ye and all on earth together, yet is God free of all wants, worthy of all praise" [Koranic verse; Ibrahim 14:8].

Had God wished, He would triumph over his enemies without supporters and men but He wishes to test the people against each other and choose the believers as martyrs. When ordeals occur, they show the difference between people of firmness and people who lack resolve and steadfastness. Those who think ill of God can only cause disorder in the ranks. Anyone who tries to justify his lack of resolve and separation from the struggle will be set afar from the ranks to keep them strong. "God will not leave the believers in the state in which they are now until He separates what is evil from what is good" [Koranic verse; Al-Imran 3:179].

Anyone who worships Shaykhs Al-Khudayr, Nasir al-Fahd, Abu-Qatadah, Al-Maqdisi, or others should remember that the shaykhs are not infallible and are not safe from temptation and straying. Anyone who worships God's religion, it is firm, shielded from error, and safe from alteration and change. "Verily, it is my Lord that is on a straight Path" [Koranic verse; Hud 11:56].

Anyone in whom God sees goodness and truth, He will give him firmness and shield him from error. If God sees not these qualities, he will sift and purify the ranks from those who lack truth and firmness. [Almighty God said:] "If ye turn back (from the Path), He will substitute in your stead another people; then they would not be like you!" [Koranic verse, Muhammad 47:38]⁵³

⁵³ 'Minbar Al-Tawhid wa Al-Jihad'-the file of Abu Muhammad al-Maqdisi.

--Shaykh Abu-Qatadah al-Filastini, may God end his captivity. He is a lofty pillar and an encyclopedic scholar. He is one of those persons that I consider firm symbols of righteousness who are not shaken by ordeals, but God knows best. He emigrated, stood at the battlefronts, wrote, and lectured. He resisted heretical and whimsical views and constantly exposed their faults, may God recompense him well and keep firm in righteousness. Above all this he spoke truth loudly to arrogant power, exposing his life, security, worldly goods, and even his kin to danger as an offering to the word of truth for whose sake blood is shed and life becomes cheap. I believe he is emulating historical figures who spoke truth to power like Al-Husayn Bin-Ali, Abdallah Bin-al-Zubayr, Ibn-al-Ash'ath, Sa'id Bin-Jubayr, Ibrahim al-Sa'igh, Hutayt al-Zayyat, Ahmad Bin-Hanbal, Ahmad Bin-Nasr al-Khuza'i, and the imam of Egypt's mujahidin Muhammad Abd-al-Salam Faraj, who refused during his trial to speak about the horrific torture to which he was subjected at the hands of the Criminal Investigation Department's dogs who supervised the printing, distribution, and marketing of the so-called rationalization document. He said: What I have offered I leave to God.

I used to listen to his screams at Al-Qal'ah prison while his torturers were again breaking his leg which had just healed from a previous break. He used to be carried to the toilet by prison guards while shouting "I am doing this to please you God." We remember Khalid al-Islambuli who shouted in the military judge's face: "Yes I killed Egypt's pharaoh." We remember Abu-Mus'ab al-Zarqawi, who used to repeat Abu-Bakr's famous saying, "Will religion be diminished while I still live?" I believe Abu-Qatadah is contemplating the stands of this blessed convoy of persons as he endures patiently. I see his worth growing in this world and the afterlife, God willing. May God bring him relief from captivity, he wrote a series of articles called "Ulema but Also Martyrs." Congratulations to you Abu-Qatadah on this honor and may God recompense you well for your services to Islam.

For the sake of brevity I will choose only some of his shining declarations of the truth in the face of stagnant falsehood. In a clever article entitled "Globalization and the Jihad Brigades," he wrote:

"An indispensable condition of globalization is the free flow of capital to make it easy to transfer funds without any legal or moral impediments. This is not different from the pictures of the erstwhile invading ships that used to come to our lands and leave them loaded with all forms of our ancestral treasures and heritage.

"When we speak of prosperity and wealth, it is natural to ask where this came from and what its sources are. Of course they will not ask or review any of these things because if they did, this whole beautiful image will change into another one full of poverty, blood, disturbances, conflicts, and brutality. Then we would find out that these pictures hide behind them a raging war in the full sense of the word. When we look carefully at the world's map with its five continents and its new and intentional divisions, you will find that what is called the continent of Europe has nearly the same area as one African country, Sudan. If you place this bit of information as a background behind a collection of consumer figures, you will realize that they laughed at you when they presented their puppet show of splendid pictures.

"Place all that they show in front of a cup of petroleum and a piece of bread. Place all that they say about consumerism, its inventions, and aspects of wealth opposite an absent hand, which is the oil and bread. They speak to you about what concerns them and conceal from you what concerns you. They only speak about their practices, which serve them alone, but they never speak to you about you have and what lies under your feet. All modern wars were based on these two opposing pictures in addition to future wars, whose early signs you witness and which are the source of their livelihoods and prosperity. When we think of this wondrous substance, petroleum, we will find that the entire century's civilization was built on it. Since petroleum was discovered it has been the West's lifeline. The West is prepared to kill and destroy to ensure that its supplies continue.

"What then is the solution? According to Shari'ah and destiny, the solution is jihad. Jihad, without any prevarication, means fighting, which is how all the books of Islamic jurisprudence define it. We might try to evade this divine solution by making various excuses like saying jihad costs a lot and citing our persistent inability to develop tools of war. Our nation needs a jurist to apprise it of God's judgment in times of calamities and great events but it needs something more. It needs someone to lead it in implementing God's judgment. Jihad means power because the world is governed by power. Jihad requires inventiveness because the rest of the world is many stages ahead of us. The world helped our sicknesses to persist while remedying its own errors in a timely fashion. Jihad means bloodshed, killing, displacement, and imprisonment and all forms of disaster because it is the most intense form of human conflict. We should not use the interim results of this jihad as evidence of it being wrong and search for alternatives.

"Oh Bin Ladin, how often have you exposed our intellectuals and the leading thinkers of Islamic action? Alas, oh great Islam, how often do dwarfs shoulder responsibility for you, dwarfs who are satisfied instead of entering the White House or the Elysees with getting a permit to hold a lesson in a mosque or establish a charitable association.

"Oh people of perception, thought, and jurisprudence in my nation. Learn that you will get many questions from Muslim young men that you will have to answer. You say that we will carry out jihad. How will we do that? Does not jihad require organization and management? Teach us how to do these things. We are facing crises. Teach us how to think of solutions to get over the crises and resist them. Teach us how to militarize the nation to deal with coming bad times. This is what we need from you today. If you fail to give us that, then our only request is that you do not be extravagant in using pen and paper and printing plagiarized and repetitive books.

"If the din and smoke of battle reach you, say: This is not our art. Do not forget to call down blessing on those who do battle and refrain from blame and reproach. Blessed are you, mujahid Mullah Mohammad Omar. Blessed are you Abu-Abdallah Bin Ladin. Blessed are you Ayman al-Zawahiri. Blessed are you Abu-Hafs al-Masri, and may God have mercy on your soul. Blessed are you Abu-Ubaydah al-Banshiri, and may God have mercy on your soul. Blessed are you oh Khattab, and may God have mercy on your soul.

Blessed are you Muhammad Ata with your blessed brigades, and may God have mercy on your soul. Blessed are Al-Qassam Brigades in Palestine. Blessed are the jihad groups that do their best to solve our problems. Blessed are you for you have answered some of our questions, but we still need more."⁵⁴

In an interview with Al-Sharq al-Awsat he said the following things:

"[Correspondent] You are subject to many accusations including the fact that you are advocating jihad and as a result, your actions have obstructed Islamic action and hurt the Muslims, especially as a result of what Bin Ladin did in America on 11 September.

"[Abu-Qatadah] Every person has his own standard by which he judges events. We are not obligated to speak and act in accordance with other people's standards. In our actions and words we rely on Shari'ah and religion and the good of the faith alone. Let others judge us by this standard and we will see if we have won or lost. What they regard as a loss, we consider only some pain and hurt according to the text of the Koran. Death in the cause of God, imprisonment, calamities, and poverty are merely pain and hurt. God said: 'They will do you no harm, barring a trifling annoyance' [Koranic verse; Al-Imran 3:111]. God said: 'If ye are suffering hardships, they are suffering similar hardships' [Koranic verse; Al-Nisa 4:104]. This is how sins are forgiven and people are raised to a higher status. Hence it is not a loss. At any rate, I believe that we are living in a state of victory when people are converting to this religion, confidence in this religion is rising, the people are adhering to God's command, and the revelation of the truth according to Shari'ah. All these issues signify victory as shown by God's words 'When comes the help of God and victory and thou dost see the people enter God's Religion in crowds' [Koranic verse; Al-Nasr 110:1,2]. Our Lord regards it as victory and conquest when people enter into God's religion. In all earlier battles people used to leave religion and turn to non-Islamic ways of thinking except in the current battle. People are inclining toward religion. May God be praised, the people and leading men of Islam have become the symbols of freedom and heroism the world over. You have to pay a tax for this achievement in the form of pain and hurt.

"There remains of course the question of the overthrow of the Taliban's Islamic state and the good that it brought. I admit that this is a loss but let us keep judgment till the final outcome. The battle continues and many of its chapters have not been written yet. Everyone now knows that the scheme of America's rulers against the Taliban did not begin with the 'raids on New York and Washington' but long before. We still believe in God saying 'the end is best for the righteous.' The tables turn. This is a process that neither jungle force, nor its plans, and security and intelligence services can stop.

"One last word remains for me to say to those who make this accusation against us. You do not want to judge us according to Shari'ah in the scales of benefit and loss. Therefore why do you not judge us by the scales of the facts that are accepted by the people in general? Which of us can prove the correctness of his method in reality? I think that if we open this door, we will discover shameful and hideous things in our opponents' ranks and

⁵⁴ 'Minbar Al-Tawhid wa Al-Jihad'-The file of Abu Qatadah al- Falastini.

we will discover goodness and blessings in the jihadist ranks. If we were not afraid that some people would consider our comments on our opponents' Shari'ah violations and immoral faults an exercise in unwelcome blame, we would say much to refute their call and expose the corruption of their methods by calling attention to their obvious reality.

"[Correspondent] Do you mean that there was nothing wrong in the terrorist incidents that occurred in America, especially now after more than a year has passed since they happened?

"[Abu-Qatadah] All human actions are mixtures of good and bad. There are no absolutely good or absolutely bad actions in this world. That is left to the afterlife when absolute good will be in paradise and absolute bad in the fire. The 'jihadist' acts that occurred in America have good and bad sides but the important thing is whether they were according to Shari'ah. A group of ulema and shaykhs wrote opinions that they were harmonious with Shari'ah. I did the same. Regarding whether they brought more benefits or losses to the Muslims, their benefits were greater. The facts demonstrate this. Yet they had certain bad aspects, chiefly that they spoiled the Muslim people's mood because they were so great and powerful causing people to stop showing interest in lesser jihadist actions. For example if what happened in Indonesia had happened before the jihadist acts in America, they would have had a greater effect on the people, who would have rejoiced more. The people showed less attention to them because the image of the collapse of the two New York towers was something like a dream causing many other actions to appear smaller for a long time. This is the bad aspect, that it spoiled our mood and the people's mood. Our mood will not be corrected until the United States vanishes and is followed by the Jewish state.

"[Correspondent] While operating in the open, you frequently declared that you do not belong to Al-Qa'ida although intelligence circles accuse you of being its spiritual leader in Europe. Are you still making this denial now that you are operating in hiding?

"[Abu-Qatadah] What I said in the open I continue to say today and tomorrow. I do not belong to an organization but I work for the sake of God Almighty's religion, as my brothers know. In the eyes of America, the many countries that are subservient to it, and the security services every Muslim who believes in the Koran and Sunnah in accordance with our ancestors' understanding of them and who believes in the principle of allegiance and disavowal is a member of Al-Qa'ida. On the basis of this principle no Muslim can deny this charge because rejecting it means rejecting Islam itself. America has left no Muslim who is not its enemy, especially after its high priest announced that Jerusalem is the capital of the misbegotten Jewish state. It honors me that I am an enemy of the United States, the Jewish state, all who have allegiance to them, and the apostate rulers. I hope to die while I am in this condition. The allegiance between me and the Muslims is stronger and more intimate than any organization or party. May God, the Lord of the Worlds, be praised."⁵⁵

⁵⁵ 'Minbar Al-Tawhid wa Al-Jihad'-The file Abu Qatadah al- Falastini.

--Shaykh Abdullah Zakiri, chairman of the Afghanistan Ulema Association. He has a strong personality and is regarded with awe by the Afghans in general and the Taliban in particular although he has no official position. He has a relationship of amity with Usama bin Ladin. He issued a fatwa from the ulema association urging the expulsion of the crusader forces from the Arabian Peninsula.

--Shaykh Husayn Umar Bin-Mahfuz, a famous Yemeni scholar. He wrote a treatise refuting the objections to the New York and Washington raids entitled "Shari'ah Proof Justifying the Incidents in America."

--Shaykh Nasir Bin-Hamad al-Fahd, may God release him from captivity. He is a pious scholar--as we estimate--who is active in the promotion of virtue and the prohibition of vice, who speaks truth to power and advocates jihad in the cause of God. He frequently defended the mujahidin and authored several useful treatises on important issues. He has solid scholarship, an ability to explore issues, and speaks openly. Among other books he wrote "The Clear Proof of the Infidelity of Those Who Help the Americans," "The Clear Proof 2: The Crusade in its Second Phase--The Iraq War," and "Shari'ah Rules on the Use of Weapons of Mass Destruction Against the Infidels." According to reports, he is still in jail and clinging firmly to righteousness. We know for certain that he has recanted what he said on a television show during which he was questioned by A'id al-Qarni. Regarding that show, the shaykh and his colleagues said that they were coerced and found interpretations in Shari'ah that they could say what the government wanted them to say because it promised to release them afterward. It did not release them. He said: If I had known what was going to happen, I would not have surrendered to the police detectives but would have fought until I was killed. He sent several messages out of his jail that show he is still firm on the path of righteousness. We pray to God to give him and all the Muslims firmness in righteousness and a good end.

In an article called "The Merciful One's Signs as Seen in the September Raid" he wrote the following:

"Someone might say: Where is the victory that this attack brought?

"The answer is: If the attack only turned upside down their history, power balances, strategic and military doctrines, and global order, that is enough of a victory. The raid was a momentous historical junction that caused many ideas and studies to be reconsidered."

That event's greatness is evident in five aspects:

One: It restored Islam to the forefront in the wars against the infidels whereas formerly nationalist and ethnic factors and interests were the primary factors in provoking wars and conflicts. It thus brought out the crusader hostile spirit from its concealment and forced it into action.

Two: It gave prominence to the great role of jihad in overturning global balances.

Third: It ended the idea that "national states" control "politics" and declare "peace" or "war." The management of the conflict is not in the hands of persons of a particular

national affiliation but is in the hands of people spread--as the Americans say--over more than 60 countries who are joined by nothing else except salafi jihadist Islam or what they call "Wahhabi" Islam. Indeed the four brigades that struck America were commanded by four men of four different nationalities. One was from Egypt, the second from the Gulf, the third from Syria, and the fourth from Al-Hijaz.

Four: It irreversibly ended the era when the United States could attack the Muslims with impunity, God willing.

Five: It was the beginning of the collapse of the "New World Order," which the Americans enjoyed for a few years only and it marked the beginning of America's total collapse, God willing.

The cycle of terror continues. We believe that this is in fulfillment of the oath made by Abu-Abdallah [Bin Ladin], may God give him victory, that the Americans would never know security. Among the slaves of God are those who if they swear by God, God will fulfill their oath.

A sixth sign of success is the prophet's declaration: "Learn that if the whole nation gathers to hurt you, they will not be able to do anything to you except what God has destined for you." Who can dispute this declaration's greatness?

Against mujahid shaykh Abu-Abdallah Usama bin Ladin--may God preserve him and give him victory--were gathered nations from all parts of the world, of all religions and races including crusaders, Jews, Hindus, Buddhists, hypocrites, and traitors, using warplanes, weapons, satellites, espionage, and surveillance tools. His picture was propagated throughout the world until everyone, big and small, near and far, Muslim and infidel, and men and women came to know what he looked like but they could not find him, get any news about him, or discover under what sky he lived. We pray to God Almighty to protect him from them, give him victory over them, and please our eyes with the sight of America's defeat and that of its allies.⁵⁶

Shaykh Abd-al-Hakim Hassan: He has a long history of leaving his land, standing at the fronts, and carrying out jihad. He was imprisoned and tortured in Egypt but he endured. He graduated with a business degree and then from Al-Azhar's College of Religious Disciplines. He had a rich career in religious studies and teaching. He wrote "A Clear Demonstration of Issues of Faith and Non-Belief" in three parts and "Jihad in the Cause of God: Methods and Rules" in two parts. He also authored the book "The Mujahidin's Guide to the Prophet's Command" in which he discussed the prophet's command to the Muslims to listen to and obey their rulers.

He emigrated twice to Afghanistan, first during the jihad against the Russians and second in the Islamic Emirate's era. He managed the magazine Ma'alim al-Jihad, a quarterly religious magazine issued by Al-Jihad Organization. He established the Salah-al-Din Advocacy Center. In addition he never stopped giving lessons on the battlefronts. When the United States launched its crusader invasion of Afghanistan, he stood in the trenches

⁵⁶ 'Minbar Al-Tawhid wa Al-Jihad'-The file of Nasir al-Fahad.

among the mujahidin, teaching them and providing them with Shari'ah-based fatwas. He operates a web site where he posts his valuable writings and fatwas. We pray to God to bless his good work and give him health and long life. May God grant us and him and the Muslim people the strength to remain on the righteous path and a good end.

--Shaykh Abu-al-Hasan al-Qari. He is the mujahidin's Koranic reciter and imam. He graduated from Medina's Islamic University and traveled to Pakistan during the jihad against the Russians where he helped at the camps and battlefronts. He worked as a teacher at Al-Ansar Institute and gave frequent courses to the mujahidin. After the Pakistani Government started to put pressure on the mujahidin, he left for Yemen, where he worked as a teacher. He oversaw Al-Hikmah Association's schools. The Yemeni Government then started to harass him, so he emigrated to Afghanistan in the Islamic Emirate's era, spending most of his time teaching at the fronts and in private gatherings. He organized Arabic language courses for the Islamic Emirate's officials, which were held at the Foreign Ministry. He supervised the publication of Al-Jihad Organization's magazine Al-Mujahidin. He oversaw the syllabi at the two Arabic schools in Kabul. Shaykh Usama bin Ladin asked him to establish an Arabic Language Institute in Kabul. He began the project but could not complete it because of the crusader invasion. He did a lot of work in the field of the Arabic language. He has a tolerant character and is good-natured and polite. May God grant him the gift of being accepted by all others. He wrote a medium-level book on Koranic recitation called "The Proven Method in Reciting the Koran."

--Shaykhs Abd-al-Hakim Hassan and Abu-al-Hasan al-Masri are lifelong friends of mine and colleagues. God honored me with their acquaintance and companionship on the path of emigration and jihad. I benefited much from their advice and guidance. I ask God to make benefit from their benedictions.

--Shaykh Abu-al-Mundhir al-Sa'idi, may God end his captivity, a notable of the Libyan Fighting Group. He traveled to Afghanistan at the time of the jihad against the Russians and later during the Islamic Emirate's era. The United States handed him over to Libya in the context of what it calls the war on terrorism. He has a commendable body of work in advocacy of the faith and religious sciences. Among his books are "Outlines of the Libyan Fighting Group's Method," "Friday, Methods and Rules," and "A Collection of Imamate Rules."

--Shaykh Abu-Yahya al-Libi: I mentioned him earlier when I quoted his response to a statement in the book *Compilation by the rationalization document's author*. That statement said that anyone who does not declare the tyrants' aides individually infidel is himself an infidel because he has violated the ulema's unanimous view. Shaykh Abu-Yahya responded to him in his valuable book on the fundamentals of Shari'ah "Views on the Unanimous Opinions of the Ulema."

Shaykh Abu-Yahya al-Libi immigrated to Afghanistan during the anti-Russian jihad and remained on the fronts. He stayed during the Islamic Emirate's era. He was captured in Pakistan at the beginning of the crusade against Afghanistan and was imprisoned at the Bagram Fort near Kabul. He escaped with the help of God and rejoined the mujahidin. He continues to carry out jihad, teach, and advocate the faith until today. He produced

many books, treatises, and articles including the aforementioned "Views on the Unanimous Opinions of the Ulema" in addition to "Human Shields in Contemporary Jihad," "Enforcing Koranic Punishment in the Realm of War," "Debating the Objectors to Algeria's Bombings," and "Defending the Group that Took Korean Hostages." He also continues his active advocacy of the faith. We pray to God to bless his advocacy, allow others to benefit from it, and reward him for it.

--Shaykh Abu-al-Walid al-Filastini: A man of the sword and the pen, an active emigrant, mujahid, and battlefront fighter. A teacher, mufti, and judge of the mujahidin, he traveled to Pakistan during the anti-Russian jihad. While fighting he also studied under numerous Pakistani ulema. He emigrated a second time to Afghanistan during the Islamic Emirate's era. He continues today to live outside his homeland, teach, and carry out jihad. Among his books is "Draw the Sword To Refute the Claim that Jihad Requires an Order by the Imam."

--Shaykh Abu-Abdallah al-Muhajir: He emigrated, stood in the trenches, and carried out jihad. He graduated from the Islamic University in Islamabad and stood in the trenches in Afghanistan. He founded a religious advocacy center in the Khalden Camp. He taught at the Arabic Language Center in Kandahar and instructed the mujahidin in Kabul and later in Herat. He authored a book on subjects connected with the faith but I do not remember its title.

--Shaykh Abu-Hafs al-Muritani, also known as Dr. Mahfouz Oued el Oued: An active scholar, mujahid, poet, author, and educator who participated in the Afghan jihad against the communists. Under the Islamic Emirate he founded an Arabic language teaching center in Kandahar. He supervised the publishing of an Arabic language magazine Al-Talib that spoke on behalf of the Islamic Emirate. He is close to Shaykh Usama bin Ladin and is one of scholars that the shaykh consults. Shaykh Usama is especially interested in the poems that Abu-Hafs delivers on certain occasions and during meetings. In addition to his organizational and administrative duties, the shaykh used to supervise Shari'ah enlightenment programs at the camps. After getting the Islamic Emirate's approval and with encouragement from Shaykh Usama, he began to establish a Shari'ah college in Kandahar but the crusader war on Afghanistan prevented him from completing this project. He wrote the book "Islamic Action Between the Motives of Unity and the Advocates of Conflict." Shaykh Usama bin Ladin wrote an introduction to this book. As one can see from the book's title Shaykh Abu-Hafs is an advocate of Muslim unity. He gets major credit for encouraging me and my brothers to achieve unity between Al-Jihad Organization and Al-Qa'ida. We pray to God to give him long life to continue his useful work and reward him well.

--During the Islamic Emirate's era a number of religious scholars and students emigrated to Afghanistan. I have long wished to refer to their knowledge, credit, good ethics, and generosity. However, I fear that mentioning them would cause them harassment. May God reward them well.

I studied Koranic recital under one of their worthy reciters. I expressed a wish to study grammar and other Arabic subjects under him but he directed me to master Koranic recital first because paying attention to reciting God's book is worthier than paying

attention to other literature. I asked him to let me read according to the Al-Shatibiyah system. He agreed but advised me to let him teach me an introduction to Koranic recital. He let me start with a medium-level book in recital, with explanatory notes. After that I began to read according to the Al-Shatibiyah system under his supervision. Changing circumstances, however, did not let me finish. A number of mujahidin studied under him. One of his most noble students was Shaykh Shakir, may he rest in peace, teacher of young mujahidin, who later died as a martyr in an ambush by the hypocrites, the crusader's helpers, near Kandahar at the beginning of the crusader war. May God's mercy be with him and other Muslim martyrs.

--Shaykh Atiyatallah: An active and mujahid scholar who stood in the trenches and is an active advocate of the faith on the Internet. He emigrated to Pakistan to participate in the Afghan jihad. He later went to Mauritania and studied under its ulema and then traveled to Algeria to participate in the jihad of the Armed Islamic Group. He had a bitter experience with this group. He returned to Afghanistan just as the Islamic Emirate was being established. He taught at Kabul's Arabic school. He was successful in preaching jihad and defending the mujahidin and refuting all calumnies against them. He continues today to make useful contributions. We pray to God to bless and accept his efforts.

--I conclude this brief review with the commendable and sincere Shaykh Abu-Mus'ab al-Suri, may God end his captivity. He is a mujahid preacher who stood in the trenches and is also a political historian with a prolific and truthful pen who has always promoted virtue and prohibited vice and has been a thorn in the tyrants' side. He emigrated to Pakistan and participated in the anti-Russian jihad. He then left for Afghanistan after the establishment of the Islamic Emirate. In both these stages God enabled him to have the double honor of action and studying. He trained and fought in the battles. He also wrote, lectured and taught. Musharraf's dogs captured him in Pakistan. He has written much. Among his prolific writings are the two famous books "The Jihadist Experience in Syria" and "The Call of the Global Islamic Resistance."

Among his famous sayings, may God end his captivity, is the following: "In mid-2003 the Egyptian Government surprised the world with its partial response to the [Islamic Group's no-violence] initiative six years after it was submitted and began to release batches of the Islamic Group's detainees. It released several hundred including Shaykh Karam Zuhdi, one of the group's historical leaders, and then several other leaders. Those who came out of jail added to their original initiative more books and treatises to contradict their former positions. I heard on some media about a book called "The River of Memories," in which they assessed their former experiences. I did not have the chance to see it but I read in the newspaper about some of the calamities in which they got themselves involved. This group of persons joined Rumsfeld's war of ideas and became part of the apostates' and the US campaign against terrorism.

Our repentant brothers--repentant that is from God's worship--did not forget to set down on paper their criticism of the September incidents and those who carried them out. The Islamic Group's initiative began to get praise from the proponents of the antiterrorism programs that fill the Arab media. It started to be cited as a praiseworthy initiative by the ulema of Saudi Arabia and other countries as a tool in fighting the growing incidence of Jihad in Saudi Arabia and elsewhere with the encouragement of the recent US crusades.

Some talk occasionally arises that the Islamic Group's leaders are paving the way to resume the public advocacy of the initiative through social associations and political parties that might get government permits to operate in the future:⁵⁷

Shaykh Abu-Mus'ab al-Suri says to those who got involved in that initiative and similar advocacy:

"This is my advice to our brothers and to all those who slip and fall into these traps that the tyrants, their helpers and ulema, prepare for them: God says: 'Tumult and oppression are worse than slaughter. Nor will they cease fighting you until they turn you back from your faith if they can. And if any of you turn back from their faith and die in disbelief, their works will bear no fruit in this life and in the hereafter; they will be companions of the fire and will abide therein' [Koranic verse; Al-Baqarah 2:217]."

The Exalted and Almighty also says: "Muhammad is no more than an apostle: many were the apostle that passed away before him. If he died or were slain, will ye then turn back on your heels? If any did turn back on his heels, not the least harm will he do to God, but God on the other hand will swiftly reward those who serve Him with gratitude. Nor can a soul die except by God's leave, the term being fixed as by writing. If any do desire a reward in this life, We shall give it to him, and if any do desire a reward in the hereafter, We shall give it to him. And swiftly shall We reward those that serve us with gratitude. How many of the prophets fought in God's cause and with them fought large bands of godly men, but they never lost heart if they met with disaster in God's way, nor did they weaken in will nor give in. And God Loves those who are firm and steadfast. All that they said was: Our Lord, forgive us our sins and anything we may have done that transgressed our duty. Establish our feet firmly, and help us against those that resist Faith. And God gave them a reward in this world, and the excellent reward of the hereafter, for God Loveth those who do good. O ye who believe, if ye obey the unbelievers, they will drive you back on your heels, and ye will turn back from your faith to your own loss. Nay, God is your protector, and He is the best of helpers" [Koranic verses; Al-Imran 3:144-150].

May God be praised. It is as if this Koran was revealed for us and within us. Al-Bukhari recounts this Hadith about the prophet, may God's prayers and peace be upon him: "Khabbab Bin-al-Art said: We complained to the messenger of God as he was lying on his cloak in the shade of the Kaaba: Will you not call on God to give us victory? He replied: Before there were men who were placed in holes in the ground and tortured with saws and iron combs until their flesh was separated from their bones but they never abandoned their religion. Faith is when a traveler on foot walks from Sanaa to Hadramaut fearing nothing but God and the wolf's attack on his sheep but you are in haste." The prophet spoke truly, as if he were speaking about some of today's mujahidin. May God help us. I think that God's words and the prophet's Hadith have enough counsel in them.

Our brothers, feeling that they were surrounded and that they did not have the ability to continue could have surrendered and raised a white flag, declared that they were no longer going to resist the Egyptian regime, and asked for a truce or peace on conditions

⁵⁷ 'Dawat al-Muqawamah al-Islamiyah' page 750

appropriate to their circumstances. They did not have the right, however, nor does anyone have the right, to contradict the method itself, violate their attachment to jihad, and deny the legacy of thousands of enduring martyrs who went to their Maker in Egypt and elsewhere.

It is narrated about the people of Sunnah's Imam Ahmad Bin-Hanbal that some sympathizers urged him to accept Caliph Al-Mu'tasim's view on the Koran during the Mihnah [inquisition, reference to dispute in the Abbasid era over whether the Koran was created or was eternal with God] in order to protect himself and his family. He answered them: If this is your opinion, then you have relieved yourselves.

Then pointing to the students at his prison's gate, waiting to write down what fatwa he would give, he added: Shall I save myself by misleading these students?

He refused to pretend in order to save himself and used to say: There can be no protection except through the sword.

It is not permitted for a person who has capitulated to change his ideas, become a tool in the tyrants' hands and the enemies' media at home and abroad, and let down those who are still on the path of jihad and resistance and, indeed, curse and criticize them their method by falsifying the Koran and the prophet's Sunnah. The least that our brothers, and others in their situation, could have done was to withdraw from the convoy, keep silent, stay at home, weep for their sons, pray to God to help those who were still firm to remain firm on the path of God, and ask Him to give them another chance.

We ask God to forgive them, keep them firm on the path of righteousness, and send some of them or their followers and brothers who could raise the banner again to its former lofty and proud place.⁵⁸

The foregoing has been a review of the names of some ulema and students of religious disciplines from whom the mujahidin and supporters of jihad have benefited. I have chosen only some, not all, and did not explore them further. Otherwise the discussion would become too long for this response. Today we are witnessing a jihadist reawakening that enjoys the support of the ulema and students of religious disciplines. Indeed hundreds of ulema and thousands of students, backed by the Pashtun and Baluchi tribes and thousands of Pakistani and Afghan religious schools, are waging jihad against the crusaders in Afghanistan. The Taliban movement is basically a movement by religious scholars and students of religion.

His Eminence our brother Shaykh Abu-Yahya al-Libi bears testimony to them, saying: "Our brothers the Taliban, thank God, are a group of action and learning with the ulema as the leaders and the students as the troops. Those who know them or live with them in war and peace, prosperity and hardship, realize that they are people of piety, faith, and a search for righteousness on numerous issues. If you asked any individual, he would not need to scratch his head before he answered.

"It is enough to say in all fairness and frankness that it is the only contemporary jihadist movement that was raised by the ulema and their students, both leaders and grassroots.

⁵⁸ 'Dawat Al-Muqawamah Al-Islamiyah' page: 753 and 754

They have been its vast majority before it came to power and during its governorship and will be again when it returns to power, God willing. When people ask when, answer soon, hopefully.⁵⁹ I give the Muslim nation the glad news that its vanguard ranks include hundreds of ulema and students, some of whom defend it with their mouths and pens, some with their hands, and some with both words and weapons, thus demonstrating the veracity of the prophet's Hadith, may God's prayers and peace be upon him: A sect of my nation will continue to defend righteousness until the Day of Resurrection."

In his interpretation of this Hadith, Al-Nawawi said: "It is possible that this sect will be divided into various kinds of believers, including courageous combatants, jurists and speakers, hermits who promote virtue and prohibit vice, and other types of good people. It will not be necessary for them to be spread in the world's countries. This Hadith is a miraculous phenomenon because it applied in the prophet's time, continues today, and will go on until what the Hadith says will come to pass."⁶⁰

At the conclusion of this passage, I recommend the following saying by our master Abdallah Bin-Mas'ud, may his soul find favor with God: "Let no man imitate another in his religious faith, believing like him or not believing like him. If he wishes to imitate, let him imitate the dead, not the living because no living man is safe from temptation to stray."⁶¹

Let us now return to the words of the document's author. I declare that his argument that only those who are qualified may apply the rules that the ancient ulema wrote to actual conditions. My answer is that this should apply to him first. Why does he apply rules from books on jurisprudence on current conditions and reiterate: Do not wage jihad, do not promote virtue, do not resist injustice and occupation. After all, he admitted that he is neither a religious scholar, mufti, nor someone qualified to deduce laws from Shari'ah. Does not his argument urge all readers not to take his so-called rationalization document seriously since an admittedly unqualified person quoted from the books of jurisprudence rules to apply to actual conditions?

The author posted the following on the Internet: "Regarding religious writings posted on the Internet, it is not proper to accept everything that is in them without making sure that their writer is impartial and qualified in Shari'ah, especially material that incites the Muslims to clash with others."

This argument contains contradictions and also exposes the parties that stand behind the author. To make this more clear I say:

a. It is clear that the forces of the crusader-Zionist campaign are getting impatient with the Internet, which they originally invented to propagate their culture and immorality, only to find that the mujahidin have turned the tables on them. Indeed Petraeus, commander of the US forces in Iraq, warned in his latest report to the US Congress of the consequences of the mujahidin's use of the Internet.

⁵⁹ 'Dafa Al-Rain An Asrah Isabat al-Kuriyyin' page: 3 and 4.

⁶⁰ 'Sharh Al-Nawawi Ala Sahih Muslim' chapter 13 page 67

⁶¹ 'Al-Sunan Al-Kubrah' by Al-Buhiqi, chapter 10 page 116, 'Safwat Al-Safwah' chapter 1 page 421

b. Is the document's author asking everyone who posts material on the Internet defending jihad and the mujahidin to reveal his name so that he would be arrested?

c. The author contradicts himself. We will find out soon that he responds to those who cast suspicions on his document because it was produced in jail by asking them to examine its proofs and disregards the place from where it came. May God be praised, he is using a double standard. Where his document is concerned, the location and circumstances of its writing are irrelevant but what is posted on the Internet should be scrutinized with regard to the impartiality and qualifications of the writer and publisher.

We are not certain that he was the document's author. It consists merely of papers that came out of jail. If he was indeed the writer, what was the extent of his captors' interference in its writing? It is a document surrounded by suspicions as to its authorship and the manner of its writing. As to its publishers, we have no doubt that they are persons with no fairness in their minds. They are lowly, vile persons whose very flesh was nourished by shedding the Muslims' blood, assaulting their sanctities, and protecting the rotten regime and the interests of the crusaders and the Jews.

Furthermore, dear readers, scrutinize this sentence, "especially material that incites the Muslims to clash with others." You will notice two things:

1. It sounds like a security services' pamphlet that seeks to prevent any disruption of the public order.
2. Associate the word "others" with the author's subsequent admonishment not to clash with the ruling authorities and the original infidels so that you will understand that the author considers the ruling authorities in the Muslim countries among the "others," that is, infidels. I think that these "others" will not be satisfied with this document and will put more pressure on him to produce more until he reaches the point that the Islamic Group's leaders reached before him, that is, to recognize Husni Mubarak's legitimacy, regard Al-Sadat as a martyr, and look on the Taliban as fools because they refused to hand over Usama bin Ladin. It is the abyss, and the writer has placed his foot on the brink and the "others" are pushing him into it.

He then speaks about searching for justification for one's action in books of jurisprudence: "Beware of the jurisprudence of justification, so frequent in this era, as when a person finds something he likes to do or commits a stupid act and then searches for a proof in the Koran or the prophet's Sunnah to justify his stupidity and escape blame."

My comment is that the biggest stupidities in this age are the ones perpetrated by the major crusader and Jewish criminals who have shed more blood in this era than humanity had ever seen before. The big stupidities now are those perpetrated by the agents of those crusaders and Jews against their Muslim populations, chiefly Husni Mubarak. His security officers arrange for the production and distribution of such documents then persecute the detainees who do not accept them. It is a stupid thing to refrain from preparing for and waging jihad against those crusaders and Jews who occupy our countries and their agents. Justifying this stupidity is something that the so-called

rationalization document and similar writings like it do. A man who justifies such stupidity is one who justifies refraining from fighting the Jewish and crusader invaders of the Muslim lands, their allies, and friends on the pretext that we are too weak and impotent. A man who justifies stupidity is one who justifies waging jihad against some famous preachers on the grounds that fighting them is a worthier act than fighting their rulers. A man who justifies stupidity is one who justifies leaving the apostate tyrannical rulers unmolested and indeed abandoning the promotion of virtue and the prohibition of vice on the pretext of the great losses that we would suffer by doing so and because we are weak and impotent.

The poet Al-Mutawakkil al-Laythi spoke the truth when he wrote:

You teach others when you should rather teach yourself,

And prescribe medicine to others so that they would heal while you yourself are sick.

You give advice to our minds when you are devoid of reason.

Begin with yourself; you will become wise if you counsel yourself not to stray.

It is only then that people will accept what you say and become guided.

Do not prohibit others from actions that you yourself commit; it is a great shame on you when you do that. [end of poetry]

The document's author then noted that some persons reject his document because a captive is not qualified or competent to make opinions. He said that the expression "a captive is not qualified" is not accepted as an absolute opinion and that Al-Mawurdi and Abu-Ya'la, may they rest in peace, said that the captive imam remains qualified to make opinions unless he completely loses hope of deliverance. He added that his arguments do not acknowledge his captivity and that they should be judged by the proofs they present. He gave the example of God's prophet Yusuf, peace be with him, Imam Al-Sarkhasi, and Ibn-Taymiyyah who gave opinions while in captivity but their words were accepted.

This argument is deceptive in the following ways:

a. The document's author said that the expression "a captive is not qualified" is not to be taken in an absolute sense and that a captive imam would continue to be regarded as the imam unless all hope of his release is lost. Now the document's author is serving a 25-year sentence? Does someone serving such a sentence have any hope of release? Or has the government made promises to the document's signatories and those who accepted it? Let them tell us what they were promised and what they agreed upon.

b. Additionally composing a treatise or a rationalization document, publishing it, making publicity for it, and distributing it inside and outside the crusader campaign's jails and its aides in Egypt needs three stages.

First: The writer needs reference books and information about what is happening around him and current world events. A captive in Egyptian jails is usually under the total control of the organs of oppression and persecution, which control how much freedom he

is given according to their own interests and the level of risk. This can range from complete isolation of the prisoner or giving him the usual level of freedom that those who reach an understanding with the government can get. The same applies to the information that reaches him. They can isolate him completely from the world or provide him with faulty information. They can allow him to contact his lawyers, some of whom are government agents or contact his family. The more dangerous a detainee is, the greater the isolation under which he is put.

Second: The writing stage. It is well-known that prisoners in Egypt are constantly searched and remain under surveillance and that the organs of brutal repression can look at most of what they write. They can deprive a prisoner of writing tools. Alternatively they can encourage him to write and provide him with what he needs to write something that will benefit them and their crusader and Jewish masters.

Third: The stage of publication and distribution. It is impossible to do this openly unless the aforementioned organs agree, let alone publish a document with an accompanying media brouhaha. The document was sold and money was paid for it. The organs of brutal persecution would never allow this unless it served their interests and those of their masters.

c. Consequently you cannot accept a coerced person's approval of a document or, more significantly, his testimony. The proof is that any self-respecting judge, Muslim or non-Muslim, would not accept any detainee's testimony that is written inside jail under the security services' supervision. He would require the prisoner to appear personally before him to ensure that he is giving his testimony freely.

d. A captive's testimony that serves his captor and tormentor is unreliable because he is under his captor's control. A testimony serving the captor is unacceptable although it is acceptable if it is against the captor. Therefore the document author's testimony about the mujahidin's impotence is unacceptable. It is unreliable because it serves his oppressors' interests, from which the testimony of the mujahidin about their readiness to continue the fight is safe. Likewise unacceptable is his testimony that jihad against the crusaders, the Jews, and their agents has had terrible consequences because it was produced under oppression. The mujahidin's own assessment of gains and losses is safe from this assessment.

When the document's author compares his situation to that of the prophet Yusuf, peace be with him, Imam Al-Sarkhasi, and Ibn-Taymiyyah, there is a difference. They did not make testimonies that benefited their captors against the captors' opponents. Their testimonies, fatwas, or conveying of knowledge were not under suspicion. The document author's testimony is. For this reason the words of the prophet Yusuf, Imam Al-Sarkhasi, and Ibn-Taymiyyah were accepted but the testimony of the document's author about strength and weakness and gains and losses is rejected.

This document was written in the spirit of the Interior Ministry and to serve its purpose of maintaining public order. The writer urged the Muslims not to carry out any act against the government, no protests, sit-ins, meetings, or demonstrations. He called on them not even to collect money to help the captives' families, let alone support jihad with money

even in the countries and battlefields where the author does not object to jihad's legitimacy. Why all this? Do all these acts disrupt public order?

How could such a document be accepted? First release the writer from prison and allow him to live in a place where he and his family feel safe and then he will be free to speak his mind.

Chapter Four: Discussing the Third Section's Arguments About Jihad, the Promotion of Virtue, and the Prohibition of Vice

1. The document's author writes: "When it comes to jihad, which is the subject of this document, like other matters of religion it becomes obligatory only when the ability to carry it out exists. This ability is not confined to the individual Muslim's physical and financial capabilities but also includes the actual circumstances of its supporters and opponents. God, may He be praised, commended the mujahidin in His cause. He also commended the people of the cave when they isolated themselves from their people and the believer among the pharaoh's people who concealed his faith although the three groups faced the same circumstance, namely, a group of non-believers. Yet their reactions were different: One group waged jihad, another isolated itself, and the third concealed its faith. Yet all these groups were commended because each did what it had to do according to Shari'ah but to the extent of its ability. Thus each Muslim must seek to understand his religion's rules that apply to his ability and circumstances."

a. I ask, who can assess the degree of ability or lack of it? Is it the mujahidin themselves and the ulema who are firm in their faith, promote virtue and prohibit vice, and speak truth to power? Or it is the captives, who are under oppression, and those who have abandoned jihad? Can we trust the assessment of a coerced captive whose oppressors force him to say what they want? Is he not careful to appease them to spare himself their evil? Is he trying to do both things together? You cannot then trust his assessment.

Furthermore the document's author admits that he abandoned jihad 15 years ago and has been in jail for six years. How can one trust his assessment of ability and circumstances?

On matters of jihad we should accept the opinion of sound followers of the faith who also have experience of the world just as Ibn-Taymiyyah said: "On issues of jihad it is necessary to take the opinion of the followers of the true faith who also have experience of the world. The opinion of worldly people who understand religion only superficially should not be heeded nor the opinion of religious people who have no experience of the world."⁶²

b. Additionally we have not called the people to carry out haphazard jihad. We are urging them to mobilize their energies and resources and make preparations for jihad. No one should fall back even those who are not physically able to carry out jihad at one time or another. Let them make preparations and God will give strength and success or other people will come later and benefit from their preparations. Gaining sufficient strength and ability to carry out jihad is a Shari'ah obligation. What people should not do is to refrain from fighting and occupy themselves with making a living, raising their children,

⁶² 'Al-Fatawa al-Kubra' of Ibn-Taymiyyah Part 4 P 609,610

get promotions at work, and competing for the crumbs of this worldly life when actually jihad is the individual obligation of each one of them. They are obligated to make preparations for it because a prior act that is necessary to perform a duty is also a duty. Every capable man is required to answer his brothers' call who asks for his help in the various fields of jihad.

We have implemented what we are now advocating. When we found too many restrictions in Egypt because of the global alliance, as we will illustrate later, we joined our brother mujahidin in Al-Qa'ida and cooperated with them to wage jihad against America, the head of all non-belief.

We are calling for continuous efforts and contributions, organization, mobilization, preparation, and consultation with our brothers over past actions in order to avoid mistakes and develop jihadist action in a way that will make its impact heavier on the enemies and more hurtful to them. We are not asking people to throw stones at each other and hit each other with sticks. Our policy with our brothers is friendly advice and guidance to them and consultation over their previous errors. Those who were in jail with us know all this about us, thank God. What the document calls for, however, is not a rationalization of jihadist action but forcing it to its knees and restricting it for the good of the State Security Service and the CIA. The endeavor in which God has given us success, however, is developing jihadist action until it has become a global wave that frightens global non-belief in the White House and Tel Aviv. We are grateful to God. This is among the blessings of our departure from our country and our joining our virtuous brother the lion of Islam Usama bin Ladin, may God preserve him. He welcomed and received us generously and shared his livelihood with us. He took care to consult with us until God gave us blessings and success, thus dismaying the infidels and pleasing the believers' hearts. "The best end is for those who are righteous." May God, the Lord of the Worlds, be praised.

c. The New York and Washington raids have proven, with the help of God, the mujahidin's superior ability to make preparations and arrangements, follow up on the task, be good at concealment, choose targets carefully, and then hit the enemy in a way that he still feels the pain and will continue to feel it for a long time, thank God. The two raids have revived the nation's spirit of jihad and broken the idol of fear that used to live in their hearts. For this reason documents that are dictated by the security services and the Americans take great care to distort the mujahidin's image and disparage them. They use coerced persons and those who have abandoned jihad for the purpose of producing such documents. We reluctantly resist these efforts while feeling pain at the level to which our brothers have sunk. May God be praised, at any rate.

d. Furthermore the events in Afghanistan and Iraq prove that the mujahidin are winning their battle with the help of God and will win everywhere, God willing. Had it not been for the mujahidin's fighting in Iraq and Palestine, the enemy would have invaded the surrounding countries. Who are the mujahidin in Afghanistan? Who are the mujahidin in Iraq? Are they not Al-Qa'ida's supporters, brothers, friends, and allies? Is the testimony of the document's author, in which he described Al-Qa'ida's actions as a treachery to the friend and a betrayal of the enemy and in which he warned the people of Al-Qa'ida, more truthful than those mujahidin's testimony? Is the testimony he made in his prison,

surrounded by security officers and CIA agents, more truthful than the testimony of the veteran mujahidin, who have been tested by experience and freely accepted union with Al-Qa'ida, against which he makes accusations? Does he need me to repeat to him the testimony of the pioneer of jihad in Iraq, the prince of martyrs, Abu-Mus'ab al-Zarqawi, may he rest in peace, about Al-Qa'ida and Usama bin Ladin? Does he need me to repeat to him the testimonies of Shaykh Abu-Mus'ab Abd-al-Wadud and Shaykh Abu-al-Layth al-Libi, mujahidin commanders who have been tested by time and battle and who have only grown stronger, wiser, and more astute? Do these people not know their reality better than him, especially as he abandoned jihad years ago?

e. Were the mujahidin supposed to listen to the advice of someone who has abandoned jihad? Did not the mujahidin alert their brothers to go and join them because the battle was escalating? I do not want to boast but I am forced to mention that after he was sentenced [in absentia] in the Returnees from Albania Case, I sent him a handwritten letter warning him not to stay in Yemen and inviting him to come to Afghanistan. I did this despite the earlier hurt he had caused me to which, with God's help I did not retaliate. He did not take the trouble of answering my letter, may God be praised.

f. It is astonishing that the document's author wishes to impose his own impotence and weakness on the mujahidin, who do not see in themselves any impotence or weakness. This is like someone who tells others not to pray standing up because he cannot pray standing up, not to pay alms tax because he has nothing to give, and not to make pilgrimage because he lacks the ability to make it himself. The writer says that he is impotent and oppressed. This is his view and problem. Only God knows what his situation is like. The mujahidin know better what they should do, however. Look at the enemy, groaning under their blows. The United States considers them the greatest threat to its national security. How many of the security officers who surround him fear the Day of Judgment? We pray to God that it will be soon.

These claims that are made by the Egyptian-US media machine today seek to divert the nation away from jihad and from the promotion of virtue and the prohibition of vice at a time when the nation urgently needs them.

g. These claims are in the same class as the Ottoman Sultan's accusation to [Egyptian nationalist] Ahmad Urabi that he was a renegade because he rebelled against his ruler, Khedive Tawfiq, who asked the British for assistance. They are in the same class as the fatwa issued by the Saudi regime's ulema that said it was permitted to invite the Americans to the Arabian Peninsula. They stand in the same class as the fatwa that allowed Muslims to fight under the US flag and kill his Muslim brothers because they are terrorists. They stand in the same class as the Saudi regime's mufti's edict that it is not permitted to call to jihad against America except with the approval of the ruler, who is actually America's puppet.

What this fatwa, or dubious call, is actually telling the Muslims: You are impotent, weak, paralyzed, and crippled, so do not resist your rulers and do not promote virtue or prohibit vice:

O people, do not talk; talk is forbidden
Sleep and do not wake up; only the sleepers win.

Be late in answering every call that says: forward
And try not to understand. It is better if you do not. [end of poetry]

How happy are the Americans and Jews with these fatwas? They isolate and attack us one country after another while we leave their military bases, offices, and interests in our countries secure and unmolested. We do not attack them because if we did, we would be attacked by the forces of our own rulers, who are their puppets, and the security services that protect them. Whenever the Americans finish attacking one country, they turn their attention to another while we sit back in surrender and watch their crimes in silence as a result of those poisonous fatwa and dubious calls.

h. The document's method of trying to discourage the mujahidin demonstrates the failure of the enemies of Islam to confront the mujahidin's Shari'ah proofs and arguments. They have not been able to respond to them so they tried the indirect method of speaking about ability versus impotence. Those who make this call are the weakest persons and the least able to understand the facts. It sounds as if the United States and its agents are standing behind this document and saying: Beware of attacking us because you do not have the ability to do so and will inflict catastrophes on yourselves. They say this while their knees are shaking in fear of the mujahidin. Oh Muslims, please see through this ruse.

2. The writer says: "What is an obligation to an empowered person is not an obligation to the oppressed. The idea of empowerment is found in God's words: 'He will establish in authority their religion' and 'they are those who if We establish them in the land' [Koranic verses, Al-Nur 24:55 and Al-Hajj 22:41]. Empowerment means that the Muslims would have a realm where they have the upper hand and that they are able to defend and keep as they were in Medina in the wake of the migration from Mecca. Someone who is not in a strong position that protects him is oppressed who is not obligated to use physical force to change a sinful situation, except to repulse an attacker on his land. Even this, in the case of an oppressed population, is permitted but not compulsory according to Imam Ahmad Bin-Hanbal.

a. Therefore the document's author does not consider the promotion of virtue and prohibition of vice as an obligatory duty unless the Muslims are empowered, namely, when they have a realm where they have the upper hand, which they are able to defend and keep. Which ulema laid down this condition? The prophet said: "He among you who sees a vice, let him change it with his hand, if he cannot then with his words, and if he cannot even do that, let him change it in his heart."⁶³ The author cited this Hadith, which makes resistance to vice incumbent on the ability to do so but not on living in a realm where the Muslims have the upper hand. Where did the author get this extra condition? Ability does not include living in an empowered realm, which the writer included as a condition. He did this although he admitted that he is neither a scholar nor a mufti. Therefore he is not qualified to invent conditions and restrictions that are not required by the Koran, the Sunnah of his prophet, or the ulema.

⁶³ 'Sahih al-Muslim' Part 1 p. 167

Imam Al-Jassas said: "Abu-Umayyah al-Sha'bani told me this story: I asked Abu-Tha'labah al-Khishni his opinion of the Koranic words 'Guard your own souls' and he replied that he had asked a more expert person, namely, the prophet, who replied: These words mean that you should promote virtue and prohibit vice but if you see the people pursuing worldly things, guard your own virtue and those who are patient and enduring will get the reward of 50 persons. Abu-Tha'labah asked: Fifty, oh messenger of God? The prophet replied: The reward of 50 persons like you."

These accounts show that the promotion of virtue and the prohibition of vice can be done in two conditions. One of them is when it is possible to change vice with physical force. He who can do so is obligated to do it.

Imam Al-Jassas also said: "The same rule applies to those who openly commit sins and immoral actions. Those who can should change the situation with their hands but if they cannot, they should denounce it by word of mouth if they hope that their words can deter the sinner. But if they cannot, they may remain silent."

He also recounted: "Abu-Bakr, relying on the words of the Koran and the prophet, said that the promotion of virtue and the prohibition of vice is a collective obligation. If a sufficient number of people carry out this duty, then the rest are exempt from it."⁶⁴

Imam Al-Nawawi said: " Besides, the propagation of virtue and the prohibition of vice is the community's collective duty. If some people carry it out, the rest of the people are exempt from it. If no one comes forward to denounce vice, then every member of the community who has the ability to sin, will do so without any excuse or fear. Besides, it might become the duty [of the person] in situations where no one knows about it or can correct it except the person himself, or if a man sees his wife or son of boy committing vice or negligence."⁶⁵

Al-Nawawi cited Judge Ayyad as saying that "someone trying to change vice to virtue has the right to use all possible means including destroying banned musical instruments and throwing out intoxicating liquors or commanding their users to do so. He also has the right to retrieve any possession from a person who has forcibly taken it from another."⁶⁶

Ibn-Al-Qayyim said: "What is meant here is that judging among the people, in a way that goes beyond the advocacy of the faith, is known as the institution of Al-Hisbah. Its origin is to promote virtue and prohibit vice, as commanded by God, His messengers, and scriptures. It is characteristic of this nation, for which reason God preferred it to other nations. It is the duty of every capable Muslim. It is the community's collective duty and becomes the individual obligation of every capable person if no one else, including the authorities, carries it out."⁶⁷

⁶⁴ 'Ahkam al-Koran' for Abu-Bakr al-Jassas Part 2 p. 317-324

⁶⁵ 'Sharh al-Nawawi Ala Sahih al-Muslim' Part 2 p. 23

⁶⁶ 'Sharh al-Nawawi Ala Sahih al-Muslim' Part 2 p. 25

⁶⁷ 'Al-Turuq al-Hukmiyah' Part 1 p. 345

Ibn-Hajar said: "Al-Tabari said that the ancients differed on whether the promotion of virtue is an absolute obligation. Some of them cited a Hadith transmitted by Tariq Bin-Shihab that the best jihad is when a person speaks the truth to an unjust ruler. It also refers to changing a vice by physical action but on condition that this does not lead to killing someone or inflicting major harm on him. Others said that the prohibition of vice can be done in one's heart. Umm-Sullamah transmitted the following Hadith: There will be rulers over you in the future. Those who resist their vice will be innocent and those who denounce it will be safe. However, no Muslim should subject himself to more harm than he can bear. Others said that the promotion of virtue is for those who can do it without fear of reprisal against themselves."⁶⁸

The foregoing is a collection of opinions by the ulema to demonstrate that they stipulated only the ability to eliminate vice. They did not stipulate that before they can denounce vice, the Muslims should have a realm where they have the upper hand, which they can defend and keep as they did in Medina. Furthermore, where did the author get the condition that they should have the power to defend and keep their realm?

b. The ulema's unanimous opinion was that if the ruler became an apostate, he should be removed and that this is the obligation of every Muslim who has the ability to do so. Ibn-Hajar al-Askalani explained the prophet's Hadith "he who parts a little from the community has removed himself from Islam." He said: "The ulema were of the unanimous opinion that the sultan who has power over the rest should be obeyed and the Muslims should carry out jihad under his command because that spares lives and keeps the ordinary citizens quiet. Their argument was that such a course of action rests on the aforementioned Hadith. The only exception they made was if the sultan demonstrated open non-belief. In that case, he should not be obeyed and those Muslims who are capable should fight him."⁶⁹

Al-Nawawi said: "Al-Qadi recounted that if the ruler becomes infidel, alters Shari'ah, or introduces a heresy, he is no longer a legitimate ruler, and should not be obeyed. The Muslims should rebel against him, remove him, and install a just ruler in his place. If only a group among you has the ability to do so, they should do it. It is an obligation on them if he becomes an infidel. If he is only a heretic, they are permitted to rise against him if they have the power but are not obligated to do so. If they judge that they do not have the power, they should not attempt it. In this case a Muslim should leave that country and keep his religious faith intact."⁷⁰

Ibn-Hajar said: "We spoke about this earlier in connection with Ubadah's opinion that the people should obey the ruler unless they saw sign of open non-belief in him. We need not repeat this, but in brief the unanimous opinion is that he should be removed."⁷¹

How can this judgment be implemented if we accept the author's conditions that the Muslims should have a realm where they have the upper hand and can defend it and keep

⁶⁸ 'Fatih al-Bari' Part 13 p. 53

⁶⁹ 'Fatih al-Bari' Part 13 p. 7

⁷⁰ 'Sharh al-Nawawi Ala Sahih al-Muslim' Part 12 p. 229

⁷¹ 'Fatih al-Bari' Part 13 p. 123

it, as in Medina after the migration from Mecca, before they can rebel against the apostate ruler? How can they do that when the Muslims do not have the upper hand because the person who has the upper hand, namely, the ruler has become an infidel? He proscribes jihad and obstructs this judgment. The author is saying that if the Muslims have the ability to replace the apostate ruler, they should not do it because they do not have empowerment in a realm where they have the upper hand. Hence the author has suspended the ulema's unanimous opinion. The apostate rulers should be very happy with his views.

c. It might be argued that the author said that in a realm where the Muslims do not have the upper hand, they are not obligated to rise against the ruler but he did not say they are not permitted to rebel. The answer to this argument is from two different angles:

First: This opinion contradicts the ulema's rule. They said that it is an obligation to promote virtue and prohibit vice with their hands according to the prophetic Hadith. They did not include the author's condition that they should be living in a realm where they have the upper hand and can defend this realm and keep it in their hands.

Second: The author, as will be seen soon, stated that the promotion of virtue and prohibition of vice is not permitted at this time. He said: "Judging by the previous argument, we believe that prohibiting vice by the action of one's hand is only permitted to the ruler who has power similar to that of a father in his home or to save a Muslim from a definite threat. We also believe that it is not permitted to clash with the ruling authorities in the Muslim countries for the sake of enforcing Shari'ah in the name of carrying out jihad."

In the next few chapters we will see that the document's author did not confine his argument to the existence of a realm where the Muslims are empowered and supported but added five other conditions (the six factors). He was not yet satisfied but added (the six prohibitions) and when talking about tourists he added (the six obstacles). After that he gave us a lesson in Egyptian history where he claimed that Islamist and popular groups cannot introduce change in Egypt.

d. There is another very serious rule about which he remained silent despite its urgency. This rule states that a Muslim is permitted to publicly promote virtue and prohibit vice even if he is killed while doing so. This would be the highest form of martyrdom. It is such a vital point that I do not understand why he remained silent about it except perhaps because this point does not please the state security officers, their master Husni Mubarak, and his master the United States. Hence I consider it useful to mention this point's scriptural proofs:

1. Proof from the Koran:

a. Interpretation of God's command "And spend of your substance in the cause of God and make not your own hands contribute to your destruction" [Koranic verse; Al-Baqarah 2:195].

Imam Al-Jassas said the following in explanation. First he quoted Imam Muhammad Bin-al-Hasan as saying that it is permitted to risk one's life for the good of religion and

mentioned that he agreed with him. "When he who promotes virtue and prohibits vice, perceives a useful consequence for religion and dies while doing it, it is the highest form of martyrdom. God said: 'Bear with patient constancy whatever betide thee, for this is firmness of purpose in the conduct of affairs' [Koranic verse; Luqman 31:17]."

Ikrimah cited Ibn-Abbas quoting this Hadith of the prophet: "The best martyr is Hamzah Bin-Abd-al-Muttalib and every man who speaks a word of truth to the face of an unjust ruler."

Muhammad Bin-Bakr quoted Abu-Dawud, who quoted Abdallah Bin-al-Jarrah, who quoted Abdallah Bin-Yazid, who quoted Musa Bin-Ali Bin-Rabah, who quoted his father, who quoted Abd-al-Aziz Bin-Marwan as saying: "I heard Abu-Hurayrah saying: I heard the messenger of God saying: The worst qualities in a man are miserliness and great cowardice." The disparagement of cowardice logically requires the praise of courage when it benefits religion, even at the risk of one's life. God knows best.⁷²

b. Interpretation of God's words: "As to those who deny the Signs of God, who slay the prophets, and slay those who teach just dealing with mankind, announce to them a grievous penalty" [Koranic verse; Al Imran 3:21].

In explaining this verse, Al-Qurtubi said: "Ibn-al-Arabi claimed that if someone wishes to eliminate vice but fears to be beaten or killed while trying to change it, he may go ahead and try to change it, according to the majority of the ulema. However, if he does not expect this vice to be eliminated, what is the use of his attempt?"

"He said: My view is that if he has a sincere intention, let him go forward without fear."

"I said: This contradicts what Abu-Umar said about unanimity."

This Koranic verse shows that it is permitted to promote virtue and prohibit vice even when the speaker fears death: "Enjoin what is just, and forbid what is wrong and bear with patient constancy whatever betide thee" [Koranic verse; Luqman 31:17].⁷³

2. Al-Hakim quoted Ibn-Abbas giving the following explanation of the above verse: "Isa Ibn-Maryam [Jesus] was sent to 12 disciples who were teaching the populace. He mentioned the prohibition against marrying one's niece. A king had a niece whom he liked and wanted her. Every day he would grant one of her requests. Her mother told her: If he asks you what you want, tell him to kill Yahya Bin-Zakariya [John the Baptist]. The king asked her: What is your wish? She replied: I need you to kill Yahya Bin-Zakariya. He said: Ask for something else. She replied: I only want this. When she refused to change her request, the king had him slaughtered in a large vessel. One drop of his blood

⁷² 'Ahkam al-Koran' by Al-Jassas interpreting the Exalted words: 'And spend of your substance in the cause of Allah, and make not your own hands contribute to (your) destruction; but do good; for Allah loveth those who do good' [Koranic verse; Al-Baqarah 2: 195] Part 1 p. 328, Al-Qurtubi interpretation of : ' and make not your own hands contribute to (your) destruction' [Koranic verse; Al-Baqarah 2: 195], 'Al-Mas'alah al-Thaniyah' Part 2 p. 364

⁷³: 'Al-Qurtubi' interpretation of the two verses 21, 22 from Al Imran verse - Al-Mas'alah al-Rabi'ah Part 4 p. 48

continued to seethe in the vessel until he was told that the blood would continue to seethe until he killed 70,000 thousand from the same clan."

Al-Hakim, may he rest in peace, said: "This is an authentic Hadith according to the two shaykhs [compilers of prophet's Hadiths] who did not include it and it has a strange chain of transmitters and text."⁷⁴

In his book of additional Hadith Al-Hakim also cited Hisham Bin-Urwah, who quoted his father as saying: "When Abdallah Ibn-al-Zubayr was killed, I heard him saying as he died: Even if some deny retribution, I do not deny it. Yahya Bin-Zakariya died because of a harlot who was a handmaiden." Al-Hakim commented: "This is an authentic Hadith according to the two shaykhs. Some people from Basra assigned it to the transmitter Yahya Bin-Ayyub."⁷⁵

3. Al-Shukani said the following in explaining the Koranic verse above: "Ibn-Jarir narrated the following Hadith citing Ibn-Abu-Hatim who quoted Abu-Ubaydah Bin-al-Jarrah, who said: "I asked: Oh messenger of God, what kind of person will be tormented most on the Day of Judgment? He replied: A man who killed a prophet or killed someone who promoted virtue and prohibited vice. The prophet then recited: 'Who slay the prophets, and slay those who teach just dealing with mankind, announce to them a grievous penalty. They are those whose works will bear no fruit in this world and in the hereafter nor will they have anyone to help them' [Koranic verse; Al Imran 3:21]. The prophet then added: Oh Abu-Ubaydah, the Israelites killed 43 prophets in one hour at the beginning of the day, then 170 men of the Israelites rose and enjoined the killers to be virtuous and refrain from vice. They were all killed at the end of the same day. They are those whom God mentioned in this verse."⁷⁶

Proof from the virtuous Sunnah:

a. In the same book of additional Hadiths Al-Hakim recounted the following Hadith, which the two shaykhs did not record but which has a reliable chain of transmitters. He cited Jabir, may his soul find favor with God, that the prophet said: "The best martyr is Hamzah Bin-Abd-al-Muttalib and every man who stood before an unjust ruler, rebuked him, and told him not to commit vice but the ruler killed him."⁷⁷

⁷⁴ 'Al-Mustadrik ala al-Sahihayn'- 'Al-Tafsir' Book- Interpretation of Al Imran verse - Hadith number 3146 Part 2 p.318, 'Fatih al-Qadir' Interpretation of Al-Imran verse- 21 to 25 Part 1 p. 328.

⁷⁵ 'Al-Mustadrik Ala al-Sahihayn' - 'Ma'rifat al-Sahabah' Book- The account of Abdallah Ibn-al-Zubayr Ibn-al-Awwam, may God be pleased by them- Hadith number 6348 Part 3 p. 640

⁷⁶ 'Fatih al-Qadir' - interpretation of Al-Imran verse, verses 21 to 25 Part 1 p. 328

⁷⁷ 'Al-Mustadrik Ala al-Sahihayn' - 'Ma'rifat al-Sahabah, Radiya Allah Anhum' Book- The account of Hamzah becoming a Muslim -Hadith number 4883 Part 3 p. 215, 'Majma al-Zawa'id' Part 7 pp. 266 and 272, 'Masnad Abu-Hanifah' Part 1 p. 187 and 188, 'Al-Mu'ajam al-Awsat' - 'Min Asmah Ali'- Hadith number 4079 Part 4 p. 238, 'Al-Tarhib wa al-Tarhib' - 'Al-Hudud' Book and others in arousal of interest in propagating virtue and prevention of vice and enforcing the fear from leaving them and continuing in them. - Hadith number 3483 Part 3 p. 158, 'Al-Firdaws Bima'thur al-Khitab'- 'Bab al-Sin'- Hadith number 3472 Part 2 p. 324, 'Al-Tamhid for Ibn- Abd al-Bar': Part13 p. 54 and 55, 'Al-Dirayah Fi Takhrij Ahadith al-Hidayah' - 'Al-Ikrah' Book- Part 2 p.197.

Al-Dhahabi said: "This Hadith has a weak chain of transmitters."⁷⁸

b. Abu-Sa'id, may his soul find favor with God, said: "The best jihad is a word of truth spoken to an unjust ruler."⁷⁹ Al-Tarmadhi said: "This is a Hadith of medium reliability and strange in aspect."⁸⁰

Al-Husayni, may he rest in peace, said: Al-Nisa'i narrated it using a reliable chain of transmitters and Al-Mundhiri said that its text is reliable.⁸¹

Al-Minawi: "The best jihad signifies one of the best forms of jihad because a mujahid who is fighting the enemy is torn between fear and hope but a man who rebukes the sultan is in danger of death, he is better because he overcomes his fear."⁸²

In explaining this Hadith, Al-Mubarakfuri said: "A word of truth signifies any remark or statement promoting virtue or prohibiting vice or a written message addressed to an unjust ruler."

Al-Khitabi said: "This has become the ideal form of jihad because a man fighting the enemy is hesitant between hope and fear and does not know whether he will win or lose. In the case of a man addressing the sultan, he knows that if he speaks the truth, he will be killed. Hence it is the best form of jihad."⁸³

Abu-Dawud recounted: "Abu-Umayyah al-Sha'bani told me that he asked Abu-Tha'labah al-Khishni: Oh Abu-Tha'labah, how do you explain this verse 'Guard your own souls?' He said: You have come to an expert because I asked the messenger of God about it and he

⁷⁸ 'Sayr A'alam al-Nubala' - 'Tarjamah: Hamzah Ibn-Abd-al-Mutalib' Part 1 p. 173, 'Fayd al-Qadir' Part 4 p. 121, 'Nusub al-Rayah' Part 4 p. 159 and 160.

⁷⁹ 'Tafsir Ibn Kuthayr' - 'Al-Ma'idah verses 78 to 81 Part 2 p. 85, 'Al-Mustadrik Ala al-Sahihayn' - 'Al-Fitan Wa al-Malahim' Book, Hadith number 8543 Part 4 p. 551, 'Majma al-Zawa'id' - 'Bab al-Kalam Bil Haq Ind al-Hukam' Part 7 p. 272, 'Sunan Abu-Dawud' - 'Al-Malahim' Book - 'Bab Al-Amur Wa al-Nahi' - Hadith number 4344 Part 4 p. 124, 'Al-Fitan' Book - 'Sunan Ibn-Majah' - 'Bab al-Amur Bil Ma'ruf Wa al-Nahi An al-Munkir' Hadith number 4011 and 4012 Part 2 p. 1329 and 1330 'Masnad Ahmad' - 'Masnad Abu Sa'id al-Khudri' - Hadith number 11159 Part 3 p. 19, 'Masnad al-Hamidi' - Part 7 'Ahadith Abu-Sa'id al-Khudri' - Hadith number 752 Part 2 p. 331, 'Masnad Abu Ya'la' - 'Masnad Abu Sa'id al-Khudri' Hadith number 1101 Part 2 p. 352 and 353, 'Masnad Ibn-al-Ja'ad Hamad Ibn-Salamah' - Hadith number 3326 Part 1 p. 480, 'Masnad Abd- Ibn- Hamid' - from 'Masnad Abu-Sa'id al-Kudri' Hadith number 864 Part 1 p. 273, 'Al-Mu'jam al-Kabir' for Al-Tabrani' - 'Ma Asnadah Abu-Amamah' - What was accounted about Abu-Amamah from the people of Basrah- Hadith number 8080 and 8081 Part 8 p. 281 and 282, 'Masnad al-Shihab' - Chapter of: The best of Jihad a just word about 'Amir Ja'ir' Hadith number 1286 and 1288 Part 2 p. 247 and 248, 'Shu'ab al-Iman' - 52 from 'Shu'ab al-Iman' which is 'Bab al-Amur Bil Ma'ruf Wa al-Nahi An al-Munkir' Part 6 p. 93, and 57 from 'Shu'ab al-Iman' which is 'Bab Fi Husun al-Khuluq' - The chapter of leaving anger, holding grudges, and forgiveness when possible- Hadith number 8289 Part 6 p. 309 and 310, 'Al-Tamhid' for Ibn-Abd al-Bar' Part 21 p. 286.

⁸⁰ 'Sunan al-Tarmadhi' - 'Al-Fitan' Book- Chapter of: The best of Jihad a just word about 'Sultan Ja'ir'- Hadith number 2174 Part 4 p. 471, 'Kashf al-Khafa' - 'Harf al-Hamzah' - 'Harf al-Hamzah Ma'a al-Fa' Hadith number 457 Part 1 p. 173.

⁸¹ 'Al-Bayan Wa al-Ta'rif' - 'Harf al-Hamzah' - 'Al-Hamzah Ma'a al-Fa' Hadith number 304 Part 1 p. 118 and 119, 'Al-Sunan al-Kubra' for 'Al-Nisa'iy' - 'Al-Bay'ah' Book- the grace of who speaks the truth in the face of 'Hakim Ja'ir' Hadith number 7834 Part 4 p. 435, 'Fayd al-Qadir' - 'Harf al-Hamzah' Part 2 p. 31.

⁸² 'Fayd al-Qadir' - 'Harf al-Hamzah' Part 2 p. 30.

⁸³ 'Tuhfat al-Akhwadhi' - 'Al-Fitan' Book- Chapter of: The best of Jihad a just word about 'Sultan Ja'ir' Part 6 p. 330, 'Awn al-Ma'bud' - 'Al-Malahim' Book- 'Bab Al-Amur Wa al-Nahi' - Part 11 p. 335.

told me: Enjoin each other to be virtuous and to refrain from vice. If you see an unworthy man being obeyed, the people following their whims, widespread worldliness, and every person proud of his own view, leave all these people and guard your own soul. You have days ahead of you when you will need to be patient and endure like a man grasping a live coal in his hand. He who can do this and endure will have the reward of 50 persons. Another narrator added this: The prophet was asked: The reward of 50, oh messenger of God? The prophet replied: The reward of 50 persons like you."⁸⁴

Al-Azim Abadi, may he rest in peace, gave this explanation of this Hadith: "Shaykh Izz-al-Din Abd-al-Salam: Conducting jihad with one's own life is a credit only to those who venture forward first. They have few supporters and thus their jihad is better. Risking one's life in fighting while hoping to live is not at all like sacrificing one's life when death is certain. This is why the prophet, may peace be upon him, said: The best jihad is a word of truth spoken to an unjust ruler. The prophet considered it the best because the speaker has no hope of continuing to live."⁸⁵

The ulema's views on this issue:

Al-Izz Bin-Abd-al-Salam said: "It is a corrupting influence to accept sins but this is permitted when one is unable to denounce them by word of mouth or act of hand. He who is able to denounce them while fearing for his own safety goes to his own credit because risking one's life to uphold religion is required. It is a justification to fight the idolaters, tyrants, and those who deny the people their rights and the only way to get these rights is to fight them."

The prophet, peace be with him, said: "The best jihad is a word of truth spoken to an unjust ruler." He considered it the best form of jihad because the speaker sacrifices himself unlike the combatant who fight an enemy combatant in battle and might win and kill his enemy. The value of the combatant's act is not as great as someone who denounces vice and knows that he has no chance of staying alive."⁸⁶

Ibn-Taymiyyah said: "It is forbidden to eat a carcass that is not ritually slaughtered, blood-filled flesh, or a pig's flesh when other food is available but when necessary they should be eaten to maintain one's life. The imams of the four schools of Islam and the majority of ulema permit, indeed command, this. Masruq said: Anyone who is in a situation where he is obligated to eat such foods to stay alive but does not eat and as a result dies, goes to hell. This is because he allows death to claim him when there is food that is permitted in this case. Thus his death is deemed a suicide. It is different when a man conducts jihad with his own life by speaking the truth to an unjust ruler. This man dies a mujahid and his death serves God's religion."⁸⁷

⁸⁴ 'Sunan Abu-Dawud' - 'Al-Malahim' Book- 'Bab Al-Amur Wa al-Nahi'- Hadith number 4341 Part 4 p. 123.

⁸⁵ 'Awn al-Ma'bud' - 'Al-Malahim' Book- 'Bab Al-Amur Wa al-Nahi'- Part 11 p. 333.

⁸⁶ 'Qawa'id al-Ahkam Fi Masalih al-Anam' -Chapter of 'Ijtima al-Masalih Ma'a al-Mafasid' - actions that include rectification and corruption with the outweigh of the their rectification upon their corruption - 36th example Part 1 p. 94.

⁸⁷ 'Majmu'a al-Fatawa' Part 26 p. 181 and 182, 'Al-Fatawa al-Kubra' Part 2 p. 525.

Ibn-Abidin said in his commentary on the book "Chosen Pearls": "If the fighter knows that he might be killed in battle but can hurt the enemy, he is permitted to fight, contrary to the case of promoting virtue by speaking truth to power. If the fighter learns that he will be killed if he fights and taken captive if he does not, he is not obligated to fight."

The explanation of "not obligated to fight" is as follows: "He is permitted to fight until he gets killed. There is no objection to a man attacking the enemies alone even if he thinks he will be killed if he is sure he can wound, defeat, or kill some of the enemies. A group of the prophet's companions did this and the prophet praised them. If he knows that he cannot hurt them, he is not permitted to attack because he will not be doing his religion any good, contrary to a man rebuking the ruler for his vice. He may attack if he knows that they will kill him but he is allowed to stand back. The Muslims, unlike the infidels, are influenced by his act."⁸⁸

An event from the biographies of our pious ancestors: The martyrdom of Ibrahim al-Sa'igh, may he rest in peace, in connection with the promotion of virtue and prohibition of vice.

Al-Jassas recounted: "Makram Bin-Ahmad al-Qadi told us the following account, citing Ahmad Bin-Atiyah al-Kufi, citing Al-Hamani, who said: I heard Ibn-al-Mubarak tell this story: When Abu-Hanifah heard about Ibrahim al-Sa'igh death, he wept so much that we thought he would die. I talked to him in private and he told me: He was a clear-headed man and I feared for him. I asked: How did it happen? Abu-Hanifah said: He used to come to me and ask my opinion about matters. He was extremely willing to make sacrifices in the service of God and was very pious. Sometimes I would offer him food and he would ask what it was but refrain from eating it. Sometimes he would like it and eat it. He asked me once about the promotion of virtue and prohibition of vice. We debated the matter and agreed that it was a divinely imposed obligation. He said to me: Give me your hand so that I would swear allegiance to you. I asked: Why? He said: I have been called on to perform an obligation that is one of the rights of God but I refrained because if one man carries it out, he will be killed without even benefiting the people, but if he finds pious helpers and a man to lead them who is a trustworthy defender of God's religion, he would succeed."

Abu-Hanifah added: "Whenever he was involved in a disputed issue, he came to me to use me as judge. I always told him: This is an endeavor that one man alone cannot carry out. Even the prophets found it too hard. This is an obligation like no other. Other obligations can be carried out by one man but this is a matter that can get a man killed if he acts alone. If one man is killed performing this duty, no one else will dare to attempt it but everyone will wait. The angels have said: 'Wilt Thou place on earth one who will make mischief therein and shed blood whilst we do celebrate Thy praises and glorify Thy holy name? God said: I know what ye know not' [Koranic verse; Al-Baqarah 2:30].

"He traveled to Merv [in today's Turkmenistan] where Abu-Muslim [Al-Khurasani, Persian general and major architect of Abbasid victory over Umayyads] was staying and

⁸⁸ 'Rad al-Mukhtar Ala Durar al-Mukhtar' (Hashiyat Ibn-Abidin) 'Al-Jihad' Book- the question, if he knew he will be killed then it is permissible for him to fight Part 4 p. 127.

spoke harshly to him. Abu-Muslim imprisoned him. The jurists of Khorasan and their disciples gathered and petitioned for his release. However, Ibrahim al-Sa'igh returned more than once and rebuked Abu-Muslim, saying: I find nothing better to do in the service of God than to conduct jihad against you. I will do so with my tongue because I have no power in my hand but God can see me hating you for His sake. Abu-Muslim had him killed.⁸⁹

"Ibrahim al-Sa'igh was a man of piety and scholarship, who was praised and mourned by the nation's ulema, who considered him a martyr."⁹⁰

Now think, dear reader, of Abu-Hanifah's advice to him, namely, that anyone who wishes to promote virtue and prohibit vice should find virtuous aides and a trustworthy man to command them. He did not tell him what the document's author is now saying: Look for a country where the Muslims have the upper hand and can defend it and preserve it.

How can the writer say after this: "Based on the foregoing, we believe that it is not permitted for anyone to prohibit vice with his hand except for someone who has power like a father within his household or to save a Muslim from a threat that cannot be averted," as we shall see later on. It would have been acceptable of him to say for example: We believe that it is not obligatory for someone without power to try to prohibit vice with his hand but if someone with strong faith wishes to do so and is killed during his endeavor, that is the highest form of martyrdom. I will discuss this statement in detail later on, God willing.

According to their biographies, the early imams like Ahmad Bin-Hanbal did not accept the principle of special permits as an excuse to refrain from speaking truth to power. Imam Al-Dhahabi spoke about the ordeal suffered by the Sunni Imam Ahmad Bin-Hanbal during the Mihnah [dispute whether Koran was created or eternal with God]. He said: "Abbas al-Duri told us that he heard Abu-Ja'far al-Anbari say: When Bin-Hanbal was summoned to meet with [Caliph] Al-Ma'mun, I heard about it and went to see the imam. I greeted him and He said: You have troubled yourself. I said to him: Many people emulate you today. If your answer to the caliph is that the Koran was created as he says, many will follow you in this belief. If you refuse, many will not adopt this belief. Remember that if the caliph does not kill you, one day you will die anyway. Death comes to everyone, so have the fear of God and do not agree with him. Ahmad Bin-Hanbal started weeping and said: May God be praised, repeat what you said, Abu-Ja'far. I did and he kept saying may God be praised."

⁸⁹ 'Ahkam al-Koran' for Abu-Bakr al-Jassas- Al-Imran verse- Chapter of promoting virtue and prohibiting vice Part 2 p. 319 and 320 and Part 1 p. 86.

⁹⁰ 'Tahdhib al-Tahdhib'- 'Harf al-Alif' - 'Min Asmuh Ibrahim' 'Tarjumah' number 314 - 'Ibrahim Ibn-Maymun al-Sa'igh' Part 1 p. 150, 'Tahdhib al-Kamal' - 'Bab al-Alif' - 'Min Asmuh Ibrahim'- 'Ibrahim Ibn-Maymun al-Sa'igh' Part 2 p. 224, 'Al-Tabaqat al-Kubra' - 'Wa Kan Bi Khorasan Ba'ad Ha'ula Min al-Fuqaha Wa al-Muhdithin' -'Ibrahim Ibn-Maymun al-Sa'igh' Part 7 p. 370, 'Muwadih Awham al-Jami wa al-Tafriq' - 'Bab al-Alif' -The mention of 'Ibrahim al-Sa'igh' Part 1 p. 375 and 376, 'Tabaqat al-Hanafiyah' - 'Harf al-Alif' 'Bab Min Asmuh Ibrahim' -'Tarjumah' number 54- Ibrahim Ibn-Maymun al-Sa'igh' Part 1 p. 49 and 50, 'Masa'il al-Imam Ahmad' - 'Bab Min Mashka Ansab al-Muhdithin' - 'Harf al-Alif' Part 1 p. 365.

Muhammad Bin-Ibrahim al-Bushanji said: "They kept debating Abu-Abdallah about Taqiyah [pretense or concealment of beliefs on religious matters to avoid harm to oneself]." He replied: Remember Khabbab's transmission of the prophet's Hadith: "Before you were men who were tortured with sharp instruments but would not turn away from their religion."⁹¹

Salih Bin-Ahmad [Bin-Hanbal] narrated: "My father and Muhammad Bin-Nuh were taken from Baghdad in chains. We followed them to Al-Anbar. Abu-Bakr al-Ahwal asked my father: Abu-Abdallah, if the sword is hanging over your head, will you accept the caliph's view?" My Father replied: "No."

They continued their way and I heard my father say: "We reached Al-Rahbah and left in the middle of the night." Later a man came our way and asked: "Which of you is Bin-Hanbal?" He was shown the man. He asked the camel driver to halt for a minute and then told my father: "Fear not if you are killed here and go to heaven. Fare you well." He then left. I asked who he was and was told he was Jabir Bin-Amir a man from the Rabi'ah tribe who composes poetry in the desert and was well regarded.

Ahmad Bin-Abu al-Hawari quoted Ibrahim Bin-Abdallah as having recounted the following: "Ahmad Bin-Hanbal said: Since I got into this predicament, I have heard nothing better than the words of a Bedouin who addressed me in Rahbat Tawq. He told me: Oh Ahmad, if you are killed for speaking the truth, you will be a martyr. If you live you will be highly commended. Those words strengthened my heart."⁹²

Al-Hawari also said: "Bin-Hanbal said: I never saw a more upstanding man than Muhammad Bin-Nuh despite his youth and modest scholarship. I hope his final destination was good. One day he told me: Abu-Abdallah, you are not like me. You are a role model and everyone looks up to you and waits to see what you will do. Be firm in your support for God's truth. He later died and I prayed over him and buried him."⁹³

Muhammad Bin-Ibrahim al-Bushanji said: They narrated that Al-Mu'tasim [Caliph Al-Ma'mun's successor] felt some sympathy for Ahmad Bin-Hanbal when he was hung up by his hands and he witnessed his firmness and determination. However, Ahmad Bin-Abu-Dawud incited him against Bin-Hanbal, saying: Prince of the faithful, if you release him, it will be said that you have abandoned and disparaged Al-Ma'mun's creed. These words aroused Al-Mu'tasim's anger and he decided to whip Bin-Hanbal. [Bin-Hanbal's son] Salih said that his father told the story thus: When the whip was brought Al-Mu'tasim looked at it and said: get me another. He then ordered the executioners to come forward. The first one would come and give me two lashes. Al-Ma'mun would say: Harder, may God cut off your hand. The second would come and give me two lashes.

⁹¹ 'Sayr A'lam al-Nubala' - 'Ahmad Ibn-Hanbal- 'Al-Mihnah' Part 11 p. 238 and 239, 'Tahdhib al-Kamal' - 'Bab al-Alif' - 'Min Asmuh Ahmad'- 'Tarjumah' number 96 Part 1 p. 460 and 461, 'Tabaqat al-Shafi'iyah al-Kubra' - 'Tarjumah' number 7 - 'Ahmad Ibn-Muhammad Ibn-Hanbal' Part 2 p. 36 and 37.

⁹² 'Sayr A'lam al-Nubala' - 'Ahmad Ibn-Hanbal- 'Al-Mihnah' Part 11 p. 241, 'Hilat al-Awliya' - 'Tarjumah' number 453 'Al-Imam Ahmad Ibn-Hanbal'- Part 9 p. 196, 'Al-Bidayah Wa al-Nihayah' - 'Thuma Dakhlat Sanah Ihda Wa Arba'in Wa Ma'atayn' - 'Sirat al-Imam Ahmad Ibn-Hanbal'- Chapter of Abu-Abdallah Ahmad Ibn Hanbal's distress, Part 10 p. 332.

⁹³ 'Sayr A'lam al-Nubala' - 'Ahmad Ibn-Hanbal' - 'Al-Mihnah' Part 11 p. 242.

Then the first would return and Al-Ma'mun kept saying the same thing. This continued until I had been given 17 lashes. Al-Mu'tasim then rose and asked: Oh Ahmad, why are you killing yourself? By God, I feel pity for you. Meanwhile Ujayf began to hit me with the side of his sword, asking: Do you want to beat all this company? Others shouted: Woe to you, your imam is here above you. Someone suggested: Prince of the faithful, do you want me to kill him and let his blood be on my head? Some told the caliph: Oh Prince of the faithful, you are fasting and standing in the sun. The caliph asked: Ahmad, woe to you, what do you say now? I replied: Give me something from God's book for the prophet's Sunnah and I will repeat it. The caliph went back to his seat. He told the executioner: Lash him and make him feel the pain, may God cut off your hand if you do not. The caliph rose another time and said: Woe to you, Ahmad, answer me. One after another started to come to you and say: Oh Ahmad, this is your imam asking you? Abd-al-Rahman asked: Which of your companions has done what you have done?"⁹⁴

"Ibrahim Bin-Harith al-Abadi, who had traveled with us to Byzantium, recounted: Abu-Muhammad al-Tafawi visited Ahmad Bin-Hanbal and narrated a Hadith. Bin-Hanbal said: Shall I tell something in answer to it? When we were taken out of the city, I was thinking of our situation until we reached Al-Rahbah where we stayed for a while. I was looking into the distance when I discerned an approaching shape. It was a Bedouin who kept coming until he reached me. He asked: Are you Ahmad Bin-Hanbal? I told him I was. He was silent for a while and looked astonished. Then he asked again and then fell silent. Finally he fell to his knees and asked: Are you Abu-Abdallah Ahmad Bin-Hanbal? I replied in the affirmative. He then said: Endure and wait for the good news. It would be only one blow and you would enter paradise. He then left us."

Al-Tafawi said: Abu-Abdallah, you are praised by the people. Bin-Hanbal replied: I thank God for my religion. If I comply with what they want, I will be an infidel.

Al-Tafawi asked: Tell me what they did to you.

Bin-Hanbal said: While I was being whipped, I remembered the Bedouin's words. The man with the long beard, Ujayf, hit me with the broad side of his sword. I told myself: Here comes relief. Now he will cut off my head and I will rest. Ibn-Sama'ah suggested: Oh Prince of the faithful, let me strike his neck and let his blood be on my head. Ibn-Abu-Dawud advised: No, oh prince of the faithful, do not do that. If you kill him or he dies while in your home, the people will say he endured until he died and they will regard him as an imam to emulate and will continue to adhere to what they believe now. It is better to release him now. If he dies outside your home the people will doubt him. Some said: He complied with the caliph's wishes. Others said: He did not. Al-Tafawi asked: What

⁹⁴ 'Sayr A'lam al-Nubala' - 'Ahmad Ibn-Hanbal' - 'Al-Mihnah' Part 11 p. 251, 'Tabaqat al-Shafi'yah al-Kubra' - 'Tarjumah' number 7- 'Ahmad Ibn-Muhammad Ibn-Hanbal' Part 2 p. 37 and 49, 'Tahdhib al-Kamal' - 'Bab al-Alif' - 'Min Asmuh Ahmad' - 'Tarjumah' number 96 Part 1 p. 461, 'Hilat al-Awliya' - 'Tarjumah' number 453 'Al-Imam Ahmad Ibn-Hanbal' - Part 9 p. 202 and 204 until 206, 'Al-Bidayah Wa al-Nihayah' - 'Thuma Dakhlat Sanah Ihda Wa Arba'in Wa Ma'atayn' - 'Sirat al-Imam Ahmad Ibn-Hanbal' - Chapter of Abu-Abdallah Ahmad Ibn Hanbal's distress, Part 10 p. 334.

would happen if you agree with the caliph? Bin-Hanbal said: If I complied with his view, I would be an infidel.⁹⁵

Ibn-Habban, may he rest in peace, said: "Bin-Hanbal knew the Koran by heart and recited it faultlessly. He was an expert jurist, pious in private, and performed all rites of worship in public. God sent him as a help to Muhammad's nation, may God's prayers and peace be upon him. He remained steadfast in the face of the ordeal and devoted himself to God until he died while being lashed with the whip. God shielded him from non-belief and made him a model to be emulated and a refuge for the believers."⁹⁶

Ibn-Al-Jawzi narrated: "In Ramadan of this year (meaning 219 HA) Ahmad Bin-Hanbal was tested. He was lashed with the whip in Al-Mu'tasim's presence after being imprisoned for a while. Bin-Hanbal steeled himself to die. He was asked: Would you say what the caliph wants if you are faced with death? He said no. Khalid al-Haddad met him and encouraged him, saying: I was whipped for another reason and endured. You are being whipped in the cause of God, so endure."⁹⁷

May he rest in peace, he also narrated: "Abdallah Bin-Ahmad Bin-Hanbal said: I used to hear my father frequently say: May God have mercy on Abu-al-Haytham and forgive him his sins. I asked: Who is Abu-al-Haytham, father? He replied: When I was taken out to be whipped, a young man came and pulled at my clothes from the back and asked: Do you know who I am? I said no. He said: I am Abu-al-Haytham al-Ayyar, a thief, and it is recorded that I was given 18,000 lashes on various occasions. I endured in obedience to the Devil for the sake of worldly goods. So endure in obedience to God for the sake of religion. My Father said: I was given 18 lashes for Abu-al-Haytham's 18,000. A servant came out and said: The prince of the faithful has pardoned him."⁹⁸

If the document's author was a guide writing a document to rationalize jihad, around which the backtrackers rallied and declared him an imam, and said he was the mufti of Al-Jihad and Al-Qa'ida, it would have been more appropriate of him, not to use a religious concession as an excuse but to speak truth to power even if it brought him bitter consequences. Why did he not order Egypt's treasonous, corrupt, Shari'ah-flouting rulers who helped the crusaders and Jews against the Muslims to be virtuous and dissuade them from vice? Is it not more appropriate to criticize those corrupt rulers and agents of Islam's enemies instead of criticizing the mujahidin whom he himself admitted were pursuing a noble cause and not worldly goods?

If he claims he was coerced and had no power to order the corrupt rulers to be virtuous and refrain from vice, then he will be refuting all his arguments in the rationalization document because no testimony or fatwa is acceptable from a man under compulsion until he is free from the coercion to which he is subjected. He claims that he had no

⁹⁵ 'Sayr A'lam al-Nubala' - 'Ahmad Ibn-Hanbal' - 'Al-Mihnah' Part 11 p. 258 and 259.

⁹⁶ 'Al-Thuqat' - 4th level- 'Man Ibtada'h Amuh Ala al-Alif- 'Tarjumah' number 12069 Part 8 p. 18, 'Tahdhib al-Tahdhib'- 'Harf al-Alif' - Dhikr Min Asmuh Ahmad' - 'Tarjumah' number 126 Part 1 p. 65.

⁹⁷ 'Al-Muntazim' - 'Thuma Dakhalt Sanah Tisa'a Asharah Wa Ma'atayn Part 11 p. 42, 'Tahdhib al-Kamal'- 'Bab al-Alif' - 'Min Asmuh Ahmad'- 'Tarjumah' number 96 Part 1 p. 461.

⁹⁸ 'Safwat al-Safwah' - 'Dhikr al-Mustafin Min Ahl Baghdad' - 'Tarjumah' number 262- 'Ahmad Ibn Muhammad Ibn-Hanbal' Part 2 p. 351.

power to order the rulers to be virtuous and renounce vice, why was he able then to attack the mujahidin on whom he focused his criticism and rebuke, in which he used invective and said amazing things as accusing them of killing people because of their skin and hair color? Why did he not spare them his invective as he spared the criminal, tyrannical rulers? Or was he forced to criticize and attack the mujahidin?

Furthermore the mujahidin did not claim that the promotion of virtue and prohibition of vice was an obligation to those who are unable to do it. They said that a certain attempt should be made to alter what was wrong and sinful. Doubtlessly the greatest sin is our country is this overwhelming apostasy, shunning Shari'ah, befriending the crusader enemies of God, spreading non-belief, atheism, heresy, promoting secularism, and fighting religion and the believers. If the Muslims are too weak to change the situation, an argument that we do not accept and will talk about in detail later, then it is necessary to create the conditions that will help us to change it. The document's author was silent about this and did not counsel the nation to do it. How, then, could he be a guide for jihadist action?

The author says: "The oppressed and impotent are not obligated to carry out jihad. God did not require the Muslims while they were still in Mecca before the migration to do it. He only required it of them after the factors for jihad became available when they had a new realm and supporters in Medina."

a. I say: We are now in a situation where we should carry out a jihad of defense [jihad daff]. Who among the ulema has said that the jihad of defense can only be carried out if the Muslims have a realm of support as they had in Medina or as the author previously described it as a realm where they have the upper hand, which they can defend and preserve as they were in Medina? But how could this happen after the enemy has entered their country? The author's argument means that if the enemy enters a country, its inhabitants are not obligated to carry out jihad against him because they are not in a realm where they have supporters or the upper hand, a realm that they can defend and preserve. On the contrary all the ulema assert that they are obligated to carry out jihad.

Imam al-Jassas, may he rest in peace, said: "It is accepted by all Muslims that if the people at the battlefronts fear the enemy and do not have enough resistance to defend their country and people, the rest of the Muslim nation should go to their aid and a sufficient number should join them to make their resistance sufficient. There is no disagreement on this matter within the nation. No Muslim says that it is permitted to sit back and watch the enemies shed Muslim blood and violate their families."⁹⁹ The author's argument means that the Muslims in Chechnya, Kashmir, Afghanistan, Iraq, Palestine, and Lebanon have no obligation to carry out jihad because they do not have a realm where they have the upper hand.

Actually the Muslims are required to repulse the invading enemy as strongly as possible. No conditions are attached to this effort. Ibn-Taymiyyah, may he rest in peace, said: "In an authentic Hadith transmitted by Ubadah Bin-al-Samit, the prophet said: A Muslim is required to obey without question regardless of his private circumstances. The prophet

⁹⁹ 'Ahkam al-Koran' by 'Al-Jassas' (Part 7 p. 37).

thus commanded obedience, which requires that the Muslims respond to the call of battle in all conditions unlike performing the pilgrimage, which one is permitted not to carry out if he has no ability to do so. This applies to the jihad of seeking the enemies in their own lands and even more so to the jihad of defense. It is the strongest obligation to defend religion and the Muslim sanctities. It is required of everyone. No duty is more important than to repulse the invading enemy who corrupts religion and the world. The ulema, our own and others, set down this rule in their writings. One should distinguish between repulsing the unjust infidel invader and seeking him in his own country. Jihad is done either by hand, heart, advocacy, argument, opinion, and planning. It is obligatory."¹⁰⁰

b. To repeat what I said earlier, we are not asking the currently weak to carry out jihad but to make preparations for jihad. We urge those who are totally unable to participate, which is accepted as an excuse by Shari'ah, to do all they can to uphold religion and support jihad and the mujahidin. God said: "There is no blame on those who are infirm, or ill, or who find no resources to spend on the cause, if they are sincere in duty to Allah and His Messenger" [Koranic verse; the Repentance 9:91]. On this point the document's author remained silent.

Finally the author comes to the heart of the document, the very point that the Americans, Jews, and their agents in Egypt and other Muslim countries want and says: "Looking at the facts, we can see that the Islamic groups seeking to promote virtue and prohibit vice are either impotent or oppressed and have passed through bitter experiences. It is vain for a person to see in himself a power that he does not possess. It is vain for a Muslim to be committed to his religion today and in a few years become a mufti and military expert leading his brothers from one lethal trap to another.

"Based on the above we maintain that it is not permitted for anyone to change a sinful situation with his hand except someone who has power like a father within his household or to save a Muslim from a destructive fate. We also maintain that it is not permitted to clash with the ruling authorities in the Muslim countries to enforce Shari'ah in the name of jihad. Changing a situation with an act of one's hand and by clashes are not available Shari'ah options and, therefore, not obligatory. What is required is friendly persuasion. If the Muslims are not able to do this, patience is an option and will be rewarded."

We previously demonstrated that it is experienced mujahidin who can assess the ability or inability to carry out jihad, not those who have abandoned jihad or are captives acting under coercion. We said that the mujahidin do not see themselves as impotent and perceive in the nation great energies and abilities, which they try to mobilize to participate in jihad. We do not need to repeat what we said before on this point.

This view, which the document's author claims is true, also applies to the Islamic groups in Chechnya, Afghanistan, Iraq, and Palestine. In these countries there are jihadist Islamic groups that are seeking to implement Shari'ah and are facing puppet governments in each one of them. If he claims that in these countries there are foreign occupation armies that need to be repulsed, then this is an additional factor of rendering the Islamic groups weak

¹⁰⁰ 'Al-Fatawa al-Kubra' by 'Ibn-Taymiyyah' Part 4 p. 608, 609.

and oppressed since they face local and foreign enemies and are, indeed, surrounded by enemies on all sides. I also point out that there are foreign occupation armies that need to be repulsed in Egypt, Saudi Arabia, and the Gulf countries. All these countries provide facilities and support to the crusader forces that occupy the Muslim lands, thus contributing to the war against Muslims.

The only difference is the extent to which they contribute, according to the Americans' interests and the order in which they will be invaded by the Americans. This is the plan that the mujahidin have failed in, the mujahidin who are loyal to Al-Qa'ida and assist it. Had it not been for them, the Americans would have already divided the region's countries and established total control over their populations.

According to the document's author, the jihadist groups in those countries should abandon their jihad and efforts to enforce Shari'ah because they are weak and have no realm where they are independent, strong, and properly defended and because in all those countries they clash with the local authorities, which the author proscribed.

c. Has the author not heard about the planes that used to take off from Egypt to impose the blockade on Iraq and later to invade Afghanistan and Iraq? Has he not heard about the ships and fleets that passed through the Suez Canal to go and kill Muslims in Afghanistan and Iraq? Has the author not heard about the US military forces in the Ra's Binas and the West Cairo airport? Has he not heard about the storage and supply facilities that his friends' government provides to their American masters? Why did he not say one word in his document about the US presence in Egypt? Why did he not speak about the FBI and CIA bureaus that supervised and followed up the writing of his document? Who gave him all these facilities? Was it not the ruling authorities which he forbade the Muslims to clash with? Why did he not utter a word about their collaboration? Why did he not say anything about the need to resist them, even if only by word of mouth? Was not his document written to rationalize jihadist action? Or was it written to bring jihadist action to its knees?

d. Regarding the Islamic groups' bitter experiences, these were caused by the state security officers surrounding him and their American masters with whom they allied in the so-called war on terrorism or actually the war on Islam. Why did he not utter one word of criticism to his friends who publish and sell his books and force the other detainees to accept them or stay in jail indefinitely? "What then is the matter with you? How judge ye?" [Koranic verse; Yunus 10:35]

I will postpone the discussion of the bitter experiences until we reach the time to comment on his argument about Al-Jihad Organization in Egypt.

But I say to him: The jihadist Islamic movement has not, thank God, been defeated but is proceeding, with patience, endurance, and unselfish devotion, toward victory. Although it has not achieved victory in an arena like Egypt because of circumstances that I will explain, God willing, it has emerged from that arena to a wider battlefield. It left the confrontation in Egypt for a more intense confrontation, turned into a branch of a larger and united jihadist vanguard, and allowed the nation to participate in its jihad against the Americans and Jews. I will make this clear later on when I comment on the author's

discussion of Al-Jihad Organization in Egypt. The Egyptian jihadist movement would not have achieved the things mentioned above if it had surrendered to the poisonous ideas of weakness and paralysis that are spread by similar documents under the state security's supervision and its American masters.

e. The writer abandoned jihad, as he says, more than 15 years ago and lived in Yemen under his real name, making himself known to all the world's intelligence agencies, which knew that he had left jihad. Yet in spite of this, in the context of the American campaign against Islam, they did not leave him alone. Are the mujahidin, then, the cause of the bitter experiences? Were the mujahidin supposed to leave the United States, Israel, and their agents and allies unmolested so that the writer and persons like him could live in safety and peace and make a living surrounded by their families, which he frequently mentioned in his document?

A very important observation remains, namely, that the document's author disregarded a very important Shari'ah rule when the Muslims lack ability to carry out jihad. It is the obligation to make preparations for it.

Ibn-Taymiyyah, may he rest in peace, said: "It is necessary to make preparations for jihad by making ready our strength including steeds of war. We must do this when actual jihad is not possible. What is necessary for the successful conduct of the jihad obligation is in and of itself also an obligation."¹⁰¹

Ibn-Kuthayr said: "God Almighty commanded that we make ready the tools of war to fight them according to our ability: 'Against them make ready your strength to the utmost of your power, including steeds of war' [Koranic verse; Al-Anfal 8:60]."

Imam Ahmad said: "We heard from Harun Bin-Ma'ruf, citing Abu-Wahab, who quoted Amru Bin-al-Harith citing Abu-Ali-Tamamah Bin-Shafi that he heard Uqbah Bin-Amir saying: I heard the prophet say from the pulpit: Against them make ready your strength. Strength refers to shooting arrows and other projectiles from the instruments of war."¹⁰²

Why did the document's author not call on the Muslims to make preparations for battle since they are unable to do it now including training combatants, gathering information, collecting money, and inciting and organizing the Muslims and advocating jihad? Why did he not utter a word in his rationalization document and failed to refer to preparation in his six options? Is this not a valid Shari'ah rule as found in the Koran and Sunnah?

5. The author says that someone who lacks funds, including food for his family during his absence, is not obligated to carry out jihad. He says: "The availability of funds is a condition of making jihad obligatory. It comes under the heading of ability, mentioned in the previous provision. Lacking such funds means lacking ability and to a person who suffers from such a lack jihad is not obligatory. The prophet, may he rest in peace, called on his companions, may their souls find favor with God, to join the Tabuk raid and did not give permission to anyone to find an excuse to stay behind. For this reason God

¹⁰¹ 'Al-Siyasah al-Shar'iyah' Part 1 p. 20 and 21.

¹⁰² 'Tafsir Ibn-Kuthayr' (Part 4 p. 80)

revealed this verse: 'Go ye forth, whether equipped lightly or heavily, and strive and struggle, with your goods and your persons, in the cause of God.' [Koranic verse; Al-Tawbah 9:41]. Thus the prophet mobilized everyone. Nevertheless, God excused several types of men including those who lacked funds. He removed the burden of sin from their shoulders and thus eliminated the obligation of jihad although at that time it was the individual duty of every Muslim. God Almighty said: 'There is no blame on those who are infirm, or ill, or who find no resources to spend on the cause, if they are sincere in duty to God and His Messenger. No ground of complaint can there be against such as do right: and God is Oft-forgiving, Most Merciful. Nor is there blame on those who came to thee to be provided with mounts, and when thou saidst, I can find no mounts for you, they turned back, their eyes streaming with tears of grief that they had no resources wherewith to provide the expenses' [Koranic verses, Al-Tawbah 9:41-91, 92]."

The funds needed for jihad do not only include what the mujahid needs for himself and his jihad but his family's needs during his absence.

a. Jihad is not an obligatory duty to someone who lacks one or the other requirement or both of them, similar to those who were excused at the Tabuk raid. Asking God for assistance, I declare that jihad:

Jihad is obligatory in three cases: When the ruler calls on the people to join, when the ranks are arranged, and when the enemy enters the Muslim land. Followers of Al-Maliki School of Islam add a fourth state, namely, to rescue Muslims taken captive by the enemy. During the Tabuk raid, jihad was an individual obligation on God's and the prophet's command but God and the prophet excused those who had reason like the ones mentioned in the relevant verse. When jihad is obligatory because the Muslim ranks have been made ready or the enemy has entered the Muslims' country, the matter becomes more urgent. Jihad is then given priority over staying behind to pay off one's debts or even feeding starving persons.

Ibn-Taymiyyah illustrated the difference by saying: "Abu-al-Abbas said: I was asked what should a man who has a debt to repay do if the time for jihad comes? I replied that there were duties that should take preference to repaying a debt including supporting oneself, wife, and poor child. Repaying one's debt is given preference over some rites of worship including pilgrimage and making recompense for one's sins. Some rites are, however, given priority over repaying one's debt, unless the creditor is demanding it, like paying alms as a recompense for breaking the fast during Ramadan. If the required jihad is needed to avert harm to the country, if the enemy has invaded, or the Muslim ranks are ready to go to battle, jihad is given as much preference over repaying a debt like supporting one's family and is even more urgent. If there is a general mobilization, it is more urgent to work on repaying one's debts for the ruler should not mobilize a debtor if he does not urgently need him. If jihad will suffer if you do not join it, then it takes precedence over feeding the hungry even if the hungry should starve as a result. It is similar to the human shields issue. We can kill Muslims used as human shields to

safeguard jihad. When we let the hungry die or the human shields die in this case, they die by God's hand."¹⁰³

Dear reader, consider how the mujahid scholar Shaykh al-Islam Ibn-Taymiyyah differentiated between giving preference to repaying a debt to joining the mobilized army if the debtor possesses enough to repay it and the necessary jihad that will suffer if we do not join the battle when the enemy has invaded or the Muslim ranks are ready. In the second case, jihad takes precedence over repaying the debt or even feeding the hungry who might die if they are not fed.

When we examine the ulema's comments on the funds that should be available to support one's family while the combatant is conducting jihad, we will find that they have various views on the matter that do not agree with the author's conditions, namely, the funds he needs for jihad and the money to support his family.

Ibn-Taymiyyah said: "Al-Qadi pointed out that if jihad is made a requirement to a country's population and the combatants need to travel a significant distance, they should have enough food for the trip and means of transport as when they go on a pilgrimage. Al-Qadi's comparison of this situation to going on a pilgrimage is a weak opinion and did not cite Imam Ahmad. If the jihad is meant to repulse the enemy, it is more obligatory than merely emigrating and thus the means of transport is not taken into account and conducting jihad takes precedence."

An authentic Hadith, citing Ubadah Bin-al-Samit, recounts that the prophet said: "A Muslim should obey the ruler in all conditions of his life." The prophet thus made obedience obligatory including obedience when one is called to battle. This does not apply to going on a pilgrimage.¹⁰⁴

Shaykh al-Islam did not accept the presence of a means of transport as a condition when jihad becomes an individual duty to repulse an invader. He made this type of jihad necessary even in case of Al-I'sar [extreme condition of need], which is higher than lack of funds to leave for one's family. When jihad is a collective duty imposed on a sufficient number of combatants, it never reaches the point where a man in an extreme state needs to join. This is unlike the conditions set by the author¹⁰⁵ and I do not know what Shari'ah proofs he has for his argument.

For this reason I urge the readers to remember as they review Shaykh al-Islam Ibn-Taymiyyah's opinions that this scholar conducted jihad with his own hands and incited the Muslims to fight and not surrender. He was a scholar who was very well acquainted

¹⁰³ 'Al-Fatawa al-Kubra' by Ibn-Taymiyyah Part 4 p. 607, p. 608

¹⁰⁴ 'Al-Fatawa al-Kubra' - (Part 8 p. 398)

¹⁰⁵ 'Ibn-Manzur', may God bless his soul, said: 'Al-Mu'aysir': is the opposite of 'Al-Muwaisir' , to make things difficult then it is rendering matters hard: become distressed and not capable to provide means of substance, also said: Poor. 'Kura' said: 'A'asara, I'sar, and Usu' the correct that 'Al-I'sar' is the infinitive and 'Al-Ussrah' is the noun. And in the 'Tanzil' [Koran] 'If the debtor is in a difficulty, grant him time Till it is easy for him to repay.' [Koranic verse; Al-Baqarah 2:280], 'Al-Uarah': Is poor with no money, also 'Al-I'sar'. 'Ista'sarah': asking the poor, 'Asara al-Gharim Bi-Ussrah Wa Ya'sirahu Ussran', 'A'sarah': Asking for the debt while the person is poor and taking the money while the person still had no money and did not wait until the person could raise additional monies. 'Lisan al-Arab' the matter: Usur, Part 4 p.564.

with the conditions of jihad and the mujahidin. The readers should remember that when Shaykh al-Islam was imprisoned, he did not abandon his principles but clung to them until he died in his jail. He thus deserved to be a great imam to be emulated, may God have mercy on his soul and all the souls of all Muslim imams.

The mujahidin's leaders in Iraq and Afghanistan have called on the Muslims to rise. Shaykh Usama bin Ladin and a group of ulema also called on them to rise in the letter to which we previously referred under the title of "Inciting the nation to Jihad To Liberate the Kaaba and Al-Aqsa Mosque: A Message from the Muslim Ulema and the Leaders of Islamic Action." Activist ulema like Shaykh Humud al-Uqala, may he rest in peace, also incited the Muslims to jihad. He said in a fatwa that we quoted earlier: "It is an obligation to go to the aid of this mujahid state with everything one can do. God Almighty said: 'The Believers, men and women, are protectors one of another' [Koranic verse; Al-Tawbah 9:71]. God said: 'Help ye one another in righteousness and piety' [Koranic verse; the Al-Ma'idah 5:2]. The mujahidin should be aided with money, physical efforts, opinion, advice, media support. The Muslims should defend their honor and reputation and supplicate victory, support, and firmness for them."

Prince of the Faithful Mullah Omar, before and after the invasion, also incited them to join the battle and assist the mujahidin.

Imam al-Jassas, may he rest in peace, said: "It is known in the view of all Muslims that if the combatants on the front are afraid of the enemy and do not have sufficient power to resist, making them fearful for their country, themselves, and their families, it is an obligation on the whole nation to make sure that a sufficient number mobilizes and joins them to go to their help. There is no disagreement on this among the nation. No Muslim ever says that it is permitted to sit back and refrain from helping them while the enemies shed their blood and take their families captive."¹⁰⁶

For this reason, why does the author not incite those who are not captives to aid the mujahidin? Why does he not publish a document inciting the Muslims to hasten to the arenas of jihad? Or did they not allow him to write and publish such a document? He could have written one in secret. I was once a prisoner and know what ploys prisoners can use.

Or is the author living under coercion and afraid of being punished? Therefore everything that the author says in his document is tainted and invalidated because he is under coercion. Did he not discover that those who have no funds are not obligated to go to jihad as in God's words: "There is no blame on those who are infirm, or ill, or who find no resources to spend on the cause if they are sincere in duty to God and His messenger. No ground of complaint can there be against such as do right: and God is Oft-forgiving, Most Merciful" [Koranic verse; Al-Tawbah 9:91]. Why does the author not be sincere to the cause of God and His messenger and urge the believers to hasten to the battlefronts in Iraq, Afghanistan, Chechnya, Somalia, and Palestine? Why does he not counsel those unable to carry out jihad personally to aid the mujahidin with resources and word of mouth, and urge them to make preparations? Or is he under too much compulsion to do

¹⁰⁶ 'Ahkam al-Koran' by Al-Jassas- (Part 7 p. 37)

so and they have permitted him only to criticize and slander the mujahidin? Or does he not see the necessity of going to the fields of jihad in Afghanistan, Iraq, and Palestine at this time?

Or does he not know that it is Husni Mubarak and his helpers who surround him with their care and publish, distribute, market, and sell what he writes and force the other detainees to accept his writings by fair or foul means who imprison and torture those who wish to go and join jihad and refer them to military courts that sentence them to jail? They do the same to those who return from jihad.

b. If a 100,000 or 200,000 joined the jihad and if the nation spent a small portion of the alms tax it collects, it would be sufficient but the corrupt rulers, whose henchmen surround the author and direct what he does, who publish writings and force the people to accept them are the ones who are preventing the nation from backing jihad.

c. If the nation were left alone, millions of its young men would join jihad and it would spend billions on it. Those who urge the Muslims today to leave the enemies alone are the same ones who are blocking its overwhelming wish to go to the aid of Islam and the Muslims. If the border between Egypt and Palestine was opened or if the restrictions that Husni Mubarak's government imposes in compliance with the wishes of the Jews and Americans were removed, the Egyptian people would provide the mujahidin in Palestine with all that they want and would break the unjust siege that the security services impose on the Palestinians. Indeed Muslims from all countries would hasten to all the fields of jihad, and this is the thing that the crusader-Jewish forces fear most.

For this reason they ask Husni Mubarak's government and its likes to encourage writings like this document: There is no obligation on the blind, paralyzed, and crippled to carry out jihad. I swear by the One God that if these treasonous governments did not help or aid the mujahidin in any way but simply lifted the restrictions, Muslims who have physical disabilities would compete with the able-bodied to make sacrifices in person and resources to help the mujahidin.

d. Our nation is deprived of jihad. Our nation is weighed down by injustice and treacheries have tied its hands and feet.

e. Document author, we have not asked the sick, the handicapped, or the destitute to join the jihad. We have urged and continue to urge the majority of the nation who are healthy and strong, thank God, to join the battle so that the insufficiency of forces would be remedied. We have urged the nation, which has plentiful resources, to use its money in the cause of God instead of squandering it on frivolities. Oh rationalizer, if the nation were left alone and some of the restrictions were removed, the US and Jewish Embassies in Cairo would be pulled from the roots. Your friends, the state security officers, know that more than others and for this reason they put pressure on you, encourage and intimidate you by turn, and gather signatures for you that are recorded with the competent authorities. I will name these competent authorities, God willing, at the proper time. They encourage you to spread a spirit of irresolution and defeatism within the nation but this will not work, thank God. 'Fain would they extinguish God's light with their mouths' [Koranic verse; Al-Tawbah 9:32].

f. Instead of asking the mujahidin not to mobilize the handicapped and the destitute for jihad, which they did not do anyway, it would have been more appropriate of you to shout in the criminals' faces to remove the chains with which they had shackled the nation to prevent it from carrying out jihad, prevent it from attaining its dignity and allow the crusader-Zionist scheme to spread further. Oh rationalizer, where is your rationalizing counsel to the treasonous, corrupt criminals? The executioners set you on their victims that have been in detention for years after torturing and ill-treating them and assaulting their sanctities. Then they brought you to rebuke them and tell them: You have erred, you have deviated from the right path. You smile in the executioners' faces and they reward you with a few worldly crumbs.

Judge Abu-al-Hasan al-Jarjani, may he rest in peace, said:

"I did not give knowledge its due, if whenever I have avarice I use it as an excuse.

"I did not exert my soul in serving knowledge to serve whom I encounter, but to serve [knowledge].

"I become miserable and earn humiliation by instructing it, it would have been better to be ignorant.

"If I say that the light of knowledge is quenched, it is because we did not protect it.

"If it is protected by the people of knowledge it would protect them, and if they glorify it in the souls it will be glorious.

"But they humiliated it, thus they were humiliated and tainted; it will survive if we pursue it."

6. The writer says that some persons who are not obligated to join the jihad because of lack of resources, have started to pursue illegal means of obtaining money including abducting innocent hostages to ask for ransom or by stealing the money of protected persons. This is my answer to him:

a. The writer, although he is supposed to know better, disregards the obligation of making preparations for jihad, keeping in mind that preparation involves the gathering of resources. God Almighty says: "Against them make ready your strength to the utmost of your power, including steeds of war" [Koranic verse; the Spoils of War, 8:60].

Preparation includes financial preparation. When the Muslims went forth at the Badr Battle under the prophet's command, may God's prayers and peace be upon him, they did so to gain spoils. Why does the writer ignore this? Is it because the security officers and the Americans, who supervised the writing and publishing of his document and forced people to accept it, do not like it?

b. The document's author stated that some who wish to make preparations for jihad take innocent hostages to get ransom. My comment on this statement is the following: There is a definite Shari'ah rule that permits the abduction of infidel combatants, particularly those who commit aggression against the Muslims, and allows us to dispose of them in a way that serves the Muslim people's interests.

The author certainly would not include this rule in his rationalization of jihad document, but like other rules that he is aware of he ignores it intentionally. If he had been fair, he would have mentioned this rule when speaking about the mujahidin's error of kidnapping so-called innocent people. He could have made a distinction between the rule itself and the mistakes that are made when the abductions are carried out. He cannot of course do such a thing because they would have punished him and transformed the document from a document that glorifies and celebrates him into an indictment against him. I will mention several clues about this issue in a summary way.

God Almighty said: "But when the forbidden months are past, then fight and slay the idolaters wherever ye find them, and seize them, beleaguer them, and lie in wait for them on every path and at every place you can watch them" [Koranic verse; Al-Tawbah 9:56].

Ibn-Kuthayr explained: "When God says 'beleaguer them, and lie in wait for them on every path and at every place you can watch them,' He means: Do not wait until you find them accidentally but go forth and besiege them in their fortresses and strongholds, lie in wait for them on their usual paths to keep them confined and force them either to convert to Islam or be killed."¹⁰⁷

Ibn-Jarir al-Tabari explained: "God says 'and seize them' means lie in wait for them to kill them or capture them at every road junction and wherever you can watch."¹⁰⁸

Al-Baghawi explained: "When God says 'and lie in wait for them on every path,' He means at every point where the enemy can be watched, which indicates watch them from every direction they might come so that you can capture them."¹⁰⁹

Imam al-Shawkani said: "When God says 'seize them,' it means take them as captives, and 'beleaguer them' means prevent them from doing what they wish in Muslim lands. 'At every place where you can watch them' refers to every place you can watch the enemy's movements."¹¹⁰

Al-Qurtubi said: "God's command to 'lie in wait for them on every path and at every place you can watch them' refers to every place where you can be aware of all their movements. This means maintain watch from every place where you can see their movements.

This is proof that you are permitted to kill them before calling on them to embrace Islam.¹¹¹

Proof from the prophet's Sunnah:

Imam al-Bukhari quoted Abu-Hurayrah in this Hadith: "The prophet sent a horseman to the vicinity of Najd who returned with a captive from Banu-Hanifah called Thamamah whom they tied to a column inside the mosque. The prophet went to him and asked: What

¹⁰⁷ 'Tafsir Ibn-Kuthayr' - (Part 4 /p. 111)

¹⁰⁸ 'Tafsir Al-Tabari' Part 10 p. 78

¹⁰⁹ 'Tafsir Al-Baghwi' -(Part 4 / p. 13)

¹¹⁰ 'Fatih al-Qadir' -(Part 3/ p. 221)

¹¹¹ 'Tafsir Al-Qurtubi' -(Part 8/ p. 73)

do you have to say? Thamamah answered: I have goodwill. Oh Muhammad, if you kill me, you will kill a man with protected blood, if you grace me with pardon, I will be grateful, and if you want money, ask all that you want."

"He was left there until the next day. The prophet asked him again: What do you have to say? Thamamah replied: If you grace me with pardon, I will be grateful. The prophet left him until the next day and then asked him the same thing. Thamamah said: I have told you my answer.

"The prophet ordered his followers: Let him go free. Thamamah went to a grove of palms where there was water. He washed himself and entered the mosque. He then declared: I witness that there is no god but Allah and Muhammad is His messenger. Oh Muhammad, I formerly hated your face more than any other and now I love that face better than any other. I formerly found your religion the most hateful one but now it is the most loved one. By God, I hated your city most of all but now it is the most loved to me. Your horsemen captured me while I was preparing to make a minor pilgrimage. So what do you think?

"The messenger of God promised him well and ordered him to make minor pilgrimage. When he reached Mecca, the people said that he had become a Sabian. He replied: No, I have become a Muslim at Muhammad, the messenger of God's hands. By God, you will not receive one grain of wheat from Al-Yamamah until the prophet, may God's prayers and peace be upon him, allows it."¹¹²

Ibn-Hajar commented on the benefits of this Hadith:

"He sent companies of troops to the places where the worshipers of idols lived and took captives, choosing thereafter whether to kill them or keep them alive."¹¹³

Imam Muslim Ibn-al-Hajjaj transmitted this Hadith: "Umran Bin-Husayn recounted: The Thaqif tribe was allied with Banu-Uqayl. Thaqif captured two of the prophet's companions. The prophet's companions in their turn captured a man from Banu-Uqayl and tied him up. When the prophet came to him, he asked: Oh Muhammad, why did you capture me?

"The prophet replied: I captured you because of the action of your allies from Thaqif.

"The prophet walked away and the man called out to him: Oh Muhammad, oh Muhammad.

"The messenger of God was merciful and gentle. He returned to him and asked: What do you want?

"The man said: I am a Muslim.

"The prophet said: If you had said it when you were free, you would have succeeded.

¹¹² 'Sahih Al-Bukhari' - 'Al-Maghazi' Book- Chapter of sending 'Bani-Hanifah' and Hadith 'Numamah Ibn-Anal (Part 13/ p. 277)

¹¹³ 'Fatih al-Bari' By Ibn-Hajar -(Part 12/ p.189)

"The man called out: Oh Muhammad, oh Muhammad.

"The prophet asked: What do you want?

"The man said: I am hungry, give me food and I am thirsty, give me water to drink.

"The prophet said: Your request is granted.

"The man was then exchanged for the two Muslim captives in Thaqif's hands."¹¹⁴

Imam al-Shafi'i interpreted this Hadith, saying: "The messenger of God exchanged him for the two men captured by Thaqif and took his camel."

Al-Shafi'i said: "The prophet's response that 'you were captured because of the action of your allies from Thaqif' means a captive who is an idolater may be killed and his property seized for his idol worship. However, it is permitted to pardon him. Since the prophet's reply was not criticized, a captive may be held but he may also be pardoned and released."

Therefore a man may be captured on the grounds of another's crime but he may be released voluntarily if his captor gets something for his release.¹¹⁵

Imam al-Khitabi explained this Hadith as follows: "The prophet's response that 'you were captured because of the action of your allies from Thaqif' has three interpretations:

"First: Al-Shafi'i's view, which he mentioned in parts of his book, indicates that a captive who is a worshiper of idols may be killed and his property taken. Since it is permitted to capture him without a crime, it is then appropriate to imprison him for another's crime."

Another view held by some ulema is illustrated by an account transmitted by Al-Hasan Bin-Yahya who cited Ibn-Al-Mundhir. He said: "Some ulema interpreted the prophet's declaration that 'you were captured because of the action of your allies' as indicating that there was a truce between the Muslims and Thaqif, which violated the truce, and Banu-Uqayl did not denounce them for their deed. Hence Banu-Uqayl's position was as if it had also violated the truce.

Abu-Sulayman gave a third interpretation, namely, you were captured to pay for your allies' wrongdoing. It also meant that the Banu-Uqayl man was captured to exchange him for the two Muslims that Thaqif held.¹¹⁶

Abu-Dawud, may he rest in peace, narrated the following Hadith: Jundub Bin-Makith said: "The prophet sent Abdallah Bin-Ghalib at the head of a company of which I was a member. The prophet ordered us to launch a raid against Banu-al-Mullawah in Al-Kadid. We met Al-Harith Bin-al-Barsa al-Laythi. When we captured him, he said: I came to this place seeking to convert to Islam and to meet the messenger of God, may God's prayers

¹¹⁴ 'Sahih al-Muslim' - 'Al-Nudhur' Book- Chapter of vows in disobeying God should not be kept nor in what the servant does not own. (Part 8/ p. 426)

¹¹⁵ 'Al-Amm'- (part 4/ p. 267)

¹¹⁶ 'Al-Gharib' by Al-Khitabi Part 1 p. 380.

and peace be upon him. We replied: If you are a Muslim, you will not be harmed by being tied up for a night and a day. If you are not, we will find out all about you."¹¹⁷

Imam Ahmad added the following, also citing Jundub Bin-Makith al-Jihni: "The messenger of God sent Ghalib Bin-Abdallah to raid Banu-Mullawah in Al-Kadid. Ghalib said: We waited until part of the night had gone then we launched the raid. We killed some of them and took spoils. We then returned while the Banu-Mullawah were screaming for help. On our way we met Al-Harith Bin-al-Barsa and a companion. We seized him and took him back with us."¹¹⁸

This Hadith indicates that it is permitted to launch raids against belligerent infidels before conquering their territory. There are many such accounts in the prophet's personal history, which I will mention later.

All that I recounted briefly above proves that it is permitted to kidnap belligerents and dispose of them according to what the ruler decides. Our virtuous brother Shaykh Abu-Yahya al-Libi wrote a valuable treatise on this issue, citing the case of the captives of the Korean gang.

After I have provided the proof of the permissibility of kidnapping belligerent infidels, especially those who have violated a truce or are the allies of others who have violated the truce, I wish to ask the document's author: Who are those innocent hostages who were kidnapped and what is their real story? In the fifth observation I pointed out that the author makes indiscriminate accusations.

Let the author tell us specifically of any occasions when the mujahidin stole the Muslim people's property so that we can quote against them the prophet's injunction: "It is forbidden for a Muslim to assault another Muslim's life, property, and honor."

Regarding the seizure of Christian property, his predecessors, the Islamic Group's leaders who are now in jail, did it but then recanted. They went so far in their recantation, however, that they regarded Al-Sadat as a martyr. Why does he address his remarks to others, then? Does not this constitute deception? He knows as well as we do that we do not consider such seizure of property useful at this stage. I will explain this later.

Conclusion:

a. This section is the core of the author's document, which was instigated by the security officers and the CIA. It consists of a combined poison of impotence and despair meant to be infused into our nation's veins at a time when it is strongly resisting its crusader, Jewish, and Russian enemies in Chechnya, Afghanistan, Iraq, Palestine, Somalia, and Algeria.

b. It is clear that the aim of the document is to stop the Muslim people's jihad and halt their resistance to the crusaders, Jews, and the puppet regimes in our countries either by act of hand or word of mouth. They even want to stop peaceful protests like

¹¹⁷ 'Sunan Abu-Dawud' - (Part 7/ p. 285)

¹¹⁸ 'Masnad Ahmad' - (Part 31/ p.489)

demonstrations, sit-ins, and gatherings. In Interior Ministry language, this means an attempt to prevent the disruption of public order.

The author intentionally ignored the obligation of making preparations for jihad and the promotion of virtue and prohibition of vice by word of mouth when physical action is impossible. He did this because making preparations and speaking out against vice does not agree with the interests of those who supervised the writing of the document and their masters. Although the author was inventive in making accusations, he did not utter one word of criticism against those who daily perpetrate crimes that include murder, torture, rape, besieging the Palestinians, and preventing those who want to go to jihad from doing so. Yet if this were really a rationalization of jihad document, as its writer claims, he should have referred to these issues.

Chapter Five: Discussing the References in the Document's Fourth Section to Asking the Permission of One's Parents or Creditors

1. The document's third section represents the security services and US intelligence agencies' goal of discouraging the mujahidin and deceiving the Muslim nation. The fourth section represents the pinnacle of faulty scholarship to which the author sank. He stated that the permission of one's parents and creditors is necessary before one goes to jihad. He denounced anyone who blows himself up without his parents' permission. He then tried to evade the condition of asking one's parents' permission to carry out individually required jihad. He said: "The jurists were of the unanimous opinion that the parents' permission is required when one joins collective jihad. Some jurists, however, stated that if a Muslim's performance of individually required jihad might ruin the life of either one or both parents, then the mujahid should not join jihad." He did not say a single word about the waiver of the condition of obtaining one's parents' permission in individually required jihad. Regarding the creditors' permission, he did not even try to explain it away. This was obvious deception and a concealment of basic rules of jurisprudence on the writer's part. For whose benefit did he do all this?

2. I am certain that he knows the error of what he wrote and that he stands apart from all the nation's jurists on this issue. I do not know how he allowed himself to fall into this scholastic error in full sight of the world when he knew it was wrong and used to teach the rules to others. This scholastic dishonesty requires a pause to examine the state through which the writer passes and the degree of pressure and interference to which he is subjected to make him put such a Shari'ah violation on his record. I am pained to find myself forced to remind a person with whom I spent days of sincere friendship of the ABCs of Islamic jurisprudence. He once benefited many people with his scholarship and now he has reached a state of committing obvious Shari'ah violations. This shows that if he was living in different circumstances, he would not have written this document but only God knows the whole truth.

3. I will now briefly review a collection of statements by scholars versed in the principles of the four schools of Islam and demonstrate how they stated those principles without dispute. I will conclude this collection with the best opinion of the martyr of Islam, Shaykh Abdullah Azzam, may he rest in peace, in his famous book "Defending the Muslim People's Lands Is the Most Important Individual Obligation." Amazingly, the

document's author once wrote a treatise defending that book after Shaykh Abdullah Azzam was martyred. He made that defense in response to Shaykh Safar Al-Hawali's comment on it. He called his treatise "A Comment on A Comment." He then asked me to deliver a copy of the treatise to Shaykh Azzam's disciples and inform them that it was a tribute from Al-Jihad Organization to the martyr. Today, however, he has reached the state he is in but one must thank God at any rate.

I will now mention those ulema's statements.

a. Statements by scholars of the Hanafi School

Imam Al-Kasani said: "If general mobilization is declared after an enemy attacks the country, then it becomes the individual duty of every single able-bodied Muslim to join the battle, based on God Almighty's command: 'Go ye forth, whether lightly or heavily equipped' [Koranic verse; the Repentance 9:41]. The Muslims used to say, I joined the battle in response to the general call.

"God, may He be praised, said: 'It was not fitting for the people of Medina and the Bedouin Arabs of the neighborhood to refuse to follow God's messenger, nor to prefer their own lives to his' [Koranic verse; the Repentance 9:120]. It is a firm rule that it is obligatory to all to join the battle before the call to battle becomes general and because the obligation is lifted only when a sufficient number of mujahidin join. It is an obligatory duty just like prayer and fasting. The slave can join the battle without his master's permission and the wife without her husband's permission because to the slave and wife the obligatory acts of worship are exempted from the slave master and the husband's rights. A son is also permitted to join the battle without his parents' permission because the parents' right of obedience is not included in cases of obligatory duties like fasting and prayer. But God knows best."¹¹⁹

Ibn-Mawdud al-Mawsili, may he rest in peace, said: "Jihad is everyone's individual duty in case of a general call to battle. It is a collective duty when there is no general call and only a sufficient number of combatants are obligated to join. Fighting against the infidels is obligatory to every mature, able-bodied, free, and capable man. If the enemy attacks, every person should go out to help repulse the enemy. The woman and slave can join the battle without the husband's and the master's permission."¹²⁰

Al-Zay'ali said: "When jihad is everyone's individual duty the woman and slave can join the battle without the husband's and the master's permission. This is so when there is a need for general mobilization. The husband's and master's rights to obedience are not observed in obligatory duties like prayer and fasting unlike the case when there is no general call to battle. In that case there is no need to suspend the husband's and master's rights. The son can also join the battle without his parents' permission."¹²¹

¹¹⁹ 'Badai'a al-Sanai'a Fi Tartib al-Sharai'a' - (Part 15/ p. 271 and 272)

¹²⁰ 'Al-Ikhtiyar Lita'lil al-Mukhtar' -(Part 1/ p. 46)

¹²¹ 'Tabiin al-Haqa'iq Sharih Kanz al-Daqa'iq' (Part 9/ p. 266)

Ibn-Abidin said: "If the enemy attacks, it is everyone's individual duty to join the battle even without permission. A husband and similar figures of authority sin if they forbid this. When we speak of everyone's individual duty, we refer to those who are closest in distance to the enemy. If they are unable to repulse the enemy or are too unwilling to do it, it becomes the duty of those beyond them gradually until the obligation includes all Muslims whether in the east or west."

The statement "if the enemy attacks" means if the enemy makes an unexpected assault. In this case there is general mobilization, which means there is a need for all Muslims to join, including women, slaves, debtors, and others.

Al-Sarkhasi said: "Even immature youths, if they are capable of fighting, may respond to the general call to battle even if their parents hate it."¹²²

b. Statements by scholars of the Maliki School

Imam Al-Qurtubi said: "There might be a case when the call goes out to everyone, namely, the fourth case. This is when the enemy has seized one of the Muslim countries or has arrived at the country where the call to battle has gone out. In this case it is the duty of all the inhabitants to hasten to the fight, lightly or heavily equipped, young and old men, each according to his ability. A man with a father can go to battle without his father's permission. None should stay behind. If the inhabitants are unable to repulse the enemy, the inhabitants of neighboring countries should go to their aid as necessary until there is a sufficient number of combatants to carry out the task. All those who become aware of their inability to repulse the enemy should go forth and assist. The Muslims should have solidarity among themselves against every other nation. When the inhabitants of the attacked city or country have repulsed the enemy, the obligation to the others to assist them is lifted. If the enemy comes close to the Muslim country and does not enter it, it is obligatory to the Muslims to go out and fight him until God's religion is supreme above all others and the enemy is shamed. There is no dispute over this."¹²³

Al-Disuqi commented on Shaykh Al-Dirdir's explanation of the issue: "If the need to repulse the enemy becomes necessary it should include the women and slaves. It becomes every Muslim's duty, even women, to pounce on the enemy. If the enemy does not attack unexpectedly and pounce on them, the obligation to women and slaves is lifted. It is also the duty of those who live near the inhabitants to fight alongside them if the Muslims are attacked unexpectedly. It is the individual duty of their neighbors to go to their assistance unless they fear for their women's and homes' safety in their absence. When the ruler decides who should join the fight, every one who is chosen should join the battle including youths who can fight, women, slaves, and debtors. They should go out and fight even if forbidden to do so by their parents, husbands, masters, and creditors."¹²⁴

c. Statements by the scholars of the Shafi'i School

¹²² 'Rad al-Mukhtar' - (Part 15/ p. 425), also: 'Hashiyat Rad al-Mukhtar' -(Part 4/ p. 302)

¹²³ 'Tafsir Al-Qurtubi' -(Part 8/ p. 151 and 152)

¹²⁴ 'Hashiyat al-Disuqi Ala al-Sharih al-Kabir' -(Part 7/ p. 146)

Imam al-Nawawi said: "The second type of jihad is individually required. If the infidels enter a Muslim city or are deployed in a place overlooking it, jihad becomes the duty of every single Muslim even if they do not enter the city as we will demonstrate, God willing. A married woman will not need her husband's permission to fight just as a slave will not need his master's permission. It is not necessary likewise to get one's parents' or one's creditor's permission."¹²⁵

Imam Zakariya al-Ansari said: "When the infidels enter the country, the Muslims become individually obligated to join the battle. No master has the right to prevent his slave, a husband his wife, a father his son, or a creditor his debtor from joining the fight."¹²⁶

He continued: "If the infidels enter a country, jihad becomes obligatory to its inhabitants. It is the duty of all those we mentioned, including an indigent man, a son, a debtor, and a slave and they do not have to ask permission to join the battle."¹²⁷

Shaykh Ali al-Shabramilsi said: "If the infidels enter any part of a Muslim country, even if the place is only a ruin or the distance between them and the Muslims becomes short, it is a momentous event. The inhabitants are obligated to repulse the enemy with all their ability. If the enemies do not attack unexpectedly, the inhabitants should prepare to fight and all are obligated to join the fight including the indigent, young sons, debtors, and slaves. Women who are strong enough to fight should also join the fighting and do not need to ask their husbands for permission."¹²⁸

d. Statements by scholars of the Hanbali School

Ibn-Qudamah said: "If a son goes to jihad voluntarily but his parents forbid him after he has gone a distance, he should turn back unless he does not feel safe on his way back or he gets sick or loses his resources. Unless he can stay somewhere on the way, he should continue his way with the army and join the fight once he rejoins the ranks. If his parents gave him permission to begin with but later retract their permission, this is of no effect."¹²⁹

He added: "He who owes a debt is not permitted to leave for battle without his creditor's permission unless he leaves behind something to secure the debt or uses a guarantor."

Al-Shafi'i said the same. "Malik permitted the debtor to go to jihad even if he cannot repay his debt because he cannot be required to repay or go to jail for his debt in this case. So he is allowed to join jihad. Our argument is that jihad is a quest for martyrdom and if this opportunity to gain martyrdom is wasted, righteousness is wasted. A man came to the prophet, may God's prayers and mercy be upon him, and asked: Oh messenger of God, if I am killed in the cause of God, will my sins be forgiven? The prophet replied: Yes,

¹²⁵ 'Rawdat al-Talibin Wa Umdat al-Muftin' -(Part 4/ p. 1)

¹²⁶ 'Asna al-Matalib' -(Part 20/ p. 284)

¹²⁷ 'Fatih al-Wahab' -(Part 2/ p. 298)

¹²⁸ 'Nihayat al-Muhtaj Lisharh al-Minhaj' - (Part 26/ p. 388)

¹²⁹ 'Al-Mughni' - (Part 20/ p. 436)

except for a debt. Gabriel told me so. This Hadith was narrated by Muslim Ibn-al-Hajjaj. If jihad becomes obligatory, he will not need his creditor's permission because his current obligation overrides what he owes, just like all other obligatory duties." ¹³⁰

He added: "If the enemy comes, the people are obligated to go to battle, those who have little resources and those who have great resources alike. They can only go to battle with the ruler's permission unless the enemy attacks unexpectedly then they do not need the ruler's permission. Those who have little resources and plentiful resources are the poor and the rich. This means the call to battle is for everyone who is able to fight. No one may stay behind except those who are needed to defend the homes and families, those whom the ruler forbids to join the battle, and those unable to fight. 'Go forth lightly or heavily equipped.' The prophet said: 'If you are called to battle, go forth.' God Almighty denounced those who wished to return to their homes during the 'Battle of the Factions.' God said: 'And a band of them ask for leave of the prophet, saying: Truly our houses are bare and exposed, though they were not exposed but they intended nothing but to run away' [Koranic verse; Al-Ahzab 33:13]. Because the enemy had come, jihad was the individual duty of every one of them. No one was allowed to stay away." ¹³¹

Shaykh al-Islam Ibn-Taymiyyah said: "If the enemy enters a Muslim country, those who are closest to the enemy should go and repulse him. The Muslim countries are all considered close, as if they were one city, and all their inhabitants are obligated to go to war. Imam Ahmad's writings are clear about this. However, if enough fighters go to battle, should everyone join? There is some dispute about this. Nevertheless, if the enemies are numerous and there is fear that the Muslims might lose, allowing the enemy to attack those who are behind them, all the inhabitants should do their best. If the enemies attack and only half the Muslim combatants join the battle, there is fear the enemies might seize the Muslim women. This kind of jihad is a jihad of defense and no one should stay behind." ¹³²

The martyr of Islam, Shaykh Abdullah Azzam wrote about the cases when jihad is an individual duty. He said: "The first case: When the enemies enter Muslim territory. Ancient scholars, the jurists of the four schools of Islam, transmitters of the Hadith, and Koran interpreters in all the ages agreed that jihad in this case is obligatory to everyone, to the city's inhabitants and the Muslims who live close to them. A son should go to battle without his father's permission, a wife without her husband's permission, and a debtor without his creditor's permission. If the city's inhabitants are not of sufficient number or fail in their task, the obligation expands to the Muslims who live next to them and to those who live still farther on until all the Muslims become obligated to conduct jihad and repulse the enemy." ¹³³

¹³⁰ 'Al-Mughni' - (Part 20/ p. 438)

¹³¹ 'Al-Mughni' - (Part 20/ p. 445)

¹³² 'Al-Fatawa al-Kubra' Part 4 p. 609

¹³³ Defence [as received from website] of the Muslim Lands, The First Obligation After Iman, by the martyr Shaykh, as we consider him, Abdallah Azzam, p. 6.

One last observation remains. The document's author used a statement which he attributed to Imam al-Shafi'i. He said that Imam al-Shafi'i, may he rest in peace, said in his book "The Mother": "A man who fears for his family's safety if he leaves them behind should not go to fight the enemy." I searched for this statement and indeed did an electronic search on two different programs, but did not find this quotation. I urge the writer or any brother who knows where this quotation is located to tell me exactly where I can find it. This is one point. The second point is that even if this quotation exists, it must refer to collective jihad where it is not an individual obligation. It is the custom of jurists when speaking about jihad in general to mean collective jihad. Originally, collective jihad was the type that was familiar in their eras. They omitted references to individually required jihad. It is different in our age, may God help us. I have already quoted the jurists of the four schools of Islam that it is not necessary to obtain permission from one's parents or creditors. Included in my quotations I quoted the Shafi'i scholars' statements and cited the imam of all the Muslims, Imam Al-Nawawi. In all probability Imam Al-Shafi'i himself did not have a different opinion.

In the remainder of this section the writer spoke about the Muslims' behavior in cases of impotence and weakness. I believe I have commented sufficiently on this point, but God knows best.

Chapter Six: Debating the Ideas in Section Five Regarding Rebellion Against the Ruler

1. At the beginning of this section the author spoke about the ancient ulema's position on unjust rulers. I am not going to discuss this issue because the jihadist groups are not interested in those old eras. Rather the jihadist groups are resisting two enemies; the first is the crusader-Zionist alliance and the second the corrupt, puppet rulers of the Muslim countries. These rulers' apostasy is evident when judged by proofs from the Koran, the prophet's Sunnah, the consensus of the ulema, and the fatwas issued by old and contemporary scholars.¹³⁴ They govern contrary to Shari'ah and build their systems, laws, and constitutions on the same principles. Second, they are loyal to the nation's enemies, the crusaders and Jews, against the Muslim people.

2. The writer then spoke about the possibility of the ruler's non-belief and rebellion against him. He wrote about the damage caused by the Islamic groups that clashed with the governments. He proposed solutions that did not include making preparations for the jihad, promoting virtue and prohibiting vice, or even peaceful protests like meetings, strikes, sit-ins, seminars, and conferences. His aim from the omission was to refrain from disrupting public order. I responded to him sufficiently, I think, in the fourth chapter.

However, in this section he began to offer two alternatives. He said: "Jihad requires introductory action and factors, which are conditional for its success. If they are absent, then jihad is no longer obligatory including residing in a realm to which the Muslims have emigrated and where they have support, as in Medina, or a realm of safety, as in Ethiopia, or a secure base. As I noted in Chapter Four, the author raised points that no

¹³⁴ That does not prevent the existence of other reasons according to a different situation.

one before him had raised. Who among reputable ulema and jurists raised such points before you?

Furthermore his argument rebounds against him. If a secure base is a condition necessary for jihad, it is available, thank God, in many jihadist areas and over vast territories. He surely meant that a secure base is not the same as a realm of support or a safe country. He then changes his mind again and tells us that a secure base can only be found in a realm of emigration and support or a safe land. In this way he completely abolishes the "secure base" condition.

3. The writer also spoke about the acts that violate Shari'ah, which some persons carried out in order to circumvent the lack of resources that ensure the success of jihad. He mentioned six violations. He postponed discussing two of them and mentioned the third, namely, seizing other people's property and kidnapping for ransom in order to finance jihad. I responded to the ideas he raised in Chapter Four.

He then mentioned the fourth, namely "failing to safeguard the Muslims' families from harm and sedition." In discussing this point, the writer used a lot of invective. I say, however, since the prophet's wives brought water to the injured in battle and tended to their wounds, this condition to carry out jihad was available. When the prophet, may God's prayers and peace be upon him, openly declared his call to Islam in Mecca and some Muslim women like Summayah was subjected to some hurt, did this mean that the prophet was abandoning her? Yes, the Muslims try to safeguard their families, but they do not obstruct jihad and stay with them at home and abandon jihad.

4. The writer then spoke about the fifth act that violates Shari'ah, namely, "receiving sums of money and seeking the assistance of ruling regimes in other countries, which are not better than their own, to fight against their own country, thus falling into the trap of becoming collaborators and proxy fighters and turning from proud mujahidin into agents and mercenaries."

a. This is my comment: The writer calls for careful investigation and examination. For my part I ask him to examine what he says carefully. First of all the mujahidin do not fight against their own people. They fight those who assault their country and violate its sanctities. Have you heard about a country called America? Do you know what happened in Sinai? I will present you with the testimony of one of your friends' victims who defend the Egyptian people. Read this disgraceful report. May God help us.

Did you hear, oh rationalizer, about the Great Imad? Oh rationalizer, if you want to know who fights his own country's inhabitants, sells them to America, and violates their sanctities, just look around you.

b. The writer then speaks about collaboration and war by proxy. Apparently he confuses the terms he uses. Oh writer, we do not fight wars by proxy. Thank God, we fight

America face to face. Have you not heard the news? Ask those around you and they will tell you about collaboration and the collaborators.¹³⁵

c. I would have wished that the writer rose to the level of rationalization and stopped being influenced by those around him.

5. The writer then spoke about the sixth act that violates Shari'ah, namely, political asylum. He said: "Some persons were forced to seek political asylum in foreign countries (the infidels' original lands). By doing this they voluntarily entered under the infidels' rule and obeyed their laws unlike in their own country where they obeyed anti-Shari'ah laws involuntarily.

This is a faulty view from two aspects:

a. Those who sought asylum did not commit an act banned by Shari'ah but escaped being killed or tortured by those who are now supervising and publishing your document.

Second they did not go to foreign countries voluntarily but were forced to do so. Hence your differentiation between the anti-Shari'ah laws in your own country and in the original infidel country on the basis of doing so voluntarily or involuntarily does not apply. Furthermore the mujahidin invited you to reside in the Islamic Emirate far from the laws of the infidels and the apostates. You refused and chose to continue living under the laws of Ali Abdallah Salih and his state. Why, then, do you blame those who sought political asylum for something they did when you yourself did something worse that hurts your religion more?

6. The writer said: "I point out here that dividing people into civilians and military personnel is a newly adopted classification, but we will use it to make things easier to understand. This classification is not accepted in Islamic jurisprudence. Indeed it is an error that Westerners, their media, their agents, and establishment ulema intentionally use to claim that the mujahidin do not respect Shari'ah. Why does the writer go along with them in using terms and expressions which he himself considers faulty? Or do we have here a contradiction between what he knows to be the truth and what he has to say out of fear or ambition to get a reward?

7. The writer then spoke about jihad operations in Egypt. He spoke about the attack on the motorcades of the interior minister and prime minister. I will postpone discussing the Al-Jihad Organization's operations in Egypt to the end of this chapter, God willing. First of all I intend to finish presenting proofs about important issues like the covenant of security, the visa, breaking contracts, allies, human shields, and the dispute over those who are killed in connection with these issues so that the reader can benefit from these proofs while he reads my presentation of the Al-Jihad Organization's operations.

¹³⁵ Report of fact-finding visit by both the Egyptian Association Against Torture, Nadim Center for Psychological Treatment and Rehabilitation of Torture Victims and Hisham Mubarak Law Center from 15 to 17, November 2004

At the end of the section the writer mentioned "the Shari'ah and practical reasons not to clash with the Egyptian authorities." Or if you wish to use the language of the people supervising the document's release, "the reasons that called for not disrupting public order." His argument included the following: "The prophet, may God prayers and peace be upon him, did not carry out jihad, nor did God require it of him except after the factors of jihad became available, and these factors are the conditions that make jihad obligatory." He then began listing conditions for obligatory jihad that no scholar ever mentioned before him. They included:

1. A realm of emigration and support which I spoke about before.
2. Parity in number of combatants and weapons. I do not know what he means by this vague term "parity." It is not my job to explain his expression but at any rate, let us ask: Is it an equal number of combatants and quantity of weapons or merely attaining sufficient power that will probably bring victory? Is it enough to inflict sufficient hurt on the enemy as an interim goal? It should be noted that in their great battles, the Muslims were always smaller in number and had fewer weapons. I agree with the need to have a sufficient degree of power but what does he mean by parity? Where did he get this term?
3. Safeguarding the Muslims' families. The writer repeats this frequently and exaggerates it. I responded to this point earlier.
4. He also claims that there are no sufficient resources. The writer left the mujahidin 15 years ago. Did the mujahidin die of starvation after he left? Or did their numbers, efforts, weapons, and ability to hurt the enemy increase several times, thanks to God?
5. Then he mentions the absence of a sect whom the mujahidin might join. Very well, let there be no jihad and let the infidels and occupiers enjoy the Muslims' territories and resources because the Muslims today have no sect to join. This dubious idea is similar to the idea that the writer used formerly to assert that no jihad can be carried out without a caliph. Let the Americans and British enjoy the fact that there is no caliph and that there is no sect which the Muslims might join.
6. Differentiating among the ranks: All right, let the apostate rulers in our countries enjoy themselves and congratulations to the crusaders' agents, Mahmud Abbas, Al-Maliki, Karzai, and Ahmadov. As long as the infidels use our own people to fight us, we will be deterred and stop jihad. We will turn our attention to the women and children and take care of them. This is the Shari'ah option that the rationalization document advocates.

The document's author used to refute this dubious argument in the days when he was free and could think for himself.

b. After the writer forbade jihad against Husni Mubarak and considered it an illegitimate act according to Shari'ah, which agrees with his former attitude that struggling against the Islamic movements' ulema is a worthier act than struggling against their rulers, he began

proposing the options that Shari'ah permits, which by the way "do not disrupt" public order. These include "advocating the faith and promoting reform, and similar endeavors." I did not understand "similar endeavors." Does Islamic jurisprudence or the process of guiding the mujahidin toward the practical methods of rationalizing their jihad include something called "similar endeavors?"

c. I remind the reader that the practical solutions that the writer proposed are not connected with jihad in any way. They are not even connected with any peaceful resistance, which is something I pointed out in my first observation on the document. It involved a contradiction between the title and the substance of the document. It is not a document of "rationalizing jihad" but a document of restricting and stopping jihad and bringing it to its knees.

d. Furthermore, there is no connection at all between the practical solutions that the writer proposes with any jihad, inside or outside Egypt, although its title is "Rationalizing Jihad in Egypt and the World." This means that the document with its defeatist and discouraging ideas is required to be a beacon of light to the Muslims of the world until it is time to destroy them.

e. The writer did not confine himself to prohibiting jihad in Egypt but also moved from the sphere of Shari'ah to the sphere of history and closed the door to any change in Egypt. Congratulations to Egypt's new heir apparent, the beloved Jamal Mubarak, for the writer of the rationalization document paved the way for him and ensured that he would be unmolested. In his view, Egypt does not change except by foreign invasion or a palace coup. Thus, power is in the president's and his son's hands while the United States takes care of the foreign field. And may you stay healthy and safe.

f. As long as the writer has violated the ABCs of jurisprudence in the fourth section, banning individual jihad except with permission from one's parents and creditors, then brought history intrusively into the issue in the fifth section, let him allow me to intrude into history in my turn and remind him of some simple facts. For any change to succeed, it requires popular acceptance either at the start or later on. In that case, the vanguard provides the factors of change and seizes opportunities. Even foreign invasion, if confronted by real popular rejection, will be faced by a liberation movement to expel it. Change within the power structure, if it is meant to be a radical change, represents a big transformation in the nature of the regime and is not restricted to a change of persons while the regime stays the same. It requires a state of popular resentment that paves the way for it, welcomes it, and accepts it after it is established.

The writer did not mention these two factors, namely, popular support and an enlightened vanguard. I wish to point out that in saying this I am not following the writer's method and considering these two factors two conditions for carrying out jihad. I simply propose them as two conditions for change.

The conditions that the writer mentions are the conditions of someone who wishes to carry out jihad while being guaranteed victory. If the prophet's companions, may their

souls find favor with God, had followed his conditions, they would not have conquered the world around them. There was no parity in number or weapons in any battle they fought against the great powers around them.

If the Afghans had followed his conditions, they would not have liberated Afghanistan from the communist invasion. They absolutely lacked any equivalent weapons and they had difficulty in getting financing. Despite the aid they got from the United States and its client governments, and also from their Arab brothers, the emigrants and the mujahidin suffered hardship because the aid was not sufficient to their needs and because the corruption within the Pakistani government took the lion's share because most of the assistance passed through its hands. Furthermore, misadministration and corruption in numerous mujahidin parties wasted too much of the resources on less important things, or on things that no money needed to be spent while the fronts and the mujahidin needed these resources badly. Everyone who was with the mujahidin in those days knows this very well.

Neither the women nor children of the mujahidin were safeguarded from hardship. It is true that the emigrants in Pakistan were safe from bombardment and communist raids but life in the refugee camps was wretched. Additionally, the majority of the Afghan people, which had not left the country, was the target of the communists' raids and persecution. There was no sufficient social and relief welfare either for the refugees or the people who had stayed in Afghanistan. Medical care was extremely insufficient. The writer knows what the conditions were like among the emigrants, particularly the women and the wounded who arrived in Pakistan.

There was no distinction in the ranks. The mujahidin and the communists were spread everywhere, people of the same nationality. They became more mixed after the Russians withdrew and power was left to the Afghan communist government yet the mujahidin triumphed without being bound by the writer's conditions. The ulema repeatedly issued fatwas legitimizing and supporting jihad.

If the mujahidin in Palestine had followed the writer's method, which pleases the security services and the US anti-terrorism centers, they would have thrown down their weapons decades ago and US and Jewish planes would be hunting them down everyday. Similarly, if Salah-al-Din, Muhammad Ali, and Abd-al-Nasir had obeyed his conditions, they would not have triumphed. On the contrary, each of them had behind him a popular movement that rejected the existing situation in addition to basic strength in his hand which never had parity with the enemy.

In total frankness, the writer's conditions are not conditions for victory but conditions to explore his way out of jail.

In all the situations I mentioned, the factors of risk and danger existed. This reminds me of Al-Mutanabbi's verses elegizing his friend Abu-Shuja Fatik:

But for the hardship involved, everyone would become lord
Generosity makes one poor, and daring is lethal. [end of poetry]

Popular sympathy requires that the masses have great confidence in the struggler vanguard and a belief that this vanguard is loyal to the masses against the enemies. This cannot happen unless the struggler vanguard makes sacrifices in addition to victories over the nation's enemies, and today's enemies are the United States and Israel. As to the rulers, the nation will not be convinced of their enmity until it sees them killing their own people in defense of America and Israel, in addition to France in the Arab Maghreb. The rulers and the foreign enemy have become one.

This is the path from which the writer retreated 15 years ago in his book *The Compilation*. He included passages that had no connection with his subject in which he deprived the mujahidin of the quality of piety because they are hasty. He called for jihad against the ulema of the Islamic movements, even before carrying out jihad against the rulers because they did not accept his judgment.

Today he claims that he has not retreated but that the mujahidin were too hasty and that the mujahidin are the cause of calamity and the ruin of the country and its inhabitants. He claims that he is guiding them and showing them that the path does not start in the mountains and the caves but here at the gate of the State Security Department.

To return to the mujahidins' method I state that the jihadist movement has successfully struck a historic blow against America, has sapped its strength in Iraq, Afghanistan, and Somalia, and has successfully sapped the strength of the Jews in Palestine. All this was done with tremendous sacrifices. This is the path to solidarity with the nation and the way to win its support. It is the way that the jihadist movement is following and the facts prove this. This is the solidarity that foreign and domestic anti-Islam forces are trying to dismantle by publishing such documents.

We now come to the writer's claim that change in Egypt can only happen by foreign invasion or a palace coup. As to a coup, why do not the Muslims try to carry one out? Or are the Muslims destined to remain out of power? Are the people in power fated to be infidels? Of course, what I mean is something totally different from the goal that the Muslim Brotherhood and its likes are trying to achieve. They are trying to transform their creed into the government's creed. They are seeking to reassure the government.

This endeavor requires an organized vanguard that takes the initiative, accepts sacrifice, and seizes opportunities. It does not require the conditions of safety and security as the writer does.

For general benefit: Adel Husayn, may he rest in peace, gave me three pieces of advice necessary for victory. First: Emphasizing unity among the mujahidin. Second: Concentrating attacks on Jewish and American targets. Third: Being ready for the moment when the existing regime collapses. It is a regime that has decayed to the point of making its collapse inevitable. However, historical changes might take many years and

the winner is he who seizes the opportunity of change and is ready to exploit it. I pray to God that He may reward Adel Husayn.

With the help of God the mujahidin have implemented the first two conditions. The third remains and I hope it will be fulfilled soon, God willing.

Afghanistan, Iraq, and Algeria are a situation that will expand into long sagas and battles. This is the lesson of history and anyone who wants an example let him study the history of the Crusades and the movement of Al-Zanki, may they rest in peace. Particularly, the experience of Nur-al-Din Zanki, may he rest in peace, who sent Salah-al-Din to Egypt to prepare for the re-conquest of Jerusalem.

I have one last word about history lessons. Anyone who seeks to make a change or help his nation rise must be patient. He must be able to tolerate anything, must not be changed by imprisonment, and must not throw down his weapons and panic at the first battle. This is history to him that wants to learn from history. I hope I have not written too long but the subject requires it.

The writer justified his abandonment of jihad by claiming that it was trying to change the regime by "killing civilians, foreigners, and tourists, destroying property, and assaulting the lives and property of protected persons on the pretext of supporting jihad." This is an intentional distortion of the image of jihad to which I will respond later on when I comment about the Al-Jihad Organization's operations in Egypt. This is an intentional distortion which is in total agreement with the recommendations of the US anti-terrorism centers. I will later quote from one of these centers when I discuss the Al-Jihad Organization's operations in Egypt, God willing.

In conclusion, I remind the reader to count the number of times in which the writer said permitted, not permitted, and obligatory, not obligatory, and after this he comes and says he is not a Muslim.

I beg the reader's pardon to stop commenting on the document's sections for four chapters. I will devote them as follows: The seventh, which I will devote to discussing visas and covenants of security; the eighth, which I will devote to speaking about human shields; the ninth, which I will devote to the discussion of night raids and the use of weapons that cause widespread destruction; and the tenth, which I will devote to the discussion of treatment in kind.

I will then continue commenting on the document's sections and make the last subject the operations of Al-Jihad Organization, God willing. It is from God that we draw our support and success.

Chapter Seven: The Visa and the Safe-Conduct (*Aman*)

The writer of *Wathiqat al-Tarshid (The Document on Guidance)* mentions that a visa is safe-conduct (*aman*) from the visa-granting country to a Muslim entering it. Accordingly,

it is incumbent upon a Muslim to counter its safe-conduct to him with a safe-conduct from him to it; if he interferes with the wealth of that country or its people's lives, he is a perfidious betrayer who deserves God's threatened punishment.

I shall deal with this question in some detail in this chapter. I consider it appropriate to discuss the subject under the following headings:

I. Introduction.

II. Is a visa (*ta'shirah*) a safe-conduct (*aman*)?

III. If we grant that a visa is a safe-conduct, does the non-believer's grant of safe-conduct to the Muslim imply a grant of safe-conduct by the Muslim to the non-believer?

IV. If we grant that the non-believer's grant of safe-conduct to the Muslim implies a grant of safe-conduct by the Muslim to the non-believer, does this apply to cases of war and aggression against Muslims?

V. Discussion of the Koranic evidence that a visa is a safe-conduct.

VI. Summary

VII. A final word

I. Introduction

Visas are a recent issue with no textual provision in the Koran, the Hadith, the consensus, or any pronouncement by previous jurists. Indeed, some scholars have issued a fatwa that a visa should not be considered an impediment to harming America, and Shaykh Nasir al-Fahd is one of them. A number of them have welcomed and rejoiced in the events that took place in America, praising those who carried them out, while knowing the manner in which these took place; they include scholars such as Shaykh Hamud al-Uqla, Shaykh Husayn Umar Bin-Mahfuz, Shaykh Abu-Muhammad al-Maqdisi, Shaykh Abu-Qatadah, and Shaykh Abdallah al-Rashud.

Thus it is a disputed question, a matter of opinion, and individual judgment. Anyone uncomfortable with an opinion should not make use of it, and anyone who is comfortable with it can make use of it. In the jurisprudence of jihad there are many examples of disagreement among jurists that entails great effects, such as the disagreement on the legal status of polytheists and idolaters, the disagreement over killing apostates, and other matters.

II. Is a visa (*ta'shirah*) a safe-conduct (*aman*)?

A. What is the definition of a visa?

1. The *Encyclopaedia Britannica*, 2003, in the article "Passport," defines a visa as follows:

"Most nations require travelers entering their borders to obtain a visa, i.e., an endorsement made on a passport by the proper authorities denoting that it has been examined and that the bearer may proceed. The visa permits the traveler to remain in a country for a specified period of time."¹³⁶

2. The *Encarta Encyclopedia*, 2006, defines a visa as follows:

"Visa, formal endorsement placed by government authorities on a passport, indicating that the passport has been examined and found valid by the nation to be visited, and that the bearer may legally go to his or her destination."¹³⁷

3. The dictionary appendix to this encyclopedia explains the meaning of the word *visa* as follows:

a. noun. Definition: (1) passport insertion: an official endorsement in a passport authorizing the bearer to enter or leave, and travel in or through, a specific country or region;¹³⁸ (2) authorization: a mark of official authorization.¹³⁹

b. verb. Definition: (1) supply document with visa: to insert a visa in a passport or other document;¹⁴⁰ (2) give somebody visa: to provide somebody with a visa.¹⁴¹

Thus it becomes clear from the definition and meaning of *visa* that it implies no indication of safe-conduct.

4. If someone says that the safe-conduct in it does not exist on the basis of a written verbal contract but exists on the basis of a customary contract recognized by people, this statement invites an important question: Who are the parties of this contract?

Is there a contract between the mujahidin against America on the one hand and America and its allies on the other hand conveying this meaning verbally or customarily, or is the opposite the actual fact? The latter is what will become clear to the reader in detail in what follows.

B. If someone says that this contract arose on the basis of international agreements about visas and consular activity and what relates to these two things, the answer is clear: These agreements do not obligate us. The arguments of Shaykh Hamud al-Uqla (may God have

¹³⁶ English text from *Encyclopaedia Britannica*

¹³⁷ English text from *Encarta Encyclopedia*

¹³⁸ English text

¹³⁹ English text

¹⁴⁰ English text

¹⁴¹ English text

mercy on him) and Shaykh Nasir al-Fahd (may God release him from captivity) confirm this.

Suppose someone says: "We grant you that the mujahidin are not under safe-conduct in America, either verbally or by custom. However, the mujahidin, for example the executors of the events of September 11, entered America with passports not of the Islamic emirate, but with Egyptian, Saudi, Lebanese, and UAE passports; and these countries are under safe-conduct with America." This, too, would be an error; for Muslims in all these and other countries are in the midst of misfortunes and disasters because of America, whether they are inside it or outside.

Any Muslim who opposes America's policy is liable to ruin and destruction not only in America but also in his own country. The death of Shaykh Abu-Ali al-Harithi (may God have mercy on him) is clear proof of this.

The writer of this document is suffering from America's policy. He was living in a wonderful coexistence with the Yemeni regime under his real name for a period of seven years; then, when America wanted to imprison him, it imprisoned him. Yet he inverts the facts and claims that the mujahidin are the cause of his misfortunes -- because they are the weaker party, and because he is seeking to ingratiate himself with the big bosses in hope of finding a way out. Actually, those supervising the publication of his document are not So-and-So Pasha and So-and-So Bey in the [Egyptian] Bureau of Investigation for National Security, but the antiterrorism experts in the American investigation and intelligence bureaus and the orientalist and experts in that apparatus.

The truth is that Muslims in America and the West or in their own countries -- indeed, throughout the whole world -- are not safe from America, but are in fear, dismay, and suffering because of America. It is America that has committed the most brutal of crimes against them. Even the treaties she has ratified, such as the Geneva treaties on prisoners, America has violated with the Muslims. She has tortured them and established the Guantanamo prison camp for them. Even the congressional report about the events of September 11 acknowledged this, albeit quietly.¹⁴²

What relation is there between an *aman* and American policy?

America claims that she respects detainees' rights and human rights. She condemns torture, arbitrary internment, and all forms of violation of human rights, while the Americans by their own admission are practicing torture against the Muslim detainees. They arrest them from any place in the world without a court order or an indictment, only by their whims. Then they imprison them for whatever periods they wish in secret prisons about which no one knows. There they practice the most brutal torture and the vilest means of extracting information. So what do promises of safety have to do with America,

¹⁴² The comment of the U.S. congressional report on the treatment of prisoners in the coalition's war on terror, as well as its comment on considering the Geneva accords the minimum for humane treatment of prisoners and on the accusations of prisoner abuse leveled at America and its recommendation about this: *9/11 Commission Report*, pp. 379, 380.

which is attacking Muslims and not even abiding by its signed agreements or its international commitments?

In Iraq, America alleged that Saddam had weapons of mass destruction. It asked the United Nations to strike Iraq. When it did not get what it wanted, it attacked Iraq itself and destroyed it, but it found no weapons of mass destruction -- and this despite the fact that America holds others to account for not abiding by United Nations resolutions.

America possesses an enormous stockpile of nuclear, chemical, and biological weapons; however, it forbids these things to others, so that the world may remain under America's threat. Thus Muslims and the rest of humanity are in pain, suffering, and fear of America.

What kind of customary safe-conduct is it about which the writer is talking? Then he backs it up by maxims from Islamic jurisprudence such as, "Whatever is acknowledged by custom is as that which has been specified by stipulation," or "Custom is judge." In fact, what is normal and customary is that all people are in fear of America, of America's crimes, of America's faithlessness, and of its duplicitous policies. That is the reality. Anybody who is blind to it has no right to issue fatwas or to speak about the current conditions of Muslims. Acquaintance with and understanding of reality are the cornerstone of a fatwa: a fatwa is the judgment of Islamic law regarding reality.

America gives itself the right to arrest any Muslim without examining his visa, residency permit, or passport. Here are some examples of this:

1. The kidnapping of Abu-Talal al-Ansari Tal'at Fu'ad from Croatia. Although he was carrying a Danish passport and an entry visa for Croatia, American intelligence kidnapped him and turned him over to Egypt, where no one knows his fate until now!¹⁴³
2. The incident of the jihad group members who were deported from Albania and elsewhere at the hands of American intelligence officers. These brothers were deported from Albania to Egypt, where they were subjected to torture and imprisonment. Two of them were executed: the brothers Ahmad al-Najjar and Ahmad Isma'il, may God have mercy on them. Some of them were killed in a clash with the police in Albania.

These brothers were not deported at the desire of the government of Albania -- Albania was benefiting from their residence there, as they were working in relief agencies -- but under pressure from America.

In fact, the Albanian judge before whom some of them appeared ordered them released because they held legal residency permits and because they had committed no crime deserving punishment. Nevertheless, American intelligence, along with Albanian intelligence, arrested them after the judge released them.

¹⁴³ The leaders of the Islamic Group who "changed their mind" abandoned Abu-Talal al-Ansari, just as the Muslim Brotherhood abandoned the late Kamal al-Sananiri.

The writer of the document is well aware of this, having been sentenced to twenty-five years in prison in the same case as those brothers -- the case of the returnees from Albania -- and being imprisoned by virtue of that judgment in the Egyptian prisons from which he is trying to get out by denying the facts and turning a blind eye to them.

3. The kidnapping of Shaykh Abu-Hajir al-Iraqi (may God release him from prison).

He was arrested a few days after he arrived in Germany with a formal visa. He had committed no violation of German laws. Indeed, the German judge told him frankly, "Your problem is with America, not with Germany!"

The incidents of Abu-Hajir and the Albanian brothers took place before September 11th, which the writer of the document alleges to have caused misfortunes for Muslims.

4. The kidnapping of Shaykh Abu-Umar from Italy and his deportation to Egypt, where he was tortured, although he was carrying a valid visa and legal residence permit.

In all these incidents and innumerable others the victims were carrying valid passports, formal visas, and sound residence permits, but that did not protect them from deportation, torture, imprisonment, and murder. Where, then, is the visa's safe-conduct, which has no existence save in the mind of some of us?

If the Americans and Westerners give no consideration to a visa or to a passport, why should we give any consideration to it? Even if the visa were a contract of safe-conduct and they were violating it, would we not be entitled to treat them in like manner? And do so without announcement, for which I shall cite Ibn al-Qayyim, God assisting.

C. Does the visa grant a Muslim in the lands of non-believers a promise of safety for his life, property, family, and religion?

1. The visa does not grant a Muslim a promise of safety for his life:

a. He is liable to be deported to a place where he may be tortured or killed. Many political refugees have been deported to Egypt and other places where they have been subjected to torture. Some of them are still in prison to this day.

With the writer in prison and among those who have shown agreement to what he says are some whom the country where they took refuge turned over to be tortured in Egypt. In fact, one of the brothers who were political refugees in a Western country that claims to protect political prisoners and respect human rights was interrogated by that country's intelligence service merely because I had quoted some of his sayings in one of my speeches. They held him accountable for what he had not done and for his views, which they were allowing him to publish, despite freedom of opinion. However, when I quoted some of the things he had said, freedom of opinion went up in smoke and no trace remained of the promise of safety that the writer of the document has imagined. They threatened that brother with deportation and punishment. If the visa granted its bearer a

promise of safety, he ought to have been deported to a place where he would be safe, not to a country where he would be imprisoned, tortured, or killed.

The deportee from those countries to where he will encounter torture, imprisonment, and murder has no right except to lodge a complaint with the courts. The latter see themselves alone as having the right to evaluate the matter. They do not deem that his visa protects him from that or grants him the right of insurance against deportation. Therefore, the country that granted the visa possesses the authority to deport him or allow him to stay. The person threatened with deportation has no right except to plead with the courts that he might be tortured or killed. He simply cannot make bold to contest the deportation decision on the ground that it contradicts the promise of safe-conduct that the visa granted him, a promise that basically is not deemed to exist in Western courts.

b. Some Muslims in the West have been imprisoned. Some are still imprisoned; some are threatened with deportation to their country where they can be tortured or killed; and some have been released, but under surveillance or house arrest, a violation of whose rules will bring a return to prison. All of this takes place with no charge being brought against them. Westerners do not think that an entry visa or political asylum prevents them from taking any measure of this kind. Indeed, they think that they are free to deal with those who live among them or enter their country: it is their right to issue any laws that restrict the freedom of such people without honoring, considering, or even imagining any contract of safe-conduct. Actually, this question of a contract of safe-conduct is a figment of our imagination; the people of the West know nothing about it, and if they knew, they would ridicule it.

c. Also, a Muslim traveler, unbeknownst to him, might be wanted by a Western country in a certain case. If he goes to the country's embassy and applies for a visa, they might give it to him without informing him of anything; and, when he arrives at their airport or port, they will arrest him. If the visa were a safe-conduct, they could not do this to him. The story of Shaykh Muhammad al-Mu'ayyad al-Yamani (may God release him from captivity) is well-known and famous: he was lured to Germany on the pretext that contributions for HAMAS would be delivered to him. There he was arrested and deported to America, where he is still imprisoned. Also well-known is the story of Muhammad al-Nafi' al-Sudani, who was lured to Germany by his treacherous in-law, the spy Jamal al-Fadl. There he was offered work as an FBI informant; when he refused, he was deported to America, where he is still imprisoned. The stories are endless.

2. Does the visa grant the Muslim a promise of safety for his family?

The family of someone who has obtained a visa to Western countries may be subjected to attack. Some examples of this:

a. His child may be forced to study a Western curriculum. If the father refuses to send his child to the schools, his child will be taken from him by force and could be turned over to non-Muslim parents.

b. A Muslim cannot compel his son or daughter to pray, fast, go on pilgrimage, or even observe the laws of ritual purity. If he tries to compel them to do so or to implement, for example, the tradition of the prophet (may God bless him and grant him peace) that says, "Command your sons to pray at seven years, and beat them for it at ten years,"¹⁴⁴ then his renegade son or the son's renegade mother -- particularly if she is a non-Muslim -- or his neighbor or the child's teacher can lodge a complaint against him. The child might be taken from him and turned over to another family that might be non-Muslim.

c. His daughter cannot wear even a head covering, let alone a full *hijab* in the schools of France. In some other countries the *niqab* [veil that covers the face] is outlawed.

d. If his daughter wants to go out to have fun in a nightclub with her boyfriend, he cannot prevent her. If he tries, she can summon the police to punish him.

e. If his daughter brings her lover home, he has no right to prevent her. If he tries, she may call the police for help to enable her to do what she wants.

f. If a Muslim in the West fears that his child may be corrupted and decides to emigrate with him to Muslim lands and his Western wife objects, he will be forcibly prevented from doing so, in addition to the punishments that may be imposed on him, such as deportation or being forbidden even to approach his child's residence. The stories of this are repeated and well-known.

g. A Muslim may not prevent his son or daughter from engaging in debauchery, drinking alcohol, gambling, watching pornographic films, or listening to depraved music.

h. A Muslim may not object to his daughter's marrying whomever she wishes, even a dissolute person or a non-believer.

i. If a Muslim marries a second wife, he will be punished, perhaps imprisoned, and they will invalidate his marriage. This is an attack on his honor, by depriving him of his legitimate right to his second wife. For this reason, Muslims marry a second wife secretly and do not dare to announce the marriage or register it.

j. A Muslim may not carry out the Koranic provision against his wife if she is rebellious toward him, abstains from his bed, or deprives him of his right to be chaste himself. He who is Truth, may He be blessed and exalted, says: "And those you fear may be rebellious admonish; banish them to their couches, and beat them. If they then obey you, look not for any way against them; and God is All-high, All-great" [Koranic verse; Al-Nisa 4:34]. If he tries to take his right without her consent, she has the right to prosecute him for having "raped" her. If he tries to implement the Koranic provision of beating, prison awaits him.

¹⁴⁴ Ahmad Ibn Hanbal, *Musnad* -- Musnad Abdallah Ibn Amr Ibn al-'As (may God be pleased with him), v. 14, p. 5, Hadith 6467.

k. A Muslim husband or wife cannot prevent his or her partner from bringing alcohol into the house or from watching depraved materials. If either of them objects out of concern for the morals of the children, the police are waiting.

l. A Muslim may not prevent his wife, if she is not virtuous or a non-Muslim, from befriending anyone she wishes, Muslim or non-Muslim, or from corresponding with him, inviting him to the house, and mixing socially with him.

3. Is a Muslim safe with respect to his property by virtue of that visa?

A Muslim in the West is also not safe regarding his property. Here are some examples of how they attack his property:

a. He is subjected to taxes some of which are spent on killing and fighting Muslims. It is not permissible to pay such taxes to the countries of the West that are waging war on Muslims, except involuntarily by compulsion. Consenting to a contract requiring such things is a great sin.

If someone says that Muslim merchants used to pay tithe duties to non-believers, the answer is that the case is different:

(1) Those tithe duties were paid for a mutual interest shared by Muslims and non-believers. Muslim merchants paid them if they entered infidel territory, and infidel merchants paid them if they entered the territory of Islam. They were money paid in return for the right to profit from the market.

However, taxes having to do with defense and security, from which expenditures are made for killing and fighting Muslims, bring no benefit; indeed, they bring suffering, harm, and hardships to Muslims.

(2) The tithe duties that infidel countries used to collect from Muslim merchants were not necessarily spent on war against Muslims. However, such taxes as are for defense and security have definite purposes that they fix by their laws. They give them various names and particular percentages that they announce. Therefore they basically are taxes for fighting their main enemy, the Muslims.

(3) To clarify the difference between the tithe duties of merchants and taxes for defense and security, I ask a question: What is the status in Islamic law of a Muslim who today contributes his money to the American, British, or NATO army? The answer is well-known: he has committed a great sin that could bring him to the point of non-belief and subject him to the force of God's words, may He be blessed and exalted: "O believers, take not Jews and Christians as friends; they are friends of each other. Whoso of you makes them his friends is one of them. God guides not the people of the evildoers" [Koranic verse; Al-Ma'idah 5:51]. The late Shaykh Ahmad Shakir gave a detailed explanation of the legal status of someone who does this in his fatwa that I quoted in Chapter Three.

Therefore, a Muslim is not obligated to pay these taxes that are spent for defense and security, except by compulsion and involuntarily. Can a Muslim whose money is taken by compulsion and coercion be considered to be safe?

b. If a debt he owes to a person or to the government -- for example, rent, an electric bill, or other debts -- becomes overdue, by law he must pay *riba* [usury] as interest on the debt. He cannot protest and say, "This is a violation of my property, because usury is a sin and because by virtue of the visa's contract of safety you have no right to violate my property."

c. The property of some Muslims in the West has been frozen and they have been denied access to it. Indeed, it has been forbidden for any person to grant them any sum of money. Some have had this imposed on them by United Nations resolution, without having any charges brought against them or without any proof established against them. The funds of many charitable organizations and associations that provide aid to Muslims in Palestine and other Islamic lands have also been frozen. The visas of these people, their having obtained political asylum, or the permits issued to these organizations and associations have not rendered them immune to having their funds frozen. Instead, the Westerners think that those people are living in their land, where it is their right to take any measure or enforce any law, as long as the majority of deputies in parliament approve it.

Examples of this are the case of Dr Musa Abu-Marzuq, who was imprisoned in America on the charge of collecting funds for HAMAS, and the case of Abu-Mahmud al-Suri,¹⁴⁵ who is still imprisoned in America on the charge of collecting contributions for the Chechen people.

Strangely, the Americans consider HAMAS and other jihad organizations to be terrorist groups for which it is illegal to collect funds -- anyone who does so is liable to be fined and imprisoned -- while they accord themselves the right to take money from the Muslims in their midst by force and compulsion, money that they openly spend on Israel and on attacking and killing Muslims and on occupying their countries. What kind of mutual promise of safety is this?

Even more damaging is the fact that they consider collecting contributions for Israel to be a great work in which they compete!

4. Is a Muslim safe with regard to his religion by virtue of such a visa?

a. Reviling the prophet (may God bless him and grant him peace) is blatant hostility to a Muslim's religion and creed. The Western countries such as America and Britain not only allow such reviling, but they honor the reviler of the prophet (may God bless him and grant him peace) and consider him a hero. Salman Rushdie was given many prizes in Britain and other countries. Clinton received him in the White House. The queen of

¹⁴⁵ I cannot remember his real name, but his case is well-known. If a reader would be so kind as to remind me of his name, I would be thankful to him.

England knighted him. Reviling the prophet invalidates the promise of safety, as will be shown later, God willing.

The Western peoples and governments believe that any writer or artist has the right to ridicule the prophet (may God bless him and grant him peace), as happened with the cartoons insulting the prophet's honor that were published in a number of Western countries. Those governments refuse to forbid, let alone punish, their creator. If one group of the people break a covenant and the remainder agree with them, their promise of safety lapses and all of them are fought, as will be shown later, God willing.

If someone argues that Muslims throughout their history entered infidel territory on safe-conducts although they knew that there were people there who reviled Islam and the prophet (may God bless him and grant him peace), the answer is: Yes, but they had the right to kill that reviler, even if they were carrying not just that visa which we do not sanction, but had entered with a sound, explicit, legally acknowledged safe-conduct, as will be shown with God's help.

Thus any Muslim who has entered on a visa or with a more explicit safe-conduct may kill Salman Rushdie and the cartoonists who ridiculed the prophet (may God bless him and grant him peace), regardless of any visa, safe-conduct, or treaty. This judgment relates not only to physical persons who ridiculed or participated in ridiculing, but extends to immaterial and corporate entities that acted or participated in the action. Details of this will come shortly, with God's help. In other words, if an entire country or people has done the reviling, participated in it, or colluded in it, a Muslim may punish them. Any promise of safety between him and that entity lapses, whether the safe-conduct consisted of a visa (something we do not grant) or any other form of safe-conduct.

b. The current laws on terrorism punish the mere instigation to terrorism. In other words, calling Muslims to jihad against their attacker makes a Muslim liable to the punishment of those laws.

c. A Muslim in the West cannot publicly proclaim the Koran's descriptions of the Jews without being imprisoned for anti-Semitism.

d. An attack on Muslims in any country is an attack on Muslims everywhere. It will be shown shortly, God willing, that an attack on Muslims invalidates the promise of safety. It will also be shown, God willing, that the safe-conduct of *musta'mins* [people with a temporary safe-conduct] in hostile territory is invalid if the people of that territory take some of the Muslims as prisoners of war.

D. An applicant for a visa at any embassy or consulate will be asked to fill out an information form and sign a promise at the end of it that the information is correct. The form contains no clause related to a safe-conduct from the embassy's country or from the visa applicant, or even a commitment to respect their laws.

E. As for the argument that it is customary for the bearer of a visa to be safe from harm by the visa-granting country, the examples we have just mentioned prove the opposite.

F. Even if we granted that a visa is a contract of "safety in return for safety," this contract would be invalid because the safety it accords cannot be separated from the anti-Shari'ah laws that they impose on anyone who travels to them or resides among them. Neither can the safe-conduct be separated from paying taxes to them, and in paying taxes to them one is helping them attack Muslims. Anyone who travels to their country knows this before he travels. If we assume that upon obtaining a visa he voluntarily agrees to these terms, he has committed a great sin, given that it is permissible to pay taxes to them only by force and compulsion, not by mutual agreement and acceptance. On this assumption, all travelers to Western countries or residents there would have committed a great sin merely by accepting a visa. However, if we consider the visa to be simply a permission to pass through or enter, applying for it does not entail any of these consequences.

Ibn Hazm (may God have mercy on him) was asked about doing business in the land of war. He said:

"1568. Question: If the Muslim traders, when they enter the land of war, are humiliated there and the non-believers' ordinances apply to them, commerce to the land of war is a sin and they are to be forbidden engage in it. Otherwise, we merely disapprove of it. Selling to them is permissible, except for anything by which they strengthen themselves against Muslims, such as riding animals, weapons, iron, or the like; in principle, nothing of the sort may be sold to them. God has said: 'So do not faint and call for peace; you shall be the upper ones' [Koranic verse; Muhammad 47:35]. Entering among them in such wise that their ordinances apply to the person who enters is fainting, abasement, and calling for peace, all of which are forbidden. God has said: 'Do not help each other to sin and enmity' [Koranic verse; Al-Ma'idah 5:2]. Strengthening them by selling and other things whereby they become strong against Muslims is forbidden. Whoever does this is to be punished or imprisoned for a long time."¹⁴⁶

G. If the visa is a contract, a contract is between two or more parties. In the case of those who claim it is a contract, it is a contract between the person who has obtained the visa and the visa-granting country. One of the things they say is that it imposes obligations on each party. If one party violates its obligations, the contract becomes invalid. The writer talks about the obligation of the visa-bearer, but he has not spoken about the obligation of the visa-granting country and the consequences of its breaking what he claims is a contract.

Imam Muhammad Ibn al-Hasan al-Shaybani (may God have mercy on him) says the following about prisoners of war to whom the non-believers grant a safe-conduct but whom they then treat perfidiously:

"784. If some people from among them meet the captives and ask them, 'Who are you?' and they reply, 'We are merchants who entered with a safe-conduct from your comrades';

¹⁴⁶ Ibn Hazm, *Kitab al-Muhalla*, v. 9, p. 65.

or, 'We are emissaries of the caliph'; it does not behoove them afterward to kill any of them; for they have manifested what is an indication of seeking safe-conduct. It is to be deemed a seeking of safe-conduct by them, and so they may not treat them perfidiously afterward, so long as the inhabitants of the land of war do not harass them.

"785. If the inhabitants of the land of war find out that they are captives and so take them, but then they escape from them, it is permissible for them to fight them and take their property, because the status of having sought safe-conduct is lifted from them by virtue of what they have done.

"Do you not see that if the king of the inhabitants of the land of war acts perfidiously toward those who have sought safe-conduct, takes their property, and imprisons them, but then they escape, they may kill the inhabitants of the land of war and take their property? They may do so on the ground that that was a breaking of the treaty by their king.

"786. Likewise, if a man should do so at the command of their king or with his knowledge, and the king did not prevent him from doing so, then the maxim is: A fool not prohibited has been, as it were, commanded.

However, if they acted without the prince's knowledge or the knowledge of his party, the seekers of safe-conduct may not regard the foe's women as fair game because of what he did to them."¹⁴⁷

H. Suppose someone says, "We grant you everything you have said about how the non-believers attack the life, property, and family of the visa-holder who enters among them; nevertheless, the person who enters on the basis of the visa knew of such things beforehand and agreed to it; so it is a customary contract between him and the country he enters, one that must be honored."

The answer is: This saying of yours implies that what has been mutually agreed to is not the safe-conduct with which Islamic jurists are acquainted. It is a state in which the Muslim is put in jeopardy of his life, family, property, and religion. Your admission of this implies the collapse of every theory of the visa's being a safe-conduct. Thus there is no safe-conduct, and accordingly there need be no reciprocal promise of safety from the Muslim. Just as they have threatened the Muslim's life, religion, family, and property, so may he threaten them.

I. Suppose someone says, "The attacks on visa-bearing Muslims you have mentioned only involve those who have been resident among them for a long time, not travelers who reside for a short time."

The answer is:

¹⁴⁷ Al-Shaybani, *Kitab al-Siyar al-Kabir*, Chapter, "What Is a Safe-Conduct Regarding One Who Enters the Abode of War and Captives, and What Is Not a Safe-Conduct," v. 2, pp. 510, 511.

1. In most of the kinds of attack I have mentioned, it makes no difference whether the time of residence was short or long, especially in cases of imprisonment or deportation.

2. I have cited as examples Abu-Hajir al-Iraqi, Shaykh Muhammad al-Mu'ayyad, and Muhammad al-Nafi' al-Sudani (may God release them from captivity). They were arrested on entry or shortly thereafter. Some were lured to their arrest.

3. Will the objector allow a long-term resident to kill them and take their property and not allow a short-term resident to do so?

J. I ask whoever considers a visa to be a promise of safe-conduct to mention to me a single article of the laws or constitutions of America and the West that says that the bearer of a visa may not suffer any of the kinds of attack on his person, property, family, or religion I have cited and that by virtue of the visa he bears, and only by virtue of it, he is protected from their laws that permit such attacks! Also, that if they are afraid of the visa-bearer, they may only expel him to a place where he, not they, believes he will be safe!

K. Islamic law assumes that the lives and property of non-believers are legitimate targets, except by virtue of a peace treaty (*sulh*), a safe-conduct (*aman*), or a covenant of protection (*dhimmah*); for the land of the enemy is a land of fighting, plunder, and legitimate targets.¹⁴⁸ Anyone who claims that a visa is a safe-conduct must bring clear, unambiguous, sound proof that contradicts this; otherwise, the basic principle holds.

III. If we grant that a visa is a safe-conduct, does the non-believer's grant of safe-conduct to the Muslim imply a grant of safe-conduct by the Muslim to the non-believer?

The jurists are of two opinions on the matter. The writer, not honoring his scholarly obligation, has cited only one opinion.

A. The first position, that of the majority of jurists, is that if someone enters the land of non-belief with a safe-conduct (*aman*), the non-believers have a promise of safety from him.

Al-Shafi'i (may God have mercy on him) said: "If Muslims enter the territory of war on a safe-conduct, the enemy is safe from them until they leave or reach the term of their safe-conduct, and they may not wrong or betray them.

"If the enemy takes Muslim children and women captive, I would not like them to act perfidiously to the enemy. I would like them to ask them to restore the safe-conduct to them and send them on their way; and if they do, they will fight them on behalf of the Muslim children and women."¹⁴⁹

¹⁴⁸ Al-Shaybani, *Kitab al-Siyar al-Kabir* and commentary, v. 1, p. 355; and v. 3, p. 915; and al-Shawkani, *Al-Sayl al-Jarrar*, v. 4, p. 551.

¹⁴⁹ Al-Shafi'i, *Kitab al-Umm*, "The Receiver of a Safe-Conduct in the Abode of War," v. 4, p. 263.

He also said: "If a Muslim man enters the abode of war on a safe-conduct and finds his wife, or the wife of some other Muslim or of a *dhimmi* [a protected non-Muslim resident of Muslim territory], or his property, or the property of some other Muslim or of a *dhimmi*, that the polytheists have carried off, he may take it away by virtue of its not being the property of the enemy. Even if they should accept Islam at his hands, it would not be theirs; and so it is no perfidy. Similarly, if he should gain power over a Muslim who has carried off something and he takes it without the Muslim's knowledge and restores it to its owner, he has not acted perfidiously. Perfidy is only taking something that one is not permitted to take. However, if he has the power to take some of their property, he may not take any of it, be it small or great, because if he has a promise of safe-conduct from them, they have the like from him."¹⁵⁰

The author of *al-Durr al-Mukhtar* (may God have mercy on him) says: "Chapter: The *Musta'min*, or Seeker of an *Aman*. This refers to someone who enters another's abode, whether he be a Muslim or a *harbi* [an enemy person, someone from the abode of war]. If a Muslim enters the abode of war on a safe-conduct, it is forbidden for him to interfere with anyone's life, property, or women."¹⁵¹

Ibn Qudamah (may God have mercy on him) says: "Whoever enters enemy territory on a safe-conduct, may not act perfidiously toward them with regard to their property and may not enter into dealings with them involving interest (*riba*).

"As for dealing perfidiously with them, it is forbidden, because they granted him safe conduct only on condition that he abstain from acting perfidiously toward them. He, for his part, has given them an assurance of safety from himself; for even if that was not verbally mentioned, it is self-evident from the very notion. Thus, any of them who comes to us on a safe-conduct and acts perfidiously toward us has broken his promise. If this is established, he is not permitted to act perfidiously toward them, because it is treachery, and treachery is not allowed in our religion."¹⁵²

One can understand from the discussions of safe-conduct in return for safe-conduct by al-Shafi'i and Ibn Qudamah (may God have mercy on them) that anyone who allows a foreigner to enter his country and promises him safety from attack expects and demands of the foreigner that he not attack the people of the country he is entering. This amounts to a contract sanctioned by custom. Accordingly, anyone who allows a foreigner to enter his country and then attacks him should not expect or demand that the foreigner not attack him. In other words, safe-conduct for safe-conduct and attack for attack.

The position that an non-believer's promise of safety to a Muslim entails a promise of safety from the Muslim to the non-believer tells us something: namely, if there is no promise of safety from the non-believer to the Muslim, and the Muslim is in fear for his life, property, and family, the Muslim is not obligated to promise safety to the non-believer.

¹⁵⁰ Al-Shafi'i, *Kitab al-Umm*, v. 4, p. 284.

¹⁵¹ Al-Haskafi, *Al-Durr al-Mukhtar*, v. 4, p. 166.]

¹⁵² Ibn Qudamah, *Al-Mughni*, v. 9, p. 237.

Supporting this view is what I have just cited by al-Shaybani concerning captives who have been taken treacherously by the non-believers, their king, or his representative.

B. The second position is that of A-Shawkani (may God have mercy on him).

Commenting on the position of the author of *Hada'iq al-Azhar*, al-Shawkani says: "He says¹⁵³: 'Their promise of safety to a Muslim is a promise of safety to them from him.' I say that there is no inseparability between the two promises of safety, either in religious law, reason, or custom. Therefore, it is permissible for a Muslim who enters the abode of war on a safe-conduct from its people to take what he can of their property and spill whatever blood of theirs he can."¹⁵⁴

Al-Mawardi transmits this position from Dawud al-Zahiri: "If a Muslim enters the abode of war on a safe-conduct or is a captive among them and they release him and grant him a safe-conduct, it is not permissible for him to damage them in their lives or property; he is obligated to promise them safety. Dawud, however, says that he may damage them in their lives and property, except when they ask him to promise them safety; then he must treat them with mildness, and doing damage to them is forbidden to him."¹⁵⁵

This position is strong. He mentioned taking account of custom in judging. If we look at custom in visas, we find that they are a grant from one party; no contract is concluded, and if it were it would be invalid.

IV. If we grant that the non-believer's grant of safe-conduct to the Muslim implies a grant of safe-conduct by the Muslim to the non-believer, does this apply to cases of war and aggression against Muslims?

The answer to this is no. I shall make this clear under the following headings.

A. Proof from prophetic tradition that a promise of safety does not protect anyone who incites to fighting Muslims, attacks them, makes war on God and His prophet (may God bless him and grant him peace), or reviles the prophet (may God bless him and grant him peace).

B. A state hostile to Muslims -- America, for example -- is a single moral entity.

C. The allies of the attacker of Muslims, if they consent, are sharers with the attacker in punishment -- *a fortiori* if they participate in the attack.

A. Proof from prophetic tradition that a promise of safety does not protect anyone who incites to fighting Muslims, attacks them, makes war on God and His prophet (may God

¹⁵³ The author of *Hada'iq al-Azhar*.

¹⁵⁴ Al-Shawkani, *Al-Sayl al-Jarrar*, v. 4, pp. 552, 553.

¹⁵⁵ Al-Mawardi, *Al-Ahkam al-Sultaniyah*, Chapter 12 of the Division, "Property Taken From Non-believers With or Without Violence," Section, "Moveable Property," v. 1, p. 278.

bless him and grant him peace), or reviles the prophet (may God bless him and grant him peace).

1. The incident of Ka'b Ibn al-Ashraf.

Al-Bukhari (may God have mercy on him) transmits the following tradition from Jabir Ibn Abdallah (may God be pleased with him and with his father):

"The messenger of God said, 'Who will take care of Ka'b Ibn al-Ashraf, for he has offended God and His Messenger?' Muhammad Ibn Maslamah got up and said, 'Messenger of God, do you want me to kill him.' 'Yes,' he said. 'Then allow me to say whatever I like [to him].' 'Say it,' he said. So Muhammad Ibn Maslamah went to Ka'b and said, 'This man (i.e. the prophet) has asked us for charity and has harassed us. I have come to ask you for a loan.' Ka'b replied, 'By God, you will become weary of him again.' Muhammad said to him, 'We have followed him and do not want to leave him until we see the end of his affair. We want you to lend us one or two loads of grain.' Ka'b said, 'Yes, but pledge me something as security.' Muhammad Ibn Maslamah asked, 'What do you want?' Ka'b said, 'Pledge me your women.' Muhammad Ibn Maslamah said, 'How can we pledge our women as security, when you are the most handsome of the Arabs?' Ka'b said, 'Then pledge me your sons.' Muhammad Ibn Maslamah said, 'How can we pledge our sons? People will revile them and say that they were pledged as security for one or two loads of grain. It is shameful for us. However, we will pledge you our arms as security.' Muhammad Ibn Maslamah agreed with him to come at a certain time. He came to him at night with Abu Na'ilah, who was Ka'b's foster brother -- they had shared the same wet-nurse. Ka'b invited them into the fort and came down to meet them. His wife asked him, 'Where are you going out at this hour?' Ka'b replied, 'It is only Muhammad Ibn Maslamah and my brother Abu Na'ilah.' (Another version is that she said, 'I seem to hear a sound as if blood were flowing from him.' Ka'b said, 'It is only Muhammad Ibn Maslamah and my foster-brother Abu Na'ilah. If a man of nobility were summoned to a dagger blow at night, he would accept.') Muhammad Ibn Maslamah brought two men in with him. He said: 'When he comes, I will say something about his hair and smell it. Then I will have you smell it. When you see me take hold of his head, grab him and smite him.' Ka'b came down to them wearing a sash and with the odor of perfume wafting from him. Muhammad Ibn Maslamah said, 'Never have I smelt a sweeter scent.' (Another version is that he added, 'I have the most fragrant women of the Arabs and the most perfect ones.') Muhammad Ibn Maslamah said, 'Do you give me permission to smell your head?' 'Yes,' he said. So he smelled it and had his companions smell it. Then he asked, 'Do you give me permission?' 'Yes,' he said. When he took hold of it, he said, 'Grab him.' And so they killed him. Then they came to the prophet (may God bless him and grant him peace) and told him."¹⁵⁶

It is clear in this tradition that Muhammad Ibn Maslamah and his companions (may God be pleased with them) acted and spoke in a way that made Ka'b Ibn al-Ashraf feel safe, but they deceived him by not explaining their real purpose, and they did not explicitly give him a promise of safety. He, for his part, gave them permission to do business with

¹⁵⁶ Al-Bukhari, *Sahih*, Book/Chapter, "The Killing of Ka'b Ibn al-Ashraf," Hadith 3741.]

him, enter his fort, and draw near to him -- in other words, something parallel to a visa. They took advantage of this permission in killing him. This is clear from the following points:

a. They disparaged the prophet (may God bless him and grant him peace) before him, saying, "He has harassed us" -- meaning "overburdened us." Outwardly this is non-belief, though inwardly they meant it in a different sense, such as that they were weary from sustaining jihad, in which they had a recompense because of their weariness, or something similar.¹⁵⁷ The case is like that of a mujahid who comes to the Americans today and says to them: "The terrorists have overburdened us and wearied us. I want a loan from you so that I can go into their country and do them harm." Furthermore, the affair took place with the prophet's approval.

b. They did not show him their real purpose, but pretended that they wanted a loan. This is like someone who goes to the enemy's country and displays purposes that are not real. For example, he may ask the enemy embassy for a tourist visa -- and all so that he can kill their criminals, not for tourism.

For this reason, Ibn Hajar (may God have mercy on him) said regarding the lessons to be learned from the story of the killing of Ka'b Ibn al-Ashraf: "It implies the permissibility of such speech as is needed in war, even if the speaker does not say what he really means."¹⁵⁸

When our brothers obtained visas, they did not lie. They used the applications. They did not say to them, "You will be safe from us," and then killed them. Instead, they said, "We have come to study." What they meant was, "to study aviation in order to kill you." They said, "We have come for tourism," but the tourism of the Muslim nation is jihad. They said, "We have come for commerce," but jihad, according to the text of the Koran, is "a commerce that shall deliver you" [Koranic verse; Al-Saff, 61:10].

c. Muhammad Ibn Maslamah arranged to meet them at a certain time to bring the weapons as surety. When they came the second time, they brought the weapons so as to complete the deception. Ibn Hajar comments as follows:

"Ibn al-Tin has said that the content of the tradition is not that of the heading under which al-Bukhari put it."¹⁵⁹

"This is because they only intended to deceive. The permissibility of using weapons as pledges of surety is derived from the previous tradition." Weapons may be sold or pledged as security with anyone who has covenant of protection or a treaty -- by common agreement. Ka'b had a treaty, but he had violated its terms that he would not give aid against the prophet (may God bless him and grant him peace), and so his treaty lapsed.

¹⁵⁷ Ibn Battal's commentary on al-Bukhari, v. 9, p. 247; and Ibn Hajar, *Fath al-Bari*, v. 9, p. 250.

¹⁵⁸ Ibn Hajar, *Fath al-Bari*, v. 7, p. 340.

¹⁵⁹ Ibn al-Tin (may God have mercy on him) meant that there is nothing in the tradition that refers to al-Bukhari's chapter title, "On Pledging Weapons as Surety."

The prophet had announced that Ka'b had offended God and His Messenger. The answer [to Ibn al-Tin] is that if it had not been customary among them to give weapons as security to people who had a treaty, they would not have offered them to Ka'b; for, had they offered him something that was not customary, he would have become suspicious of them, and their trick would have failed. In the course of their deception, they made him believe that they were doing something permissible for them. He agreed with them on that basis, since he was acquainted with their honesty; and so the trick took place. The fact that the treaty had lapsed belongs to the same affair, but he did not announce it, nor did they announce it to him."¹⁶⁰

This is like a mujahid who applies to an embassy for a commercial visa, so as to be able to enter the country and inflict damage on its people. He shows the embassy employees correspondence from companies in their country as a cover for his visa application.

d. Ka'b let them into the fort ("He invited them into the fort"). It is like the passport official's permission to the bearer of a visa to enter the airport or port.

e. Ka'b felt that he was safe from them, and so he told his wife, when she became afraid, "It is only Muhammad Ibn Maslamah and my foster-brother Abu Na'ilah." Muhammad Ibn Maslamah was his sister's son,¹⁶¹ and Abu Na'ilah was his foster brother. Herein is a reply to anyone who says that the mujahidin, for example, may not enter America with a visa and then attack America, and who explains by saying that if America had not felt safe from them, it would not have allowed them in.

f. They called him to come down to them from the fort. Then they went for a walk with him. They asked to smell his hair once, and then again. All this was to put him at ease with them. This is like the mujahid who goes to America to destroy its twin towers. He applies for a visa to study aviation, and he actually begins to study aviation; or he claims to have come for tourism, and he tours the beaches and hotels to cover the real reason for his coming, while waiting for a favorable opportunity.

All these are actions from which one might understand a pledge of safety or something similar, but involve lying in war to deceive the enemy. The Shaykh al-Islam Ibn Taymiyyah discussed the matter in detail and replied to those who disagree. He made it perfectly clear that Ka'b Ibn al-Ashraf had a promise of safety or something like it, but that it was of no use to him when he attacked the Muslims. Here is what Ibn Taymiyyah says:

"The second thing to be learned is that the five Muslims who killed him -- Muhammad Ibn Maslamah, Abu Na'ilah, Abbad Ibn Bishr, al-Harith Ibn Aws, and Abu Abs Ibn Jabr - - had been given permission by the prophet to kill him: to deceive him by words that made it appear to him that they promised him safety and agreed with him, and then to kill him. It is well-known that anyone who openly promises a non-believer safety may not kill him afterward for his non-belief. Indeed, if the enemy non-believer believes that the

¹⁶⁰ Ibn Hajar, *Fath al-Bari*, "On Giving Weapons as Security," v. 7, p. 463.

¹⁶¹ Ibn Hajar, *Fath al-Bari*, "The Killing of Ka'b Ibn al-Ashraf," v. 11, p. 367.

Muslim has given him a promise of safety and has spoken to him on that basis, he becomes a *musta'min* [a person with a temporary safe-conduct]. As transmitted by Amr Ibn al-Hamq, the prophet said: 'If anyone promises a man safety of life and property and then kills him, I am done with that man, even if the victim was an non-believer.' The tradition is transmitted by the Imam Ahmad [Ibn Hanbal] and by Ibn Majah. And Sulayman Ibn Surad reported that the prophet said: 'If a man feels that his life and property are safe with you, do not kill him.' The tradition is transmitted by Ibn Majah. Abu Hurayrah reported that the prophet said: 'Faith is the fetter of killing; a believer is not to be killed.' Abu Dawud and others transmit the tradition. Al-Khattabi alleged that they killed him only because he had cast off the promise of safety and broken the treaty previously. He alleged that something like this is permissible with an non-believer who has no treaty, just as night attacks and surprise attacks are permissible against them. However, it might be said that he became a *musta'min* by the words they spoke to him, or at minimum he had something like a promise of safety; and it is not permissible to kill such a person merely for non-belief. For a safe-conduct (*aman*) protects the life of an enemy; and he becomes a *musta'min* by less than this, as is well-known in the places where it is discussed. However, they killed him only because of his having satirized and offended God and His Messenger. Anyone whose killing has become licit for this reason cannot protect his life by a safe-conduct or treaty. It is similar if a Muslim gives a safe-conduct to someone who deserves death, such as a highway robber, or someone who wages war on God and His Prophet, or someone who spreads death-deserving corruption in the land; or if he gives a safe-conduct to someone who deserves death because of adultery; or if he gives a safe-conduct to someone who deserves death for apostasy or abandoning the pillars of Islam and the like. He may not conclude any contract with such a person, whether it be a contract of safe-conduct (*aman*), or a truce (*hudnah*), or a promise of protection (*dhimmah*). For killing such a person is one of the prescribed punishments (*hadd*), but not killing him merely because he is a belligerent non-believer, as will be discussed shortly. As for surprise and night attacks, there is no word or deed by which they become safe, nor have they thought themselves to be safe. The story of Ka'b Ibn al-Ashraf is quite different: he had been proved to have offended God and His Prophet by writing satires; and the life of such a person is not spared by a safe-conduct (*aman*)."¹⁶²

Ibn Taymiyyah also said:

"It is well-known that the semblance of an *aman* is as the reality of one in sparing blood. The men whom the prophet sent to Ka'b Ibn al-Ashraf came to him on the basis of seeking a loan from him. They conversed with him and walked with him, and he felt that his life and property were safe from them. Previously, there had been a treaty between them and him,¹⁶³ and he believed that it continued. Then they asked his permission to smell the odor of perfume from his head, and he give them permission time after time. All of this confirms an *aman*. If there had been no other cause but his being a hostile non-believer, it would not have been permissible to kill him after his having promised them

¹⁶² Ibn Taymiyyah, *Al-Sarim al-Maslul*, v. 2, pp. 179-182.

¹⁶³ This is because when the prophet (may God bless him and grant him peace) emigrated to Medina, he made a treaty with its Jews.

safety and after they made it appear that they intended him no harm and asked permission to hold his hands. One learns from this that offending God and His Prophet necessitate killing; no *aman* and no treaty can protect from it."¹⁶⁴

Shaykh Nasir al-Fahd (may God release him from captivity) issued a fatwa that although in his view a visa is an *aman*, it does not protect America from harm by Muslims there, and one ought not to use that specious argument to object to the events of September 11. I quote the text of his fatwa (may God release his captivity).

Peace be upon you, and God's mercy and blessings!

Venerable Shaykh: Is a visa to be considered a contract of *aman*? If it is, should the mujahidin who blew up the twin towers of the American trade center be considered to have broken that contract?

Peace be upon you, and God's mercy and blessings!

To proceed: It is correct that a visa is to be considered a contract of *aman* by virtue of custom, and this contract must be honored. Anyone who enters the territory of the non-believers, even if they are enemies, by means of a visa has given them a pledge of safety; he may not act treacherously afterward, either toward their lives or their property. Anyone who does so falls under a grave threat from God.

As for the September 11 operations: they were sound by reason of the Americans' being the heads of non-belief in this age and among those who have offended God and His Prophet most grievously. They are a complete people who complement each other: neither the President nor the Pentagon nor the army have any weight without the people. If they went against the desires of the people in their policy, the people would sweep them away, as is well-known. The government does not have a monopoly of this state: their state is as it were owned collectively, with every one of them having his portion and share of stock in it. If you know this, it will become clear to you that they, as a juridical person, have become similar in this respect to Ka'b Ibn al-Ashraf, whose murder the messenger of God (may God bless him and grant him peace) urged. He was tricked by Muhammad Ibn Maslamah; outwardly he gave him an *aman*, but then he killed him for having offended God and His Messenger.

This was more grievous than his simply being a belligerent. The deception practiced on him was not simply because he was a belligerent, but because he added to this his great offense against God and His messenger.

This is the state of the Americans at this time. They are not just belligerents; they are the "imams" of non-belief in this age, people whose offense against God, His messenger, and the Muslims has become very great.

¹⁶⁴ Ibn Taymiyyah, *Al-Sarim al-Maslul*, v. 2, p. 552. Cf. also v. 3, pp. 769, 786; and Ibn al-Qayyim, *Ahkam Ahl al-Dhimmah*, v. 3, pp. 1438-1441.

The Shaykh al-Islam Ibn Taymiyyah (may God have mercy on him) said in *al-Sarim*, 2/179: "The five Muslims who killed him -- Muhammad Ibn Maslamah, Abu Na'ilah, Abbad Ibn Bishr, al-Harith Ibn Aws, and Abu Abs Ibn Jabr -- had been given permission by the prophet to kill him: to deceive him by words that made it appear to him that they promised him safety and agreed with him, and then to kill him. It is well-known that anyone who openly promises a non-believer safety may not kill him afterward for his non-belief. Indeed, if the enemy non-believer believes that the Muslim has given him a promise of safety and has spoken to him on that basis, he becomes a *musta'min* [a person with a temporary safe-conduct]."

Next Ibn Taymiyyah mentions evidence to support the ban on killing a *musta'min*. Then he says: "Al-Khattabi alleged that they killed him only because he had cast off the promise of safety and broken the treaty previously. He alleged that something like this is permissible with a non-believer who has no treaty, just as night attacks and surprise attacks are permissible against them. However, it might be said that he became a *musta'min* by the words they spoke to him, or at minimum he had something like a promise of safety; and it is not permissible to kill such a person merely for non-belief. For a safe-conduct (*aman*) protects the life of an enemy; and he becomes a *musta'min* by less than this, as is well-known in the places where it is discussed. However, they killed him only because of his having satirized and offended God and His Messenger. Anyone whose killing has become licit for this reason cannot protect his life by a safe-conduct or treaty. It is similar if a Muslim gives a safe-conduct to someone who deserves death, such as a highway robber, or someone who wages war on God and His prophet, or someone who spreads death-deserving corruption in the land; or if he gives a safe-conduct to someone who deserves death because of adultery; or if he gives a safe-conduct to someone who deserves death for apostasy or abandoning the pillars of Islam and the like."

Ibn al-Qayyim (may God have mercy on him) says something similar in *Ahkam Ahl al-Dhimmah*.

The point here is that there is a category of those who are belligerent who are like Ka'b Ibn al-Ashraf in kind: they may be tricked even by giving them a promise of safety (*aman*), as the companions of the prophet did with him, and as the mujahidin did in the events of September.

Some people go very far afield in search of pasture. They allege that because Muhammad Ibn Maslamah manifested non-belief to Ka'b Ibn al-Ashraf one may deduce that a display of non-belief (*kufir*) is permissible in order to obtain such a benefit. They also deduce that what they said to Ka'b did not grant him security, based on the fact that he had made a display of non-belief. But this position is invalid in principle and application.

Two groups make a mistake on this issue.

One group grants no sanctity whatever to a Muslim's promise of safety to a non-believer. It permits the Muslim to act treacherously toward any such person to whom he has given a promise of safety in life and property.

The other treats all non-believers as equal with regard to such a promise of safety. They equate the "imams" of non-belief, those who have most grievously offended against God and His Messenger, with other non-believers.

In *Al-Sarim* 2/503, the Shaykh al-Islam [Ibn Taymiyyah] distinguishes among types of non-believers with regard to covenants and promises of safety: "He [the prophet] distinguished between those who have merely broken a covenant and those who in addition have offended the Muslims. Whenever word reached the prophet that someone who had entered into a covenant had offended the Muslims, he deputized someone to kill him, whereas he exiled many or showed kindness to many who had only broken a covenant. Also, the companions of the messenger of God entered into a covenant with the people of Damascus, who were non-believers. When the latter broke the treaty, they fought them, but then they made a treaty with them again or a third time; and similarly with the people of Egypt. Nevertheless, whenever they defeated the holder of a treaty who had offended the Muslims by libeling the faith, committing fornication with a Muslim woman, or the like, they killed him. The killing of such people without giving a choice is specifically commanded, and it is well-known that they [the companions of the prophet] distinguished between the two sorts."¹⁶⁵

Someone might ask: The story of Ka'b Ibn al-Ashraf deals with a man who had a treaty between himself and the Muslims. When he broke it, the prophet (may God bless him and grant him peace) sent him someone to trick him and kill him. Our case, however, has to do with people who are belligerents against the Muslims from the start, people who have no treaty between themselves and the Muslims. How can you regard it as permissible to trick them in order to enter their land and then kill them?

The reply:

(a) Ibn Taymiyyah has made it clear that Ka'b Ibn al-Ashraf was killed not because of his violation of the treaty, but because he had incited non-believers to make war on the Muslims, satirize them, seduce their women, and so forth.

(b) The prophet (may God bless him and grant him peace) sent to people between whom and himself there was no treaty, but were inciting to fighting against him, people to assassinate them -- to trick them and then kill them. For example, there is the story of Abu Rafi' Ibn Abi al-Huqayq, Khalid Ibn Sufyan al-Hudhali, and the Jew Yasir Ibn Razzam, whom the detachment of Abdallah Ibn Rawahah enticed and then killed with 30 of his allies. The stories of Khalid Ibn Sufyan al-Hudhali and the Jew Yasir Ibn Razzam will be told later. I will cite the story of Abu Rafi' here:

¹⁶⁵ *Minbar al-Tawhid wa al-Jihad*, file of Nasir al-Fahd.

The Imam al-Bukhari relates the following report on the authority of al-Bara' Ibn Azib (may God be pleased with him), who said:

"The messenger of God (may God bless him and grant him peace) sent some men from the Ansar to deal with the Jew Abu Rafi', and he appointed 'Abdullah Ibn Atik as their leader. Abu Rafi' used to offend the messenger of God and give help against him. He lived in a fort belong to him in the land of Hijaz. When the men drew near, the sun had already set and the people had brought back their livestock to their homes. Abdullah Ibn Atik said to his companions, 'Stay where you are, and I will go ahead and try to trick the gate-keeper so that I may enter.' So Abdullah approached, and when he was near the gate, he covered himself with his clothes, pretending to answer the call of nature -- the people had already gone in. The gate-keeper called out to him, 'Servant of God, come on in, if you wish, for I want to close the gate.' [Abdullah continued the story in his own words.] 'So I went in and hid myself. After the people had come in, the gate-keeper closed the gate and hung the keys on a peg. I got up and took the keys and opened the gate. People used to stay up late at night socializing with Abu Rafi' in an upper room of his. When his night guests went away, I went up to him. Whenever I opened a door, I locked it behind me from inside. I said to myself, 'If these people discover my presence, they will not be able to get to me until I have killed him.' I reached him and found him sleeping in a dark room amidst his family, but I did not know where in the room he was. So I shouted, 'Abu Rafi!' 'Who is it?' he asked. I went toward the voice and hit him with the sword, but I was so excited that I did not strike a fatal blow. He cried out, and so I left the room and waited not far away. Then I went to him again and said, 'What is this voice, Abu Rafi'?' He said, 'Woe to your mother! A man in the room has hit me with a sword!' I again hit with a blow that wounded him severely, but I did not kill him. Then I drove the point of the sword into his belly until it touched his back, and I realized that I had killed him. I then opened the doors one by one till I reached the staircase. Thinking that I had reached the ground, I stepped out into a moonlit night, but I fell down and my leg broke. I tied my leg with a turban and went on. I sat down by the gate and said, 'I will not go out tonight until I know whether I have killed him.' When the cock crowed, a herald stood on the wall and said, 'I announce the death of Abu Rafi', the merchant of the people of the Hijaz.' Thereupon I went to my companions and said, 'Let's get out of here, for God has killed Abu Rafi'.' So I went to the prophet and told him the story. He said, 'Stretch out your leg.' I stretched it out. He rubbed it, and it became as if I had never had any complaint at all."¹⁶⁶

Ibn Hajar (may God have mercy on him) also said that one of the lessons to be learned from this Hadith is the permissibility of espionage against belligerents and searching to find where they may be taken by surprise.¹⁶⁷

See how our master Abdallah Ibn Atik (may God be pleased with him) tricked the door-keeper so that he could enter the fort. One may also learn from this incident that it is permissible to use trickery against non-believers. A Muslim may pretend to be one of

¹⁶⁶ Al-Bukhari, *Sahih*, Book of Expeditions of the prophet (*al-Maghazi*), Section: The Killing of Abu Rafi' Abdallah Ibn Abi al-Huqayq, Hadith 3733.

¹⁶⁷ Ibn Hajar, *Fath al-Bari*, Book of Expeditions of the prophet (*al-Maghazi*), Section: The Killing of Abu Rafi' Abdallah Ibn Abi al-Huqayq, v. 11, p. 371.

them or a countryman of theirs. This is like someone who claims to be American or English and enters America or Britain to harm them. It is very easy to move around now in the countries of the European Union. In many airports it is often enough for citizens of the countries covered by the agreement on facilitating movement merely to raise their passports, holding them in their hands, and then they pass through. Based on the story of Abu Rafi' it is permissible for a mujahid to do this.

(c) America has harmed Muslims. It has waged war on them and has occupied their countries or aided the occupation of them in Palestine, Afghanistan, Iraq, Somalia, and Chechnya. It has stolen their oil. It has honored those who have reviled their prophet. It besieged the Islamic emirate in a variety of ways and attacked it. It besieged the Iraqi people, bombed them, and killed hundreds of thousands of them. Thus it has become the duty of Muslims to repel its harm and punish them for honoring those who have reviled the prophet (may God bless him and grant him peace).

2. The story of the killing of Khalid Ibn Sufyan al-Hudhali:

"From Abdallah Ibn Unays: The messenger of God called me and said: 'It has reached me that Khalid Ibn Sufyan Ibn Nubayh al-Hudhali is gathering a force to attack me. He is in Uranah. Go to him and kill him.' I replied, 'Messenger of God, describe him to me so that I may know him.' He said: 'When you see him, you will feel a shudder.' So I went out, girded with my sword, until I came across him. He was in Uranah with some women, looking for a place for them to camp. It was the time of the afternoon prayer. When I saw him, I felt the shudder that the messenger of God had described. I approached him; however, fearing that there might be acrimony between him and myself that might distract me from prayer, I prayed as I walked toward him, gesturing with my head as if to bow and prostrate myself. When I reached him, he asked who I was. I said, 'An Arab who has heard about you and your gathering against this man and has come to you for this reason.' He said, 'Yes, that is what I am doing.' So I walked with him a bit. When I could, I drew my sword and killed him; then I went away, leaving his women bending over him. When I came to the messenger of God, he looked at me and asked, 'Has the mission succeeded?' 'I have killed him, messenger of God,' I replied. He said, 'You have spoken the truth.' Then the messenger of God arose with me, went into his house, and gave me a stick. He said, 'Keep this with you, Abdallah Ibn Unays.' So I went out with it to the people. 'What is this stick?' they asked. I said, 'The messenger of God gave it to me and commanded me to keep it.' They said, 'And aren't you going to go back to the messenger of God and ask him about it?' So I went back to the messenger of God and said, 'Messenger of God, why did you give me this stick?' He said: 'It will be a sign between me and you on the day of resurrection. There will be few who hold a staff on that day, the day of resurrection.' So Abdallah fastened the stick to his sword, and it remained with him. At the time of his death, he ordered it to be put into his shroud with him.' The two were buried together."¹⁶⁸

¹⁶⁸ Ahmad Ibn Hanbal, *Musnad al-Makkiyin*, the Hadith of Abdallah Ibn Unays, v. 3, p. 496; Abu Dawud, *Sunan*, Book of Prayer, Chapter: "The Prayer of Someone Pursuing," v. 2, p. 18; al-Bayhaqi, *al-Sunan al-Kubra*, v. 9, p. 38; Ibn Khuzaymah, *Sahih*, v. 2, p. 91; *al-Ahadith al-Mukhtarah*, v. 9, pp. 28-30; al-Tabari, *Tarikh*, v. 2, p. 208. Al-Hafiz al-Mundhiri says: "Abu Dawud includes part of this tradition under the

The version of Abu Dawud reads: "I walked with him for a time. When I could, I stood over him with my sword until he became cold."]

In this incident, our master Abdallah Ibn Unays (may God be pleased with him) pretended to be a non-believer making war on God and His Messenger (may God bless him and grant him peace). He hid his Islam, praying by bowing his head in a direction other than the *qiblah* as he was walking; then he walked with Khalid Ibn Sufyan and conversed with him, so as to reassure him and gain power over him.

An example of this now would be for one of the mujahidin to go to America to harm the Americans and manage to enter their country by tricking them into thinking he had come to help them fight the mujahidin. He would shave off his beard and pray secretly so as to complete the deception. Anyone who objects that he would be betraying a covenant would be confronted by a clear proof from the practice of the prophet (may God bless him and grant him peace).

3. The story of how Abu Basir killed one of his captors.

"When the prophet returned to Medina, Abu Basir, a Muslim from Quraysh, came to him. The Quraysh sent two men to pursue him. They said, 'Keep the promise you gave us!' So the prophet handed Abu Basir over to them, and they took him away. When they reached Dhu al-Hulayfah, they dismounted to eat some dates they had with them. Abu Basir said to one of them, 'By God, man, I think your sword is fine.' The other drew it and said, 'By God, it is very fine and I have tried it many times.' Abu Basir said, 'Let me have a look at it.' In this way he got power over him and struck him until he died. His companion fled, went back to Medina, and entered the mosque running. When the messenger of God saw him, he said, 'This man has seen something fearful.' When the man reached the prophet, he said, 'My companion has been murdered, and I was about to be murdered, too.' Abu Basir came and said, 'Prophet of God, God has fulfilled your obligation, by God! You returned me to them, but God has saved me from them.' The prophet said, 'Woe to his mother! A kinder of war, if he had men on his side!' When Abu Basir heard that, he knew that he would return him to them, so he set off for the seashore. Abu Jandal Ibn Suhayl escaped from them and joined Abu Basir. So it came about that whenever a man who embraced Islam left Quraysh, he would join Abu Basir until a band of men gathered round him. By God, whenever they heard of a caravan of Quraysh heading toward Syria, they intercepted it, killed the men, and took their property. The Quraysh sent a message

heading, 'The Prayer of Fear.' Ahmad (Ibn Hanbal) and Abu Ya'la include it in his version, though with an unnamed narrator, who is the son of Abdallah Ibn Unays, the remainder of transmitters being trustworthy. He also includes a version transmitted from Muhammad Ibn Ka'b al-Qurazi, about which he says, 'Al-Tabarani included it, and the men in his chain of transmission are trustworthy.' See *Majma' al-Zawa'id*, pp. 203-204. Ibn Kathir says: "Ahmad (Ibn Hanbal) includes it as 3496 and Abu Dawud as 1249, with a good chain of transmission." See Ibn Kathir, *Tafsir*, v. 1, p. 296. Al-Shawkani says in *Nayl al-Awtar*, "Abu Dawud and al-Mundhiri are silent about it, but al-Hafiz [al-Mundhiri] pronounced its chain of transmitters good in *al-Fath*, v. 3, p. 213.

to the prophet imploring him for the sake of God and the bond of kinship to send word that whoever came to him would be safe. So the prophet sent for them."¹⁶⁹

In this story, Abu Basir took the sword from his captor by a trick whereby he set him at ease, that he was only going to look at it, without telling him his inward intention to kill him. Al-Hafiz Ibn Hajar (may God have mercy on him) says:

"One of things we learn from the story of Abu Basir is the permissibility of killing a hostile polytheist by assassination. What Abu Basir did is not considered betrayal: he was not one of those who had entered into the agreement between the prophet (may God bless him and grant him peace) and Quraysh, as he was imprisoned in Mecca at the time. When he became afraid that the polytheist would return him to the polytheists, he protected himself by killing him. Thereby he defended his religion, and the prophet did not take offense at what he said."¹⁷⁰

What is to be deduced from this is not that Abu Basir did not betray the agreement between the prophet (may God bless him and grant him peace) and Quraysh, but that it is permissible to give a captor a promise or implied promise of safety and then kill him because of his hostility. The prophet approved of this; indeed, he praised it by saying, "Woe to his mother! A kinder of war, if he had men on his side!" Ibn Hajar's comment on the phrase, "Woe to his mother," is: "This is a phrase of disparagement that the Arabs say in praise, not intending the idea of disparagement in it."¹⁷¹

Similar to this is what Muhammad Ibn al-Hasan al-Shaybani (may God have mercy on him) says in [*Kitab*] *al-Siyar al-Kabir* about a Muslim captive in the hands of non-believers, who tricks them and kills them when they feel safe from him:

"If the captive says to them, 'I know medicine,' and they ask him to give them a dose of medicine and he gives them poison and it kills them: if he gives it to their *men*, he is not to be blamed, as it was a way of harming them. However, I disapprove of his giving it to *children* and *women*, just as I disapprove of his killing them -- unless one of their women has done him harm, and then there is nothing wrong with his giving her a dose of it, just as there is nothing wrong with his killing her if can."¹⁷²

B. The country that attacks the Muslims, America for example, is a single juridical entity.

The American people are a single juridical entity. They and many of the peoples of the West sanction the democratic system: in other words, they have chosen as a whole that governance, decisions, and the passing of laws shall belong to the majority and that the minority shall obey them voluntarily in this. Therefore, whatever the President of the United States, for example, does, is done with the approval of the majority and the consent of the minority, on the ground that his actions are constitutional and sound

¹⁶⁹ Al-Bukhari, *Sahih*, v. 9, p. 256.

¹⁷⁰ Ibn Hajar, *Fath al-Bari*, v. 8, p. 283.

¹⁷¹ Ibn Hajar, *Fath al-Bari*, v. 8, p. 283.

¹⁷² *Sharh Kitab al-Siyar al-Kabir*, v. 2, pp. 7-8.

because the majority supports them. The minority who disagree see it as their duty and his right over them, even if they oppose him in something, to obey him and submit to him. This is something about their circumstances that needs to be known.

Shaykh Hamud al-Uqla (may God have mercy on him) said in his fatwa on the events of September 11:

"We need to realize that any decision emanating from the infidel American state, especially fateful decisions of war, is based only on the method of public opinion polls or by vote of the representatives in their infidel councils, bodies that primarily represent the opinion of the people through their parliamentary representatives. Therefore, any American who voted for fighting is a belligerent, or at least he is an aide and helper."

Furthermore, the members of the American people pay taxes that support the aggression against us, and they serve in the army and police.

Therefore they are a belligerent, hostile, resisting group, and so have become as a single person. As Ibn Taymiyyah (may God have mercy on him) says:

"The aides and helpers of the resisting group belong to the group in rights and responsibilities. Likewise, those who fight each other for the sake of some error for which there is no excuse, such as those who fight for the sake of tribalism and pagan loyalties, like Qays and Yemen and the like, are both wrongdoers. As the prophet (may God bless him and grant him peace) said: 'If two Muslims meet with their swords, both the slayer and the slain shall be in hell.' Someone asked, 'That would be the slayer -- but why the slain?' He replied, 'He tried to kill his comrade.' The tradition can be found in both *Sahih* books. Each group is liable for the lives and property that the other has destroyed, even if the identity of the slayer is unknown; and this is because a resisting group is as a single person."¹⁷³

We have already cited the position of the learned Ahmad Shakir (may God have mercy on him) that all Muslims must strike at the English, the French, and anyone who allies himself with them everywhere.

Shaykh Nasir al-Fahd (may God release him from captivity) also indicated in his fatwa on visas that I have quoted above that America is a single juridical entity.

Shaykh Hamud al-Uqla (may God have mercy on him) also said in his aforementioned fatwa: "This having been established, know that America is an infidel state hostile to Islam and Muslims. It has reached the limit of arrogance in launching attacks on many Islamic peoples."

Shaykh Usama called on them to disavow the actions of Bush and not participate in his aggression, but they did not respond. He even said (may God preserve him) that states

¹⁷³ Ibn Taymiyyah, *Daqa'iq al-Tafsir*, v. 2, p. 36; and *Majmu' al-Fatawa*, v. 28, p. 312.

that abstain from aggression against us would have different treatment, but they also did not respond. What proof could be more clear than this?

C. If the allies of the attacker of Muslims consent, they share in the punishment of the attacker -- *a fortiori* if they actually participate with him in the attack.

Even if we grant that the visa is a promise of safety (*aman*) from the issuing country, the peoples of America and its allies have all broken their promise by virtue of what some of them have done and the others have consented to. Or they have not denied its legitimacy and have considered it as a constitutional action because the majority approved it. Thus, the promise of America's allies in its war, such as the NATO alliance, has been broken: not only have they consented to the crimes America has committed, they have even participated in them. They have been America's vanguard and talons in waging war on Muslims in Afghanistan, Iraq, Palestine, and Somalia. As Ibn al-Qayyim (may God have mercy on him) said:

"His way was that if he made peace with a people and some of them broke his covenant and treaty, and the remainder approved of them and consented to it, he attacked all of them. He treated them all as having reneged, as he did with Quraysh, al-Nadir, and the Banu Qaynuqa, and as he did with the people of Mecca. This was his procedure with people who had a treaty."¹⁷⁴

He also said (may God have mercy on him): "His way and procedure were that if he made peace and concluded a treaty with a people and then one of his other enemies joined itself to them and entered with them into his treaty, and other people joined themselves to them and entered with them into his treaty, the status of any non-believers who made war on anyone who had entered with them into his treaty was the same status as anyone who made war on him. For this reason, he attacked the people of Mecca. When he made peace with them on terms of a 10-year cessation of hostilities between them and him, the Banu Bakr Ibn Wa'il went to war and entered into a treaty with Quraysh, who became their allies. The Khuza'ah also went to war and entered into a treaty with the messenger of God, who became their ally. Then the Banu Bakr attacked Khuza'ah by night and killed some of them, and Quraysh secretly helped them with weapons. The messenger of God therefore considered Quraysh to have broken the treaty and deemed it permissible to attack the Banu Bakr for having attacked his allies. The full story will be related later, God willing.

"For this reason, Ibn Taymiyyah issued a fatwa that the Christians of the east should be attacked because they had helped the enemy of the Muslims fight them and had supplied them with money and weapons, although they themselves had not attacked us or waged war on us. He saw them as having broken their treaty in this way, even as Quraysh had broken its covenant with the prophet by helping the Banu Bakr Ibn Wa'il to make war on his allies."¹⁷⁵

¹⁷⁴ Ibn al-Qayyim, *Zad al-Ma'ad*, v. 3, p. 136.

¹⁷⁵ Ibn al-Qayyim, *Zad al-Ma'ad*, v. 3, p. 138.

Here is what Ibn al-Qayyim says about the lessons to be learned from the conquest of Mecca:

"A chapter wherein it is demonstrated that if treaty-holders wage war on those who are under the imam's protection and care, they thereby become his enemies and no treaty remains between them and him; he may attack them by night in their homes without distinction and with no need to give them notice. He will give them notice only if he fears treachery by them; and if that comes to pass, they have abandoned his treaty.

"A chapter wherein it is demonstrated that the treaty of all of them lapses, both those who carried out the attack and those who helped them, if they consented and approved and did not condemn it. The Quraysh who helped the Banu Bakr were only some of them; not all the Quraysh fought on their side. Nevertheless, the messenger of God attacked them all. Just as they had entered into the treaty by consequence [of their membership in Quraysh], with each individual of them not needing a separate treaty, for they had consented to it and approved it, so it was with the judgment of their having broken the treaty. This undoubtedly was the way of the messenger of God, as you can see."¹⁷⁶

Consider the valuable argument of Ibn al-Qayyim (may God have mercy on him). He makes it clear that a treaty with the leader of a people is a treaty with every individual member of that people: each of them does not need a separate treaty. Each individual member of the people receives a promise of safety by virtue of the treaty with their leader. Similarly, if their leader breaks the treaty, each of them has broken it and need not break it individually.

Consider his words: "He may attack them by night in their homes without distinction and with no need to give them notice. He will give them notice only if he fears treachery by them." In other words, if the treaty-holder attacks the Muslims and breaks his treaty, they may attack him by surprise without prior notice, because he broke the treaty first. They will only give him notice of the violation of the treaty if they fear treachery by him.

Someone may object. Throughout Muslim history there have been wars between Muslims and others, but safe-conducts (*aman*) have been respected in order to spare the life of the non-believer if he enters among us with a safe-conduct or the life of the Muslim if he enters among them with a safe-conduct.

The answer is what Shaykh Nasir al-Fahd said in his fatwa on visas, which I have cited above:

"If you know this, it will become clear to you that they, as a juridical person,¹⁷⁷ have become similar in this respect to Ka'b Ibn al-Ashraf, whose murder the messenger of God (may God bless him and grant him peace) urged. He was tricked by Muhammad Ibn Maslamah; he outwardly gave him an *aman*, but then killed him because he had offended God and His messenger.

¹⁷⁶ Ibn al-Qayyim, *Zad al-Ma'ad*, v. 3, p. 370.

¹⁷⁷ the Americans

"This was more grievous than his simply being a belligerent. The deception practiced on him was not simply because he was a belligerent, but because he added to this his great offense against God and His messenger.

"This is the state of the Americans at this time. They are not just belligerents, but the 'imams' of non-belief in this age, people whose offense against God, His Messenger, and the Muslims has become very great.

"The point here is that there is a category of belligerents who are like Ka'b Ibn al-Ashraf in kind: they may be tricked even by giving them a promise of safety (*aman*), as the companions of the prophet did with him, and as the mujahidin did in the events of September."¹⁷⁸

If someone objects: If the prophet (may God bless him and grant him peace) killed one person, how can you argue on that basis for killing thousands?

The answer is:

(a) There is no difference, because we have made it clear that America is a single juridical person.

(b) Suppose the mujahidin sent a detachment to kill Bush because he is gathering troops to fight the Muslims and they went to find him on an *aman* or virtual *aman*, as Muhammad Ibn Maslamah and his companions did; and then suppose that they sent a second detachment to kill Dick Cheney, and a third to kill Rumsfeld, isn't it the same question?

Let us suppose that they sent a fourth one to kill the cartoonist who made fun of the prophet (may God bless him and grant him peace).

Assume that they sent a hundred detachments to kill the chief non-believers and used the same method as Muhammad Ibn Maslamah. Isn't it the same question?

Assume that they sent a single detachment to accomplish all these missions, isn't it the same question?

Assume that in their effort to kill these chief non-believers they killed many of their helpers whom it is not permissible to kill, collaterally and not by intent, isn't it permissible?

If someone should object: Was it the policy of the prophet (may God bless him and grant him peace) to send people to go to Mecca, Persia, or the Byzantium on a safe-conduct and then wreak havoc among them and take their property?

¹⁷⁸ Minbar al-Tawhid wa al-Jihad, file of Nasir al-Fahd.

The answer would be:

1. First, we do not grant that a visa is a safe-conduct.
2. Yes, the prophet (may God bless him and grant him peace) did send his detachments to kill Ka'b Ibn al-Ashraf, Ibn Abu al-Huqayq, Yasir Ibn Razzam, and Sufyan Ibn Khalid al-Hudhali, sending men who tricked them in their own country and killed them.

If someone says: However the mujahidin who entered America did not warn that the safe-conduct had been repudiated.

The reply is: There is a difference of opinion among jurists about warning the treacherous country, even if we grant -- which in principle we do not -- that a visa is a safe-conduct (*aman*).

Al-Shafi'i (may God have mercy on him) said:

"If Muslims enter enemy territory on a safe-conduct, the enemy is safe from them until they depart from them or reach the term of their safe-conduct: they may not wrong them or deal treacherously with them.

"Even if the enemy takes the Muslims' children and wives captive, I do not approve of their acting treacherously toward them. I would rather that they ask the enemy to return their safe-conduct and that they abrogate it; if they do so, they can fight them for the Muslim children and wives."¹⁷⁹

He also said (may God have mercy on him):

"If a group of Muslims enters enemy territory on a safe-conduct, and the people of war take some Muslims captive, I do not approve that the Muslims with a safe-conduct should fight the people of war for them, until they abrogate it to them. When they have abrogated it, warned them, and the promise of safety is cut off between them, the Muslims may fight them. However, as long as the Muslims are within the term of the safe-conduct, they may not fight them."¹⁸⁰

As for Ibn al-Qayyim and the Hanafis, they do not stipulate the need to repudiate the treaty of someone who has taken the initiative to act treacherously.

Ibn al-Qayyim (may God have mercy on him) says:

"A chapter wherein it is demonstrated that if treaty-holders wage war on those who are under the imam's protection and care, they thereby become his enemies and no treaty remains between them and him; he may attack them by night in their homes without

¹⁷⁹ Al-Shafi'i, *Kitab al-Umm*, "The Person on Safe-Conduct in the Abode of War," v. 4, p. 263.

¹⁸⁰ Al-Shafi'i, *Kitab al-Umm*, "Muslims Who Enter the Abode of War and See People..." v. 4, p. 293.

distinction and with no need to give them notice. He will give them notice only if he fears treachery by them; and if that comes to pass, they have abandoned his treaty."¹⁸¹

Ibn al-Humam al-Hanafi says:

"If the people of war who have Muslims living among them on safe-conduct attack a group of Muslims, take their children captive, and pass with them by those Muslims living among them on safe-conduct, the Muslims have a duty to break their agreements and fight them, if they can. This is because they do not have control of their persons, and confirming their right to them would be an acquiescence in wrongdoing; to which thing they gave them no guarantee. This is different from property; for they gained possession of it by acquisition (*ihraz*: the technical term for acquiring property from an enemy camp), and the Muslims living among them on safe-conduct guaranteed to them that they would not interfere with their property. The same rules apply even if those taken are children of Islamic sectarians (*khawarij*), because they are Muslims."¹⁸²

Indeed, the Hanafis consider calling on the non-believers whom the call has reached to be recommended, but such a call may be omitted if harm to the Muslims is feared. However, Ibn Abidin (may God have mercy on him) holds that such a call is not merely commendable, but may also be obligatory. He says in his marginal commentary:

"We call by recommendation those to whom it has reached, unless that entails harm: even by likelihood, as when they are making preparations or fortifying themselves; and then one does not..."

"Unless that entails harm: they mentioned this exception under what is preferable, although it might also go under what is obligatory."¹⁸³

Furthermore, there is no doubt that the call to Islam has reached the Americans.

Add to this the fact that the mujahidin warned the Americans many times.

V. Discussion of Koranic evidence that a visa is a safe-conduct and that the events in New York and Washington fall under the heading of treachery.

A. The writer of the document based his position that the events in New York and Washington fall under the heading of treachery on a number of arguments that he mentions in his document and in the book *Al-Jami*. They can be summarized as follows:

¹⁸¹ Ibn al-Qayyim, *Zad al-Ma'ad*, v. 3, p. 370.

¹⁸² Ibn al-Humam, *Fath al-Qadir*, "Chapter: Those on Safe-Conduct (*Musta'min*)," v. 13, p. 97; cf. also (al-Sarakhsi), *al-Mabsut*, "Chapter: Marrying People of War and the Entry of Merchants Among Them," v. 12, p. 215; (Ali Haydar), *Durar al-Hukkam*, "Chapter: Those on Safe-Conduct (*Musta'min*)," v. 3, p. 373; and (Ibn Nujaym), *al-Bahr al-Ra'iq*, "Chapter: Those on Safe-Conduct (*Musta'min*)," v. 3, p. 373.

¹⁸³ Ibn Abidin's marginal commentary, *Radd al-Muhtar 'ala al-Durr al-Mukhtar*, v. 3, p. 223.

1. The real meaning of a safe-conduct is protection of property and life: they protect the property and life of anyone who enters the West on a visa, and so the visa is to be considered a safe-conduct (*aman*), even if it does not specify this explicitly, since this is what is customary, and: "Whatever is acknowledged by custom is as that which has been specified by stipulation," and "Custom is judge."

The reply to this line of reasoning is as follows:

a. I have already made clear that a visa-bearer in the West is not safe as regards his life, religion, family, or property.

b. I have the following comments to make on his use of the legal maxim: "Whatever is acknowledged by custom is as that which has been specified by stipulation," and "Custom is judge."

(1) I have already made it clear in my comments on the method of the document that the writer states generalities and rules without mentioning their details. See comment 11 on the method of the document.

(2) Jurists have dealt with this rule in their discussions of habit or custom.¹⁸⁴ Although this subject is not the field of our discussion, I will mention here that jurists give no consideration to habit or custom when it clashes with Shari'ah.¹⁸⁵ Here are some examples of how custom and Shari'ah conflict in the matter of visas:

(a) Consider that the visa granted by countries that make war on Muslims, attack them, and vilify their prophet protects them from being punished by the Muslims: I have discussed this above and shown that this position is at variance with sound, established Sunnah.

(b) Diplomatic immunity is a matter sanctioned by international custom and confirmed by international treaties, but it is at variance with the Shari'ah because there is no one in the abode of Islam who is immune from the operation of the Shari'ah.¹⁸⁶

2. Statements by jurists that an *aman* entails an *aman* in return.

The reply is as follows:

a. We have not granted that a visa is an *aman*. The writer needs to prove that it is. I have already replied to his inference that the real meaning of an *aman* is the protection of property and life.

¹⁸⁴ See al-Suyuti, *al-Ashbah wa al-Naza'ir*, "Rule 6: Custom is judge," v. 1, pp. 164-184.

¹⁸⁵ See the chapter, "The Conflict of Custom and Shari'ah," in *al-Ashbah wa al-Naza'ir* by al-Suyuti, v. 1, p170. See also Shaykh Wahbah al-Zuhayli, *al-Fiqh al-Islami wa Adillatuhu min al-Kitab wa al-Sunnah*, v. 5, p. 3752, where he replies to those who allow bank interest on the ground that it is a widespread custom, as well as v. 7, p 5165.

¹⁸⁶ For details on this, see: Shaykh Wahbah al-Zuhayli, *al-Fiqh al-Islami wa Adillatuhu min al-Kitab wa al-Sunnah*, v. 8, pp. 5970-5976 and pp. 6424-6427.

b. I have already made it clear that there are two positions on the issue.

c. I have made it clear that an *aman* does protect the life of anyone who gathers armies to fight Muslims, anyone who attacks them, or anyone who reviles their prophet.

3. In his book *Al-Jami*, the writer alleges that Muhammad Ibn al-Hasan al-Shaybani considered that a counterfeit of the writing of the people of war is an *aman*. The writer concludes by analogy that a counterfeit visa is also one. He repeats the same idea in his document. The allegation is an error.

a. Muhammad Ibn al-Hasan al-Shaybani (may God have mercy on him) never discussed counterfeits of the writing of the people of war. He discussed people who claim to be emissaries of the caliph and show a letter to that effect. The question is different from counterfeiting the writing of the people of war or counterfeiting a visa. Accordingly, there is no basis in Al-Shaybani's discussion for the writer's analogy about a counterfeit visa.

Anyone who examines Al-Shaybani's discussion will find that he relies on habit and custom. Al-Shaybani is discussing people who claim to be emissaries of the caliph. Customarily, emissaries and ambassadors were not harassed; this, indeed, was a confirmed practice of the prophet. Ahmad Ibn Hanbal (may God have mercy on him) includes the following tradition on the authority of Abdallah Ibn Mas'ud (may God be pleased with him), who said: "Ibn al-Nawwahah and Ibn Uthali, the emissaries of Musaylimah, came to the prophet (may God bless him and grant him peace). He said to them, 'Do you bear witness that I am the messenger of God.' They said, 'We bear witness that Musaylimah is the messenger of God.' The prophet said: 'I believe in God and His messengers! If I were one to kill an emissary, I would kill the two of you.'"

"Abdallah Ibn Mas'ud said, 'It became Sunnah that emissaries are not killed'."¹⁸⁷

In the same chapter, Al-Shaybani discusses others for whom it is permissible to kill and take the property of people of war by other tricks based on custom.

Al-Shaybani (may God have mercy on him) says:

"Suppose a group of Muslims comes to the frontier of the enemy and says, 'We are emissaries of the caliph,' and they produce a letter that resembles a letter of the caliph, or they do not produce one, this being a trick they are using against the polytheists. Suppose, furthermore, that the polytheists say to them, 'Enter,' and they enter the abode of war. It is not permissible for them to kill any of the people of war or take any of their property so long as they are in their territory."¹⁸⁸

¹⁸⁷ Ahmad Ibn Hanbal, *Musnad*, "Hadith of Abdallah Ibn Mas'ud," Hadith 3537, v. 8, p. 108.

¹⁸⁸ Al-Shaybani, *Kitab al-Siyar al-Kabir*, "Chapter: What Is an Aman from One Who Enters the Abode of War and Captives and What Is Not an Aman," v. 2, p. 507.

Then al-Shaybani (may God have mercy on him) says:

"It is similar if they say, 'We have come desiring to trade,' their intention being to murder them unaware. Inasmuch as they, if they were really merchants as they claimed, would not be permitted to act treacherously against the people of war, they are similarly forbidden even if they only pretend to them that they are."¹⁸⁹

This is because the custom at that time was that emissaries and merchants were not attacked and were given a safe-conduct.

Ibn Qudamah (may God have mercy on him) says: "If an inhabitant of enemy territory enters the Islamic territory without a safe-conduct, I would look: if he has with him merchandise to sell in Islamic territory, it is customary that people can enter among us as merchants without a safe-conduct and that they are not to be harassed."¹⁹⁰

Today, however, the situation is quite different. If a man came to the American or British embassy or to London or New York airport and told them that he was the emissary of Mullah Omar, of Abu-Umar al-Baghdadi, or of Doku Umarov, the emir of the Islamic Emirate of the Caucasus, they would arrest him, imprison him, and torture him. The whole world was witness to what Pakistan and America did to Mullah Abd-al-Salam Da'if [Zayif], the Islamic emirate's ambassador in Pakistan, although he was an official ambassador in Pakistan and enjoyed diplomatic immunity. He was arrested and turned over to the Americans, whereupon he was tortured and imprisoned at Bagram and then at Guantanamo. It would have been the same if he had said that he was a merchant come to make purchases for the Islamic Emirate in Afghanistan, the Islamic State of Iraq, or the Islamic Emirate of the Caucasus.

b. In the same chapter, al-Shaybani (may God have mercy on him) discusses other permissible ways of practicing deception on non-believers, also based on habit and custom.

Al-Shaybani says:

"Suppose they pretend to be Greeks and wear their clothing. When asked, 'Who are you?' they say, 'We are Greeks who were in Islamic territory on a safe-conduct.' They either claim to be related to some inhabitant of enemy territory whom they know or make no such claim; in any case, they are allowed to pass. There is nothing wrong with their killing any of them they can and taking their property. This is because if what they pretended had been true, there would have been no safe-conduct between them and the people of the territory of war -- for they are not in safety from each other -- even if he

¹⁸⁹ Al-Shaybani, *Kitab al-Siyar al-Kabir*, "Chapter: What Is an *Aman* from One Who Enters the Abode of War and Captives and What Is Not an *Aman*," v. 2, p. 508.

¹⁹⁰ Ibn Qudamah, *al-Mughni*, "Book of Jihad, Chapter: The Entry of an Inhabitant of the Abode of War into Islamic Territory Without an *Aman*," Question 7491, v. 21, p. 18.

were to seize him or the property in his possession. If he accepts Islam at his hands, it is safe for him."¹⁹¹

Al-Shaybani (may God have mercy on him) also says:

"It is the same if they tell them that they are protected non-Muslim residents of Muslim territory (*ahl al-dhimmah*) who have come to them renouncing their treaty with the Muslims, and they allow them to enter. This and the first case are the same."¹⁹²

Here, too, he takes habit and custom into account.

On the basis of these things, it becomes clear that the writer of the document has argued mistakenly on the basis of al-Shaybani's discussion in order to arrive at the conclusion that a counterfeit visa is an promise of safety (*aman*) that protects the lives and property of the non-believers.

B. When the writer of the document describes conditions in the West and the Americans, he completely ignores reality and gives a description of the situation completely in step with the American public relations campaigns that extol the comfort that Muslims enjoy in the West.

The writer of the document has ignored the arrest of anyone that America wants to arrest. He has ignored America's abandonment of its obligations under the Geneva conventions on prisoners of war. He has ignored Guantanamo. He has ignored America's secret prisons.

The writer has even ignored his own situation! He was living with an official residence permit under his own name in Yemen. Yemeni intelligence asked for his passport to examine it and allowed him to reside officially. Then, when America ordered them to arrest him, neither Yemen nor its master, America, gave any consideration to the official residence permit or to the imaginary safe-conduct about which the writer makes such an uproar in order to turn people away from jihad against America. Yemen did not arrest him on its own; it did so because it is an ally of America in its war on terror. Neither America nor Yemen considered the official permit for residence in Yemen to be a promise of safety (*aman*) or anything else. The writer certainly knows this.

C. Is one to understand from the writer's argument that he thinks that martyrdom operations carried out in occupied Palestine by mujahidin who enter Israel with Israeli permits are treachery and not permitted? Does he think, based on these permits or residency permits, that those who carried out the operations or aided them are people who have acted treacherously?

D. The fundamental principle is that the life of a non-believer becomes protected only by an *aman*, protected non-Muslim status (*dhimmah*), or a treaty (*'ahd*). Anyone who

¹⁹¹ Al-Shaybani, *Kitab al-Siyar al-Kabir*, v. 2, p. 508.

¹⁹² Al-Shaybani, *Kitab al-Siyar al-Kabir*, v. 2, p. 509.

claims that a visa is an *aman* must prove it by clear proof; otherwise the fundamental principle holds. One who adheres to the fundamental principle is not be blamed. It is wrong to label him with the epithets the writer uses: perfidious, deceitful, and all the other labels the writer applies to the mujahidin.

The same applies to what the writer says about how jihad against apostate rulers is not an obligation because of inability. Anyone who uses inability as an argument must prove it with clear proof; otherwise the fundamental principle holds. The writer should have more respect for himself than to use such vituperative language in this and other matters.

VI. Summary

A. If we assume for argument's sake that a visa from America or from any other crusader country allied with America in its more than 50-year-long aggression against Muslims is an *aman*, this *aman* is void for two reasons. First, no *aman* protects the life of someone who wages war against God and His prophet, harms Muslims, and insults their prophet and religion. Second, America and its allies violate the *aman* every day.

B. The American people are a single juridical person in their peace and in their warfare. Even as each individual member does not have an independent treaty in peace, so each individual member does not have an independent treaty in war, if they assent to what their leader does -- *a fortiori* if they aid him with taxes, political support in elections and the media, and by being recruited into the army and the security apparatus.

C. Allies share in responsibility if they assent and do not criticize -- *a fortiori* if they participate in the aggression. An example of this is the NATO alliance in its aiding of America and Israel.

D. Muslims are not obligated to give them notice of the commencement of war if they are certain that they have acted treacherously -- *a fortiori* if they have given them repeated and frequent notice.

E. The mujahidin may use every trick, including reviling Islam and Muslims and pretending not to be Muslims, so as to manage to strike at the hostile non-believers in their land.

VII. A Final Word

A. We have two options today:

Either we decide to repel the attacks of the Americans, Jews, French, Russians, and Hindus on us and cleanse our lands of their corrupt clients who violate the Shari'ah and attack its sanctities so that we may live as strong and free Muslims, worshipping the Lord as He commanded and spreading the message of Islam, justice, and mutual consultation (*shura*). This is the immaculate Sunnah of the prophet that charts our way and gives us the highest ideal of sacrifice, bravery, and courage.

Or else we decide to submit, yield, and run away, looking for a way out of the prison at any cost. We busy ourselves with obtaining our daily bread and caring for our children and wives, and we let the crusaders, the Jews, the secret police, and the intelligence agencies sow corruption and impose on us indefinitely occupation, murder, fear, humiliation, repression, and rule bequeathed by one corrupt ruler to another. The document "Making Jihad Bow" degrades us to all of this.

The poet al-Mutalammis al-Duba'i said:

None will abide in a state of forced hunger
Except the two most vile things: a wooden tent peg and a tent pole.

The one is bound to hunger by his rope,
The other has its head broken, but no one laments it. [end of poetry]

Al-Amir al-San'ani (may God have mercy on him) quoted from these verses in one of his own poems:

However, when it came time to depart on a journey
pleasing to the Lord, it did not break my strength.

It was an emigration from every abomination
done by tyrannical rulers in my country.

My like lives in a country where is not upheld
the law of the Chosen Prophet and the One and Eternal.

If I consent to bear humiliation in a country,
then may my hand not raise my whip to me!

None abides in a state of imposed humiliation
except the two most vile things: the tribe's tent peg and a tent pole. [end of poetry]

B. I repeat again that this is an effort of individual judgment (*ijtihad*) in which I and my brother mujahidin have confidence on a matter lately arisen. We have argued from the prophet's Sunnah, reality, custom and habit, and the statements of free scholars who speak the truth openly. Anyone who finds this effort of individual judgment congenial, let him follow it, while taking account of what is expedient. Anyone who does not find it congenial, let him look for other means whereby to struggle against the crusaders occupying the lands of Islam. The final point, about which I warn every Muslim, is the warning that God's word might be truly spoken of us: "If they had desired to go forth, they would have made some preparation for it; but God was averse that they should be aroused, so He made them pause, and it was said to them, 'Tarry you with the barriers'" [Koranic verse; Al-Tawbah 9:46].

Muhammad Iqbal (may God have mercy on him) says:

[The following verse was quoted in Urdu; Arabic translation follows:]

The two did not differ in word or sense,
but their nature when one examined it was different.

A call of the mujahid is distinguished,
and the call of the mullah is a different matter [end of poetic verses].

Chapter Eight: The Legal Judgment on Shooting at Non-Believers if Muslims or Persons Who May Not Be Killed Are Mixed With Them

I. A review of the scholars' positions on the question

Scholars hold three different positions on the question:

A. The first position is to forbid shooting at the non-believers if Muslims are mixed with them. This position is reported to have been that of Malik and al-Awza'i, though later members of the Maliki school disagreed, as will be seen later, God willing.

Commenting on the verse: "If it had not been for certain man believers and certain woman believers whom you knew not, lest you should trample them, and there befall you guilt unwittingly on their account (that God may admit into His mercy whom He will), had they been separated clearly, then We would have chastised the non-believers among them with a painful chastisement" [Koranic verse; Al-Fath 48:25], Al-Qurtubi (may God have mercy on him) said:

"Point three: This verse indicates that one should spare the non-believer because of the sanctity of the believer, inasmuch as the non-believer could be harmed only by harming the believer.

"Abu Zayd said, 'I asked Ibn al-Qasim what his opinion would be if the people of Islam besieged some polytheists in a fort of theirs while they were holding Muslim captives -- should this fort be burned or not?' He said: 'I heard Malik when he was asked about some non-believers in their boats, whether we should hurl fire at their boats when they had captives on board with them. Malik said that he did not think it was right to do so, on the basis of God's word regarding the people of Mecca: 'Had they been separated clearly, then We would have chastised the non-believers among them with a painful chastisement.'

"Similarly, if a non-believer uses a Muslim as a human shield, it is not permissible to shoot at him. If someone does so and annihilates a Muslim, he must pay blood money(diyah) and perform expiation (kaffarah). If the person did not know, he is liable neither to blood money nor to expiation. If they knew, they should not have shot; and if they did, they became unintentional homicides, and their fellow tribesmen (*aqilah*)

became liable for the blood money. However, if they did not know, they could shoot; and if they permitted the deed, it is not allowed for consequence of it to remain against them.

"Ibn al-Arabi said: 'One group says that the meaning is 'had they been separated clearly from the wombs of the women and the loins of the men,' but that is weak, as someone in his father's loins or mother's womb cannot be trampled nor can he be a victim of manslaughter. God spoke explicitly when He said: 'If it had not been for certain men believers and certain women believers whom you knew not, lest you should trample them.' This would not apply to those in a woman's womb or a man's loins. It only applies to the likes of al-Walid Ibn al-Walid, Salamah Ibn Hisham, Ayyash Ibn Abi Rabi'ah, and Abu Jandal Ibn Suhayl.

"Malik also said: 'We had besieged the city of the Greeks and cut off their water. They would send down captives to draw water for them, and no one could shoot arrows at them. So water reached them without our choice.'

"Abu Hanifah, his colleagues, and Al-Thawri permitted shooting into the forts of polytheists even if there were Muslim prisoners and their children among them. Even if an non-believer uses a Muslim child to shield himself, the polytheist is shot at; and if a Muslim is hit, there is no blood money or expiation for him.

"Al-Thawri said that there is expiation, but not blood money.

"Al-Shafi'i held our position. This is evident; for it is not permitted to reach a permitted end by forbidden means, especially by means of the life of a Muslim; and so there is no position except the one held by Malik (may God be pleased with him). And God is most knowledgeable."

I say:¹⁹³ "Sometimes it is permitted to kill a human shield. About this there will be no disagreement, God willing. This happens when the benefit to be gained is necessary, universal, and definite. Its being necessary means that the non-believers can be reached only by killing the human shield. Its being universal means that it extends to the entire nation, with all Muslims receiving benefit from the killing of the human shield, and with the non-believers killing the human shield and taking control of the entire nation if it is not done. Its being definite means that the benefit in question will definitely come about from the killing of the human shield. Our scholars have said: There should be no disagreement about taking account of this benefit with these restrictions. The assumption is that the human shield will definitely be killed, either by the enemy, whereupon the great evil of the enemy's taking control of all Muslims will occur, or by the Muslims, whereupon the enemy will perish and the Muslims all be saved. No reasonable man would think of saying that the human shield should in no wise be killed under these circumstances, for that would entail the destruction of the human shield, Islam, and the Muslims. However, since this benefit is not devoid of attendant evil, the mind of anyone

¹⁹³ The speaker is Imam al-Qurtubi.

who has not considered the matter very carefully is repelled. However, the evil, compared to what results from it, is nothing or as nothing. And God is most knowledgeable."¹⁹⁴

I say: "As for Ibn al-Arabi's saying about al-Shafi'i, 'Al-Shafi'i held our position': if he meant prohibiting shooting at polytheists if they use Muslims as human shields -- and I think that is what he meant, based on what he says afterward, i.e., 'This is evident; for it is not permitted to reach a permitted end by forbidden means, especially by means of the life of a Muslim; and so there is no position except the one held by Malik (may God be pleased with him)' -- then he is at variance with the facts. Al-Shafi'i in fact allowed shooting at polytheists if Muslims are mixed with them, whether they have taken them as human shields or not, as will be discussed later, God willing.

"If he meant that al-Shafi'i made someone who shot a Muslim amid the polytheists liable to paying blood money, the fact is that al-Shafi'i (may God have mercy on him) distinguished in the matter between someone who shot and hit a Muslim unwittingly -- he must perform expiation, but not pay blood money -- but if he knew the person to be a Muslim and shot when he was forced to shoot, he is liable both to blood money and to expiation, as will be discussed later, God willing."

In what he says, Al-Qurtubi was trying to reconcile allowing shooting at the human shield and the argument of Imam Malik. He therefore set severe restrictions that I do not think can be met in reality: one of these being that if the non-believers are not shot at, they will kill the human shield and take control of the whole nation!

B. The second position on the question is that it is permissible to shoot at non-believers even if there are Muslims among them, and if a Muslim is killed, the shooter is liable neither to blood money nor to expiation.

According to Abu Bakr al-Jassas: "Scholars of the prophet's biography have transmitted that the prophet (may God bless him and grant him peace) besieged the people of Al-Ta'if and bombarded them by catapult, although he had prohibited the killing of women and children. He knew that he might hit them and that it was not permissible to kill them intentionally. This shows that the presence of Muslims among the belligerents does not prevent their being bombarded, since the intention was to hit the non-believers to the exclusion of the Muslims.

"Al-Zuhri related from Ubaydallah Ibn Abdallah, who related from Ibn Abbas, who related from al-Sa'b Ibn Jaththamah, who said: 'The prophet (may God bless him and grant him peace) was asked about the polytheist tribesmen who were being attacked by night and some of whose children and women were being hit. He said that the latter were of them.'

¹⁹⁴ Al-Qurtubi, *Tafsir*, Surat al-Fath, v. 25, Part 16, v. 8, p. 286-288. See also Abu Bakr al-Jassas, *Ahkam al-Qur'an*, Commentary on Surat al-Fath, Chapter, "Shooting at Polytheists While Knowing that There Are Muslim Children and Captives Among Them," v. 3, p. 395; and Muhammad Ibn Isma'il al-Amir al-San'ani, *Subul al-Salam Sharh Bulugh al-Maram*, Hadith 1190, v. 4, p. 1345.

"The prophet (may God bless him and grant him peace) once sent Usama bin Zayd and said to him, 'Attack Ubna¹⁹⁵ in the morning and burn it.' He used to order the expeditions to wait for those they were attacking and to refrain from them if they gave the call to prayer; if they heard no call, they were to attack. The well-guided caliphs continued this policy.

"As everyone knows, whoever attacks such people cannot help hitting their children and women whom it is forbidden to kill. Similarly, if there are Muslims among them, that must not prevent the launching of an attack on them and shooting them with arrows and other things, even if there is fear of hitting a Muslim.

"Someone might argue that the only reason for this is that the children of polytheists are of them, as the prophet (may God bless him and grant him peace) said in the Hadith of al-Sa'b Ibn Jaththamah. The answer would be that the prophet could not have intended to say about their children that they were of them in non-belief, since minors cannot actually be non-believers, nor can they deserve to be killed or punished for the deeds of their parents in terms of the cancellation of blood money and expiation.

"As for the argument of those who cite the verse, 'If it had not been for certain men believers and certain women believers whom you knew not, lest you should trample them...' [Koranic verse; Al-Fath 48:25] as prohibiting shooting at non-believers for the sake of the Muslims among them, the verse contains no evidence regarding the point at issue. The most that it says is that God restrained the Muslims from them because there were Muslims among them whom the Companions of the prophet (may God bless him and grant him peace) feared they would smite if they entered Mecca by the sword. This merely shows that it is permissible to abstain from shooting and attacking them, given that one knows the presence of Muslims among them. It is permissible to allow desisting from them for the sake of the Muslims, and it is also permissible to allow attacking as an option. Therefore, there is no indication in the verse of a prohibition of an attack. Someone might argue that something in the tenor of the verse indicates prohibition, namely the words, 'Whom you knew not, lest you should trample them, and there befall you guilt unwittingly on their account.' Were it not for the prohibition, no guilt would have befallen them from killing them by hitting them. The reply to him is that the commentators have disagreed about the meaning of 'guilt' (*ma'arrāh*) here.

"Ibn Ishaq is reported to have said that *ma'arrāh* means the payment of blood money. Someone else said it means expiation. A third person said it means grief because of the slaying of a Muslim at his hands, as a believer will be grieved by this, even if he did not intend it. Others said it means shame. Someone is reported to have said that *ma'arrāh* means sin, but that must be false, since God says, 'Whom you knew not, lest you should trample them, and there befall you *ma'arrāh* unwittingly on their account,' and no sin is incurred where there is no knowledge -- God never indicated that. God has said, 'There is no fault in you if you make mistakes, but only in what your hearts premeditate' [Koranic verse; al-Ahzab 33:5]. Thus we learn that He did not mean sin.

¹⁹⁵ Ubna (so vocalized) is a place in Palestine between Ascalon and Al-Ramlah. See *Awn al-Ma'bud*, v. 7, p. 197.

"Possibly this applied specifically to the people of Mecca due to the sanctity of the Meccan sanctuary. Don't you see that if a person deserving death takes refuge there, he is not killed, according to what we believe? Likewise, if a belligerent non-believer takes refuge in the sanctuary, he is not killed. Only someone who desecrates the sanctuary by committing a felony there is killed. Therefore it was specifically the sanctity of the sanctuary that prevented the Muslims from attacking them.

"Perhaps by the words, 'If it had not been for certain men believers and certain women believers,' God was referring to the children whom those non-believers would have if they were not killed. Therefore he prevented us from killing them because He knew that their children would become Muslims.

"As it was in God's knowledge that if he spared them, they would have Muslim children, he spared them and did not order them to be killed. On this interpretation, the words, 'Had they been separated clearly,' mean, 'If they had given birth to those believers who were in their loins and the latter had separated from them, He would have commanded killing them.' If what we have said about the permissibility of attacking non-believers while one knows of the presence of Muslims among them has been established, it must be similarly permissible if they use Muslims as human shields; for the intention in both cases is to shoot the non-believers, not the Muslims, and there is neither blood money or expiation if any of the latter are killed. Similarly, there is no blood money or expiation for any Muslims in an infidel fort who are hit in the fort's bombardment, for we have been permitted to shoot even when we know there are Muslims there. Legally, they belong to the class of persons whose killing is permissible and for whom there is no obligation. The word *ma'arraḥ* refers neither to blood money nor to expiation, as neither the letter of the word nor anything else gives indication of this.

"The most obvious sense is the grief and anguish felt by someone for having occasioned the death of a believer, as is normally the case with someone at whose hands such a thing happens. The interpretation that it means shame is also possible, because a person can be blamed, even if no punishment is involved."¹⁹⁶

Ibn Abidin says in his marginal commentary *Radd al-Muhtar 'ala al-Durr al-Mukhtar*:

"We call by recommendation those to whom it has reached, unless that entails harm: even by likelihood, as when they are making preparations or fortifying themselves; and then one does not make conquest. And if they do not: i.e., agree to pay the poll tax (jizyah), we ask God's help and make war on them by erecting catapults, burning them, flooding them, and cutting down their trees. Even if they are bearing fruit; and by ruining their crops, unless our taking possession is likely, so that conquest is disliked. And by shooting at them: with arrows and the like. Even if they use one of us as a human shield; and even if they should use a prophet as a human shield -- the prophet was asked about

¹⁹⁶ Abu Bakr Ahmad al-Razi al-Jassas, *Ahkam al-Qur'an*, Commentary on Surat al-Fath, Chapter, "Shooting at Polytheists While Knowing that There Are Muslim Children and Captives Among Them," v. 3, p. 395-396.

this. *And we aim at them:* i.e., the non-believers. *Any of them who is hit:* i.e., of the Muslims. *There is no blood money for him and no expiation:* because duties are not coupled with fines."

Regarding his words, "*unless that entails harm,*" they mentioned this exception in what is recommendable, along with its being possible in what is a duty also. (He added in *Sharh al-Multaqa* on *al-Muhit* that he hopes of them what they are calling them to.) Regarding his words, "*as when they are making preparations,*" it would have been appropriate to put the verb into the subjunctive after the conjunction *an*, which governs the subjunctive when it introduces clauses that are the equivalent of a verbal noun. Regarding his saying, "by erecting catapults," i.e., it is against their forts because the prophet erected them against Al-Ta'if. Al-Tirmidhi transmitted this. The word *majaniq* (catapults) is the plural of *manjaniq* (so vocalized by most), which is a loan-word from Persian, sometimes treated as masculine, but better as feminine. It is a device for hurling large stones. It is no longer used today as it is not needed because of modern cannons. His words, "*burning them,*" refer to burning their homes and possessions. Al-Ayni said: "The outward sense is burning their persons by means of catapults. Now if it is licit to make war on them by burning them, their possessions can be burnt with greater reason." His words, "by catapults," mean by hurling fire at them by means of them. However, permission to burn and flood is restricted, as stated in *Sharh al-Siyar*, to when they cannot overcome them otherwise except with great difficulty. If they can overcome without such means, they are not permitted, because they involve the destruction of their children and woman and of any Muslims among them. When he said, "unless it is likely," he was restricting the absoluteness of the texts, and he followed this on the sea and the river, grounding it in the fact that it would be corruption where it is not necessary. It was allowed only for necessity, and its suitability there is not hidden, because the intention is to break their strength and inflict wrath on them. If it is considered likely that this can be done without destruction and that victory will be ours, we do not destroy. By "and the like," he means lead, which has replaced arrows in our time. "The prophet was asked about this" (he transmitted this in *al-Nahr* from Abu al-Layth) i.e. in our saying to him, "Shall we shoot or not," and we follow what he says. He did not mention if it is not possible to ask him. "Any of them who are hit": i.e., if we aim at the non-believers and hit one of the Muslims whom the non-believers are using as a human shield, we are not liable for him. Al-Sarakhsi says that credence is given to the shooter's oath that he aimed for the non-believer, not to the slain Muslim's next-of-kin that killed him intentionally. "Because duties are not coupled with fines," it is as if someone subject to the prescribed punishment of scourging or amputation were to die.¹⁹⁷

[End of quotation from Ibn Abidin]

Ibn al-Humam al-Hanafi (may God have mercy on him) says:

"He said, 'And there is nothing wrong with shooting at them even if among them there is a Muslim captive or merchant.' Indeed, this is true even if they use the Muslim captives and their children as human shields, regardless of whether he knows that if they abstain

¹⁹⁷ *Radd al-Muhtar ala al-Durr al-Mukhtar*, marginal commentary of Ibn Abidin, v. 3, p. 223.

from shooting at them the Muslims will be defeated or whether they do not know it; except that only the non-believers are aimed at in shooting them."¹⁹⁸

In addition to the Hanafis, some of the later Malikis permit shooting at enemies if they use Muslims as human shields. However, one should not aim at the shield. However, if there is fear for most of the army, the shield may be aimed at. They said this was the case if the army are fewer in number than the shield. They relaxed al-Qurtubi's stipulation that there be fear for all Muslims by saying that the Muslims in question were those in the army. In other words, their position is that if five hundred people are being used as shields and the army numbers three hundred, and there is fear for the majority of those in the army, it is permissible to aim at the shields. Al-Dasuqi says in his commentary on *al-Sharh al-Kabir*:

"He says, 'Even if they use a Muslim as a shield, they are fought.' In other words, they will be fought with all the more reason if they use Muslims' property as a shield, and they will not be left. It is incumbent on those who shot at them to become liable for its value, by analogy with what is cast from a boat to save it from sinking, the point uniting them being that each is the destruction of property for the sake of safety. So said our shaykh. He says, 'And if we fear for ourselves.' In other words, for our own kind embodied in part of the army. He says, 'If there is no fear for the majority of the Muslims.' This is a condition for not aiming at the shield. In other words, the case in which they are fought when they use a Muslim as a shield, but the shield is not targeted, is when there is no fear for the majority of the Muslims -- i.e., when there is no fear for them at all, or when there is fear for a minority of the Muslims or half of them. However, if there is fear for the majority of them, it is permissible to shoot at the shield. 'Muslims' here means the body of the army fighting the non-believers, excluding those being used as a shield. The plain sense is that if there is fear for the majority of the army, it is permissible to shoot at the shield, even if the Muslims being used as a shield are more than the mujahidin."¹⁹⁹

C. The third position on the issue is that it is permissible to shoot at the non-believers, along with at any Muslims mixed in with them and any non-believers whose killing has been specifically prohibited.

Al-Shafi'i (may God have mercy on him) says:

"Someone might object, saying, 'How have you permitted bombardment by catapult and fire of a group of non-believers among whom there are children and women that it is prohibited to kill?' The answer is that we have permitted it in the way we have described and because the prophet (may God bless him and grant him peace) launched an attack on the Banu al-Mustaliq, taking them by surprise, and ordering a night attack and burning, knowing all the while that there were children and women among them. The principle was that the tribe was a tribe of polytheism and not forbidden.

¹⁹⁸ *Fath al-Qadir*, Book of Siyar, Chapter: "The Manner of Fighting," v. 4, p. 200.

¹⁹⁹ Al-Dasuqi, *Commentary on al-Sharh al-Kabir*, v. 7, p. 156.

"He only forbade intentionally killing women and children, when their killer knows them individually. This is because of the report from the prophet (may God bless him and grant him peace) and that the prophet took them captive and made them property. He has written this before this. If there are Muslim captives or merchants with safe-conduct among the tribe, I dislike exposing them to the general burning and drowning, but I do not clearly forbid it. This is because if the tribe is a permissible target, it is not clear that it becomes prohibited by there being a Muslim whose blood is forbidden in it. I only dislike it as a precaution and because it is permitted to us, were there no Muslim in it, to pass it by and not fight it; and if we fight it, we fight it by means that are not all-encompassing, such as burning and drowning. However, if the Muslims or some of them are in close combat and they think that they can harm those fighting them by drowning or burning them, I think that they should do it and do not dislike it for them. That is because they receive two rewards: one for defending themselves, the other for harming their enemy not in close combat. So shield yourselves with the children of the polytheists. It has been said that they do not protect themselves and those of them that use a human shield are struck, but that the child is not intended. It has been said that one desists from the person being used as a shield. If they should use a Muslim as a shield, I think that one should desist from the person they are using as a shield, except if the Muslims are in close combat; then one does not desist from the person using the shield: one strikes at the polytheist and protects the Muslim as far as possible. If in any of these cases one strikes a Muslim, one frees a slave [as expiation]."²⁰⁰

Al-Shafi'i also says (may God have mercy on him): "If he shoots into enemy territory and hits a Muslim with a safe-conduct or captive, or an non-believer who has converted to Islam, and did not shoot at them intentionally and did not see them, he should free a slave [as expiation], but there is no blood money for the victim. However, if he saw the person, knew his status, and shot being forced to do so, and killed him, he must pay blood money and perform expiation. If he shot intentionally, knowing the person to be a Muslim, he is subject to retribution (*qasas*) if he shot him without necessity or error and intended to kill him. If an non-believer uses the person as a human shield and he knows him to be a Muslim and the man grapples with him, so that he thinks he can save himself only by striking the Muslim, he should strike him intending to kill the non-believer. If he strikes the Muslim, we shield him from retribution, but impose blood money on him. All of this is if he is in the land of non-believers or in their ranks. However, if he frees himself from the non-believers and is between the lines of the Muslims and the non-believers, that is a place where there might be Muslims and non-believers. So if a man kills a man and says, 'I thought he was an non-believer, but then I found him to be a Muslim,' this was the result of error. He pays a fine for bloodshed (*'aql*); if the man's next-of-kin are suspicious, he swears to them that he did not know he was a Muslim when he killed him."²⁰¹

Al-Shafi'i also says (may God have mercy on him): "If the enemy shuts up women, children, and captives in their forts, should the forts be bombarded by catapults?"

²⁰⁰ Al-Shafi'i, *Kitab al-Umm*, v. 4, p. 244.

²⁰¹ Al-Shafi'i, *Kitab al-Umm*, v. 4, p. 246.

"The answer is that if there are women, children, and Muslim captives in the fort, it is not wrong to set up the catapult against the fort, to the exclusion of the houses in which there are residents. However, if the Muslims grapple close to the fort, it is not wrong to shoot at its houses and walls. If there are fighters entrenched in the fort, the houses and the fort are shot at. If they shield themselves with Muslim or non-Muslim children and the Muslims are in close combat, it is not wrong to target the fighters to the exclusion of the Muslims and children. If they are not in close combat, I would prefer that he desist from them until he can fight them when they are not using human shields. It is similar if they bring them out and say, 'If you shoot at us and fight us, we will kill them.' Naphtha and fire are like the catapult, and likewise water and smoke."²⁰²

Ibn Taymiyyah (may God have mercy on him) says: "The scholars agree that if the infidel army uses its Muslim captives as human shields, and the Muslims are in danger if they do not fight, they fight even if that leads to the killing of the Muslims being used as shields. If there is no danger for the Muslims, there are two well-known positions taken by scholars on the permissibility of fighting that leads to the killing of these Muslims. When such Muslims are killed, they are martyrs; and one does not desist from duty of jihad on account of those who are killed as martyrs. When Muslims fight non-believers, any Muslim who is killed is a martyr. Anyone undeserving of death killed while in the womb for the sake of the welfare of Islam is a martyr. It is established in the two *Sahih* books that the prophet (may God bless him and grant him peace) said: 'An army of men will attack this house, and lo, while they are in the desert, the ground will swallow them up.' Someone asked, 'Messenger of God, there might be forced conscripts among them!' He replied, 'They will be resurrected according to their intentions.' If God causes the chastisement that He inflicts on the army attacking the Muslims to fall on the forced conscript, how much more so with regard to the chastisement whereby God chastises them at the hands of the believers! As God has said: 'Say: 'Are you awaiting for aught to come to us but one of the two rewards most fair? We are awaiting in your case too, for God to visit you with chastisement from Him, or at our hands' [Koranic verse; Al-Tawbah 9:52]."²⁰³

The Shaykh al-Islam also indicated the permissibility of killing a human shield in his answer to the question, "What if funds are too scarce to carry on jihad and feed the hungry?" He said:

"Abu al-Abbas said: 'I was asked about someone who owes a debt and has the wherewithal to pay it, when jihad becomes incumbent. I replied that some duties take precedence over paying a debt, such as supporting oneself and one's wife and poor child. In other cases, such as the ritual duties of pilgrimage and expiation, paying a debt takes precedence. In some cases payment of the debt takes precedence unless a request has been made, such as the alms paid at the breaking of the Ramadan fast. Therefore, if jihad has become an obligation in order to repel damage, as when the enemy or battle-line is present, it takes precedence over payment of a debt, like support, and even more so. If there has been a call for mobilization, payment of the debt is better, as the imam should

²⁰² Al-Shafi'i, *Kitab al-Umm*, v. 4, p. 287.

²⁰³ Ibn Taymiyyah, *Majmu' al-Fatawa*, v. 28, pp 546-547.

not mobilize the debtor when he can do without him. I therefore have said that if there is too little money both to feed the hungry and fight in a jihad whose omission would cause damage, we give precedence to jihad, even if the hungry die. It is similar to the question of human shields and more suitable; for there we kill them by our action, here they die by the action of God'.²⁰⁴

Ibn Qudamah the Hanbali (may God have mercy on him) said:

"Chapter: The ruling is similar regarding opening the floodgates on them to drown them: if they can be overcome in another way, it is not permissible -- if that entails the destruction of women and children, whose intentional destruction is forbidden. If they can be overcome only in that way, it is permissible, as night attacks entailing the same things are permissible, and it is permissible to erect a catapult against them. The plain sense of Ahmad [Ibn Hanbal] is that it is permissible when need is present and when it is absent. This is because the prophet (may God bless him and grant him peace) erected a catapult against the people of al-Ta'if. Among those who hold this opinion are al-Thawri, al-Awza'i, al-Shafi'i, and the masters of opinion. Ibn al-Mundhir said that a tradition from the prophet states that he set up a catapult against the people of al-Ta'if and one from Amr Ibn al-As states that he set up a catapult against the people of Alexandria. Also: because fighting by such means is customary and like shooting arrows."²⁰⁵

Ibn Qudamah also said (may God have mercy on him):

"(7577) Chapter: If in war they use their women and children as shields, it is permissible to shoot at them, but one aims at the fighters. This is because the prophet (may God bless him and grant him peace) shot at them with the catapult when there were women and children with them. It is also because the Muslim's abstaining from them would lead to the halting of jihad; for when the enemy found out, they would take them as shields whenever they were afraid, and so jihad would halt.

"It is the same regardless of whether the fighting is at close quarters or not, because the prophet (may God bless him and grant him peace) did not delay shooting when the fighting was at close quarters."²⁰⁶

Ibn Qudamah also said:

"Chapter: If they take a Muslim as a shield and necessity does not call for shooting at them due to the war's not being ongoing, or because they can be overcome without it, or because one feels safe from their evil, it is not permissible to shoot at them; and so if he shoots at them and hits a Muslim, he bears liability for him. However, if necessity calls for shooting at them because of fear for the Muslims, shooting at them is permissible because it is a case of necessity and so the non-believers are targeted. If there is no fear

²⁰⁴ Ibn Taymiyyah, *al-Fatawa al-Kubra*, v. 4, pp. 607-608.

²⁰⁵ Ibn Qudamah al-Maqdisi, *al-Mughni*, Book of Jihad, Question: "When the Enemy Was Fought, They Were Not Burned With Fire," v. 8, pp. 448-449.

²⁰⁶ Ibn Qudamah al-Maqdisi, *al-Mughni*, v. 4, p. 449.

for the Muslims, but the enemy can be overcome only by shooting, al-Awza'i and al-Layth say that shooting at them is not permissible, on the basis of the Koranic verse: 'If it had not been for certain men believers and certain women believers whom you knew not, lest you should trample them, and there befall you guilt unwittingly on their account...'²⁰⁷ [Koranic verse; Al-Fath 48:25]. Al-Layth said that abstaining from the conquest of a fort that could be conquered was better than wrongly killing a Muslim. Al-Awza'i said: 'How are they to shoot when they do not see? They would only be shooting at the children of Muslims.' Al-Qadi and al-Shafi'i said that they may be shot at when the war is ongoing, because not doing so would lead to halting jihad. Two texts are offered in support of this view, that if he kills a Muslim, he is liable to expiation and blood money.

"One of them is that it is obligatory because he killed a believer in error, so it falls under the provisions of the verse: 'If any slays a believer by error, then let him set free a believing slave, and bloodwit is to be paid to his family' [Koranic verse; al-Nisa' 4:92].

"The second is that there is no blood money because he was killed in enemy territory (*dar al-harb*) by permissible shooting, so he falls under the provisions of the verse: 'If he belong to a people at enmity with you and is a believer, let the slayer set free a believing slave' [Koranic verse; al-Nisa' 4:92], which mentions no blood money.

"Abu Hanifah said he is liable neither to blood money nor to expiation because the shooting was permitted although the situation was known; and so it rendered nothing incumbent, even as the shooting of someone whose life may be taken.

"Our view is based on the cited verse, on the fact that he has killed someone protected by faith, and that the slayer is a person who bears liability; so it is similar to if he had not been taken as a human shield."²⁰⁷

II. Summary

Having cited the scholarly positions available to us from the various legal schools on the question of shooting at non-believers when they are mixed with Muslims or when they take them as human shields or take as shields people who may not be killed, such as women, children, protected minorities (*dhimmi*s), or people with safe-conduct, we say in summary:

The jurists' positions can be divided into three:

A. Prohibition: This is the position cited from Malik and al-Awza'i.

B. Unconditional permission, with cancellation of blood money and expiation: This is the position of the Hanafis and the later Malikis who agree with them.

C. Distinction: This is the position of the Shafi'is and Hanbalis. They do not prohibit shooting, as long as there is necessity or need for the Muslims to do so. Muslims are not

²⁰⁷ Ibn Qudamah al-Maqdisi, *al-Mughni*, v. 4, p. 451.

aimed at except in cases of necessity, because omitting to do so would lead to halting the jihad. They disagree about any Muslims killed, whether the slayer has no liability, whether he is liable for blood money along with expiation, or whether he is liable for expiation only, as we have mentioned. And God is most knowing!

Chapter Nine: Night Warfare and Fighting By Means That Cause General Destruction

I. The Shari'ah permits Muslims to attack their enemies by night if they need to, although in such an attack one cannot distinguish noncombatant women and children from other persons who are combatants.

A. From al-Sa'b Ibn Jaththamah: "The prophet (may God bless him and grant him peace) passed by me at al-Abwa or Waddan, and was asked whether it was permissible to attack non-believer tribesmen at night, in such wise as their women and children might be hit. The prophet replied, 'They are of them.' I also heard him say, 'There is no sacred enclosure (*hima*) except for God and His Messenger'."²⁰⁸

Ibn Hajar (may God have mercy on him) says: "The word *bayat*, as used in the Hadith, means that the non-believers are attacked at night, so that one cannot distinguish among them as individuals.

"The phrase, 'They are of them,' means that it is so in that case. It does not mean that they may be killed by aiming at them; the meaning is that if the parents can be reached only by trampling the children, who, if hit, are hit because they were mixed with the former, the latter may be killed."²⁰⁹

Al-Nawawi says:

"Its implied meaning: He was asked about the rule governing the children of non-believers who are attacked while they are spending the night, and so some of their women and children are mortally wounded. He said that the children belong to their parents; in other words, there is nothing wrong with doing so. The legal status of their parents applies to them in inheritance, marriage, retaliation, bloodwit, and other matters. The meaning also is if they are not intentionally targeted without necessity.

"As for the previous Hadith, concerning the prohibition on killing women and children, the intention is if they can be distinguished. This Hadith that we have just mentioned, concerning the permissibility of attacking them by night and killing women and children in the night raid, is our doctrine and the doctrine of Malik, Abu Hanifah, and the majority.

"The meaning of the noun *bayat* and the verb *yubayyatun* is that they are attacked at night so that a man cannot be distinguished from a woman or a child.

²⁰⁸ Al-Bukhari, *Sahih*, v. 10, p. 204.

²⁰⁹ Ibn Hajar, *Fath al-Bari*, v. 9, pp. 223-224.

"The word dharari (more usually and more properly, *dharariyy*) here means women and children.

"This Hadith contains proof of the permissibility of attacking by night and of raiding those who have been reached by the call [to Islam] without giving them prior notice."²¹⁰

Al-Nawawi's words, "if they are not intentionally targeted without necessity," mean that it is permissible to attack them by night when there is necessity.

B. From Salamah Ibn al-Akwa (may God be pleased with him): "Our battle cry the night we attacked Hawazin with Abu Bakr al-Siddiq -- the prophet had made him our commander -- was 'Kill! Kill!' I killed with my own hands that night seven prominent people."²¹¹

C. The Imam al-Jassas (may God have mercy on him) said:

"The prophet (may God bless him and grant him peace) once sent Usama bin Zayd and said to him, 'Attack Ubna²¹² in the morning and burn it.' He used to order the expeditions to wait for those they were attacking and to refrain from them if they gave the call to prayer; if they heard no call, they were to attack. The well guided caliphs continued this policy."

"It is common knowledge that anyone who attacks such people cannot avoid hitting their children and women who are forbidden to be killed; similarly, if there are Muslims among them. This must not prevent the launching of the raid against them and shooting at them with arrows and other things, even if there is danger of hitting the Muslim."²¹³

D. The Imam al-Kasani (may God have mercy on him) said: "There is nothing wrong with raiding them and attacking them by night."²¹⁴

E. Ibn Qudamah al-Maqdisi (may God have mercy on him) said:

"Section: There is nothing wrong with attacking the non-believers by night, i.e., raiding them by night and killing them when they are unprepared.

"Ahmad [Ibn Hanbal] said there was nothing wrong with attacking by night. 'Are the attacks of the Byzantines anything but night attacks? We know of no one who disapproves of attacking the enemy by night.'

²¹⁰ Al-Nawawi, *Sharh Muslim*, v. 6, p. 189.

²¹¹ Ahmad Ibn Hanbal, *Musnad*, v. 33, p. 261.

²¹² Ubna (so vocalized) is a place in Palestine between Ascalon and al-Ramlah. See *Awn al-Ma'bud*, v. 7, p. 197.

²¹³ Abu Bakr Ahmad al-Razi al-Jassas, *Ahkam al-Qur'an*, Commentary on Surat al-Fath, Chapter, "Shooting at Polytheists While Knowing that There Are Muslim Children and Captives Among Them," v. 3, p. 395-396.

²¹⁴ Al-Kasani, *Bada'i' and Sana'i' fi Tartib al-Shara'i'*, v. 15, p. 281.

"Sufyan recited the following tradition to him on the authority of al-Zuhri, who had it from Abdallah, who had it from Ibn Abbas, who had it from al-Sa'b Ibn Jaththamah, who said: 'I heard the messenger of God (may God bless him and grant him peace) being asked about the polytheist tribesmen, whether we should attack them by night and hit some of their women and children. He said that the latter were of them.'

"He [Ibn Hanbal] said that the chain of transmitters was good.

"Someone might object that the prophet forbade the killing of women and children.

"We would say that it refers to killing them intentionally.

"Ahmad [Ibn Hanbal] said, 'If he intends to kill them, then it is not permissible'."²¹⁵

F. The Imam al-Shirazi (may God have mercy on him) said:

"Chapter: If he erects a catapult against them or attacks them by night when there are women and children among them, this is permissible on the basis of what Ali (may God honor him) transmitted: that the prophet (may God bless him and grant him peace) erected a catapult against the people of al-Ta'if although the city was not devoid of women and children. Also, al-Sa'b Ibn Jaththamah related: 'I asked the prophet (may God bless him and grant him peace) about the children of non-believers who are attacked by night and their women and children are hit. He said the latter were of them.' This is because the non-believers are not devoid of women and children, and if we abstained from shooting at them for the sake of the women and children, jihad would cease."²¹⁶

II. Fighting By Means That Cause General Destruction

Similarly, the Shari'ah permits bombarding the non-believers by means that cause general destruction, such as burning, flooding, and catapults. We have already cited what Ibn Abidin said about the catapult: "It is a device for hurling large stones. It is no longer used today as it is not needed because of modern cannons."²¹⁷ In other words, artillery bombardment is permissible when the jihad needs or requires it.

Al-Amir al-San'ani (may God have mercy on him) said:

"From Makhul (may God be pleased with him): 'The prophet (may God bless him and grant him peace) erected a catapult against the people of Al-Ta'if.'

"Abu Dawud included it among traditions with an incomplete chain of transmission not going all the way back to the prophet, though its links were trustworthy. Al-Uqayli traced it back to the prophet, though with a weak chain of transmission, from Ali (may God be pleased with him)

²¹⁵ Ibn Qudamah, *al-Mughni*, v. 21, p. 101.

²¹⁶ Al-Shirazi, *al-Muhadhdhab*, v. 2, p. 234.

²¹⁷ *Radd al-Muhtar ala al-Durr al-Mukhtar*, marginal commentary of Ibn Abidin, v. 3, p. 223.

"The Hadith contains evidence that it is permitted to kill fortified non-believers with a catapult and, by analogy, other kinds of artillery and the like."²¹⁸

Shaykh Husayn Umar Ibn Mahfuz said:

"Analogous to the catapult are other heavy weapons, such as artillery and tanks and attack by war planes."²¹⁹

The Imam al-Nawawi (may God have mercy on him) said:

"3288: Yahya Ibn Yahya and Muhammad Ibn Rumh reported to us that they had been told by al-Layth; and Qutaybah Ibn Sa'id reported to us that al-Layth also reported to him from Nafi', who had it from Abdallah, that the messenger of God (may God bless him and grant him peace) set fire to the date palms of the Banu al-Nadir at al-Buwayrah and cut them down. Qutaybah and Ibn Rumh added in their report that God revealed the following verse on this occasion: 'Whatever palm-tress you cut down, or left standing upon their roots, that was by God's leave, and that He might degrade the ungodly' [Koranic verse; al-Hashr 59:5].

"In this Hadith there is permission to cut down and burn the trees of the non-believers. This was held by Abd-al-Rahman Ibn al-Qasim, Nafi' the *mawla* of Ibn Umar, Malik, al-Thawri, Abu Hanifah, al-Shafi'i, Ahmad [Ibn Hanbal], Ishaq, and the great majority. However, there is a tradition from Abu Bakr al-Siddiq, al-Layth Ibn Sa'd, Abu Thawr, and al-Awza'i (may God be pleased with him) that it is not permitted."²²⁰

The Imam al-Kasani (may God have mercy on him) said:

"There is nothing wrong with cutting down their fruit trees and other trees and ruining their crops, based on the Koranic verse: 'Whatever palm-tress you cut down, or left standing upon their roots, that was by God's leave, and that He might degrade the ungodly' [Koranic verse; al-Hashr 59:5]. At the beginning of the verse, God gives permission to cut down the palm trees; at the end of it He indicates that this is to crush and demoralize the enemy -- 'that He might degrade the ungodly.'

"There is nothing wrong with burning their forts with fire or drowning them with water, with destroying them and razing them on top of them, or with erecting a catapult against them. God has said, 'As they destroyed their houses with their own hands, and the hands of the believers' [Koranic verse; al-Hashr 59:2]. All of this falls under the heading of fighting, because of the compulsion, crushing, and demoralization in it. The inviolability of property derives from the inviolability of its owners; when the owners have no inviolability and can be killed, how much more so their property! There is nothing wrong with shooting them with arrows, even if Muslim prisoners and merchants are known to be

²¹⁸ Al-San'ani, *Subul al-Salam*, v. 6, p. 167.

²¹⁹ "The Legal Basis for the Events of America," p. 25, from "Minbar al-Tawhid wa al-Jihad."

²²⁰ Al-Nawawi, *Commentary on Muslim*, v. 6, p. 190.

among them, due to necessity; for rarely are the forts of non-believers devoid of Muslim captives or merchants. Giving consideration to them would lead to closing the door of jihad. However, in all this one targets the non-believers, not the Muslims, because there is no necessity for intending to kill Muslims wrongfully.

"Likewise, if they use Muslim children as human shields, there is nothing wrong with shooting at them, because of the necessity of carrying out one's religious duty, but one aims at the non-believers, rather than the children. If they shoot at them and a Muslim is hit, there is neither blood money nor expiation."²²¹

Abu-al-Barakat al-Dardir (may God have mercy on him) said:

"*Cutting the water* means either from them or on them, so that they drown. *Alah* means a device such as a sword, spear, or catapult, even if there are women and children among them. *By fire if there is no other way*, and one fears danger from them. *And there is no Muslim among them*: if another way is possible or there is a Muslim among them, one does not set fire to it, but it is permissible to kill them if two conditions are met."²²²

III. Summary

The Shari'ah permits fighting the non-believers by night attacks in which one cannot distinguish combatants from others and by means that cause general destruction, including artillery bombardment. This is due to the need of the jihad or necessity and because if these things were abandoned due to fear for those whom it is not licit to kill, it would lead to halting the jihad.

Chapter Ten: Repaying Like for Like

As we have seen in Chapters Eight and Nine, the great majority of jurists permit shooting at non-believers by means that cause general destruction and attacking them at night when this is needed for the jihad or from necessity, even if this leads to killing those who ought not to be killed. This chapter will briefly discuss repaying the non-believer like for like.

I. The Shari'ah approves the rule of repaying like for like in exacting that to which one is entitled. Here is some proof of this.

A. God has said: "Whoso commits aggression against you, do you commit aggression against him like as he has committed against you" [Koranic verse; Baqarah 2:194]. And also: "And those who, when insolence visits them, do help themselves -- and the recompense of evil is evil the like of it; but whoso pardons and puts things right, his wage falls upon God; surely He loves not the evildoers. And whosoever helps himself after he has been wronged -- against them there is no way. The way is only open against those who do wrong to the people, and are insolent in the earth wrongfully; there awaits them a

²²¹ Al-Kasani, *Bada'i' and Sana'i' fi Tartib al-Shara'i'*, v. 15, pp. 281-282.

²²² Shaykh al-Dardir, *al-Sharh al-Kabir*, v. 2, p. 177.

painful chastisement. But surely he who bears patiently and is forgiving -- surely that is true constancy" [Koranic verse; al-Shura 42:39-43]. And also: "And if you chastise, chastise even as you have been chastised; and yet assuredly if you are patient, better it is for those patient. And be patient; yet is thy patience only with the help of God. And do not sorrow for them, nor be thou straitened for what they devise" [Koranic verse; al-Nahl 16:126-127].

These verses apply generally to everything; their occasions of revelation do not particularize them. The rule of the Shari'ah is that one takes account of the general mode of expression, not the particular circumstance of the revelation.

The Imam al-Qurtubi (may God have mercy on him) said:

"Scholars differ regarding someone who destroys or spoils any animals or wares that have not been measured or weighed. Al-Shafi'i, Abu Hanifah, their colleagues, and one group of scholars say that the person is liable to the like, and one does not turn toward the value except in the absence of the like. This is because God has said: 'Whoso commits aggression against you, do you commit aggression against him like as he has committed against you' [Koranic verse; al-Baqarah 2:194]. And also: 'And if you chastise, chastise even as you have been chastised' [Koranic verse; al-Nahl 16:126-127].

"They said that this is a general rule in all things. They supported it by the fact that the prophet (may God bless him and grant him peace) confined the broken bowl to the tent of the woman who broke it and handed over the whole one, saying, 'Vessel for vessel, and food for food.' The tradition is included by Abu Dawud.

"Malik and his colleagues say that in the case of animals or wares that have not been measured or weighed, the person is liable for the value, not for the replacement.

"There is no disagreement among the scholars that this verse is the basic rule with regard to similarity in matters of retribution. For example, someone who murders with something is killed by the same thing by means of which he murdered. This is the opinion of the great majority -- unless he murdered his victim by means of such depravity as homosexual intercourse or giving alcohol to drink, in which case he is killed by the sword.

"The position of the Shafi'is is that he is to be killed in the same way. A stick of the same description is taken and driven up his anus until he dies, or he is made to drink wine until he dies.

"Ibn al-Majishun said that someone who murders using fire or poison is not killed by the same means. This is because the prophet said, 'No one except God chastises with fire.' Poison is intestinal fire. But the great majority held the view that he is to be killed by the same means because of the general wording of the verse.

"As for the prohibition on exemplary punishment (i.e., mutilation), we say again that such punishment is warranted if the person is not punished with the like; if he is punished with the like, we make it the exemplary punishment. This is indicated by the Hadith about the Banu Uraynah, which is sound and was included by the heads of the schools in their collections."²²³

Al-Nawawi (may God have mercy on him) said in *al-Muhadhdhab*, 2:186:

"Chapter: If he murders by the sword, vengeance is exacted from him only by the sword, on the basis of God's word: 'Whoso commits aggression against you, do you commit aggression against him like as he has committed against you' [Koranic verse; al-Baqarah 2:194]. Because the sword is the most hoped-for of implements, if he kills with it and vengeance is exacted by means of something else, the person taking vengeance has gone beyond what is his right, since he has both killed and tortured. If the murderer burned his victim, drowned him, stoned him, threw him from a cliff, hit him with a piece of wood, locked him up and denied him food and drink until he died, the next-of-kin may take vengeance in the same way, on the basis of God's word: 'And if you chastise, chastise even as you have been chastised' [Koranic verse; al-Nahl 16:126]. This is also based on what al-Bara' related, that the prophet said: 'Whoever burns, we burn him; whoever drowns, we drown him.' Vengeance is based on equivalence, and equivalence is possible with these causes; so it is permissible for the person taking vengeance to exact them: he may avenge the victim using the sword, for it has become a duty for him to slay and chastise; if he turns aside to the sword, he has omitted part of what is his right and left it behind."

Shaykh Husayn Umar Ibn Mahfuz, after discussing the principle of equivalence in matters of vengeance among Muslims, replied as follows to the doubts of those who objected to the events of September:

"If vengeance among Muslims entails this and one exacts equivalence and equality in it, one has all the more right to exact these things from non-believers. We may chastise them as they have chastised us and do to them as they have done to us, in conformity with what God has revealed."²²⁴ We give details of this in the following section.

B. The Shari'ah permits Muslims to treat the non-believers as the latter treat them.

²²³ *Tafsir al-Qurtubi*, v. 2, pp. 357-359. Translator's note: The Hadith mentioned here reads as follows in the version in al-Bukhari: Anas said: "Some people of the tribe of Ukl or Uraynah came to Medina and its climate did not suit them. So the prophet ordered them to go to the herd of camels and drink some of their milk and urine. They went as directed, and after they became healthy, they killed the prophet's herdsman and drove away all the camels. The news reached the prophet early in the morning and he sent men to pursue them. They were captured and brought back at noon. He ordered the amputation of their hands and feet, and then their eyes were branded with heated pieces of iron. They were exposed in the desert, and when they asked for water, no water was given to them."

²²⁴ "The Legal Basis for the Events of America (the Attacks on New York and Washington)," p. 20, from "Minbar al-Tawhid wa al-Jihad."

Shaykh Hamud al-Uqla (may God have mercy on him) said in his fatwa on the events of September 11:

"Bearing in mind that we are permitted to do to the non-believers as they have done to us, herein lies a response and explanation to those who constantly invoke 'the innocent.' God Himself has permitted it to us. Among the texts that indicate it is God's word: 'And if you chastise, chastise even as you have been chastised' [Koranic verse; al-Nahl 16:126]. And God has said: 'And those who, when insolence visits them, do help themselves -- and the recompense of evil is evil the like of it' [Koranic verse; Al-Shura 42:39]."

Shaykh Nasir bin Muhammad al-Fahd (may God release him from captivity), discussing the proofs of the permissibility of using weapons of mass destruction, has said:

"Section One: Proof Specific to a Particular Time and to a Particular Enemy:

"That is like the condition of America at this time. The question of its striking with these weapons can pass without mentioning proofs. The second and following section consists of proofs from general legislation. God says: 'And if you chastise, chastise even as you have been chastised' [Koranic verse; Al-Nahl 16:126]. And God says: 'Whoso commits aggression against you, do you commit aggression against him like as he has committed against you' [Koranic verse; Al-Baqarah 2:194]. And God says: 'And the recompense of evil is evil the like of it' [Koranic verse; Al-Shura 42:39]. Anyone who considers America's aggressions against Muslims and their lands during the past decades will conclude that this is permissible based on the rule of 'repaying in kind' alone, without any need to mention other proofs. One of the brothers has added up the number of Muslims they have killed with their direct and indirect weapons. The total is nearly ten million. As for the lands that their bombs, explosives, and rockets have burnt, only God can compute them. The most recent thing we have witnessed is what has happened in Afghanistan and Iraq. This is beside the uprooting that their wars have caused for many Muslims. If a bomb were dropped on them, destroying 10 million of them and burning as much of their land as they have burned of Muslim land, that would be permissible without any need to mention any other proof. We might need other proofs if we wanted to destroy more than this number of them!"

Examples of repaying non-believers in kind:

1. The Shari'ah has forbidden cruel and unusual exemplary punishments or mutilation (*muthlah*), but has permitted them if the non-believers inflict them on Muslims.

Ibn Taymiyyah (may God have mercy on him) says:

"As for cruel and exemplary punishments or mutilation, it is not permissible except as retribution. Imran Ibn Husayn (may God be pleased with him and his father) said: 'Never did the messenger of God (may God bless him and grant him peace) preach a sermon to us but that he commanded us to charity and forbade us to mutilate. Even when we killed non-believers, we did not mutilate them after killing them. We did not cut off their ears

and noses or rip open their bellies, unless they had done that to us; and then we would do to them as they had done. However, abstaining from such things is better, as God has said: 'And if you chastise, chastise even as you have been chastised; and yet assuredly if you are patient, better it is for those patient' [Koranic verse; Al-Nahl 16:126]. And: 'And be patient; yet is thy patience only with the help of God' [Koranic verse; Al-Nahl 16:127]. Some say that the verse was revealed only because the polytheists mutilated Hamzah and other martyrs of the Battle of Uhud (may God be pleased with them); whereupon the prophet said, 'If God gives me victory over them, I will mutilate them twice as much as they mutilated us.' God then revealed this verse, although verses like the following had already been revealed in Mecca: 'They will question thee concerning the Spirit. Say: 'The Spirit is of the bidding of my Lord'' [Koranic verse; Al-Isra' 17:85]. And: 'And perform the prayer at the two ends of the day and nigh of the night; surely the good deeds will drive away the evil deeds' [Koranic verse; Hud 11:114]. These and other verses were revealed in Mecca; then some occasion requiring addressing them arose in Medina, and so they were revealed a second time. So the prophet said, 'Rather, let us be patient.' We read in the *Sahih* of Muslim, on the authority of Buraydah Ibn al-Husayb, that whenever the prophet sent out a commander over a detachment or an army or on some mission of his, he would especially exhort him to fear God and to be good to the Muslims who were with him. He would say: 'Fight in the name of God and in the way of God. Fight against those who disbelieve in God. Do not exceed the bounds, do not act treacherously, do not mutilate, and do not kill children'.²²⁵

Ibn Taymiyyah (may God have mercy on him) also said:

"If the non-believers mutilate Muslims, mutilation is the right of the latter: they have the right to do it to exact vengeance, but they may forego it; and patience is better. This is because the mutilation allowed to them involves nothing that would summon to faith and preserve them from aggression. In this case it belongs to the imposition of the prescribed hadd punishments and jihad. The case at Uhud was not like that, and therefore patience was better. When exemplary punishment is the right of God, patience is a duty, as it is when aiding oneself is not possible, and impatience is unlawful."²²⁶

Ibn al-Qayyim (may God have mercy on him) said:

"God allowed the Muslims to mutilate the non-believers if the latter mutilated them, even though mutilation is forbidden. God has said: 'And if you chastise, chastise even as you have been chastised' [Koranic verse; Al-Nahl 16:126]. This indicates that punishment by cutting off the nose or the ear, ripping open the belly, and the like, is punishment in kind, not aggression, and that equivalence is justice.

"As for the prohibition of mutilation, it is based on the Hadith that Ahmad [Ibn Hanbal] included in his *Musnad* on the authority of Samurah Ibn Jundub and Imran Ibn al-Husayn: 'Never did the messenger of God (may God bless him and grant him peace) preach a sermon to us but that he commanded us to charity and forbade us to mutilate.'

²²⁵ Ibn Taymiyyah, *Majmu' al-Fatawa*, v. 6, p. 384.

²²⁶ Ibn Taymiyyah, *al-Fatawa al-Kubra*, v. 8, p. 402.

"Someone may object: If he does not die when the like of what he did is done to him, you will kill him, and that is in excess of what he did; and so where is the equivalence? The reply would be: This is the counterpart of killing by the sword; for if he strikes him on the neck and it does not take effect, we can strike him a second and third time, until it takes effect -- and this by common agreement -- even though the person struck his victim only one blow."²²⁷

Ibn Muflih (may God have mercy on him) said:

"Ahmad [Ibn Hanbal] said that they ought not to torture him. He also said that if they mutilated, they can be mutilated. Abu Bakr mentioned this.

"Our shaykh said that mutilation is their right. They have the right to do it to exact vengeance, but they may abstain from it; and patience is better. This is where mutilating them involves no addition to jihad and is not a warning to them from doing the like. However, if in the common mutilation there is a summons to faith to them or a restraining of them from aggression, then it belongs to the infliction of prescribed punishments and to lawful jihad. The story at Uhud was not like that, and therefore patience was preferable. However, if what is to be given preference is God's right, patience then is a duty, as it is a duty when helping oneself is not possible and when impatience is unlawful. This is what he said, and al-Khattabi said likewise: If the non-believer mutilates the slain, it is permitted to mutilate him. Ibn Hazm said in [*Maratib al-Ijma'*, before anticipation and shooting: It is agreed that castrating people from the people of war, slaves, and others not in retaliation and mutilating them is forbidden."²²⁸

2. An example of equivalence with the enemies is what the prophet (may God bless him and grant him peace) did with the Banu Uraynah who apostatized, killed the herdsman, and gouged out their eyes. The prophet did the same to them.

The Imam al-Nawawi (may God have mercy on him) said:

"Qadi Iyad (may God be pleased with him) said that the scholars disagree about the meaning of the Hadith concerning the Banu Uraynah. Some of the early scholars said that this was before the revelation of the limits on punishments and the verse on waging war and prohibiting mutilation was revealed, and so the Hadith has been abrogated. Others say that it has not been abrogated. The verse on waging war had been revealed among them, but the prophet only did it to them in retaliation for what they had done, because they had done the like to the herdsmen."²²⁹

Ibn al-Qayyim (may God have mercy on him) said concerning the lessons to be derived from the incident of the Banu Uraynah:

²²⁷ Ibn Muflih, *al-Furu'*, Book of Jihad, Chapter: "Whoever Takes a Captive Is Forbidden to Kill Him According to What Is Most Sound," v. 11, p. 398.

²²⁸ Ibn Muflih, *al-Furu'*, v. 11, p. 398.

²²⁹ Al-Nawawi, *Sharh Muslim*, v. 6, p. 78.

"If a belligerent has stolen property and killed, one both cuts off his hand and foot and kills him. One does to the criminal as he did. Since they had gouged out the herdsman's eye, he gouged out their eyes."²³⁰

Ibn Hajar (may God have mercy on him) said:

"One of the lessons to be derived from this Hadith... is that equivalence in retaliation is not the kind of mutilation that has been forbidden."²³¹

3. Similarly, it is permissible to lay waste to the land of the enemy as he has laid waste to the land of Muslims.

Ibn Taymiyyah (may God have mercy on him) has said:

"For this reason, scholars have agreed on the permissibility of destroying trees and crops belonging to the non-believers if they have done the same to us or if they can be overcome only by these means. About its permissibility short of such circumstances there is a well-known controversy. There are two accounts related on the authority of Ahmad [Ibn Hanbal]. Permitting it is the doctrine of al-Shafi'i and others."²³²

Ibn al-Qayyim (may God have mercy on him) said:

"The jurists have pronounced it permissible to burn the crops of the non-believers and cut down their trees, if they have been doing that to us."²³³

4. One reads in a letter of that the Shaykh al-Islam Ibn Taymiyyah (may God have mercy on him) wrote to "Sarajuwan" the King of Cyprus when he heard of how he was mistreating Muslim prisoners:

"Many of them²³⁴ were taken by treachery, and treachery is forbidden in all religions, laws, and policies. How can you consider it lawful to seize people by treachery? Are you not afraid that the Muslims will do some of the same to you and that treachery will be practiced on you, God being their aid and helper?"²³⁵

II. Now that we have briefly reviewed some of the proof for the permissibility of treating the enemy in kind, I say: If the great majority of jurists have permitted shooting, burning, flooding, and fighting by means that cause general destruction, even if those whose killing is not permitted lose their lives, because of necessity and need, without equivalence; is it not all the more permissible by way of repaying them in kind and because Muslims have suffered damage by these means and because they have no other

²³⁰ Ibn al-Qayyim, *Zad al-Ma'ad*, v. 3, p. 249.

²³¹ Ibn Hajar, *Fath al-Bari*, v. 1, p. 367; see also *al-Muhalla*, v. 11, pp. 310-311.

²³² Ibn Taymiyyah, *Minhaj al-Sunnah al-Nabawiyah*, v. 3, p. 442.

²³³ Ibn al-Qayyim, *I'lam al-Muwaqqi'in 'an Rabb al-'Alamin*, v. 1, p. 447.

²³⁴ the prisoners

²³⁵ Ibn Taymiyyah, *Majmu' al-Fatawa*, v. 6, p. 440.

means of repelling the crimes of their enemy? In their current state, Muslims cannot confront America and Israel by conventional warfare, with armies containing fleets, airplanes, armored vehicles, and artillery. They can, however, avert the evil of all those weapons trained on them by means of jihad operations that make use of the methods permitted by the Shari'ah and that we have explained in Chapters Eight and Nine. If jurists have drawn an analogy between artillery and the catapult that the prophet (may God bless him and grant him peace) set up against Al-Ta'if, and approved of its use without equivalence, is it not all the more proper for us to use such means by way of equivalence -- to bomb them as they are bombing us and blow them up as they are blowing us up -- even if as a consequence some of them die whom it was not proper to kill in the first instance? And God Almighty is supreme and most knowledgeable.

Let us take a realistic view. What is it that prevents one state from attacking another? It is nothing but balance of power. After the Second World War, America emerged victorious after dropping two atomic bombs on Japan. Realizing the gravity of the situation, some scientists smuggled the secrets of the bomb to the Soviet Union. Had that not happened, American would have considered the Soviet Union and China fair targets.

It is the same in the case of India and Pakistan. What is preventing India, the more powerful, wealthier, and more populous, from destroying Pakistan? It is the nuclear balance. For this reason, the wars between them remain within the scope of conventional wars and do not go beyond them.

In our case, the Arabs are in a state of impotence in the face of Israel, which possesses nuclear weapons by means of which it imposes its will on its Arab neighbors. Nuclear weapons are the invisible participant in all the negotiations between the Arabs and Israel.

Based on the opinion of the writer of the document, as has already been mentioned and will be discussed below, the use of anything that destroys generally is forbidden. In other words, he does not think that any Arab state should possess nuclear weapons to balance the Israeli weapons, because he stresses that we must not commit the crimes that our enemy is committing. Consequently, the Arabs must remain submissive in the face of Israel!

Chapter Eleven: Observations on the Content of Installment Six on Tourists

In the sixth installment, the author of the document dealt with the legal impediments that prevent harming foreigners who come and stay in Muslim countries by killing, robbing, or insulting them, regardless of whether they have come for tourism, work, business, and so forth. I shall analyze and discuss these impediments one by one, God willing. However, before going into them, I should like to make several observations.

I. Observations before going into the six impediments:

A. The author mentioned a number of reasons why foreigners come to Muslim countries. To quote him: "They have come for tourism, work, business, and so forth." I want to stop to consider with him this "and so forth."

I ask him whether included in "and so forth" are the FBI and CIA employees who are supervising the publication and distribution of this "jihad-fettering document?"

Are the employees of the American embassy in Cairo, including the Mossad and Shin-Bet agents, included in "and so forth?"

Are the American forces at the Ras Banas base and West Cairo airport and the American forces supervising the implementation of the peace treaty in Sinai included in "and so forth?"

Are the American forces deployed throughout the Islamic world from Morocco to the Philippines, especially in the Gulf and the Arabian peninsula, included in "and so forth?"

Are the CIA agents in their secret prisons in Egypt, Jordan, and Pakistan included in "and so forth?"

Are the Israeli merchants of depravity in Sinai included in "and so forth?"

I insist on getting an answer to these questions from the author of the document. I remind him that I put similar questions to him in Chapter Two. I remind him of questions 7, 8, 9, 10, 11, and 15, because they relate to this chapter. I ask him not to try to evade answering them, as he unsuccessfully tried to evade clarifying the legal judgment about not taking parental permission into account in jihad that is an individual duty. To quote him:

"Although the jurists (may God have mercy on them) agreed that parental permission was a condition for participating in a jihad that is a community obligation, some jurists have said that if a Muslim's departure for a jihad that is an individual duty involves neglect of both or one parent, he should not go..." Then he fell silent. I ask him not to deal with the questions of this chapter and of the second chapter in the same way.

B. The author said something in this chapter that calls for consideration.

He said: "Of old, people were distinguished: Muslims were in the Abode of Islam (*Dar al-Islam*), and the protected minorities (*ahl al-dhimmah*) in the Abode of Islam were distinguished in appearance from the Muslims. None of this exists today. Predominant for people today is ignorance of the situation, especially with the absence of an Abode of Islam to receive the emigration of those who convert to Islam in the countries of non-believers."

Is one to understand from these words of his that the Abode of Islam does not exist today?

Confirming this is what he said about the people of the book in the 10th installment: "The people of the book living in Muslim lands, such as the Christians in Egypt, are not protected minorities (*ahl al-dhimmah*) -- that was of old, in the time of rule by the Shari'ah. With the growth of the civil state with the establishment of rule by human laws in the last half of the nineteenth century, this attribute fell from the people of the book in Egypt and similar countries."

Also confirming it, though of a lesser degree of clarity, is what he said in the same installment about the visas of the governments in the Muslim countries to tourists: "I have not mentioned as part of these impediments the visas of the authorities in Muslim countries, which some might not consider an impediment; rather, I have mentioned other impediments." Why didn't he mention them? He did well not to mention them as an impediment -- that is true. Perhaps he is hinting that he considers the governments infidel and apostate and that the visas they grant to tourists (assuming them to be safe-conducts) to protect their lives and property are without effect. Can one say that the author thinks that the Abode of Islam does not exist today and that therefore the tourist is moving from one Abode of Infidelity to another Abode of Infidelity?

However, as the jurists have established, the Abode of Infidelity is an abode of fighting, an abode of plunder, and an abode of license,²³⁶ as long as the existence of a treaty, protection, or safe-conduct for the non-believer has not been established by unobjectionable proof.

C. It follows from its being an Abode of Infidelity that its governments are non-Islamic governments. Therefore, anyone who can must rebel against them. Anyone who cannot, must make an effort to prepare to do so, either by exposing the reality and making God's judgment on them clear or by emigration.

D. If we recall what the author said previously, that the state of the Islamic groups is revolving between impotence and weakness and that the Muslims are helpless and must be patient, emigrate, dissimulate, etc., then they need someone to assure them of safety -- and how then can they give any promise of safety to others? How can someone afraid and weak in the Abode of Non-Belief give a promise of safety to someone else?

E. I have already made it clear that seizing non-believers and dealing with them according to the interest of Muslims is a tradition from the prophet. The author ought to have established its legitimacy and then given the mujahid guidance on how to avoid the mistakes that he imagines. Wouldn't that be "guiding the jihad?" Or does he want to cancel this prophetic tradition? Even if he is not up to it, let him mention it and then explain his excuse for not fulfilling it.

F. I would remind the author that when the mujahidin followed this tradition of the prophet, they did not do so haphazardly and without guidance. They followed it to defend Muslims' lands, lives, and honor. In Jerba, Tunisia, Jewish tourists were killed to defend

²³⁶ See *al-Siyar al-Kabir* and its commentary, v. 1, p. 355 and v. 3, p. 915; also *al-Sayl al-Jarrar*, v. 4, p. 551.

Muslims in Palestine. In Bali, Indonesia, Australian tourists were killed to defend Muslims in Iraq and Afghanistan. When the Taliban kidnapped Koreans, for example, they kidnapped them because they were Christian missionaries operating under the protection of crusader bombers. When the mujahidin struck tourists, they did not strike tourists from Brazil in Finland or from Vietnam in Venezuela!

G. Finally, the mujahidin embarked on this only after many repeated warnings, so as to deprive anyone of an excuse. The Taliban in Afghanistan repeatedly warned and asked all the foreign relief agencies to leave Afghanistan.

II. Discussion of the six impediments

A. Before I discuss the six impediments to interfering with tourists, I would remind the reader of the six components previously mentioned by the author: 1) an abode of emigration and support or a safe base; 2) equivalence in number and equipment; 3) safeguarding women and children; 4) provision of support; 5) a group with which one can side; and 6) distinction of ranks. I would also remind the reader of the six prohibited things: 1) killing protected individuals on the pretext of shielding oneself; 2) sanctioning burglary and the seizure of funds; 3) treachery and breaking of promises; 4) inability to protect children; 5) serving abroad as a client or mercenary; 6) being forced to take political refuge. Then there are the six options: 1) emigration; 2) isolation; 3) forgiving; 4) turning aside; 5) patience; and 6) hiding one's faith. Then there are the lessons of history: "Popular movements, including Islamic ones, have never changed the regime in Egypt throughout history." If you come out of the components, you fall into the prohibited things; and if you emerge unscathed from the prohibited things, the options grab you; and if you escape from the options, the impediments prevent you; and if you get by the impediments, it's into the abyss of despair, and so there is no hope for change. After that, dear reader, it is not just jihad about which you need not speak to me, but about any Islamic or popular activity -- and that's the end of the matter.

The spider has woven her web around you,
and with it has done away with the revealed book for you. [end of poetry]

What then is required?

Leave noble deeds; do not go off seeking them.
Sit still, for you are the taster and clother. [end of poetry]

It is an intelligence agency plot that leaves no breathing space for anyone who desires jihad. The author of the document with this plot is not a guide to jihad action, but a stifler of it, with a number of grave-diggers in his service.

1. The author of the document says: "There might be Muslims among them, and wrongful intentional killing of a Muslim is a great sin, one of the seven deadly ones. God says: 'And whoso slays a believer willfully, his recompense is Gehenna, therein dwelling

forever, and God will be wroth with him and will curse him, and prepare for him a mighty chastisement' [Koranic verse; Al-Nisa' 4:93]."

I say:

a. There is no doubt that a Muslim's blood is protected everywhere, whether in the Abode of Islam or in the Abode of Non-Belief -- and not only the blood of a Muslim, but the blood of all whose killing the Shari'ah forbids. The mujahidin must investigate carefully before undertaking any kidnapping.

b. If a Muslim is killed by mistake in one of these operations, his killing is not called intentional, and the verse that the author cited is not to be used as an argument against him. Rather, one uses the verse that precedes it: 'It belongs not to a believer to slay a believer, except it be by error...' [Koranic verse; Al-Nisa' 4:92]. This is one of the ABC's of jurisprudence that the author ignores. Indeed, the writer ignores the fact that the mujahidin only undertook their jihad to defend Muslims, not to kill Muslims. Therefore, if an error takes place at their hands -- and errors usually happen in all battles -- they regret it and accept the verdict of the Shari'ah regarding it. We have already explained what the scholars have said about the duty of someone who kills a Muslim while shooting at non-believers. We did this at the end of the Chapter Eight in a way that makes repetition unnecessary.

2. The writer then speaks about the disappearance of the Abode of Islam and the fact that people are no longer distinguished from each other. He says:

"Of old, people were distinguished: Muslims were in the Abode of Islam (*Dar al-Islam*), and the protected minorities (*ahl al-dhimmah*) in the Abode of Islam were distinguished in appearance from the Muslims. None of this exists today. Predominant for people today is ignorance of the situation, especially with the absence of an Abode of Islam to receive the emigration of those who convert to Islam in the countries of non-believers and inability to require non-believers to wear different clothing to mark them in appearance, due essentially to the inability to establish Islamic government. Muslims have come to be spread through most countries of the world, indistinguishable from others. This shows that it is a mistake to consider a person's nationality, language, skin color, or the appearance of his clothing proof of his Islam or of his non-belief or an indication of the permissibility of killing him. It is difficult for them to distinguish, and impossible for us. It is our duty to be sure. A Muslim is protected by his Islam, wherever he may be, and doubt exists. We read in the *Sahih* that the prophet (may God bless him and grant him peace) said: 'Whoever guards himself from doubtful matters has gone to great lengths to search out his religion and his honor. Whoever falls into doubtful matters has fallen into the forbidden.' When it is impossible to distinguish, one must abstain from everything that is doubtful."

I say:

a. I mentioned in Chapter Four that the Muslims launched a raid on the Banu al-Kadid and seized Ibn al-Barsa' al-Laythi despite his being a Muslim. The Muslims bound him, but reassured him that if he was a Muslim a day's shackling would not harm him. Thus, doubt about whether a captive or kidnap victim is a Muslim or not is not a new situation; it happened in the age of the prophet. It has relevance for the point at issue. In the version of the Hadith recorded by the Imam Ahmad [Ibn Hanbal] (may God have mercy on him), we read the following on the authority of Jundub Ibn Makith:

"The messenger of God sent out Ghalib Ibn Abdallah al-Kalbi (of the Kalb subdivision of Layth) against the Banu Mulawwih in al-Kadid and commanded him to raid them. Ghalib set out; I was in his raiding party. We traveled on until, when we were at Qudayd, we encountered al-Harith Ibn Malik, known as Ibn al-Barsa' al-Laythi. We took him, but he said, 'I came only to become a Muslim.' Ghalib Ibn Abdallah said, 'If you have indeed come as a Muslim, it will not harm you to be bound for a day and a night; if you have come for another purpose, we shall thereby be safe from you.' So he secured him with a rope and left a black man who was with us in charge of him, saying, 'Stay with him until we pass by you. If he gives you trouble, cut off his head.'

"We gave them time until their herds had come back from pasture in the evening. After they had milked the camels, set them to rest by the watering trough, and had stopped moving around, after the first part of the night had passed, we launched the raid on them. We killed some of them and drove away the camels."²³⁷

Concerning the lessons to be derived from this Hadith, al-Khattabi (may God have mercy on him) says:

"The Hadith shows that it is permissible to secure a captive with a rope, yoke, fetter, or the like, if there is fear that he will escape or one fears violence from him if he is left unbound."²³⁸

One learns from this noble Hadith:

(1) If the mujahidin today attack a group of belligerent non-believers and take a captive, and he asserts that he is a Muslim, they may bind him until they are sure about him. They may set a guard over him and command the guard to kill him if he tries to escape. Uncertainty about people and the fact that Muslims may be mixed with the non-believers do not halt jihad.

(2) One also learns from the Hadith that it is permissible to launch the raid on the belligerent non-believers after they have gone to rest and part of the night has passed. These are conditions under which belligerents who may be killed become mixed with women and children who may not be killed intentionally and cannot be distinguished. Nevertheless, the jihad did not stop. I have already explained this in detail in Chapter Nine: "Night Warfare and Fighting By Means That Cause General Destruction."

²³⁷ Ahmad Ibn Hanbal, *Musnad*, v. 31, p. 489.

²³⁸ Al-Khattabi, *Awn al-Ma'bud*, v. 6, p. 113.

The matter is one of jihad and of defending the creed and sanctities of Muslims; so resolution in it is needed along with justice.

b. I have already said when discussing human shields and fighting by means that cause general destruction that one cannot be sure whether targeted sites might contain Muslims whom it is not permissible to kill. Nevertheless, the great majority of scholars allow shooting at them, as has been explained already. Later scholars include artillery by analogy. They never said that the shooting should be hated because of such a doubt; on the contrary, they explicitly said otherwise.

Abu Bakr al-Jassas (may God have mercy on him) said:

"Scholars of the prophet's biography have transmitted that the prophet (may God bless him and grant him peace) besieged the people of al-Ta'if and bombarded them by catapult, although he had prohibited the killing of women and children. He knew that he might hit them, although it was not permissible to kill them intentionally. This shows that the presence of Muslims among the belligerents does not prevent their being bombarded, since the intention was to hit the non-believers to the exclusion of the Muslims.

"Al-Zuhri related from Ubaydallah Ibn Abdallah, who related from Ibn Abbas, who related from al-Sa'b Ibn Jaththamah, who said: 'The prophet (may God bless him and grant him peace) was asked about the polytheist tribesmen who were being attacked by night and some of whose children and women were being hit. He said that the latter were of them.'

"The prophet (may God bless him and grant him peace) once sent Usama bin Zayd and said to him, 'Attack Ubna²³⁹ in the morning and burn it.' He used to order the expeditions to wait for those they were attacking and to refrain from them if they gave the call to prayer; if they heard no call, they were to attack. The well guided caliphs continued this policy."

"As everyone knows, whoever attacks such people cannot help hitting their children and women whom it is forbidden to kill. Similarly, if there are Muslims among them, that must not prevent the launching of an attack on them and shooting them with arrows and other things, even if there is fear of hitting a Muslim."²⁴⁰

Al-Shafi'i (may God have mercy on him) said:

"Someone might object, saying, 'How have you permitted bombardment by catapult and fire of a group of non-believers among whom there are children and women that it is

²³⁹ Ubna (so vocalized) is a place in Palestine between Ascalon and al-Ramlah. See *Awn al-Ma'bud*, v. 7, p. 197.

²⁴⁰ Abu Bakr Ahmad al-Razi al-Jassas, *Ahkam al-Qur'an*, Commentary on Surat al-Fath, Chapter, "Shooting at Polytheists While Knowing that There Are Muslim Children and Captives Among Them," v. 3, p. 395-396.

prohibited to kill?' The answer is that we have permitted it in the way we have described and because the prophet (may God bless him and grant him peace) launched an attack on the Banu al-Mustaliq, taking them by surprise, and ordering a night attack and burning, knowing all the while that there were children and women among them. The principle was that the tribe was a tribe of polytheism and not forbidden.

"He only forbade intentionally killing women and children, when their killer knows them individually. This is because of the report from the prophet (may God bless him and grant him peace) and that the prophet took them captive and made them property. This has been written previously. If there are Muslim captives or merchants with safe-conduct among the tribe, I dislike exposing them to the general burning and drowning, but I do not clearly forbid it. This is because if the tribe is permissible, it is not clear that it becomes prohibited by there being a Muslim whose blood is forbidden in it. I only dislike it as a precaution and because it is permitted to us, were there no Muslim in it, to pass it by and not fight it; and if we fight it, we fight it by means that are not all-encompassing, such as burning and drowning. However, if the Muslims or some of them are in close combat and they think that they can harm those fighting them by drowning or burning them, I think that they should do it and do not dislike it for them. That is because they receive two rewards: one for defending themselves, the other for harming their enemy."²⁴¹

Ibn Qudamah (may God have mercy on him) said:

"(7577) Chapter: If in war they use their women and children as shields, it is permissible to shoot at them, and he should aim at the fighters. This is because the prophet (may God bless him and grant him peace) shot at them with the catapult when there were women and children with them. It is also because the Muslim's abstaining from them would lead to the halting of jihad; for when the enemy found out, they would take them as shields whenever they were afraid, and so jihad would halt."²⁴²

Ibn Qudamah also said:

"Chapter: If they take a Muslim as a shield and necessity does not call for shooting at them due to the war's not being ongoing, or because they can be overcome without it, or because one feels safe from their evil, it is not permissible to shoot at them; and so if he shoots at them and hits a Muslim, he bears liability for him. However, if necessity calls for shooting at them because of fear for the Muslims, shooting at them is permissible because it is a case of necessity and the non-believers are targeted. If there is no fear for the Muslims, but the enemy can be overcome only by shooting, al-Awza'i and al-Layth say that shooting at them is not permissible, on the basis of the Koranic verse: 'If it had not been for certain men believers and certain women believers whom you knew not, lest you should trample them, and there befall you guilt unwittingly on their account' [Koranic verse; Al-Fath 48:25]. Al-Layth said that abstaining from the conquest of a fort that could be conquered was better than wrongly killing a Muslim. Al-Awza'i said: 'How

²⁴¹ Al-Shafi'i, *Kitab al-Umm*, v. 4, p. 244.

²⁴² Ibn Qudamah al-Maqdisi, *al-Mughni*, v. 4, p. 449.

are they to shoot when they do not see? They would only be shooting at the children of Muslims.' Al-Qadi and al-Shafi'i said that they may be shot at when the war is ongoing, because not doing so would lead to halting jihad."²⁴³

The Imam al-Shirazi (may God have mercy on him) said:

"Chapter: If he erects a catapult against them or attacks them by night when there are women and children among them, this is permissible on the basis of what Ali (may God honor him) transmitted: that the prophet (may God bless him and grant him peace) erected a catapult against the people of al-Ta'if although the city was not devoid of women and children. Also, al-Sa'b Ibn Jaththamah related: 'I asked the prophet (may God bless him and grant him peace) about the children of non-believers who are attacked by night and their women and children are hit. He said the latter were of them.' This is because the non-believers are not devoid of women and children, and if we abstained from shooting at them for the sake of the women and children, jihad would cease."²⁴⁴

The Imam al-Kasani (may God have mercy on him) said:

"There is nothing wrong with cutting down their fruit trees and other trees and ruining their crops, based on the Koranic verse: 'Whatever palm-tress you cut down, or left standing upon their roots, that was by God's leave, and that He might degrade the ungodly' [Koranic verse; Al-Hashr 59:5]. At the beginning of the verse, God gives permission to cut down the palm trees; at the end of it He indicates that this is to crush and demoralize the enemy -- 'that He might degrade the ungodly.'

"There is nothing wrong with burning their forts with fire or drowning them with water, with destroying them and razing them on top of them, or with erecting a catapult against them. God has said, 'As they destroyed their houses with their own hands, and the hands of the believers' [Koranic verse; Al-Hashr 59:2]. All of this falls under the heading of fighting, because of the compulsion, crushing, and demoralization in it. The inviolability of property derives from the inviolability of its owners; when the owners have no inviolability and can be killed, how much more so their property! There is nothing wrong with shooting them with arrows, even if Muslim prisoners and merchants are known to be among them, due to necessity; for rarely are the forts of non-believers devoid of Muslim captives or merchants. Giving consideration to them would lead to closing the door of jihad. However, in all this one targets the non-believers, not the Muslims, because there is no necessity for intending to kill Muslims wrongfully.

"Likewise, if they use Muslim children as human shields, there is nothing wrong with shooting at them, because of the necessity of carrying out one's religious duty, but one aims at the non-believers, rather than the children. If they shoot at them and a Muslim is hit, there is neither blood money nor expiation."²⁴⁵

²⁴³ Ibn Qudamah al-Maqdisi, *al-Mughni*, v. 4, p. 450-451.

²⁴⁴ Al-Shirazi, *al-Muhadhdhab*, v. 2, p. 234.

²⁴⁵ Al-Kasani, *Bada'i' and Sana'i' fi Tartib al-Shara'i'*, v. 15, pp. 281-282.

Ibn Taymiyyah (may God have mercy on him) says: "The scholars agree that if the infidel army uses its Muslim captives as human shields, and the Muslims are in danger if they do not fight, they fight even if that leads to the killing of the Muslims being used as shields. If there is no danger for the Muslims, there are two well-known positions taken by scholars on the permissibility of fighting that leads to the killing of these Muslims. When such Muslims are killed, they are martyrs; and one does not desist from duty of jihad on account of those who are killed as martyrs. When Muslims fight non-believers, any Muslim who is killed is a martyr. Anyone undeserving of death killed while in the womb for the sake of the welfare of Islam is a martyr. It is established in the two *Sahih* books that the prophet (may God bless him and grant him peace) said: 'An army of men will attack this house, and lo, while they are in the desert, the ground will swallow them up.' Someone asked, 'Messenger of God, there might be forced conscripts among them!' He replied, 'They will be resurrected according to their intentions.' If God causes the chastisement that He inflicts on the army attacking the Muslims to fall on the forced conscript, how much more so with regard to the chastisement whereby God chastises them at the hands of the believers! As God has said: 'Say: 'Are you awaiting for aught to come to us but one of the two rewards most fair? We are awaiting in your case too, for God to visit you with chastisement from Him, or at our hands' [Koranic verse; Al-Tawbah 9:52]."²⁴⁶

c. The chance of killing someone who may not be killed is less in kidnappings than in shooting at non-believers, because kidnap victims usually do not resist. Any kidnap victim who claims to be a Muslim or to harbor no hostility to Muslims, or to support them, or any other excuse, can be investigated and verified, as in the Hadith of Jundab Ibn Makith (may God be pleased with him) that we have just cited.

d. I want to comment here on the author's phrase, "It is a mistake to consider a person's nationality (affiliation with a certain country), language, skin color, or the appearance of his clothing proof of his Islam or of his non-belief or an indication of the permissibility of killing him." I say:

(1) I would remind the author of what he said about political asylum when he discussed the forbidden things into which those who have clashed with governments have fallen:

"Some may be forced to seek political asylum in foreign countries (countries of original non-believers) and thus voluntarily to fall under the rule and laws of non-believers.... The early jurists (*fuqaha' al-salaf*) warned of this. They said that any Muslim who enters the Abode of War (infidel territory) for some purpose should not decide to reside there, since thereby he would be voluntarily consenting to the application of the non-believers' laws to him and thus apostatizing from Islam." Therefore, this description applies to any Muslim who voluntarily, without compulsion, and not being a refugee holds infidel nationality.

²⁴⁶ Ibn Taymiyyah, *Majmu' al-Fatawa*, v. 28, pp 546-547.

(2) I have already made it clear in discussing visas and safe-conducts that the members of a state hostile to Muslims, such as America, are a single juridical entity. They represent a resisting, belligerent group hostile to Muslims. Morally they are like a single person.

(3) This is supported by the fact that the acquisition of citizenship in any state by naturalization requires agreement to obey its laws. Some countries, such as America and Britain, even require the person being naturalized to swear loyalty to the constitution and laws of the state; and this is an obvious act of non-belief.

Shaykh Hamud al-Uqla (may God have mercy on him) was asked regarding a group of Libyans forced to take political asylum in Britain, whether it was lawful for someone forced and compelled to do so, and whether they might take an oath. He issued a fatwa to them in which he said:

"To the Libyan brothers, may God preserve them:

"Peace be upon you, and God's mercy and blessings. To proceed:

"I have read your long letter addressed to us in which you speak of your condition and of the prosecution, persecution, and danger you were suffering in your country and not in other countries; and how you might be forced to take British nationality in order to be safe in those countries and in other countries where you would be safe from harm as holders of British nationality. You ask for a legal ruling on the subject. You also added as a postscript to your letter a number of other questions to which you seek an answer.

"Asking for God's assistance, we say that given the situation you have mention, it is permissible to apply for British nationality on the basis of your situation and what you have mentioned in the question. The following evidence supports this:

"Based on the aforementioned evidence, it is clear that people like you are permitted to hold British nationality, provided that you hate them and their religion and do not befriend them, while practicing your religion as much as you can.

"As for the oath or promise upon taking the aforementioned nationality, as long as they give you a choice between an oath and a promise and you have an alternative to the oath, you make the promise, but in your hearts you harbor faith in God along with hatred for them.

"As for what you mentioned about signing or swearing before the lawyer, there is no need for that."

Thus, he advised them that it was permissible to obtain that nationality because they were forced, but that they should harbor hatred in their hearts and content themselves with the least possible expression of loyalty, by promising, not swearing.

I say: The source from which Shaykh Hamud al-Uqla (may God have mercy on him) drew was God's word: "Whoso disbelieves in God, after he has believed -- excepting him who has been compelled, and his heart is still at rest in his belief -- but whosoever's breast is expanded in non-belief, upon them shall rest anger from God, and there awaits them a mighty chastisement" [Koranic verse; Al-Nahl 16:106]. Because these Libyans were forced, it was permissible for them to perform an act that outwardly was non-belief, namely to take up British citizenship, with all that it entails in the way of swearing allegiance to British laws. It becomes clear from this that citizenship is not the specification of a *country* as the author claims; it is an indication of affiliation with a *state*. These Libyans are not English; they are Libyans under the protection of the British government and under obedience to its laws.

The prophet (may God bless him and grant him peace) gave the same treatment to his uncle al-Abbas and the other polytheist prisoners taken at the Battle of Badr, although he had been a Muslim in Mecca and they had forced him to go out [with the expedition]. Ibn Taymiyyah (may God have mercy on him) said:

"When he was captured at the Battle of Badr, al-Abbas said, 'Messenger of God, I went out under compulsion.' The prophet (may God bless him and grant him peace) said, 'Outwardly you were against us; as for what you had in your heart, I leave it to God!'"²⁴⁷

God sent down concerning them a Koranic text that will be recited until the day of resurrection. God says: "And those the angels take, while still they are wronging themselves -- the angels will say, 'In what circumstances were you?' They will say, 'We were abased in the earth.' The angels will say, 'But was not God's earth wide, so that you might have emigrated in it?' Such men, their refuge shall be Gehenna -- an evil homecoming! -- except the men, women, and children who, being abased, can devise nothing and are not guided to a way; haply them God will yet pardon, for God is All-pardoning, All-forgiving" [Koranic text; Al-Nisa' 4:97-99].

Ibn Hazm (may God have mercy on him) was asked about doing business in the land of war. He said:

"1568. Question: If the Muslim traders, when they enter the land of war, are humiliated there and the non-believers' ordinances apply to them, commerce to the land of war is a sin and they are to be forbidden engage in it. Otherwise, we merely disapprove of it. Selling to them is permissible, except for anything by which they strengthen themselves against Muslims, such as riding animals, weapons, iron, or the like; in principle, nothing of the sort may be sold to them. God has said: 'So do not faint and call for peace; you shall be the upper ones' [Koranic verse; Muhammad 47:35]. Entering among them in such wise that their ordinances apply to the person who enters is fainting, abasement, and calling for peace -- all of which are forbidden. God has said: 'Do not help each other to sin and enmity' [Koranic verse; Al-Ma'idah 5:2]. Strengthening them by selling and other

²⁴⁷ Ibn Taymiyyah, *Majmu' al-Fatawa*, v. 6, p. 427.

things whereby they become strong against Muslims is forbidden. Whoever does this is to be punished or imprisoned for a long time."²⁴⁸

Ibn Hazm (may God have mercy on him) was asked about anyone who goes voluntarily to the land of war. He said:

"If he is there fighting the Muslims and aiding the non-believers with service or as a secretary, he is an non-believer. If he is living there only to earn his living, and is like a protected alien (*dhimmi*) among them, and is able to rejoin the mass of Muslims and their land, it is not far from non-belief. We do not see any justification for him, and we ask God for strength."²⁴⁹

Ibn Taymiyyah had this to say about anyone who flees from the Muslims to the Tartars:

"Any army commander or other person who goes over to them has the same legal status as they; they are as much apostates from the laws of Islam as he is."²⁵⁰

The Moroccan Imam al-Wansharisi (may God have mercy on him), who died in 880 Hijri, wrote an excellent fatwa entitled *Asna al-Matajir fi Bayan Man Ghalaba ala Watanihi al-Nasara wa Lam Yuhajir wa Ma Yatarattabu Alayhi min al-Uqubat wa al-Zawajir* ("The Most Sublime Transaction: A Clarification of [the Legal Status] of Anyone Whose Homeland Has Been Conquered by the Christians and Who Did Not Emigrate, and the Punishments and Curbs That Ensur for Him"). He was asked about the Muslims of Andalusia who emigrated to Morocco after Andalusia fell into Christian hands and who, having taken an aversion to living in Morocco, wished to return to Andalusia because of its worldly advantages. Among the things said in the request for a fatwa submitted to him was the following:

"Praise be to God alone! We ask your response, sir -- may God be pleased with you and give the Muslims pleasure through your life -- about a sad turn of events. It is that some of the Andalusians who emigrated from Andalusia, leaving homes, lands, orchards, vineyards, and other kinds of landed property and spending in addition large sums of cash for the purpose, departing from under infidel rule, claimed that they were fleeing to God to save their faith, their lives, their wives, and their children and whatever wealth remained in their hands or in the hands of some of them. They settled -- praise God -- in the Abode of Islam under obedience to God, His messenger, and the rule of a Muslim authority. However, having arrived in the Abode of Islam, they regretted having emigrated and became dissatisfied. They claimed that they found conditions difficult for them and that they had not found in the Abode of Islam -- namely the land of Morocco, may God protect it, defend its land, and aid its sultan -- kindness, prosperity, or support in their search for a livelihood."²⁵¹

²⁴⁸ Ibn Hazm, *Kitab al-Muhalla*, v. 9, p. 65.

²⁴⁹ Ibn Hazm, *Kitab al-Muhalla*, v. 11, p. 200.

²⁵⁰ Ibn Taymiyyah, *Majmu' al-Fatawa*, v. 6, p. 426.

²⁵¹ Al-Wansharisi, *Asna al-Matajir*, p. 8.

Al-Wansharisi wrote the following, among other things, in his reply:

"If this has happened, no leave at all to return or not emigrate is to be given to anyone whom you have mentioned. He is not to be excused, no matter whether he accomplishes it by great hardship or subtle device. Whenever he finds a way to free himself from the noose of the infidels and finds no kin to defend him and protectors to pity him, and he consents to remain in a place where the faith is being oppressed and Muslim rites are forbidden to be practiced openly, he is a renegade from the faith and has joined the community of the infidels. One's duty is to flee from an abode that has been conquered by people of polytheism and loss to an abode of safety and faith. When they try to excuse themselves, one should reply to them, 'But was not God's earth wide, so that you might have emigrated in it?' In other words, to wherever an emigrant turns, even if he is weak, he will find God's earth wide and extensive. There is no excuse for anyone who is able, be it the difficulty of doing or contriving it, or difficulty of earning one's living, or constrained circumstances. The only one who has an excuse is some one abased and utterly unable, who can find no device or way at all."²⁵²

Al-Wansharisi also says:

"A fondness for friendship with infidels, dwelling with Christians, a decision to reject emigration and to trust non-believers, consent to pay them poll-tax, cast off one's Islamic honor, one's obedience to God, and one's allegiance to one's sultan, and to consent to open Christian authority over Islam and the dishonoring of the faith: these things are a great, deadly, and back-breaking sin, almost non-belief. One takes refuge in God!"

The Imam Abu Abdallah al-Mazari (may God have mercy on him) was asked in his time about legal rulings from Sicily from its judge or his assistants, whether one should accept them or not, it not being known whether their residence there under non-believers was forced or voluntary.

He replied: "Two factors impair: the first includes the judge and his documents with regard to trustworthiness, since it is not permitted to reside in the Abode of War under the leadership of people of non-belief.

"If someone is forced to reside in a land of war, there is no doubt that this does not impair his legal trustworthiness. Likewise, if his explanation is sound -- for example, his residence in the land of people of war was from hope of guiding or moving the people of war from a certain error. Al-Baqillani indicated this, as did the companions of Malik, in permitting entry to free a captive. However, if he resides there out of paganism and voluntarily turning away from explanation, this impairs his trustworthiness.

"These are the judgments that apply to them in this world. As for the judgment that will be passed in the next world on those who spent their lives and passed their old age and youth in living with and befriending them, did not emigrate, or emigrated and then returned to the country of non-belief, and intentionally committed a great sin until the

²⁵² Al-Wansharisi, *Asna al-Matajir*, p. 8.

time of their death -- one takes refuge in God! However, on the basis of their true religion, they will not dwell eternally in torment. The torment of people who commit great sins will end and they will be freed by the intercession of our master, prophet, and protector Muhammad, the elect and chosen one, as mentioned in sound traditions. The proof of this is what God has said: 'God forgives not that aught should be with Him associated; less than that He forgives to whomever He will' [Koranic verse; Al-Nisa' 4:48]. And: 'Say: 'O my people who have been prodigal against yourselves, do not despair of God's mercy; surely God forgives sins altogether; surely He is the All-forgiving, the All-compassionate" [Koranic verse; Al-Zumar 39:53]. And: 'Thy Lord is forgiving to men, for all their evil-doing' [Koranic verse; Al-Ra'd 13:6]. The following texts, however, are very strong against them. 'Whoso of you makes them his friends is one of them' [Koranic verse; Al-Ma'idah 5:51]. And the words of the prophet: 'I am quit of every Muslim who resides among the polytheists.' And his words: 'Whoever dwells with them or combines with them is one of them.' The words of the man of feeble mind and religion that you have mentioned, 'Let him emigrate hither!' in a tone of scorn and mockery, and the words of the other fool that if the ruler of Castille crosses over to here, we would go to him, and so forth -- his disgusting words and disgraceful expression -- the ugliness of expression in the words of each of them is not hidden to your excellency, nor is the meanness and repugnancy of each of them hidden. No one would utter or countenance such sayings except someone whose soul has become foolish and who has lost -- one takes refuge in God -- his sense, one who would abolish that whose transmission and meaning are sound, that which no one has disagreed about banning in all the inhabited Islamic world from the rising of the sun to its setting -- and all for corrupt purposes that in the view of the law have neither head nor tail, fantastic purposes that could only issue from a heart possessed by the devil, so that he has made it forget the sweetness of faith and the countries in which it can be found. Whoever commits these things and becomes entangled in them has hastened short-term and long-term shame to his vile self. Except that he is equal²⁵³ in his disobedience, sin, enmity, hatred, loathsomeness, remoteness, deficiency, and worthiness of the greatest ignominiousness and reprehensibility to someone who completely abstains from leaving through befriending the enemies and living among strangers. For the limit of what has issued from these two vile men is a decision; which is a resolving and preparing the mind for action, but they have not acted."²⁵⁴

Shaykh Abdallah Ibn Abd-al-Bari al-Ahdal al-Yamani (died 1271/1854) was asked:

"Question: Some people in Islamic lands claim that they are subjects of the Christians. They consent to this and take pride in it. What do you say about their faith? Among the things they do is to use banners like those of the Christians -- they call them flags -- for their ships to announce that they are their subjects."

Part of his reply:

"If the people you have mentioned are merely ignorant and believe in the loftiness of the religion of Islam, its superiority to all religions, that its precepts are the straightest of

²⁵³ Perhaps the reading must be corrected to "he is not equal," in order to make sense.

²⁵⁴ Al-Wansharisi, *Asna al-Matajir*, pp. 15-17.

precepts, and furthermore in their hearts there is no glorification of non-belief and its rulers, they remain within the precepts of Islam. However, they are degenerates who are committing a great calamity. They must be reprimanded for it, disciplined, and punished. If they are learned in the precepts of Islam and such deeds nevertheless issued from them, they should be asked to repent. If they turn back from such things and repent to God, well and good; if not, they are renegades. If they believe in glorifying non-belief, they have apostatized, and the precepts of the law concerning apostates apply to them.

"The plain sense of the verses of the Koran and of the Hadith of the prophet is that such people have no faith. God has said: 'God is the Protector of the believers; He brings them forth from the shadows into the light. And the non-believers -- their protectors are idols, that bring them forth from the light into the shadows' [Koranic verse; Al-Baqarah 2:257]. The verse implies that there are two divisions of people: those who believe, and their protector is God and no one else; they have no master except God and His messenger. 'God is our protector, and you have no protector.' Then there are those who disbelieve, and their protectors are the idols. There is nothing in between. Whoever takes idols as a protector rather than God has clearly lost and has committed an enormous calamity. There is only the friend of God and the friend of idols. The two have absolutely nothing in common, as the verse implies. God has also said: 'But no, by thy Lord! they will not believe till they make thee the judge regarding the disagreement between them, then they shall find in themselves no impediment touching thy verdict, but shall surrender in full submission' [Koranic verse; Al-Nisa' 4:65]. God has ruled that we should not take non-believers as friends at all. Anyone who goes against what He has ruled, how does he have faith? God has denied his faith and has coupled the denial with the most eloquent sort of oath. So learn from this."²⁵⁵

Shaykh Abu Abdallah Ahmad Ibn Muhammad, known as Shaykh Alish (died 1299/1881), was asked about remaining in the midst of non-believers if they take control of Muslim countries and abstaining from emigration. He gave a lengthy answer. He said, among other things:

"Such friendship with polytheists did not exist in the early days and golden age of Islam. According to what people say, it happened only after hundreds of years had passed and after the imams of Islam qualified to make independent judgment on questions of law had died out. None of them therefore was subjected to the legal precepts concerning it. Such friendship with Christians only emerged in the fifth Islamic century and afterward when the accursed Christians -- may God destroy them -- took over the island of Sicily and some of the provinces of Al-Andalus. One jurist was asked about it. People asked him for the legal precepts applying to those who commit such action. He replied that their status accords with that of those who accepted Islam but did not emigrate --I say, he meant in non-belief. They joined those about whom the question was asked and about whose status nothing had been said with them. The two groups were treated as equal in terms of legal

²⁵⁵ Abdallah Ibn Abd-al-Bari al-Ahdal al-Yamani, *Al-Sayf al-Battar ala Man Yuwali al-Kuffar wa Yattakhidhum min Dun Allah wa Rasulihi wa al-Mu'minin Ansar*. ("The Trenchant Sword Against Anyone Who Befriends Non-believers and Takes Them as Helpers, Rather than God, His Messenger, and the Believers")

precepts relating to their property and children. They saw no difference in them between the two groups. That was because they were virtually equal in befriending enemies, living with them, mixing with them, associating with them, not separating from them, and abstaining from the duty of emigration. So they (may God be pleased with them) joined the rules applying to the two groups."²⁵⁶

In his day, Shaykh Muhammad Rashid Rida, issued a long fatwa prohibiting the acquisition of French citizenship and the like during the French occupation of Tunisia. Having established that such citizenship was apostasy from Islam, he said:

"By acquiring such citizenship, he agrees to give his money and his life to fighting Muslims if his country calls on him to do so; and it certainly will do so when there is need. The question involves many legal precepts about which there is agreement and known to be a necessary part of the Islamic religion. One who acquires such citizenship considers it permissible to violate these precepts, and doing so is universally agreed to be non-belief."²⁵⁷

From all these proof it becomes clear that the voluntary acquisition of citizenship is an indication of a person's becoming part of a country and his consent to come under its laws by choice. If this country wages war on Muslims and is hostile to them, he becomes one of the class of recalcitrant people who make war on Muslims and are hostile to them.

Shaykh Nasir al-Fahd (may God release him from captivity) has said important things relevant to this essay of ours in a fatwa by him on waging jihad on the Americans outside of Iraq. I quote the text of his fatwa here:

Peace be upon you, and God's mercy and blessings.

To proceed:

I have read the second part of your book, *Al-Tabyin fi Kufri Man A'ana al-Amrikan* ["Clarification of the Non-Belief of Anyone Who Helps the Americans"], which is entitled *Al-Hamlah al-Salibiyah fi Marhalatih al-Thaniyah: Harb al-Iraq* ["The Crusader Campaign in Its Second Phase: the Iraq War"], and have profited from the legal precepts you mention related to the subject of this campaign, such as the precept about helping America, the precept about helping the Iraqi government, and the precept about helping the Muslim people in Iraq.

However, there was something that was not mentioned, despite its importance: What is the legal ruling on waging jihad against the Americans and fighting them outside Iraq, such as tracking down and striking at their interests in various countries of the world? Can this be considered jihad? Are they protected by covenant in countries other than the ones in which they are fighting? Do the words of the prophet apply to them, that whoever kills someone protected by covenant will never smell the odor of paradise? If we say that

²⁵⁶ Shaykh Alish, *Fath al-Ali al-Malik*, 1/375 ff.

²⁵⁷ Muhammad Rashid Rida, *al-Manar*, 33/226-227.

they are not protected by a covenant, but that evils will ensue from killing them, is killing them legal?

May God reward you well.

Reply:

And upon you be peace and God's mercy and blessings.

To proceed:

There is no doubt that the greatest enemy of Islam and Muslims at this time is the Americans. If we wanted to pursue their crimes against Islam and its people in recent times, it would take us a long time. They have killed whole nations of Muslims, so that their victims only in Iraq and Afghanistan number in the millions. On other nations they have imposed boycotts. They have uprooted nations, brainwashed nations, plundered the resources of Muslims, occupied much of their land, and imposed dictators on peoples. They have done to the nation what none of its enemies did in days of old or in modern times.

Lo, we see them firing thousands of missiles and tons of bombs on the heads of Muslims everywhere. They do not distinguish between children, the elderly, or women! Why should they distinguish? Muslims to them are nothing but a swarm of insects of which the world needs to be rid!

So jihad against these accursed ones and pursuing and killing them wherever they stay is one of the greatest duties and most pleasing acts to God. They have corrupted countries, killed many people, and waged war on Muslims everywhere. Therefore there is no doubt that they are the undisputed leaders of non-belief in this age. As God has said: "Then fight the leaders of non-belief; they have no sacred oaths" [Koranic verse; Al-Tawbah 9:12]. If I had 10 arrows, I would shoot them with all of them, and would shoot no one but them.

I swear to God, if the opportunity arose for me to carry out a martyrdom mission against them, I would not hesitate for a moment.

If God granted from the nation of a billion only a thousand martyrs to crush their foundations and interests everywhere, they would defeat them and render them humiliated and feeble.

Oh what shame! Shall these pharaohs enslave Muslims and subject them to horrendous torture everywhere and find no one to deter them? Nay, they find protection from the dictators and their cohorts.

How true did the judge Abu Sa'd al-Harawi (may God have mercy on him) speak after Jerusalem fell into the hands of the crusaders:

I see my nation not pointing at the enemy
their spears, and the faith weak in its pillars.

You avoid fire for fear of destruction,
but you take no account of the irrevocable blow of shame.

Will the lords of the Arabs agree to insult,
and the knights of the Persians overlook humiliation?

Since they have not defended the faith with fervor,
would that they had been sparing in their zeal for things forbidden. [end of poetry]

Know, my dear brother, that the plausible argument of those who forbid fighting and killing them other than in the countries where they are fighting hinges on two points:

First, the plausible argument of a covenant. They say that they have a covenant and that whoever kills someone possessing a covenant will never smell the odor of paradise, as stated in the Hadith.

Second, the plausible argument of benefits and damages. They say that fighting them will bring down on the nation trials that it cannot bear.

It can be said in reply:

As for the covenant:

No, by God! there is no covenant between us and them. In fact, they are belligerents wherever they live and stay, even if they take hold of the curtains of the Kaaba. The treaty that governments have made with these crusaders is not legal. It is based on the idolatrous charters of the United Nations. It was made by classes that do not regard God in their works and whose only interest is in keeping their seats and thrones. Even if the treaty were legal, its violations number not in the tens, but in the hundreds. They range from their fighting us because of religion and proclamation of the crusade, to their expelling Muslims from their lands, backing their expulsion, their breaking of many covenants, their interference in the affairs of Islamic law, their help to the enemies of Islam everywhere, their pursuit, killing, or capturing the mujahidin of the world, their plundering of the resources of Muslims, and other things one-tenth of which would be enough to invalidate their covenant, if it were legal.

If the prophet (may God bless him and grant him peace) canceled the treaty between himself and Quraysh when Quraysh secretly aided the tribe of Bakr against the tribe of Khuza'ah just once, what of the countless and innumerable deeds of America at this time?

It is not a legally valid treaty to welcome the crusaders and give them safe-conduct to strike Muslims wherever they wish.

I have detailed -- praise be to God -- the transmitted evidence that proves that there is no treaty between us and these crusaders and that between us and them there is only the sword. I have also replied to the specious arguments that have been raised on this subject in the book *Nashr al-Bunud*, and I shall publish it shortly, God willing.

As for the question of benefits and damages:

True, if the damages from an affair are greater than its benefits, it is not deemed legitimate. However, I would point to two things here:

First, the benefits and damages intended by this maxim are real and legitimate benefits and damages, not imaginary ones.

Second, the people most suited to consider the benefits and damages are the mujahidin, not those who abstain who don't know how to carry a gun!

This is what is convenient to include in this brief answer. I have detailed the above arguments in two books that I shall publish shortly, God willing -- if God keeps me safe from the enemies.

One of them is the book, *Nashr al-Bunud*, which has already been mentioned.

The other is the third part of the book, *Al-Tabyin fi Kufr Man A'ana al-Amrikan* ["Clarification of the Non-Belief of Anyone Who Helps the Americans"].

I ask God, the all-praised, to help Islam and its people and to destroy America and its allies. May He relieve our breasts of them and take away the wrath of our hearts. May God bless our Prophet Muhammad.²⁵⁸

[End of fatwa]

Strangely, the author in his book, *Al-Jami*, thought that a Muslim's acquiring citizenship in an infidel state could lead him to non-belief. He said:

"Residing among non-believers is one of the greatest occasions of temptation in religion. Ibn Taymiyyah spoke at length in his book, *Iqtida' al-Sirat al-Mustaqim*, explaining at length the harm of associating on intimate terms with non-believers. This, he argued, would lead to becoming like them and acquiring their character outwardly and inwardly. Some scholars have declared the non-belief of anyone who decides to live in the abode of non-belief because of his voluntary consent to the power of the laws of non-belief over him. This means that he voluntarily submits judgment in his affairs to an idol. Therefore, anyone forced to travel to these countries should not decide to stay there; he should always take with him an intention to leave whenever there is an opportunity for him to do so.

²⁵⁸ Minbar al-Tawhid wa al-Jihad, folder of Nasir al-Fahd.

"Also, a certain Muslim has asked me about the question of acquiring citizenship in the countries of original non-believers. The essence of the question was that a Muslim living in their country, if he fulfills certain conditions, may to apply for citizenship, but it will not be granted to him until he swears an oath of allegiance to the state, that he will abide by its laws, promise not to harm it, and will defend it, and so forth. I answered him that such an oath is blatant non-belief and that whoever swears it without being forced has committed non-belief (*kufr*). If he promises thereby to submit his affairs voluntarily for judgment to an idol (here, the laws of non-belief) -- if he promises this, he has committed non-belief. This is different from the laws of non-belief imposed on him against his will in apostate countries. Furthermore, after acquiring citizenship, he or his sons will be obligated to serve in the army of the non-believers and to go out to fight in their wars. This renders one an non-believer, because it is fighting for idols. God has said: 'And the non-believers fight in the idols' way' [Koranic verse; Al-Nisa 4:76].²⁵⁹ In sum, this oath is a pledge of loyalty that renders one an non-believer.

"In sum, naturalization that is linked to swearing such an oath is not permissible."

Then in this document he says that nationality is nothing but an announcement of affiliation with a certain country!

I therefore asked the author in the twelfth observation on the method of the document to explain what ideas he has changed and what he has not changed from his previous writings, especially as relates to the subjects of that document.

In Chapter Seven, on the visa and safe-conduct (*aman*), I discussed in detail how a group can be treated as a single individual. Let him refer to the discussion there. I would also like to make it clear that nationality is not an announcement of affiliation with a certain *country*, as the author says. It is a sign of belong to a *state*, to a group that defends itself by force, having land, a government, a constitution, and laws that regulate the holding and acquisition of nationality.

C. The second impediment to interfering with tourists.

The author says, "The second impediment is that these foreigners may be coming to Muslim countries by invitation or by a work contract from a Muslim employer or owner of a tourist company. This undoubtedly is a valid safe-conduct (*aman*) under Islamic law. A visa from the authorities afterward changes nothing of the status of the Muslim's promise of safety to them. Breaking the promise of safety bestowed by a Muslim by subjecting the foreigners he invited to harm is a great sin that renders one immoral."

I say:

1. This invitation or contract is not to be considered a safe-conduct (*aman*), because it contains no explicit promise of safety. What is stated is that service is to be rendered in

²⁵⁹ *Al-Jami' fi Talab al-'Ilm al-Sharif*, p. 652.

return for wages. That is not an explicit, literal promise of safety, neither is it a promise of safety by custom. Custom is quite different among us and among them:

a. Among us:

(1) If an American wants to go to Egypt, he knows that he will be able to enter the country only with a visa from one of its embassies. It never occurs to him that he can enter it with a letter from a company or an individual.

(2) If this person brings a letter from a company or individual to Cairo airport without a visa, they will send him back. They will give no consideration to that letter, and may even imprison him or ridicule him.

(3) Likewise, it never enters the mind of the owner of the company or the person extending the invitation that the foreigner arriving can enter Egypt without a visa. It never enters his mind that he can object that they have been granted his promise of safety.

(4) Likewise, if this visa or the residence permit of this foreigner ends and the authorities wish to deport him, it never enters his mind, or the mind of the person who invited him, or the government that wishes to deport him, that he is under the protection of the person who invited him and that the government has authorized such protection for the person who invited him. How then can someone without such power bestow a safe-conduct, someone indeed who does not even imagine he has it?

(5) To make the matter more clear, I shall use an imaginary example that does not really occur. Let us assume that this foreigner's residence permit has come to an end and the authorities ask him to leave. Does he imagine that he can go to the owner of the tourist company with which he contracted or to the owner of the hotel where he stayed and say to him, "Put me under your promise of safety, so that they don't deport me!" Is this really imaginable? If we wallow in imagination and assume that it has happened, what will be the answer of the owner of the tourist company or the hotel? He will tell the man, "I don't know what you're talking about. I can't do it. You have to obey the authorities and the laws."

Someone may object: "This does not happen -- even in the days of the Islamic state of old -- because the imam (the state) can reject the promise of safety (*aman*) granted by certain Muslims if they gave it without right -- under threat of violence, for example -- or erred in extending safe-conduct to certain people."

The reply:

If a Muslim ruler does not know that a Muslim has extended a promise of safety to the person, and then he finds out that a Muslim has in fact extended such a promise, he must respect the Muslim's promise of safety to the non-believer, unless he judges that there is a greater benefit.

However, this is not our question. Our question is about these apostate governments, whose promises of safety the author does not recognize if they contest a Muslim's granting of a promise of safety. Does this form occur in customary usage? Can the mind even imagine it? Does it happen repeatedly, so that it can be considered custom? Or is it a question that does not come up in reality?

A tourist who comes to a tourist company or hotel does not imagine that this agency is what is protecting his life and property. He is certain that that is the province of the government. He does not imagine that this agency has the right to allow him in -- that belongs to the government. When the jurists discussed what is to be understood by a safe-conduct, they used expressions customarily understood to mean that a safe-conduct is like a barrier, that you will not be harmed during fighting; they did not use expressions of offering services on a tourist invitation, by which no protection of property or life is intended.

b. Among them:

No inhabitant of Egypt, for example, imagines that he can enter America or Britain because he has with him a letter of invitation for an individual or approval from a university without obtaining a visa. If he goes to London or New York airport with a letter saying so without a visa from the United States or United Kingdom embassy, they will send him back without an argument.

Therefore, how can what the author has mentioned be either an implied safe-conduct or a safe-conduct, when custom among us and among them goes against it? When the jurists discussed implied safe-conducts, they were talking about safe-conduct-granting forms that were customary in their time.

As I said previously, the property or life of a non-believer are protected only by peace treaty (*sulh*), status as a protected alien (*dhimmah*), or safe-conduct (*aman*). If none of these things is confirmed, matters remain in their original state.

2. To make the discussion short, if we assume that the things to which the author refers are a virtual or actual promise of safety (*aman*), I have made it clear in Chapter Seven on the visa and the *aman* that someone waging war on God and His Messenger, who instigates fighting against Muslims, and who reviles the messenger of God and scoffs at the Koran, cannot be granted an *aman*, and if one should be concluded with him, it does not protect his life. Furthermore, a group that resists and makes war is treated as a single person. Let him refer to the discussion.

D. The fourth impediment. The author says in the document: "If one assumes that the foreigners in our country are non-believers with no covenant, most of them are people that Muslims must not kill intentionally, even in the heat of battle with non-believers, if they are in the camp of the non-believers. How can one take the initiative and kill them intentionally when they are alone -- people like women, children, old men, workers, and monks?"

I say:

1. It is not permitted to kill these kinds of people deliberately provided that they do not participate in the fighting in their persons, or by their property, or by their ideas. They may, however, be taken prisoner and exchanged for ransom.
2. If they may not be intentionally killed, there is nothing wrong with killing them collaterally and without intent. I have made this clear in Chapters Eight and Nine, on using human shields, night attacks, and fighting using means that cause general destruction.
3. Women and old men in the West support their governments with money that they pay as taxes and by voting in elections for the governments that attack us. These governments derive their legitimacy only from that voting. The voters vote on the basis of party platforms. They all agree to obey these governments, majority or minority. Furthermore, all the political parties in the West, government and opposition, support the establishment of Israel and defend its existence. Their election platforms before they come to power and their policies when they come to power stress this.
4. The author speaks about how the Shari'ah forbids mutilation. I have made it clear in Chapter Ten, about repaying in kind, that mutilation is the right of Muslims if the non-believers mutilate their bodies or limbs.
5. "What about explosives?" asks the writer, condemning their use. I have made it clear in Chapters Eight and Nine on using human shields and fighting using means that cause general destruction, that artillery, burning, and drowning may be used. In Chapter Ten, on repaying in kind, I made it clear that we may punish them in kind.

E. The fourth impediment -- repaying in kind.

1. I have explained this in detail in Chapter Ten on repaying in kind. I made it clear that repayment in kind, as the scholars have mentioned, is based on God's words: "And if you chastise, chastise even as you have been chastised; and yet assuredly if you are patient, better it is for those patient. And be patient; yet is thy patience only with the help of God. And do not sorrow for them, nor be thou straitened for what they devise" [Koranic verse; Al-Nahl 16:126-127]. And there are other verses similar to it. I explained that we may chastise them as they have done to us, and that the things forbidden in the Shari'ah, such as mutilation, may be done to non-believers. I mentioned the pronouncements of the scholars and the fatwa of Shaykh Hamud al-Uqla on the subject.
2. The author says: "In the countries of original non-believers today there are millions of Muslims living and working in safety."

I say:

a. I have made it clear in the discussion of the visa and safe-conduct in Chapter Seven that a Muslim in the countries of the West is not safe with regard to his life, property, honor, or religion.

I have made it clear that a "Muslim" in their midst by choice and desire who acquires their nationality and who enters into complete or virtually complete loyalty to them is, if not a non-believer, close to non-belief. I cited the fatwas of Ibn Hazm, al-Wansharisi, Alish, Rashid Rida, and others. How, then, can we make this an impediment to waging jihad against enemies, shooting at them, and repaying them in kind?

b. If we grant him that there are millions of Muslims residing and working in the countries of the West in safety, are there not hundreds of millions of Muslims in the countries of Islam under bombardment, starvation, and the injustice of corrupt regimes because of the West? Are they not our brothers? Are the Muslims not a single nation and a power against those other than they? This dissociation from reality is amazing. It is what I referred to in observation 17 about the method of the document.

3. Then he spoke about the visa. I have spoken in detail about it in Chapter Seven.

F. Then he spoke about the fifth impediment. He called it "pagan vendettas" and described the citizens of the Western countries as innocent. In Chapter Seven, I showed that a self-defending hostile group is as a single person. Furthermore, this libel on the part of the author against the mujahidin is inappropriate when he claims to be guiding the jihad. It is more appropriate for someone surrounded by intelligence agents. He should not be influenced by their styles of argument.

He then cited wild accusations about mass killing. It is a method that he employs constantly.

G. Then he spoke about the sixth impediment, which is "treatment in the better way." He said, "These foreigners and tourists as a whole have not come to the Muslim countries for war or fighting. So the 'treatment in the better way' mentioned in God's word applies to them: 'God forbids you not, as regards those who have not fought you in religion's cause, nor expelled you from your habitations, that you should be kindly to them, and act justly toward them; surely God loves the just' [Koranic verse; Al-Mumtahanah 60:8]."

I say:

1. The fact that an enemy non-believer has not come to fight does not protect him. We have already cited in Chapter Four the Hadith of Thumamah Ibn Uthali al-Hanafi, how he said to the prophet (may God bless him and grant him peace), "Your horsemen took me when I intended to perform the lesser pilgrimage." When he was taken, he was not intending to fight; he was intending to perform the lesser pilgrimage. However, that did not protect him, because the life of an enemy non-believer may be taken with impunity whether he intends to fight or not. This is one point.

2. The second is that even if these people come not wanting to fight, their armies are murdering us, and they are all a single group that resists Islam, except anyone whose disagreement with his people and lack of consent to what they are doing to us and our religion is clear to us. I have already made this clear in Chapter Seven. Also, in Chapter Four I cited the Hadith of the captive from the Banu Uqayl and how he asked the prophet (may God bless him and grant him peace) why the Muslims had taken him. "Why did you take me, and why did you take one preceding the pilgrims?" The prophet (may God bless him and grant him peace) explained to him that although he was not a belligerent, his allies were belligerents, and so he said, "I took you for the crime of your allies, the Tha'if."

III. After the six impediments, the author discussed citizenship in a way whose plain sense and implication is that it means belonging to a country and that it is a mark of identification. This is wrong. Citizenship is belonging to a state, to a group that resists Islam and that has power, sovereignty, and strength. The individual in it is part of this group. I have explained this previously in this chapter.

Chapter 12: Remarks on Jihadist Operations That Were Carried Out in the Land of War as Delivered in the Seventh Section

1. The author [Sayyid Imam] says: "Jihad of the prophet, prayers and peace of God be upon him and upon his companions, may God be content with them, was an exterior attack when possible, by having the army of Muslims confront the army of non-believers. According to our knowledge, no Muslims were sent to carry out jihadist operations inside the lands of Persia, the West or Mecca before conquering them."

I say that this is wrong, for he who is following up on the course of the prophet, prayers and peace of God be upon him, would know that he had sent many brigades to enemy countries before conquering them. For example:

a. The prophet, prayers and peace of God be upon him, sent Usama Ibn Zayd to Abani in Palestine and commanded him to attack and set it on fire. This was during the time of the prophecy and before the conquest of the Levante.

Abu Dawud narrated about Al-Zuhari that Irwah said:

"So Usama told me that the prophet, prayers and peace of God be upon him, had entrusted him with it saying 'attack Ubna in the morning and destroy it by fire'."²⁶⁰

b. The prophet, prayers and peace of God be upon him, also sent a brigade to attack Bani al-Mustalaq who were fighting over water.²⁶¹

²⁶⁰ Sunan Abu-Dawud – Chapter on destruction by fire in enemy countries, section 3, page 38. Introduction by Ibn-Abd-al-Birr, section 2, page 219, interpretation by Ibn-Battal – (section 9/page 158). Ubna is a name of a location in Palestine, between Ashkalon and Al-Ramlah. [Awn al-Ma'bud section 7, page 197].

²⁶¹ Sahih Muslim -(Section 9, page 148)

Imam Muslim, may God have mercy upon him, narrated:

"Ibn Awn narrated in a letter to Nafi asking him about prayers before fighting, he wrote in reply to my letter, this was at the beginning of Islam and the prophet of God, prayers and peace be upon him, had suddenly attacked Bani Al-Mustaliq without warning while they were heedless and their cattle were being watered at the places of water. Their fighting men were killed and their women and children were taken as captives."

c. We had previously come across the attack against Bani Al-Kadid in Chapter Four and Chapter Eleven.

d. The prophet, prayers and peace of God be upon him, also sent brigades to cut the heads of the non-believers in their lands before conquering them, so he sent a brigade to kill Abu Rafi' the Jew in his fortress in the land of Hijaz. Al-Bukhari, may God have mercy upon him, narrated:

"About Al-Bara Ibn Azib saying, Allah's Apostle, prayers and peace of God be upon him, sent some men from the Ansar to [kill] Abu Rafi the Jew, and appointed 'Abdullah bin Atik as their leader. Abu Rafi' used to hurt God's apostle, prayers and peace of God be upon him, and help his enemies against him. He lived in his castle in the land of Hijaz."²⁶²

e. We also came across his [the prophet] message, prayers and peace of God be upon him, to Abdullah Ibn Anis, may God be content with him, to kill Khalid Ibn Sufyan al-Hathali in Arnah at Arafa.

f. The prophet, prayers and peace of God be upon him, also sent a brigade to kill Yassir Ibn Razam the Jew in Khaybar before conquering it. Imam Al-Tabari, may God have mercy upon him, narrated:

"Yassir Ibn Ruzam the Jew narrated that he was in Khaybar collecting the tribe of Ghutfan to attack the prophet of God, prayers and peace of God be upon him, so the prophet of God sent him Abdullah Ibn Rawahah with a group of his companions including Abdullah Ibn Anis, an ally of Bani Salma. So when they met him they spoke with him, assured him and approached him saying that if he went to the prophet of God he would put him into his service and be generous with him. So they stayed with him until he left with them and the group from Zafar, and Abdullah Ibn Anis carried him on his camel and rode behind him until they reached Qarqarah in Khaybar six miles away. Yassir Ibn Ruzam regretted going to the prophet of God, so Abdullah Ibn Anis became clear sighted, drew the sword and hit him with it and cut off his leg. So Yassir hit him with a sharp weapon of a reinforced concrete that was in his hand and split open his head, and God killed Yassir. So each of the companions of the prophet, prayers and peace of God be upon him, turned against his companion in the group of Zafar and killed him except one man who fled on his camel. So when Abdullah Ibn Anis came to the prophet, prayers and peace of God be upon him, he [the prophet] spat on his head wound and it

²⁶² Sahih Al-Bukhari - (section 12, page 432)

did not get infected nor do him harm.²⁶³ We had come across the saying of Ibn Hajar, may God have mercy upon him, in the lessons of the story of Thumamah Ibn Athal al-Hanafi, may God be content with him: 'And he sent brigades to the lands of the non-believers, took those he found as captives and then selected those he wanted to kill or keep alive'.²⁶⁴

"Then it may be said: Suppose that the prophet, prayers and peace of God be upon him, had not done anything of the like, I mean 'had not sent out Muslims to carry out jihadist operations in the countries of Persia, the West or Al-Hijaz before conquering them', would this prevention or prohibition have done any good? Is it not one's duty to see if there is a need or not. Did the prophet stop short of doing that when there was a need for it to be done? Or did he leave this because of the lack of necessity and motive? Praise be to God, for we have seen that he, prayers and peace of God be upon him, made sure that the mujahidin are following in his path and that they are the happiest people to follow in his path."

2. The author [Sayyid Imam] of the document [Rationalization of Jihad] said: What some Muslims are doing today by carrying out operations in the lands of non-believers is according to us illegitimate for two reasons:

--The presence of Muslims among non-believers is permissible:

First reason: the spread of Muslims in most of the countries of the world makes it possible that Muslims may get hurt in the prevailing damage by, for example, explosives, and the killing of a Muslim is one of the serious offenses. I responded to this suspicion in Chapter 11 in the comment on the first preventive claim concerning the killing of tourists. [previous two paragraphs as published]

3. The author of the document then said: "It is not legitimate to kill Muslims who are commingled with non-believers with the claim of (human shields) because there is no text that allows the killing of a Muslim human shield, but is interpretive judgment and is not legitimate unless is a prerequisite in accordance with the general rule: 'When He hath explained to you in detail what is forbidden to you - except under compulsion of necessity?' [Koranic verse; Al-An'am; 6:119]. And there is no necessity for that in such military operations in the lands of non-believers because it is [considered] offensive operations (jihad al-talab) which is not harmful for Muslims to leave [go away from] or postpone."

I say that this is wrong from different points of view:

a. Scholars' opinions have differed, as I have previously explained about the killing of non-believers if commingled with those whose killing is not permitted. Public opinion is that it is permissible if required and is necessary. Details can be reviewed in Chapter Eight.

²⁶³ History of Tabari (Section 2, page 208

²⁶⁴ Fatah Al Bari Ibn Hajar (Section 12, page 189)

b. It is peculiar that the author says that operations in the lands of enemies is jihad al-talab [attacking of non-believers in their own lands until they become Muslim or pay the tribute] and does not harm Muslims to postpone it. This is actually a completely trivial way of thinking, a clear misleading notion and a misunderstanding of the real nature of our war and our situation with God's enemies.

All these occupied Muslim lands with not one independent country and what they are doing is not considered jihad of defense? Operations in lands of non-believers, is for sure, jihad of defense, to expel non-believers from the lands of Muslims, and Muslims are in dire need of it. What religious scholars spoke about regarding jihad al-talab is not what the author referred to, for religious scholars spoke about an existing land of Islam, then Muslims would send their armies to fight the enemies in their lands, and conquer these lands and spread Islam and submit them to the power of Islam in order to avail the non-believers of choosing Islam if they wanted to and whom God had guided to reconciliation, without there being those who impede or hinder them. This is in complete contradiction to our reality.

After all, the mujahidin carried out these operations from the viewpoint of defense and have announced this to the enemies. They told them that these operations will not stop until you leave our lands. The mujahidin are better informed about jihad than the author of the document.

Then is it not the author who said in the preface of his document that the caliphate had been dropped, that the countries of the Islamic world had been scattered helter-skelter; and that the non-believers had seized most of the Muslim lands and forced on them their rules and cultures? They founded Israel to humiliate Muslims and this antagonistic alliance continues to enforce its mandate on Muslims and requests even more. Then he [the author of the document] says postpone the operations for there is no need for them now. Then, when will they be necessary? What is this contradiction?

4. Then the author of the document says: "Scholars who have permitted the killing of a Muslim human shield, have permitted it only in jihad of defense when it is necessary for fear that Muslims, when they don't kill the Muslim human shield they themselves would be killed by the non-believers who will kill the Muslim [human shield]. Muslims cannot fight the aggressor non-believers except by killing those Muslims (human shields) whom the non-believers are hiding behind, in which case their killing would be permissible based on the premise of committing the lesser of two evils. This is not the case of operations in countries of non-believers, so they are not permissible because Muslims may be killed alongside those they live among."

There is an important difference today between these operations and what some scholars have legitimized with regards to the killing of Muslim human shields. That is, what the scholars have permitted is that of an army of non-believers who have put on its frontlines Muslim captives so as to prevent the Army of Muslims from killing them; then the non-believers would use them as human shields. What is happening today is that Muslims

who are mixed with non-believers in their countries are not captives, but are citizens like them or live in their countries but are not part of an army at war. They cannot take care of themselves and flee from the battlefield, but can get killed suddenly and without previous notice by the attackers.

This is not the case in which some scholars have permitted the killing of a Muslim human shield. What some of them have permitted is when there is "absolute necessity" because it is "ijtihad" [making a legal decision by independent interpretation of the legal sources, the Koran and the Sunnah] that allows the spilling of innocent blood, as opposed to the legitimate context that prohibits it, and in order to permit the legitimate context there should exist necessary and essential reasons as stated by God Almighty: "He hath explained to you in detail what is forbidden to you - except under compulsion of necessity?" [Koranic verse Al-An'am, 6:119]. The meaning of "necessity" is the fear of the annihilation of the Islamic army or the land of Islam, the meaning of "certainty" is assurance with no delusion or illusion, and the meaning of "compulsion" is not that which concerns an individual or a community of Muslims, but all Muslims as a whole; and this is not the case in the blowing up an airplane, civilian trains, and buildings in the countries of non-believers where Muslims and others coexist and where there is no necessity for such a course of action.

It is here that many scholars prohibit the killing of Muslim human shields along with non-believers, except in case of necessity maintained by unquestionable fear of eradication of Muslims at large and not merely out of necessity or benefit. Of the scholars who strictly endorsed this is Imam Malik [Imam Malik Ibn Anas, one of the most highly respected scholars of jurisprudence in Sunni Islam], may God have mercy on him.

I say: I previously clarified the answer to these remarks in the eighth chapter regarding human shields, but there is no harm in making some observations:

a. Unfortunately the author lacks scientific honesty in quoting scholars' sayings, and this is what I recorded against him in the sixth of a totality of observations in the course of the document. He quoted Imam Malik [Ibn Anas] and Imam [Is-haq Ibn Rahawayh] Al-Awza'i [advised Muslims to hold fast to the narration of the Salaf], may God have mercy upon them, and a saying by [Abu Hamid] Al-Ghazzali [his works strengthened the status of Sunnite Islam against other schools], may God have mercy upon him, in the Al-Mustasfa [one of his masterpieces]. I avoid people's sayings including those who more recent, who permitted the elimination of the enemies if shielded by a Muslim without meaning human shields. If there was fear for the majority of the army then human shields were meant, but they said that the army was less in number than the human shields. They tolerated the stipulation of [Imam Abu Abdullah] al-Qurtubi's [born in Cordoba, Spain, at the summit of its Islamic civilization] fear for all Muslims by saying that Muslims here are the denomination of the army. That is, according to their saying, if those who take them as human shields are five hundred and the army is three hundred and that there was fear for most of the army, then aiming at human shields was permitted. Al-Disuqi: "If they take Muslims as human shields, they shall be killed. Meaning, it

rightful that if they take the money of Muslims to shield them, then they shall be killed and not left to live, but the worth of those who kill them should be measured against that which is thrown overboard from the ship in order to prevent drowning with agreement that both are a waste of money. Our shaykh said (if we fear for ourselves) meaning we who are actualized in a segment of the army (his saying: if the majority of Muslims is not feared for) this is a condition of not using human shields which means that their presence if they happen to be Muslims, will be killed. He does not mean the human shield if fear for the majority of Muslims was not present, meaning that he did not fear for them in the first place, or fear for a small number of Muslims or for half of them, so if the fear was for the majority of Muslims, then human shields are permissible. What is meant by Muslims here is the army which is conducting jihad against the non-believers without any human shields among them and the principle that if the fear is for the majority of the army, then human shields are permissible even if the Muslim human shields are more than the mujahidin."²⁶⁵

Public opinion varied between permitting killing and restraining it according to necessity, as I explained in detail in Chapter Eight.

b. Public opinion did not confine the killing of human shields to jihad of defense but permitted it in all operations of jihad, and drew upon the Sunnah of the prophet, prayers and peace be upon him, in his exasperated labor against the people of Al-Ta'if and his brigades which raided the non-believers, among whom were women and children. The prophet, prayers and peace of God be upon him, and his companions were not, in these cases in jihad of defense, yet the siege of Al-Ta'if was after the conquest of Mecca. Ibn Qudamah [Al-Maqdisi - Islamic scholar of the Hanbali madhhab] said in Al-Mughni [a well-known Hanbali book of fiqh] that Amr Ibn al-'As [Muslim conqueror of Egypt in 641-642 Hijri] had installed the catapult against the people of Alexandria [Egypt].²⁶⁶ This was jihad al-talab [jihad of oppression].

c. As for what the author [Sayyid Imam] said concerning the image that the scholars spoke about as an image of an army that put Muslim captives at its front lines, this is not true. They spoke about a stronghold where there were Muslim merchants and a ship that had Muslims on board; and they spoke about attacking homes inside a stronghold where there were women and children.

Cases and images differ from age to age, so suppose that they spoke about an image that existed at their time; does that mean the absence of a ruling from images that shared the same description and did not differ from it in an effective way? So where are the encounters and the accidents? Jurisprudence is the understanding of shortcomings and rulings, the tuning between matching matters and demarcation between dissimilar ones, knowing a specimen and not being confined to occurrences of fundamental qualities or limited to rulings that were known to be examples that were mentioned because of having been an image that existed at the time when mentioned by the scholar.

²⁶⁵ Al-Disuqi in the postscript of Al-Sharh al-Kabir (7th section/page 156).

²⁶⁶ Al-Mughni by Ibn Qudamah al-Maqdisi - a book on jihad - a topic, said "if the enemy is fought against and not burned by fire" - 8th section pages 448, 449.

d. As for the spreading of Muslims among non-believers, I responded to that in the 11th chapter about tourists.

e. Concerning what he [Sayyid Imam] said about Muslims not having the chance to flee, there is no evidence of that:

1. because the mujahidin had several times warned that they will target countries of the crusader alliance and its interests and had advised Muslims residing there to leave;
2. Islamic law permitted Muslims to take non-believers by surprise since the call [for Islam] had reached them, and I explained this in the ninth chapter regarding night raids and all manner of harmful battle; and
3. Some Muslims were forced to fight in the non-believers' army in [the battle of] Badr but God Almighty did not accept their excuse of being forced to do so and informed them that they should have immigrated. He excluded from punishment only those who were deemed weak and those who had no way to find the right path. God Almighty said: "When angels take the souls of those who die in sin against their souls, they say: 'In what (plight) Were ye?' They reply: 'Weak and oppressed Were we in the earth.' They say: 'Was not the earth of Allah spacious enough for you to move yourselves away (From evil)?' Such men will find their abode in Hell, - What an evil refuge! Except those who are (really) weak and oppressed - men, women, and children - who have no means in their power, nor (a guide-post) to their way. For these, there is hope that Allah will forgive: For Allah doth blot out (sins) and forgive again and again" [Koranic verse An-Nisa; 4:97, 98].

Here I mention again a part of Al Shaykh Hamud al-Ukalah's, may God have mercy upon him, fatwa [advisory opinion] about the September events for the benefits they brought. The shaykh, may God have mercy upon, said:

The second accusation:

They say that there are innocent people who have done no wrong among those who were killed, and the answer to this accusation has a number of aspects:

First aspect: Al-Sa'b Ibn Jathama, may God be content with him, narrated about the prophet, prayers and peace of God be upon him, that he was asked about the non-believers in the lands who were attacked by night and their women and children were harmed, so he said: "They are of them," Hadith.

This Hadith proves that women and children and those whose killing is not permissible as individuals can be killed when mixed with others and could not be singled out, because they asked the prophet, prayers and peace of God be upon him, about the night raids which is killing by night, for in night raids it is not possible to differentiate. Thus, what

is permitted as a consequence of [circumstances] is not permitted independently of [the circumstances].

The second aspect: Muslim leaders used catapults in fighting the non-believers. It is known that catapults if used, do not differentiate between one fighter and the other. They can strike those who are called innocent; nevertheless, the Muslim tradition was that it was used in wars. Ibn Qudamah, may God have mercy upon him, said: Using catapults is permissible because the prophet, prayers and peace of God be upon him, used them against the people of Al-Ta'if and Amr Ibn al-As used them against the people of Alexandria (Al-Mughni and Al-Sharh 10/503). Ibn Qassim, may God have mercy upon him, said in Al-Hashiyyah: 'It is permissible to use catapults against the non-believers even if children, women, old men and monks are killed inadvertently, because crushing the enemy is allowed according to the consensus of the scholars. [Abu al Walid Mohammad] Ibn Rushud [Muslim scholar, philosopher and physician of 12th century Al-Andalus], said: "Crushing the enemy is permissible according to the consensus of scholars and against any type of polytheist" (Al-Hashiyah ala' Ar-Raudh, vol. 4, p 271).

The third aspect: Muslim religious scholars allowed the killing of Muslim (human shields) if they were captives in the hands of non-believers who were going to use them as human shields to protect themselves from the darts of Muslims even though they have done nothing wrong, were innocent and their killing was not permissible. Ibn Taymiyyah, may God have mercy upon him, said: scholars agreed that if the army of non-believers took Muslim captives as human shields and there was fear that harm will befall the Muslims if they did not fight, then they should fight even if this led to the killing of Muslims who were used as human shields (Fatwas 28/537-546, section 20/52). Ibn Qasim [eighth Idrisi ruler and sultan of Morocco], may God have mercy upon him, said in Al-Hashiyyah: If they use a Muslim as a human shield then it is not permissible to attack them except that we fear for Muslims, so they attack them, meaning the non-believers, and this is without dispute (Al-Hashiyah 'ala Ar-Raudh 4/271).

We then say to those:

What do you mean by the innocent?

Those whose answers are not void of three cases:

First case:

That they would not be of those who fought with their countries nor had been hired by them physically, financially, by opinion, consultation nor otherwise, for it is not permissible to attack this type on condition that they be outstanding and not having mixed with others. But if they mixed with others and were not distinguishable then their killing would be permissible in conformity and subject to those such as the aged, women, children, sick people, the handicapped, and the dedicated monks. Ibn Qudamah [al-Maqdisi] narrated: and it is possible to unintentionally kill women and children in night attacks and burial places, if not intentionally individually killed. It is permissible to kill

their cattle leading to their killing and defeat, and there is no dispute about that (meaning and elaboration 10/503). And he said: it is permissible to attack the enemy by night. Ahmad Ibn Hanbal said there is no harm in attacking by night, for the conquest of the West is but by night, and he said and we know not anyone who disliked the attacks by night.

The second case:

Or they are of those who have not embarked upon fighting with their countries which are in war, but are hired by them for money or opinion. Those are not considered innocent, but are fighters and apostates (that is the hired and the supporter). Ibn Abd al-Bir [al Maliki], may God have mercy upon him, said in Al-Istithkar: Scholars have not disagreed about those women and old people who have fought for it is permissible to kill them. It is permissible to kill children who were capable of fighting and did fight (Al-Istithkar, 14/74). The consensus also cited Ibn Qudamah, may God have mercy upon him, that he permitted the killing of women, children and old people if they helped their countries. Ibn Abd al-Bir, may God have mercy upon him, said: consensus was that the prophet of God, may prayers and peace of God be upon him, killed Durid Ibn al-Samma on Hanin day because he had attitude and intrigue in warfare. So, he of the shaykhs who was like that was to be killed in the opinion of all (Al-Tamhid (16/142)). Al-Nawawi, may God have mercy upon him, cited in Sharh Muslim in Book of Al-Jihad the consensus that if any of the shaykhs of non-believers had an attitude they would be killed. Ibn Qasim, may God have mercy upon him, cited in Al-Hashiyah, that consensus was that the rule concerning him who supports or assists [in war] is a straightforward rule in jihad. Ibn Taymiyyah, may God have mercy upon him, was quoted that this was a consensus, and he [Ibn Taymiyyah] was also quoted as saying that supporters of inactive factions and their supporters are from them and like them.

The third case:

If they are Muslims it is not permissible to kill them as long as they are independent. If they have mixed with others and it was not possible but to kill them with the others then it is permissible; proof of this is the matter of human shields and this has previously been discussed.

That which has been echoed by some about the issuance of an apology to the innocent without knowing who those innocent [people] were, is the result of western terminology and the influence of mass media, so much so that even those who were not believed to be as such started to repeat that chatter and expressions of those who are in conflict with religiously legitimate expressions.

We are in fact permitted to treat the non-believers in the same way that they treated us, and this contains the answer and explanation to those who used the term innocent, for God the Almighty permitted us to do this, and of the texts that prove this is His the Almighty's saying "And if ye do catch them out, catch them out no worse than they catch you out" [Koranic verse; Al-Nahl; 16:126], and He the Almighty said: "And those who,

when an oppressive wrong is inflicted on them, (are not cowed but) help and defend themselves" [Koranic verse; Al-Shura; 42:39].

Of the scholars sayings concerning the permissibility of revenge in the same way:

Ibn Taymiyyah said: Treating them in the same way is their right, for they can do this to exact revenge. They can leave it, for patience is better. This is when torturing them does not add to jihad, nor is their exact punishment for the like. If punishment is a call for them to believe or is a restraint from aggression, then here it is for the establishment of limits and legitimate jihad, Ibn Miflih quoted Ibn Taymiyyah in the segments 6/218.

It is imperative for those who say that the matter of killing innocent people without restriction nor specification is blamed on the prophet, prayers and peace of God be upon him, and on his companions and those who came after them for being killers of innocent people, to correct those who said so because the prophet used the catapult in fighting in Al-Ta'if, and when using the catapult it is natural that there can be no discrimination. The prophet, prayers and peace of God be upon him, killed all the adults of the Jews of Bani Quraytha and did not discriminate between them. Ibn Hazm [was born into a princely family of Cordova where his education first centered on Arabic poetry, philosophy, and *kalam* [speech]. He said in the Muhalla [Al-Muhalla, 'The Adorned Treatise' considered a masterpiece of fiqh literature] in a comment on a Hadith: I suggested to the prophet of God, prayers and peace of God be upon him, on the day of Karizah so that it was he who was an adult could kill [fight], and Ibn Hazm said: This is a generalization by the prophet, prayers and peace of God be upon him, and none of them remained--no tyrant, no merchant, no farmer and no old man--and this is a sound consensus on his part (Al-Muhalla (7/299)). Ibn al-Qiyam, may God have mercy upon him, said in *Zad al-Mi'ad: Hiddiyah*, prayers and peace of God be upon him, if he made peace or a pledge with a nation and they or some of them broke it while others kept and accepted it, he attacked them all and considered them all to have broken it as he did with Bani Qurayza [who lived on the outskirts of the city and who conspired against the prophet and declared war against him], Bani Nadhir [when the Jews, despite their treaty went so far in flattery of Quraysh as to declare the religion of the pagan Arabs superior to Islam. The prophet was obliged to take punitive action against some of them], Bani Qainuqa [the Jews of the Bani Qainuqa tribe were the first to violate the terms of their agreement with the Muslims. They aided and patronized the hypocrites in violation of the terms of the agreement between the Muslims and the Jews], and the people of Mecca, for this is his Sunnah regarding those contradictors and perfidious. He also said: Ibn Taymiyyah counseled the attack of Christians of the east when they helped the enemies of Muslims in their fight and provided them with money and weapons, even though they did not attack us or fight us but he considered them by doing that, as violators of the pledge, as Quraysh had violated the pledge with the prophet, prayers and peace of God be upon him, when they assisted Bani Bakr Ibn Wa'il [an Arabian tribe belonging to the large Rabi'ah branch of Adnanite tribes] in fighting his allies.

Shaykh Hussayn Umar Ibn Mahfouz said about the events of 11 September prior to the Al-Qa'ida of Jihad's claim of responsibility for it:

"It is strange that those who suffer heart ailments and those who are weak in spirit rush to decline Islam and Muslim's responsibility for the action as if Islam was the first culprit, so we see, hear and read these days in the mass media that is heard, watched and read those who step up to advise and say that Islam is innocent of such actions or say: Islam does not acknowledge the killing of innocents and that Islam is a religion of peace and not of terrorism and such definitions that please the Jews and Christians and their supporters. For these and their likes have no concern regarding any enormous happening that harms the Jews and Christians but to put Islam and Muslims in a state of dubiousness and accusation [finger pointing]. And although America with its equipment and intelligence is unable to specify the authority that carried out these operations and does not have one proof or even a suspicion that the mujahidin had, in the name of God, carried out the bombings in New York and Washington, except that the probability that the mujahidin are the ones behind these operations remains possible. If such operations prove to have been carried out by the mujahidin, it should be a pride for Muslim that there exists in the Ummah [Muslim nation] of Islam someone who was able to hit America on its own lands and with such skillful and unprecedented planning, and such unparalleled courage, thus striking America's vital economic establishments such as the [World] Trade Centers in New York and the targeting of its most important military departments such as the Pentagon, the core of evil and criminality where conspiracies against Islam and Muslims are concocted, and where military plots to invade Muslim's lands are planned to control the front lines of Islam and loot the goods of the Islamic nation in the world from east to west. It [the striking of America] was a great gain for Muslims because in the first place it brought down the artificial blaze of America, the transfer of the battle to its land, the weakening of its economy, the destruction of its vital establishments, the emboldening of Muslims against it and the removal of the barrier of psychological fear that has, unfortunately taken hold of many Muslims who did not believe in God, and who believed that no one was capable of striking America!!"

So I say: I hope that those who were responsible for such strikes were Muslims, so as to enable us to shake off our bodies the dust of humiliating defeat and to breathe the fragrance of honor and esteem, at an age when we wallowed in humiliation, derogation, disgrace and shattering; and there is no power except through God the Almighty and the Great.

All these presumptions are there, and whatever is the organization that had carried out these strikes, Muslims have to be happy about it, because America has become very insolent in the world, very tyrannical and arrogant, it has declared animosity against Islam and took pride in it at all international circles, it has violated human rights in - almost - all parts of the world. So at least we should know what happened to it as an outcome of a fateful punishment by God the Almighty said: "And soon will the unjust assailants know what vicissitudes their affairs will take" [Koranic verse; As-Shu'ara; 26:227].²⁶⁷

²⁶⁷ Al-Ta'sil al-Shari li-Ahdath America [The Established Origin of the Events of America According to the Sharia, pages 47, 48 quoted from Minbar al-Tawhid and Jihad.

The Shaykh Abu Muhammad al-Maqdisi, may God release him from captivity, said in a response to the uncertainties of the those who opposed the events of 11 September:

"The eighth matter: The presence of Muslims or the presence of some Muslims' interests in the lands of non-believers does not prevent jihad against the non-believers; yes, if they are privileged and their killing can be avoided then it is a duty [not kill them], as Muslim blood is venerated wherever it may be as long as they have not committed a violation against virtue. But their presence should not be a pretext and a reason to hinder jihad against the non-believers with the excuse that they would suffer or have their lives and interests suffer because of jihad!! Just like the presence of Muslims in occupied Palestine which does not hinder jihad against the Jews; but is even more permissible because it is jihad against non-believers in the foremost land of non-belief.

"No knowledgeable or non-knowledgeable person would today prevent jihad against the Jews or hinder it with the excuse that in occupied Palestine there are weakened Muslims who may get hurt in the fighting or may get harmed or have their homes destroyed because of jihad. The same thing applies to all lands where war exists and in the lands of genuine non-belief. It is even more permissible there and more so that jihad over there should not be hindered with the excuse that Muslims live there and because of their interests.

"Those who live in Muslim occupied lands are mostly the weakened Muslims and those who are excusable in their dwelling. The dwelling of a Muslim in his country that has been raided by non-believers and is occupied by them is not a matter of contention if he is of the weakened and has no other means or who has no means to guidance, or lives there in order to free them [the occupied lands] from the non-believers versus he who lives in lands of genuine non-belief unnecessarily or for worldly goals and interests; then it is abominable and illegitimate."

God the Almighty said: "When angels take the souls of those who die in sin against their souls, they say: 'In what (plight) Were ye?' They reply: 'Weak and oppressed Were we in the earth.' They say: 'Was not the earth of Allah spacious enough for you to move yourselves away (From evil)?' Such men will find their abode in Hell,- What an evil refuge" [Koranic verse An-Nisa; 4:97].

In the Hadith by Al-Turmuzi and others about Jarir Ibn Abdullah, the prophet of God, prayers and peace of God be upon him, had sent a brigade to Khath'am, so people took shelter in kneeling, and they were quickly being killed, and [news] reached the prophet, prayers and peace of God be upon him, so he ordered half the blood money for them and said "I am exempt from any Muslim who lives among polytheists." They asked him: Oh prophet of God and why? He answered: I do not doubt that they will not escape hell.

In the Al-Nissa'i narration: "Conscience is free from those who live among polytheists."

Accordingly, what the monks of sultans and the shaykhs of satellite channels twitter about the deeds of the base of corruption and interests is here, but they let it pass and exploit for their own worldly interests, and not for the necessary and great interests of religion. It is well known to all that the interest of monotheism, religion [faith] and jihad is general wholeness before worldly individual interests. So may every honest person take that into consideration when weighing between the corruptions and the interests and may he know that God the Great and the Almighty has shown in his book that corruption committed as a result of jihad and attacks against the non-believers is nothing compared to corruption that happens as a result of leaving jihad. For that reason He the Almighty warned of the corruptions of leaving jihad and ignored what would happen as a result of jihad. He the Great and the Almighty said: "They are those who have been expelled from their homes in defiance of right,- (for no cause) except that they say, 'Our Lord is Allah.. Did not Allah check one set of people by means of another, there would surely have been pulled down monasteries, churches, synagogues, and mosques, in which the name of Allah is commemorated in abundant measure. Allah will certainly aid those who aid his (cause);- for verily Allah is full of Strength, Exalted in Might, (able to enforce His Will)" [Koranic verse; Al-Hajj; 22:40].²⁶⁸

As for his [Sayyid Imam] saying that the blowing up of airplanes and buildings is not necessary, this is his opinion that coincides with the six introductions, the six prohibitions, the six options, and the six obstacles.

And I repeat here the saying of Ibn Taymiyyah, may God have mercy upon him: "Jihad of duty should not be abandoned for the one who may die as a martyr."²⁶⁹

The author talks about the destruction of airplanes and buildings, so why did he not mention the Pentagon? When in this context is he coinciding with the crusader western propaganda that ignores the Pentagon and focuses only on the two Trade Centers?

5. Then the author [Sayyid Imam] spoke about the official endorsement and that it is a guarantee to protection and that he who uses it to crush non-believers is a traitor, so he said:

The truth of contracting peace is to avoid waste of blood and money.

The second reason is that he who enters the countries of disbelief under their protection [safeguarding] has no right to mistrust them in anything. A visa today is therefore a permission to enter, and is without doubt a contract of peace with them who allowed him to enter their countries to work, trade, study, tour or anything of the like, because the truth of a contract of peace is to avoid wasting of blood and money. If a Muslim enters today the lands of disbelief then they respect his blood and his money and if anyone attacks him they take care of this and prosecute the aggressor and compensate him [the

²⁶⁸ The presence of support for Muslims in Afghanistan and the apostasy of those who backed the crusaders and disclosed the covering of news and monks, Minbar Al-Tawhid wa Al-Jihad, page 31 - Al-Maqdisi Library.

²⁶⁹ Majmu' al-Fatawi by Inb Taymiyyah, 28th section, pages 546, 547.

oppressed Muslim]. So he [the Muslim] is not forfeited there [in their land]. So it is that Muslim's duty to be loyal to them in accordance to His Almighty's saying: "O ye who believe! fulfil (all) obligations. Lawful unto you (for food) are all four-footed animals, with the exceptions named: But animals of the chase are forbidden while ye are in the sacred precincts or in pilgrim garb: for Allah doth command according to His will and plan" [Koranic verse; Al-Ma'idah; 5:1]. Muhammad Ibn al-Hasan al-Shibani in his book "Al-Sayr al-Kabir": "If a Muslim forges an entry visa to the lands of non-believers and they believed him, then it is his duty to be loyal to them." This is in brief what he said, and forging their script is what they call a fake visa today.

Non-believers did not give him [a Muslim] a guarantee of protection for him to commit treason against them, but to safeguard them, so it becomes his duty [to be loyal to them]. If they don't frankly put this as a condition, it is because it is understood and the foundation of al-fiqh states that (a known tradition is like a preconditioned condition). I had responded to that in detail in the seventh chapter about the visa and assurances.

6. When the mujahidin attacked the West in their own countries by performing martyrdom operations, they did not do so because they are traitors, nor out of desire to shed blood, nor because they are half mad, nor because they are frustrated and failures as many like to picture it, but they attacked it out of pressing necessity so as to keep away from their nation and its sanctuaries a horrific aggression that continued for centuries, and because they have no other means in repelling this aggression except the martyrdom operations, and the hurting the West in striking its economy and the centers of its leaderships. In all this they are performing jihad of defense in which they adhered to the laws of the Shari'ah and sought the counsel of free genuine scholars, while aspiring to God's gratification. And God is the objective.

Chapter 13: Remarks on What Came in Chapter Eight

1. The author [Sayyid Imam] of the document [Rationalization of Jihad] says: "A final word remains in this section, and it is addressed to Muslims living in foreign countries and some of whom perform harmful acts in these countries and to its people. In addition to what I said in this section about preventive measures that should stop the performance of such military operations in such countries, I say: "Is it honorable to stay with people, even if they are non-believers and non-Muslims, who allow you to enter their lands and stay there, guarantee safety for you and your money, grant you an opportunity to work or study there or grant you political asylum along with an honorable life there and other good things and then you act treacherously toward them, kill and destroy them."

I ask: Is it chivalrous for a Muslim to see his Muslim brothers being killed, displaced, tortured and their wealth stolen, and [see] the corrupt leaders set up as absolute masters over their countries, while he woos the oppressive criminals because they have bought his contentment for worldly crumbs? God the Righteous, the Almighty and the Blessed says: "Allah forbids you not, with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and justly with them: for Allah loveth those who are just" [Koranic verse Al-Mumtahinah; verse 60:8]. "Allah only forbids you, with

regard to those who fight you for (your) Faith, and drive you out of your homes, and support (others) in driving you out, from turning to them (for friendship and protection). It is such as turn to them (in these circumstances), that do wrong" [Koranic verse Al-Mumtahinah; verse 60:9]. God the Righteous, the Blessed and the Almighty says: "Thou wilt not find any people who believe in Allah and the Last Day, loving those who resist Allah and His Messenger, even though they were their fathers or their sons, or their brothers, or their kindred" [Koranic verse Al-Mujadilah; 58:22]. And the Righteous, the Blessed and the Almighty [One] says: "And why should ye not fight in the cause of Allah and of those who, being weak, are ill-treated (and oppressed)?- Men, women, and children, whose cry is: 'Our Lord! Rescue us from this town, whose people are oppressors; and raise for us from thee one who will protect; and raise for us from thee one who will help'" [Koranic verse An-Nisa; 4:75]. "Those who believe fight in the cause of Allah, and those who reject Faith Fight in the cause of Evil: So fight ye against the friends of Satan: feeble indeed is the cunning of Satan" [Koranic verse; An-Nisa; 4:76].

Al-Bukhari, may God have mercy upon him, said:

"Narrated Abu Hurairah: Allah Messenger said, 'Ruin²⁷⁰ be to a slave of the dinar, the slave of the dirham, and the slave of the striped silk cloak²⁷¹ if [good is] bestowed upon him he is content and if not he becomes resentful and suffers a setback and becomes devastated, and if pricked he does not remove [the thorn].²⁷² Blessed is the slave who takes his horse by the reins for the sake of God, disheveled his hair Blessed be the man who takes up the reins of his steed for the sake of God and whose unkempt head and dusty feet are unkempt and dusty; if he is on guard he is in guard; if he is on patrol, he is on patrol and if he requests permission he is not permitted'. "²⁷³

2. Then the author [Sayyid Imam] spoke about the Shia and the killings committed by the Shiites, and I would like to clarify a matter, about the brother martyr Abu Musab al-Zarqawi, may God have mercy upon him, following the Tall Afar incidents [suicide bomber targeted a policeman's wedding ceremony] where Shiite militias violated the dignity of Muslims. He [Musab al-Zarqawi] then issued a statement to fight the entire Shiite people in Iraq which the media took great interest in. Two days later the Legislative Association for the Organization of Al-Qa'ida in the Lands of the Two Rivers issued a statement which clarified and explained the ambiguity of the first statement which had been issued in reaction to the horrific tragedies that had been committed in Tall Afar. It specified in it that Al-Qa'ida Organization in the Lands of the Two Rivers does not target the entire Shiite people but targets the traitor militias such as the Badr Corps. This statement was ignored by the media.

²⁷⁰ Ruin: Passed away, perished and fell on his face.

²⁷¹ A black cloak or a red cloak that has logos.

²⁷² Does not remove: that is if a thorn pricks him he does not remove it.

²⁷³ Sahih Al-Bukhari - Kitab [Book] Al-Jihad wa Al-Sayr, Al-Hirassah fi al-Ghazw if Sabil Allah part, (10th section/page 11).

3. Then the rest of the episode consists of either issues that I had previously responded to or issues that are not of any significance to approach because what I remained silent about was not all right, but I focused on the important points, or swears and insults (and the like).

Chapter 14: Remarks on What Came in Chapter Ten

1. The author of the document said: "Shari'ah does not allow an individual of the group to punish the common people or to establish boundaries for them with no exception to that except for a Muslim to build boundaries for his slaves."

I say that such words are not true and not accurate. This is true in the presence of a Muslim leader, but if the phase of time is void of a Muslim leader then it is Muslims' duty to set up Shari'ah laws as much as they can. The Imam Al-Juwayni of Al-Haramayn [Mosque], may God have mercy upon him, said "Yet, independence that people make permissible for themselves, discipline requires the consultation of those in charge and the going back to the top level [individual] of the era. Like summoning [people to prayers] on Fridays and the calling forth of soldiers to jihad, and the taking of revenge and the recompensation of vengeance in oneself so that people will be in charge of at the end of the days. If people of good will and righteousness, at the end of time, seek to clear the way for those who are corrupt on earth, then they are considered a door to the preaching of righteousness and the deterring of the forbidden. Some people may deter [others] from using weapons [fighting] in despotism, if at the time there are those who commit sin against the people of Islam. If time is void of supreme authority, then it is a duty to embark upon repelling repudiations, as much as possible, from the believers. Avoid independent protection of self for contriving to what is closest to righteousness, and the least to righteousness, for what the supreme authority undertakes with regards to political issues is more of a matter of fact, more effective and more motivating to competition, more encompassing to the division of opinion in²⁷⁴ conveying to people bloody issues and brandishing of weapons and feeling of irrationality that reasonable people cannot deny. If people do not come across a righteous [person] to find support in him, then it will be impossible that they would be commanded to abstain from doing what they can to repel corruption; for if they abstain from what they can do, corruption will predominate the lands and the people, and if they were commanded to abstain [from acting] in the presence of the supreme authority, he will lead them to the nearest path."

Scholars have said: If time is void of supreme authority then it is the obligation of the inhabitants of each town and the dwellers of each village to approach those who are mature and intellectual, those who are wise and authoritative and who adhere to his allusions and orders and who abstain from his repudiations and scoldings.²⁷⁵

The Imam Al-Ghazali, may God have mercy upon him, even entitled one [person] after the other to gather weapons and fight unjust who will not be restrained except by this, but

²⁷⁴ May be: and in, so as to have the meaning straight forward.

²⁷⁵ Ghiyath al-Umam fi al-Tiyat al-Thulm, pages 279, 280.

he mentioned that there was disagreement between the scholars regarding the matter. He, may God have mercy upon him, said about the levels of compensation:

"The eighth grade: that he cannot do it on his own and will need those who assist him in brandishing the weapon. An immoral person may also resort to his supporters and this would lead to the confrontation between the two sides and fight. Discord will appear in this person's need for the permission of the imam. So some [people] said: None of the people can belittle that because this would start upheavals and the arousal of corruption and destruction of the lands.

"Others said he would not need permission -- and he is the standard -- for if it was permitted to some to do good, first stages of which leads to the second and the second leads to the third. It may unavoidably end in a conflict, and a conflict would call for cooperation. So the obligation to do good should not be ignored, and the utmost of this is to mobilize soldiers in a manner that pleases God and to repel His disobedience. We permit the raiders to gather and fight whom they want of the groups of non-believers in order to repel the non-believers. Same thing with the corrupt people it is permissible because it is good to kill the disbeliever and if a Muslim is killed then he is a martyr. Also it is good to kill the impious who fights in defense of his lust. If the truthful teller is unjustly killed then he is a martyr. Generally speaking, at the end these are anecdotes in the calculation. The law of measuring cannot be changed by it, yet it is said: Everyone who can repel a sin has to do it by his hand, his weapons, his being and his supporters. The issue is therefore tolerable."²⁷⁶

2. Then the author [Sayyid Imam] of the document said about the Christians, and I want to seize the opportunity to speak in length, so I say:

"We--when we were part of the Jihadist group--did not carry out operations against the Christians, and our judgment was that confrontation with the Christians is not a practical matter for two reasons:

"First: They -- their leadership considers the Muslims as their enemies -- are an easy force compared to the crusaders and their local agents, who are considered the most dangerous enemy. It suffices to observe the Christians, not to provoke them or get involved with them in side combats that will divert us from our main endeavor, which is a message which I do not know if the Christians have understood or have intentionally not understood it?

"Second: The Christians are neighbors of the home country, and the crusader Jewish invasion will, God willing, certainly disappear, and they will remain in our lands, for God has ordered us to treat well those of them who treat us well.

"He who is following up on the general context of the history of Muslims with the people of the Book [the Christians] in general and the Christians in particular will not see the racist western perspective. We have not set up investigative courts for the Christians of

²⁷⁶ Revival of the Science of Religion – (2nd part/page 168).

Egypt, as have the Christians of Andalusia done to the Muslims, and we could have done so.

"Our brother, Shaykh Abu Muhammad al-Maqdisi, may God release him from his captivity, in his valuable book "The Jerusalem Masterpiece on the Synopsis of Christian History" said when he spoke about the Christians of the East when they accepted to be under the Sultan of the Muslim nation:

"All those [the Christians] lived under the Islamic rule in safety and security such that they have never dreamed of under any other rule, nor have lived with before, not even during the rule of Constantine who was the first to proclaim their religion and make it the religion of the country and forced its bibles and its polytheist creeds with the force of his power! Yet, as has been previously mentioned, he used to restrain and kill all who contradicted what he determined by means of his power in his congregations where he was one of their senior most priests. The Christians never met with such under the Islamic rule that validated their religion on condition that they pay the tribute and accept being under the rules of the Islamic nation.'

"Victor Sahab says in his book 'Who Protects the Christian Arabs' on page 26: 'No doubt that the veteran Christians who lived during the Islamic conquest are the ones who have clearly seen the matter, as they suddenly moved from under the authority of a state that discriminated against them in a manner that was described by contemporary historians in Europe as not even being that of beasts, to being under the authority of a nation that protected their homes and belongings, and let them choose between converting to Islam or remain in their religion on condition that they enter in the custody of the Muslims, that is on condition that they join the nation of Islam and refuse to fight alongside its enemies.' 'Al-Kirus²⁷⁷ the Egyptian Church' disguised in the deserts to hide from the Byzantine butcheries. When the Islamic conquest took place, the Egyptian Church regained its full public freedom.²⁷⁸ Christians under Islam had ample space which was not available for them under the Byzantine state.

"Arab Christian communities in their diversity enjoyed, after the emergence of Islam, the freedom for which they were fighting under the Byzantine rule, at the time when all nations did not accept another religion within its boundaries.²⁷⁹

²⁷⁷ May be iklirus [clergy].

²⁷⁸ The prophet, prayers and peace of God be upon him, had informed his companions that they will conquer Egypt and commanded them to treat its people well, according to the hadith narrated by Muslim about Abu Zir saying: the prophet of God, prayers and peace of God be upon him, said: "You will conquer Egypt which is a land of Qirat, so if you conquer it treat its people well for they have conscience and mercy," or said "conscience and sahra."

Al-Firat: a fraction of the dirham and the dinar was used by the people of Egypt at the time of the conquest.

Al-Thimah: honor and truth.

Al-Rahim: because Hajir the mother of Ismail was from them.

As for the Sihr: because the Coptic Mariya, the mother of Ibrahim the son of the prophet, prayers and peace of God be upon him, was from them.

²⁷⁹ Copied from the book of "The Anti-Christ" by Said Ayub Hamish, page 74.

"When Hercules gathered a huge army to confront the Muslims, Abu Ubaydah wrote to the laborers of the open cities in Syria and ordered them to return the tax money that they had gathered from its people and wrote to them: "We have returned to you your money because we have received what had been collected for us from the people and you had a condition that we prevent you and we cannot do so now so we have returned what we took from you."

Our religion is a great religion, its laws have guaranteed justice to the people of its nation who are submissive to its rules, and these rules do not change nor does its justice change. As a matter of fact it is preserved in accordance with what God had pledged to preserve until He the Almighty inherits the earth and those who live on it; in spite of dissimilar methods and practices with which the Christian crusaders treated the Muslims, when they invaded our lands, or when they had control and power in some of the Muslim countries.

In the day when the crusaders seized Jerusalem on (15/1/109) they slaughtered about 70,000 Muslims and had no mercy on the elderly, the children, or the women in a massacre that continued for three days and did not end except after they got exhausted of killing, whereas they smashed the heads of children against the walls, threw babies from the walls of towers, grilled men on the fire and split open the bellies of pregnant women. All this is recorded in the chronicles of the Christians themselves as well as the chronicles of the Muslims.

As for Salah al-Din when he recaptured Jerusalem from them after 90 years of such a slaughter; he did not treat them in the same way, and when the Christian garrison there submitted to him, he guaranteed their safety. They were more than 100,000 and he gave them an extra period of time to leave in peace and did not kill any of them, nor did he do like the Englishman (Ricardus) who killed in front of the Muslim camp 3,000 who had submitted to him; after he had pledged the sparing of their lives!!

This is how their pledges always were with the Muslims, for in Andalusia, Muslims had entered into an agreement in Grenada of submission with the two royals (Ferdinand and Isabella) but they broke their oath and killed around three million Muslims!!

Investigative courts were held after that in the hearing and sight of the whole world for the Muslims of Andalusia and which is not unknown to anyone; and it is enough for a person to know the difference between our dealing and theirs; to know that Queen Isabella had issued in (1502 AD) an ordinance to have all those who live in Andalusia to choose between baptism or departure!! And he who did not accept either choice met his fate that the whole world heard about and was not hidden from anyone.

In 1502, Queen Isabella issued an ordinance which presented all Andalusians with the choice of either baptism or deportation. Those who refused either option met their fate, which the whole world was aware of and from which no one was spared.

In our modern day and age, I do not think that the massacres which were committed by the worshippers of the cross in all corners of the world have been forgotten by those who

lived through them. The era of the Sabra and Shatilla massacres is not too far off. In spite of most of the people of that refugee camp abandoning their religion and discarding their Islam except for their nationalities and their names--except those whom God had mercy upon, and they are few--the massacre of the women, the elderly and the infant children was happening based on the premise that they had smelt the scent of Islam at one point. The proof of this is the deliverance of anyone with a link to the cross worshippers who worked at the hospitals or emergency rooms in that refugee camp, and the purging of their Muslim counterparts.

As for Bosnia, the Herzog, Kosovo, the Philippines, Indonesia, Kings Islands and other, there was no better fun than the massacres and slaughters that occurred thanks to the hate of the cross worshippers to the religion of the Muslims. They did not take into consideration any conduct of war, ethics or morality and they did not spare one child, one woman or one elderly person.²⁸⁰

I would add to what shaykh Abu Muhammad Al-Maqdissi said, may God release him from imprisonment, and I would remind the Christians of Egypt of the Srebrenica massacre in Bosnia where the Serbian Orthodox--their brothers in creed- killed more than 7000 Muslims under the eyes and ears of the United Nations forces under the command of the agent and grandson of the agent, Butrus Butrus Ghali. We did not put you through investigative trials as your brothers did to our brothers, and we did not massacre you as your brothers did to our brothers in Srebrenica, Sabra and Shatilla.

I remind you of the words of shaykh Usama bin Ladin in his message to the American people in September 2007: "To refute this unfair statement, I say that the morality and culture of the Holocaust is your culture, not ours. In fact, torching the living beings is forbidden in our religion, even if they are as small as ants, let alone men. The Holocaust of the Jews was carried out by your brothers in central Europe. Had it taken place closer to our countries, the majority of the Jews would have been saved by taking refuge with us. My proof to this is what your brothers the Spaniards did when they set up the inquisitions against the Muslims and the Jews. The Jews could not find a safe shelter except by taking refuge in our countries. As a result, the Jewish community in Morocco is today one of the largest communities in the world. They are alive, among us, and we have not burned them. We are a people who do not sleep under oppression and reject humiliation and disgrace, and we take revenge on the people of tyranny and aggression. The blood of Muslims will not be spilled with impunity and tomorrow is nigh for he who waits. Furthermore, your Christian brothers have been living amongst us for 14 centuries. In Egypt alone, there are millions of Christians whom we have not burned and will not burn."

I hope the Christians understand that we want to establish an Islamic state. Every country has the right to choose its authoritative source on which to build its foundations, rules, laws and dealings. If the West has chosen to affiliate itself with patriotism to a secular state and votes of the majority as its authoritative source, we believe that Islam is our authoritative source and creed. It is a creed and authoritative source that warms the heart and mind because God is the Creator and Blessor and He is also the Just Judge. As for the

²⁸⁰ Al-Tuhfah al-Maqdisiyyah fi Mukhtasar Tarikh al-Nusraniyyah" pp 120 to 123.

authoritative source of the West, there is no foundation to its morality or fundamentals. They consider everything acceptable if the majority agrees to it without any regard to morals or principles.

Because of this, the West divides people based on its authoritative source. He who carries the citizenship of the land enjoys full rights and he who does not carry the same citizenship is prevented from the same rights. No matter how long an Englishman or a Frenchman lives in America, spends, owns property or pays taxes, he is still unable to become president or a member of Congress or even be allowed to vote in elections. We also see that the land of Islam is like one country and that all believers are equal brothers while others do not enjoy the same rights that they [Muslims] enjoy, exactly like the Englishman in America does not enjoy the same rights as an American.

This patriotic land which was forced upon us -- thanks to the Sykes-Picot agreement -- with all force, coercion and forgery which God is able to end, God willing because it is an urgent situation that was forced with coercion upon the Islamic nation which had existed as one state until 1924. Any urgent matter which is forced must end because it is contradictory to the nature of things.

This division, according to the authoritative source of Islam is not unjust to anyone; as the people of the narrow patriotic creed divisive to the Islamic nation call for equality among all of the people of Egypt because they live in one country and are neighbors, we answer them with a question: 'Why do you differentiate between the Muslim in Egyptian Rafah and his neighbor the Muslim in Palestinian Rafah when they are a stone's throw away from each other and quite possibly relatives from one family or one tribe? Why do you ask him to unite with the Christians in the far south of Egypt? It is the same situation with the Muslim in Salum and the Muslim in Libya even though they are of one tribe. It is also the same of the Muslim in Halayib and the Muslim in the Sudan.'

Therefore, any authoritative source that divides or unites based on the principle of belonging -- and as patriots consider that patriotic nationality gives the right to differentiate between people based on their citizenship -- Muslims consider it their right to differentiate between people based on their affiliation to Islam.

The authoritative source is much higher, more noble and more accepted to the mind and heart than the authoritative source of the narrow patriotic creed [of citizenship] or the authority of the majority of voters which does not know right from wrong and which permits all that is agreed upon by the majority.

I advise the Christians of Egypt of three things:

First: Beware, beware of supporting the crusaders and at their head America, and their agents and at their head Husni Mubarak, at the expense of Muslims. The battle between us and them is at its fiercest. Do not stick yourselves in the midst of it, we do not want to battle against you.

On the same note, the support of the [Coptic] Church to Husni Mubarak in the latest elections is considered an aggressive action against Muslims and even against all the

honest and maltreated victims in Egypt, which [is an action] the Church could have avoided.

Second: Read the history books well and use them to forecast the future. America has been broken in Iraq and Afghanistan and it is now gathering her belongings and picking up the pieces of what is left to her before departing. The Muslim nation and her jihadist pathfinders, on the other hand, are increasing in capabilities and power as time passes. This is the historical timeline which is clear to any comprehending mind.

Due to this, do not antagonize the Muslims and their jihadist pathfinders. They do not want to start a battle with you. But on this note, there is no way that the Muslims will forget what happened to Wafaa Constantine and her sisters and how, under American pressure, the Church held them as prisoners and no one knows anything about them thanks to the ominous silence of the human rights organizations, and even from America, which critiques Egypt on its lack of religious freedom. Wafaa Constantine and her sisters were handed over to prisons [belonging to] the Egyptian church under direct pressure by America and the betrayal of the shaykhs of Al-Azhar who completely released themselves of their creed and the remaining shreds of jealousy, nobility or morals.

The third matter which I advise the Christians of is that they should not expect the Americans to treat them better than they treat the Christians of Latin America or the Black Christians in America. Malcolm X's father was a reverend and in spite of that, his head was crushed and he was killed when white extremists placed his head under the wheels of a tram. Martin Luther King was a reverend and a proponent of the peaceful resistance [movement], but he was also killed by white extremists. The Christians of Egypt, so that they may not forget, are also considered by the Americans to be colored whites.

My advice also to the Muslims of Egypt in particular and in the East in general is that they should differentiate between the Christians as they were taught in the Holy Koran. God Almighty said: "Allah forbids you not, with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and justly with them: for Allah loveth those who are just. Allah only forbids you, with regard to those who fight you for (your) Faith, and drive you out of your homes, and support (others) in driving you out, from turning to them (for friendship and protection). It is such as turn to them (in these circumstances), that do wrong" [Koranic verse; Al-Mumtahinnah 60:8-9].

There are those Christians who are very careful to improve their relations with the Muslims and there are those Christians who do not accept the Crusader-Jewish occupation to the lands of the Arabs and the Muslims; and there are those Christians who resist this occupation no matter what their incentives are; and there are the Arab Christians whose Arab pride will not allow them to accept the occupation of the Jews to the land of Palestine and the American presence in the lands of the Arabs and the Muslims; and there are those Christians who are proud of their Arab ancestry and who are proud of the prophet of Islam, prayers and peace be upon him, as one of the great figures of Arabs and humanity.

As the Christian immigrant poet whose name I do not recall said:

"Proclaim that there is no god but God, for the muezzin has proclaimed it, and he has recounted the stories of the prophet during the days of the festivities,
"It is enough that the Arabs are proud of their relationship to a prophet, the prophet Muhammad."

We cannot consider all these Christians equal -- according to the rule of the Koran -- to those who offer themselves up as agents to the Americans and the Jews. God knows and from Him is victory.

3. The author of the document then talks about he who calls for the death of all the Jews and the Crusaders and I believe he means the Global Islamic Front for Jihad Against the Jews and Crusaders. I want to caution the precise and accurate author that the name of the Front was "for the jihad of..." and not "for the killing of..." Jews and Crusaders. I would ask that he be precise and accurate.

The second matter is that "crusaders" is a term for those who conducted and still conduct crusader attacks against Muslims. The Jews are a partnering faction during the establishment of Israel. The differentiation between the Jews and the Zionists is meaningless because the majority of the Jews support Israel while a very small minority have no say.

Chapter 15: Observations Regarding Issues Mentioned in Chapter Eleven

1. The author says: "He who has an imam or an amir should not conduct any of these actions without his permission, or else if a man has an amir whom he has championed and then -without his permission and without his knowledge- goes off to conduct actions of a jihadist nature [this] might result in the destruction of the entire emirate and the annihilation of the [Islamic] State....By doing this, he will have broken his commitment to his amir and would have betrayed [him] and committed treason...broken his commitment, committed treason and fled..."

I say that, of course, the author is referring to Shaykh Usama bin Ladin, may God protect him. I would like to reassure the author that I will not debate his descriptive manner of advice with him, but I would like to clarify a number of facts. I hope that the author is not expecting me -while the battle is at its highest point and at a time when the mujahidin are falling prisoners- to recount to him stories and news. However, I am referring to matters that might benefit all those who are intelligent and religious.

a. Since the summer of 1997 and until 10 September 2001, the Americans have been diligently working on striking Al-Qa'ida and the Islamic Emirate of Afghanistan. I will point out some matters:

1. Since the summer of 1997, the American Central Intelligence Agency [CIA] has been discussing plans of action against Usama bin Ladin.²⁸¹ Since the fall of 1997 until June

²⁸¹ CIA memo, "DCI Talking Points Regarding Operations Against Usama bin Ladin," Aug. 25, 1997 copied from: [9/11 Commission Report, p: 480]

1998, the CIA prepared two plans to capture Bin Ladin through collaborators from within the Pashtun tribes. The first attempt was by way of clandestine monitoring of his movements from Kandahar to his residential compound on the outskirts of the city. The tribal collaborators claimed that they tried to do so but failed. As for the second attempt, it was in the form of a night-time raid carried out by collaborators from the tribes who attempted to place Bin Ladin under arrest and transport him for judgment in America or an Arab country. The final plan was approved and practiced a number of times before deciding on 23 June 1998 for its implementation. But the plan was canceled at the end of May 1998 for fear of the casualties [that might result] and the lack of ability of the tribes to capture Bin Ladin alive.²⁸² What this means is that America was preparing to capture Bin Ladin prior to the announcement of the Global Islamic Front for Jihad against Jews and Crusaders in February 1998.

2. On 20 August 1998, America launched a deluge of missiles against camps in Khost, which resulted in the death of nearly 30 martyrs during the attempt to kill shaykh Usama bin Ladin and his companions.

3. Following the missile attacks:

a. On the day of the missile attack, General Shelton²⁸³ had issued a planning order to prepare follow-on strikes and think beyond just using cruise missiles. The initial strikes had been called Operation Infinite Reach. The follow-on plans were given the code name Operation Infinite Resolve.²⁸⁴

b. After the missile campaign, Richard Clarke²⁸⁵ began to think of a continuous campaign against Bin Ladin. For his inner cabinet, Clarke drew up what he called "Political-Military Plan Delenda"²⁸⁶ which originally aimed to 'immediately eliminate any significant threat to Americans' from the 'Bin Ladin network'. The paper called for diplomacy to deny Bin Ladin sanctuary; covert action to disrupt terrorist activities, but above all to capture Bin Ladin and his deputies and bring them to trial; efforts to dry up Bin Ladin's money supply; and preparation for follow-on military action. He envisioned an ongoing campaign of strikes against Bin Ladin's bases in Afghanistan or elsewhere, whenever target information was ripe. In spite of his anticipation not to expect ever again to have an assembly of terrorist leaders in his sights, he argued that rolling attacks might persuade the Taliban to hand over Bin Ladin and, in any case, would show that the action in August was not a 'one-off event.' It would show that the United States was committed to a relentless effort to take down Bin Ladin's network. However, the top leaders found themselves not persuaded of the merits of rolling and worthless attacks and worried that attacks that missed Bin Ladin could enhance his stature and increase his popularity.²⁸⁷

²⁸² 9/11 Commission Report, p: 11 to 115,

²⁸³ Chairman of the Joint Chiefs of Staff from 1997 to 2001.

²⁸⁴ 9/11 Commission Report, p: 134

²⁸⁵ Chief counter-terrorism adviser from 1997 to 2001

²⁸⁶ Delenda is a Latin word which means 'Carthage must be destroyed'

²⁸⁷ 9/11 Commission Report, p: 120

c. During the last week of August 1998, officials began considering possible follow-on strikes. President Clinton was inclined to launch further strikes sooner rather than later,²⁸⁸ but the issue with the Department of Defense was that they were searching for worthy targets.

d. In an attempt to achieve this, Defense officials at a lower level, in the Office of the Assistant Secretary for Special Operations and Low-Intensity Conflict submitted an eight-part strategy that called not for particular strikes, but instead for large-scale operations across the whole spectrum of U.S. military capabilities so that the Department of Defense might become "more proactive and aggressive" or else the future, they warned, might bring "horrific attacks."²⁸⁹

4. In June 1999, Clinton contacted Nawaz Sharif and attempted to urge Sharif, in the strongest way he could to persuade the Taliban to expel Bin Ladin and to threaten to cut all oil supplies to Afghanistan and Afghan imports through Karachi. Sharif suggested instead that Pakistani forces might try to capture Bin Ladin themselves. In July of the following year, Clinton met with Nawaz [Sharif] in Washington and they revisited the issue. The Americans approved U.S. assistance in training a Pakistani Special Forces team for an operation against Bin Ladin.²⁹⁰

5. As part of the response to the embassy bombings, President Clinton signed a Memorandum of Notification authorizing the CIA to let its tribal assets use force to capture Bin Ladin and his associates, or to attack him using other means.²⁹¹

6. In December 1998, the Small Group of the Counterterrorism Security Group met to discuss the danger of Bin Ladin. The two generals, Shelton and Zinni²⁹² came up with military options. Special Operations Forces were later told that they might be ordered to attempt raids to capture Abu Hafs the Mauritanian in Khartoum or to capture Bin Ladin in Kandahar.²⁹³

7. On December 20, intelligence indicated Bin Ladin would be spending the night at the Hajji Habash house, part of the governor's residence in Kandahar. An urgent teleconference of principals was arranged. [During the teleconference, they] considered a cruise missile strike to try to kill Bin Ladin however that idea was discarded due to the number of innocent bystanders who would be killed or wounded and concern about damage to a nearby mosque [in addition to the possibility that] shaykh Usama might [by then] have departed from the area.²⁹⁴ There is no house that belongs to Hajji Habash, however there is the mosque of Hajji Habash and across that and a little to the north, lies what the Arab brothers called 'Al-Ruman House' which was the headquarters of the

²⁸⁸ 9/11 Commission Report, p: 120

²⁸⁹ 9/11 Commission Report, p: 121

²⁹⁰ 9/11 Commission Report, p: 126

²⁹¹ 9/11 Commission Report, p: 126

²⁹² Head of the United States Central Command from 1997 to 2000

²⁹³ 9/11 Commission Report, p: 130

²⁹⁴ 9/11 Commission Report, p: 130 & 131

Arabic Language Center and not a place of residence of the governor of Kandahar. Shaykh Usama never spent the night there.

8. In December 1998, the commission of the Joint Chiefs of Staff prepared a paper on the utilization of a specific type of plane; the AC-130, which is able to fly quickly and at great altitude and is undetectable by radar. The plane used 25, 40 and 105 mm mortars to accurately engage targets belonging to Bin Ladin.²⁹⁵ However, the decision was not put into practical use due to the assumptions of the lack of worthy targets.²⁹⁶

9. On 4 December 1998, the head of the CIA, George Tenet²⁹⁷ issued a directive²⁹⁸ to several CIA officials and his deputy for community management, stating: "We are at war. I want no resources or people spared in this effort, either inside CIA or the Community."²⁹⁹

10. On 24 December 1998, Clinton signed a memorandum authorizing the tribal collaborators of the CIA to capture Bin Ladin and his deputies, or to kill them if it was judged that capturing them was not feasible.³⁰⁰

11. In February 1999, Clinton issued -- based on the request of the CIA -- another draft Memorandum of Notification which allowed the CIA to give exactly the same guidance to the Northern Alliance as had just been given to the tribes. Intelligence Officer Sherwin recalls Mas'ud's reaction when he heard that the United States wanted him to capture and not kill Bin Ladin as "You guys are crazy; you haven't changed a bit."³⁰¹

12. In February 1999, the Americans also claimed that they conducted surveillance of a hunting campsite belonging to Emirate princes which had been visited by Usama bin Ladin. They claimed that they were on verge of striking the campsite but they retreated fearing that the lives of the Emirate princes would be claimed. But that is all delusion; there is no relation between shaykh Usama bin Ladin and that campsite.³⁰²

13. The Americans claim that in May 1999, CIA assets in Afghanistan reported on Bin Ladin's location in and around Kandahar over the course of five days and nights. They expected the missiles to fly but the decision came back that they should stand down.³⁰³

²⁹⁵ DOD Memo, 'Summary of Conclusions: AC-130 Deployment Decision Paper,' Jan. 12, 1999 copied from [9/11 Commission Report, p: 486]

²⁹⁶ 9/11 Commission Report, p: 136 to 143

²⁹⁷ Chief of the Central Intelligence Agency from 1997 to 2004

²⁹⁸ CIA memo, Tenet to Gordon and others, 'Usama bin Ladin,' Dec. 4, 1998, p. 2 copied from [9/11 Commission Report, p: 561.]

²⁹⁹ 9/11 Commission Report, p: 357

³⁰⁰ 9/11 Commission Report pages 130-132

³⁰¹ 9/11 Commission Report pages 133 & 139

³⁰² I mentioned this story and the details of the delusion and truth in the second edition of my book 'Fursan Taht Rayit al-Nabi, Sala Allah Alai'hi Wa Salam ' [Knights Under the Banner of the Prophet, Prayers and Peace be Upon Him], for which I ask God to aid me in its completion soon, God willing.

³⁰³ 9/11 Commission Report, p: 140

14. On 25 June 1999, Sandy Berger convened the Small Group to discuss the decision to strike Bin Ladin. The American Military Command had prepared a plan at the beginning of that year for a strike concentrated against the centers of Bin Ladin and the Taliban governmental institutions. However, the decision to strike was not taken for fear of -- as they claim -- the presence of families inside Bin Ladin's residential compound.³⁰⁴

15. In July 1999, President Clinton authorized the CIA to work with several governments to capture Bin Ladin, and his principal lieutenants. The President reportedly also authorized a covert action under carefully limited circumstances which, if successful, would have resulted in Bin Ladin's death.³⁰⁵

16. In July 1999, President Clinton issued an executive order effectively declaring the Taliban regime a state sponsor of terrorism.³⁰⁶

17. In September 1999, DCI Tenet unveiled the CIA's new Bin Ladin strategy. It was called, simply, "the Plan." The Plan proposed continuing disruption and rendition operations worldwide. It announced a program for hiring and training better officers with counterterrorism skills, recruiting more assets, and trying to penetrate Al-Qa'ida's ranks. In addition, the CIA would increase contacts with the Northern Alliance rebels fighting the Taliban.³⁰⁷

18. Under pressure from the United States, the Security Council issued resolution number 1267 in October 1999 which demanded that the Taliban render Bin Ladin to justice within 30 days; or else face economic sanctions and restrictions on the takeoff and landing rights of Taliban-owned aircraft.³⁰⁸

19. In late October, a group of officers from the Counterterrorist Center flew into the Panjshir Valley to meet up with Mas'ud; a journey that would be repeated several times in the future.³⁰⁹ Mas'ud appeared committed to helping the United States collect intelligence on Bin Ladin's activities and whereabouts and agreed to try to capture him if the opportunity arose.³¹⁰

20. At the end of 1999, the CIA considered the possibility of putting U.S. personnel on the ground in Afghanistan. The CIA had been discussing this option with Special Operations Command and saw a 95 percent chance of Special Operations Command forces capturing Bin Ladin if deployed.³¹¹

³⁰⁴ 9/11 Commission Report, p: 141

³⁰⁵ 9/11 Commission Report, p: 142

³⁰⁶ 9/11 Commission Report, p: 125

³⁰⁷ 9/11 Commission Report, p: 142

³⁰⁸ 9/11 Commission Report, p: 125 and 483

³⁰⁹ This visit was repeated at least twice after this; once from 13 to 21 March 2000 and once again from 24 to 28 April 2000. 9/11 Commission Report p: 505 and 506

³¹⁰ 9/11 Commission Report p: 142

³¹¹ 9/11 Commission Report, p: 143

21. In the middle of December 1999, President Clinton signed a Memorandum of Notification giving the CIA broader authority to use foreign proxies to detain Bin Ladin's lieutenants, without having to transfer them to U.S. custody. The authority was to capture, not kill; though lethal force might be used if necessary.³¹²

22. At the end of December 1999, General Anthony Zinni, the commander of Central Command was designated as the President's special envoy and sent to ask General Musharraf to 'take whatever action you deem necessary to resolve the Bin Ladin problem at the earliest possible time.'³¹³

23. In January 2000, Assistant Secretary of State Karl Inderfurth³¹⁴ and the State Department's counterterrorism coordinator Michael Sheehan,³¹⁵ met with General Musharraf in Islamabad. He [Musharraf] told the two envoys that he would meet with Mullah Omar and press him on Bin Ladin.³¹⁶

24. In March 2000, Clinton visited Pakistan and pleaded with the general for help regarding Bin Ladin. He offered him better relations with the United States if he helped in capturing Bin Ladin and urged Musharraf to carry through on his promise to visit Afghanistan and press Mullah Omar to expel Bin Ladin.³¹⁷

25. At the end of March 2000, Under Secretary of State Thomas Pickering followed up with a trip to Pakistan with the same general message.³¹⁸

26. In May 2000, a delegation representing Mas'ud met with Clarke, the State Department's Michael Sheehan, and CIA senior managers in Washington to discuss previously agreed upon items.³¹⁹

27. In June 2000, George Tenet, head of the CIA travelled to Pakistan with the same message and agreed to create a counterterrorism working group to coordinate efforts between Pakistani agencies and the CIA.³²⁰

28. In the summer of 2000, plans continued to be developed for potential military operations in Afghanistan. Navy vessels that could launch missiles into Afghanistan were still on call in the north Arabian Sea. In the summer, the military refined its list of strikes and Special Operations possibilities to a set of 13 options within the Operation Infinite Resolve plan.³²¹

³¹² 9/11 Commission Report, p: 176

³¹³ 9/11 Commission Report, p: 176

³¹⁴ Assistant Secretary of State for South and Central Asian Affairs from 1997 to 2001.

³¹⁵ Counter Terrorism Department Coordinator from 1998 to 2000.

³¹⁶ 9/11 Commission Report, p: 183

³¹⁷ 9/11 Commission Report, p: 183

³¹⁸ 9/11 Commission Report, p: 183

³¹⁹ 9/11 Commission Report, p: 506

³²⁰ 9/11 Commission Report, p: 183 and 503

³²¹ 9/11 Commission Report, p: 188

29. During this time, President Clinton expressed his frustration with the lack of military options to take out Bin Ladin and the Al-Qa'ida leadership, remarking to General Hugh Shelton, You know, it would strike fear in the hearts of Al-Qa'ida if suddenly a bunch of black ninjas rappelled out of helicopters into the middle of their camp."³²²

30. On 7 September 2000, the Predator, an unmanned spy plane, flew over Afghanistan as part of operation Afghan Eyes seeking to find Bin Ladin or to identify additional worthwhile targets, such as other Al-Qa'ida leaders or stocks of chemical or biological weapons and target them for cruise missile or air attack. Ten out of 15 trial missions of the Predator over Afghanistan were rated successful. The Americans claimed that they were able to photograph Bin Ladin twice.³²³

31. In September 2000, Tommy Franks, Commander of the United States Central Command³²⁴ met with high-ranking personnel of the Central Command. He would later mention in his memoirs: "On the morning of Tuesday, toward the end of September, I gathered the high-ranking heads of the Middle Command in my office in Tampa in order to go over the operation situation of the Command with regards to Al-Qa'ida. The group of operations of General Sandy Sandstrom had isolated a number of the best targets of Al-Qa'ida by depending on photographs and electronic information. This was related to suspected or known training camps, and what we call -- from an optimistic perspective -- visitor facilities, meaning some houses and offices, which the Intelligence agencies believed to have been used by Usama and his deputies from time to time. If we do not take into account the type of intelligence information we have, I would not be convinced that we are able to destroy Al-Qa'ida in Afghanistan using only cruise missiles and air strikes. However, I have directed the employees in Sandy's operation group to work closely with Vice Admiral Willie Moore, the commander of the Naval Component, to improve the response times of the Tomahawk missiles when necessary. If we were not able to conduct a successful attack against Al-Qa'ida, I knew that this would necessitate ground operations and we would have had to go in there and get information and act in light of that information. However, any raid on the part of the strategic attacking forces would have had to be strong enough in order to force the defeat of the security forces which were heavily armed and which surround Usama bin Ladin and his deputies. An operation such as this required special operational forces such helicopters above certain areas in more than one country and the carrying out of arrangements and preparations, in addition to detailed information that would inform us of the location which we are targetting in our strikes. Most importantly, these types of operations require very serious political decisions and I thought that we would be able to handle the matter of preparation and sending helicopters, however national ratification regarding carrying out a strategic attack with high risks in Afghanistan in light of the lack of detailed information was not a possibility in the era after Mogadishu."³²⁵

³²² 9/11 Commission Report, p: 189

³²³ 9/11 Commission Report, p: 189 and 190

³²⁴ Commander of the United States Central Command from 2001 to 2003.

³²⁵ 'Al-Sharq al-Awsat' 20 August 2004, An American soldier, Episode 6

32. During the middle of November 2000, Berger³²⁶ asked General Shelton to reevaluate military plans to act quickly against Bin Ladin. General Shelton tasked General Tommy Franks to look again at the options. He briefed Berger on the 'Infinite Resolve' strike options developed since 1998, which the Joint Staff and Central Command had refined during the summer into a list of 13 possibilities or combinations. Central Command added a new 'phased campaign' concept for wider-ranging strikes, including attacks against the Taliban. For the first time, these strikes envisioned an air campaign against Afghanistan of indefinite duration.³²⁷

33. Tommy Franks met with Richard Clarke, the National Security Advisor during the Clinton and Bush administrations in 2000 to study the [possibility] of carrying out military strikes against Al-Qa'ida. He says of this meeting in his memoirs: "The matter for discussion was Al-Qa'ida and Taliban. Clarke began to present the intelligence information he had and even though this information was received late in the game, it was not necessarily accurate. . . I asked him about the intelligence information on Al-Qa'ida. I said, 'Dick, for Middle Command to be able to draw up practical plans for war, we need useable intelligence information. Tomahawk missiles are able to strike the locations which are preselected however, the reports that say that Usama bin Ladin might have spent the night in a certain cave do not represent possible targets. These reports might aid in reaching a specific style of his movements, but we need accurate and specific information in terms of time and location so that we are able to target him.' Dick smiled a knowing smile and said that he had 'techniques' that might aid in solving this problem. I automatically assumed that he meant the Predator spy planes which are able to fly for hours above enemy land and send back images that are extremely clear both day and night. The CIA had been trying to arm the Predator with Hillfire missiles and I said to myself that this would be an extremely dangerous weapon, but I remembered at the same time the military saying that says 'it is extremely dangerous to be unable to differentiate between desire and ability' and I questioned whether Dick Clarke had ever heard this saying before. I wanted to destroy Al-Qa'ida but my meeting with Clarke did not propel me [to take] one step forward toward this goal."³²⁸

34. In December 2000, the United States led a campaign for new UN sanctions, which resulted in UN Security Council Resolution 1333, again calling for Bin Ladin's expulsion and forbidding any country to provide the Taliban with arms or military assistance.³²⁹

35. In late 2000, the CIA and the National Security Council staff began thinking about the counterterrorism policy agenda they would present to the new Bush administration. The Counterterrorism Center put down its best ideas for the future, assuming it was free of any prior policy or financial constraints. The paper was therefore informally referred to as the "Blue Sky" memo and proposed the following:

³²⁶ National Security Advisor from 1997 to 2001

³²⁷ 9/11 Commission Report, p: 194

³²⁸ 'Al-Sharq al-Awsat' 20 August 2004, An American soldier, Episode 6

³²⁹ 9/11 Commission Report, p: 183

--a major effort to support the Northern Alliance through intelligence sharing and increased funding so that it could stave off the Taliban army and tie down Al-Qa'ida fighters; this effort was not intended to remove the Taliban from power, a goal that was judged impractical and too expensive for the CIA alone to attain;

--increased support to the Uzbeks to strengthen their ability to fight terrorism and assist the United States in doing so; and

--assistance to anti-Taliban groups and proxies who might be encouraged to passively resist the Taliban.³³⁰

36. As the Clinton administration drew to a close, Clarke and his staff developed a policy paper of their own entitled "Strategy for Eliminating the Threat from the Jihadist Networks of Al-Qa'ida: Status and Prospects," which reviewed the threat and the record to date, incorporated the CIA's new ideas from the Blue Sky memo, and posed several near-term policy options. Clarke and his staff proposed a goal to "roll back" Al-Qa'ida over a period of three to five years. Over time, the policy should try to weaken and eliminate the network's infrastructure in order to reduce it to a "rump group." "Continued anti-Al-Qa'ida operations at the current level will prevent some attacks," Clarke's office wrote, "but will not seriously hinder their ability to plan and conduct attacks." The paper backed covert aid to the Northern Alliance, covert aid to Uzbekistan, and renewed Predator flights in March 2001. A sentence called for military action to destroy Al-Qa'ida command-and control targets and infrastructure and Taliban military and command assets.³³¹

37. A week before being sworn in as president, President Bush met with George Tenet for a briefing on the situation with the agency and he asked Tenet whether the CIA could kill Bin Ladin. Tenet replied that killing Bin Ladin would have an effect but would not end the threat. Tenet said to him [Bush] that the CIA had all the authority it needed.³³²

38. In December 2000, Bush met with Clinton for a discussion of national security and foreign policy challenges. Clinton said to him [Bush], "I think you will find that by far your biggest threat is Bin Ladin and Al-Qa'ida." He also said, "One of the great regrets of my presidency is that I didn't get him [Bin Ladin] for you, because I tried to."³³³

39. Tommy Franks says of the communication between him and Clarke on 9 January 2001, "On the 9th of January 2001, and during the final days of the Clinton administration, Dick Clarke called me from the National Security Council to discuss the government's pursuit of Usama bin Ladin and Al-Qa'ida. There was a lot of sensitive information regarding the Predator program and he said that operations were proceeding smoothly and that results would be harvested shortly. He also said that the work of the human sources of information was improving, but could not be described as copious or

³³⁰ 9/11 Commission Report, p:196 and 197

³³¹ 9/11 Commission Report, p: 197

³³² 9/11 Commission Report, p: 198, 199 and 508

³³³ 9/11 Commission Report, p: 199

precise." I said to him that that was a great thing and that we were ready to coordinate goals. After that, I did not receive any operational commendation or informational sheet regarding the work from Richard Clarke.³³⁴

40. Of his meeting with Musharraf on 19 January 2001, he says he then focused³³⁵ on Afghanistan and said "we do not have any choice except to work with Taliban. I can assure you that we abhor their extremist leanings, but they have brought stability to Afghanistan and ended the bloodshed after the departure of the Soviets. We should at the very least enjoy stability across one border." He³³⁶ then said, "You know, General, that Taliban is isolated. We have some influence over them but we cannot control them. I will exert as much effort as I can to help but we are in need of support from the international community." The support that he was referring to was of course American economic and military support. I was not there to offer privileges but I was able to relay this message to Washington. He said, presenting his issue directly, "Pakistan might be able to help with the problem of Bin Ladin and Al-Qa'ida and if we are able to increase our influence on the Taliban, they might agree to expel him to a neutral country to be exiled there, or to be brought to justice." I said to him "I am here to listen to you, General Musharraf." He continued his conversation but the definitive information had already been exchanged: if we help him in achieving the requirements of Pakistan, he would help us in the matter of Bin Ladin and Al-Qa'ida.

As we were discussing all this, he pointed out that it would appropriate for us to put on our military uniforms. For years, American dignitaries, envoys and diplomats had worn formal civilian clothing and would sit and discuss in a lofty manner with military politicians such as Pervez Musharraf the matter of human rights and constitutional governments. It was natural that I would believe in these matters in the same manner of conviction but at this stage of history, we were in need of priorities. Stopping Al-Qa'ida is one of the most important of these priorities and Musharraf was prepared to offer his help.³³⁷

41. In February 2001, President Bush wrote General Musharraf on a number of matters. He emphasized that Bin Ladin and Al-Qa'ida were 'a direct threat to the United States and its interests that must be addressed.' He urged Musharraf to use his influence with the Taliban on Bin Ladin and Al-Qa'ida.³³⁸

42. On 30 April 2001, CIA briefing slides described Al-Qa'ida as the "most dangerous group we face," citing its "leadership, experience, resources, safe haven in Afghanistan, [and] focus on attacking the United States." The slides warned, "There will be more attacks." At the meeting, the deputies endorsed covert aid to Uzbekistan. Regarding the Northern Alliance, they "agreed to make no major commitment at this time." Washington would first consider options for aiding other anti-Taliban groups. Meanwhile, the

³³⁴ 'Al-Sharq al-Awsat' 20 August 2004, An American soldier, Episode 8

³³⁵ Referring to Musharraf

³³⁶ Referring to Musharraf

³³⁷ 'Al-Sharq al-Awsat' 20 August 2004, An American soldier, Episode 8

³³⁸ 9/11 Commission Report, p: 207

administration would 'initiate a comprehensive review of U.S. policy on Pakistan' and explore policy options on Afghanistan, "including the option of supporting regime change."³³⁹

43. On 29 May 2001, Rice held a meeting with Tenet and a number of high-ranking officials working on counter Al-Qa'ida activities. Rice asked about "taking the offensive" and whether any approach could be made to influence Bin Ladin or the Taliban. Clarke and Black³⁴⁰ replied that the CIA's ongoing disruption activities *were* "taking the offensive" and that Bin Ladin could not be deterred. A wide-ranging discussion then ensued about 'breaking the back' of Bin Ladin's organization. Tenet emphasized the ambitious plans for covert action that the CIA had developed in December 2000. Clarke and Black were asked to develop a range of options for attacking Bin Ladin's organization, from the least to the most ambitious. Rice and Hadley³⁴¹ asked Clarke and his staff to draw up the new presidential directive. On June 7, Hadley circulated the first draft, describing it as "an admittedly ambitious" program for confronting Al-Qa'ida. The draft NSPD's goal was to "eliminate the Al-Qa'ida network of terrorist groups as a threat to the United States and to friendly governments." It called for a multi-year effort involving diplomacy, covert action, economic measures, law enforcement, public diplomacy, and if necessary military efforts. The State Department was to work with other governments to end all Al-Qa'ida sanctuaries, and also to work with the Treasury Department to disrupt terrorist financing. The CIA was to develop an expanded covert action program including significant additional funding and aid to anti-Taliban groups. The draft also tasked OMB with ensuring that sufficient funds to support this program were found in U.S. budgets from fiscal years 2002 to 2006. Rice viewed this draft directive as the embodiment of a comprehensive new strategy employing all instruments of national power to eliminate the Al-Qa'ida threat.³⁴²

44. On 18 June 2001, Rice met with the visiting Pakistani foreign minister, Abd-al-Sattar. She "really let him have it" about Al-Qa'ida. Abd-al-Sattar urged senior U.S. policymakers to engage the Taliban, arguing that such a course would take time but would produce results.³⁴³

45. In June 2001, the American government once again pressed the Islamic Emirate to turn Bin Ladin "over to a country where he could face justice" and repeated the warning that the Taliban would be held responsible for any Al-Qa'ida attacks on United States interests. In early July 2001, Ambassador Milam met one last time with Taliban Deputy Foreign Minister Mullah Abd-al-Jalil in Islamabad and stressed that Bin Ladin had to be expelled.³⁴⁴

³³⁹ 9/11 Commission Report, p: 207

³⁴⁰ Cofer Black, Director of the CIA's Counterterrorist Center from 1999 to 2002

³⁴¹ Stephen Hadley, Deputy National Security Advisor [Assistant to the President For National Security]

³⁴² 9/11 Commission Report, p:204 and 205

³⁴³ 9/11 Commission Report, p:207

³⁴⁴ 9/11 Commission Report, p:205 and 511

46. In August 2001, the Deputies Committee met again to discuss the armed Predator. They concluded that it was legal for the CIA to kill Bin Ladin or one of his deputies in an act of self-defense.³⁴⁵

47. On 4 August 2001, President Bush wrote President Musharraf to request his support in dealing with terrorism and to urge Pakistan to engage actively against Al-Qa'ida.³⁴⁶

48. Tommy Franks said: "During the first week of September, I worked with George Tenet and Assistant Secretary of State Christina Rocca to arrange a meeting with General Mahmud Ahmad, Director General of Pakistan's intelligence service, during a trip he was to undertake to Washington. I was looking forward to the relationship that existed between Pakistan and Taliban, in order to evaluate the possibility of Pakistan being able to assist us in reaching Usama bin Ladin and Al-Qa'ida by increasing the cooperation between our two agencies." The meeting was set for 10 September 2001.³⁴⁷

49. On 10 September 2001, American Security Agencies officials met and formally agreed on a three-phase strategy. First an envoy would give the Taliban a last chance. If this failed, continuing diplomatic pressure would be combined with the planned covert action program encouraging anti-Taliban Afghans of all major ethnic groups to stalemate the Taliban in the civil war and attack Al-Qa'ida bases, while the United States developed an international coalition to undermine the regime. In phase three, if the Taliban's policy still did not change, the deputies agreed that the United States would try covert action to topple the Taliban's leadership from within. The deputies agreed to revise the Al-Qa'ida presidential directive, then being finalized for presidential approval, in order to add this strategy to it.³⁴⁸

This alert was circulated at the highest levels of American decision circles on 10 September 2001 as a reaction to the assassination of Ahmad Shah Mas'ud on 9 September. The American administration regarded the death of Ahmad Shah Mas'ud as a declaration of war by the Islamic Emirate against American interests. In spite of the death of Ahmad Shah Mas'ud -- from the perspective of international law -- being considered an internal Afghani matter, from the perspective of great criminals, it was a declaration of war from the Islamic powers conducting jihad against it.

Now, after this long narration of which the reader might have become weary, I would like to stress that I intended to present it to clarify to the reader the lowly, aggressive and continuous attempts of the Americans to attack and assault Al-Qa'ida and Taliban. I have narrated these steps and attempts using sources that I have been able to access in spite of the lack of resources and in spite of the passage of time which will reveal even more. I say that I insisted on narrating these attempts from official American sources and from the memoirs of their high-ranking leaders so that I can refer to sources that may not be suspected. Reviewing these attempts reveals the following:

³⁴⁵ 9/11 Commission Report, p: 212

³⁴⁶ 9/11 Commission Report, p: 207

³⁴⁷ 'Al-Sharq al-Awsat' 20 August 2004, An American soldier, Episode 8

³⁴⁸ 9/11 Commission Report, p: 206

a. The American Government, since the summer of 1997, has been trying to kidnap or assassinate Shaykh Usama bin Ladin, as revealed by the CIA memorandum which I have referenced.³⁴⁹ This was before the declaration of the "International Islamic Front for Jihad Against Jews and Christians"³⁵⁰ and before the embassy bombings in Nairobi and Dar es Salam.³⁵¹

b. This meant that America was striving to assassinate or kidnap anyone who was seriously resisting her. As for those who resisted by words, their values were well known. This is the response to the defeated ones who accused Usama bin Ladin and Al-Qa'ida of being the reason behind America's war against the Islamic world.

c. If America has no mercy on anyone she feels is strongly resisting her, then she has only two options. The first is that we submit to her constant aggression against us since the 1940s of this century [the 20th century]. We might fool ourselves with chitchat about her crimes or we can stand up to her aggression so that we can live as honorable, noble and free Muslims. This is where the war will commence between us and her, in all manner of difficulties, trials and the sacrifices that this war entails.

d. America strove to assassinate or capture Usama bin Ladin and to tame the Taliban so that they might transform into a weak government like the rest of the countries that claim they are Islamic, and America was prepared to use all manner of violence and dirty, covert operations to that end.

e. America did not carry out many of her plans due to the hesitation of her leaders to assume responsibility and the losses of life of their soldiers. This is an indication of the weakness of our enemy.

f. America decided -- before 11 September -- to force the Islamic Emirate to accept her plans and to get rid of Usama bin Ladin with all her might (all manner of national force). The culmination of these plans was reached in the plan that was agreed upon on 10 September 2001 because the American administration regarded the assassination of Ahmad Shah Mas'ud one day before as an action that could not be idly passed by, and that the Islamic Emirate, by taking this action had reached a point which could no longer be ignored.

"And the non-believers plotted and planned, and Allah too planned, and the best of planners is Allah" [Koranic verse; Al-Imran 3:54].

a. I would like to draw the attention of the reader that I did not mention repeated information which we had been receiving regarding the American plans, regarding the gatherings at the northern borders of Afghanistan, the American movements in Central Asia, the continuous Iranian support of the Northern Alliance, or even the energy and

³⁴⁹ CIA memo, "DCI Talking Points Regarding Operations Against Usama bin Ladin," Aug. 25, 1997.

³⁵⁰ On 25 Shawwal 1418 Hijri corresponding to 22 February 1998.

³⁵¹ 7 August 1998.

pressure exerted by Iran to gather this worn-out alliance together. I was satisfied with what I was able to relay from official and semi-official American sources.

b. I go back to what the writer said of betrayal and treachery and such. I remind the reader that the Islamic Emirate declared before the assault and after it, that she stands with her mujahidin brothers in Al-Qa'ida in one line [of defense] against the enemies of Islam. I relay to the reader here a wonderful example of the morals that bind the leaders of Taliban, who truly deserve to be guides for the mujahidin. The martyr Dadollah -- whom we consider as such and may God have mercy upon him -- the former Military Commander of the Taliban forces said in response to questions posed to him by the journalist Ahmad Zaydan, correspondent of Al-Jazirah Station and later proven in his book "Awdat Al-Rayah Al-Suud" [The Return of the Black Banners], that, when asked by Mr. Ahmad Zaydan "What is the nature of your relationship with the Al-Qa'ida Organization? Are you in touch with them now?" Mullah Dadollah, may God have mercy upon him, said "The whole world knows we sacrificed our government for the sake of the mujahidin of Al-Qa'ida. This was an Islamic obligation upon us, how then can we not have ties with them? We are now, us and them, on one front and on one field against a joint enemy. We will remain in this battle until victory or martyrdom [is achieved], God willing. Our goal is to continue jihad. Our religion is one, our goal is one and our enemy is one also. God willing, we will remain at the side of our brothers in Al-Qa'ida until we inflict defeat upon our joint crusader enemy."

Mr. Ahmad Zaydan then asks "Do you regret supporting the Al-Qa'ida organization after losing your government?" Mullah Dadollah's, may God have mercy upon him, response was "Our words are the words of the martyr when he is put into his grave." He says "I wished to come back to life so that I may be killed once again." This is so that he may join in jihad and be martyred a second time due to the divine preciousness he sees that is attributed to his jihad and martyrdom. We say: "We wish that we can regain control of the government a hundred times so that we may lose it again and sacrifice ourselves for the sake of all those mujahidin of the Al-Qa'ida organization."

Now, is the difference clear, dear reader?

c. I then say to the writer that the amir of the believers, Mullah Omar, may God protect him, is a courageous, noble, quick-tongued leader who is strong-willed and I don't think is in need of anyone's advice in order to reward or punish Usama bin Ladin. He is his soldier and under his banner. This is a personal matter of his, so do not trouble yourself.

d. I say to the writer, if you are concerned with the state of the Islamic Emirate in Afghanistan and are sad about what has happened to her, the amir of the believers, Mullah Muhammad Omar, may God protect him, has alerted Muslims everywhere, by putting forth:

"A Letter Calling for Support from the Amir of the Believers, Mullah Muhammad Omar Mujahid, May God Protect Him, to the Muslims and Scholars Everywhere

"On 16 Rajab 1422 [corresponding to 3 October 2001]

"In the name of God, the Compassionate, the Merciful

"Praise be to God, who said in His book: 'Go ye forth, whether equipped lightly or heavily, and strive and struggle, with your goods and your persons, in the cause of Allah. That is best for you, if ye but knew' [Koranic verse; Al-Tawbah 9:41]. [God] also said: 'O ye who believe! What is the matter with you, that, when ye are asked to go forth in the cause of Allah, ye cling heavily to the earth? Do ye prefer the life of this world to the Hereafter? But little is the comfort of this life, as compared with the Hereafter. Unless ye go forth, He will punish you with a grievous penalty, and put others in your place; but Him ye would not harm in the least. For Allah hath power over all things' [Koranic verse; Al-Tawbah 9:39].

"Prayers and peace be upon the Imam of the mujahidin, the leader of the Al-Ghur al-Muhajjalin [those having white on their forehead, hands and feet on the day of resurrection from the effects of ablutions for prayer], our prophet Muhammad, who said: 'I have been sent before the hour with the sword until Allah is worshipped alone with no partner. And my sustenance has been placed underneath the shadow of my spear. And that disgrace and abasement has been inflicted on those who oppose my command. And whoever imitates a people is one of them.' This was narrated by Ahmad and Abu-Dawud. [Hadith].

"Thereafter:

"Oh great nation of Islam, 'Ye are the best of peoples, evolved for mankind, enjoining what is right, forbidding what is wrong, and believing in Allah' [Koranic verse; A;-Imran 3:110].

"Oh Muslims in the East and the West; Oh you who believed in Allah as god, in Islam as religion and in Muhammad, prayers and peace of God be upon him, as prophet.

"Oh, all you Muslims:

"There is no doubt that you are closely and carefully following the egregious crusader campaign which is led by the United States of America with international support from Britain and the Christian countries of Europe, NATO, Russia and the former communist countries, and all those non-believers, apostates and the Muslim fools who joined to gather armies and form coalitions against the Islamic Emirate in Afghanistan, so that they may achieve the goals they announced previously, the head of which is to destroy the Islamic government in Afghanistan and get rid of what they term 'the fundamentals of terrorism.'

"There is no doubt that you realize that the reasons that all those claim to be behind their crusader campaign are nothing more than a shield for them to attain their deep-seated goals, of which God Almighty informed us of in His precious book when He said: 'Nor

will they cease fighting you until they turn you back from your faith if they can. And if any of you turn back from their faith and die in non-belief, their works will bear no fruit in this life and in the Hereafter; they will be companions of the Fire and will abide therein' [Koranic verse; Al-Baqarah 2:217]. They want to destroy this Islamic state because it is Islamic. Otherwise, under what constitution or what law is it permissible to punish one person for an accusation that has not been proven, instead of punishing an entire nation because of that one person?!

"What has been agreed upon by the divine commandments and the laws of positivism is that the accused is innocent until proven guilty, but they fight against us because we have established an Islamic system of ruling that is independent. This, in truth, is much harder upon them than the attacks that New York and Washington sustained.

"Oh Muslims of the world:

"The question now is no longer whether the operations that were carried out against America were right or wrong. What happened already happened, supported by those who supported it and opposed by those who opposed it. The question that is posed now is what is the duty of the Islamic nation toward the new crusader campaign in Afghanistan?

"What is the ruling on those who befriend the crusaders and stand by their side and aid them in any way that they are able to? What the Islamic nation has agreed upon and the conclusion that the scholars have come to is that in such circumstances as those that we are in now, jihad against these aggressors is the solemn duty of every Muslim. No father can absolve his son of it, nor can a master absolve his slave, nor can a husband absolve his wife, nor can a debtor absolve him who is indebted to him. There is no debate regarding this amongst the scholars. This is the ruling regarding jihad against these aggressors, and the duty of Muslims in this matter.

"As for the ruling regarding turning to them in friendship, God Almighty has revealed this in clear terms. God Almighty says in His book: 'O ye who believe! Take not the Jews and the Christians for your friends and protectors: They are but friends and protectors to each other. And he amongst you that turns to them for friendship is of them. Verily Allah guideth not a people unjust. Those in whose hearts is a disease - thou seest how eagerly they run about amongst them, saying: 'We do fear lest a change of fortune bring us disaster.' Ah! Perhaps Allah will give thee victory, or a decision according to His will. Then will they repent of the thoughts which they secretly harboured in their hearts' [Koranic verse; Al-Ma'idah 5:52].

"God Almighty has revealed a number of matters in these verses, of those:

"1. ceasing to turn to the Jews and the Christians in friendship, ceasing to support them and assisting them;

"2. he who turns to them in friendship and who supports them will be judged as they are judged; and

"3. turning to them in friendship is a trait and behavior of hypocrites.

"The Almighty has revealed that turning to the polytheists in friendship is contradictory to the belief in God and His prophet. He has said: 'Thou seest many of them turning in friendship to the Non-believers. Evil indeed are the works which their souls have sent forward before them with the result, that Allah's wrath is on them, and in torment will they abide. If only they had believed in Allah, in the Messenger, and in what hath been revealed to him, never would they have taken them for friends and protectors' [Koranic verse; Al-Ma'idah 5:80].

"From these verses, the scholars have concluded that assisting the polytheists at the expense of other Muslims is one contradiction of the contradictions to Islam, and the guilty party is to be judged as an apostate and as one who is expelled from religion.

"Oh you noble scholars of Islam, oh you proselytizers to God wherever you may be:

"Your foremost duty is to clearly expose these truths, and do not by God, fear the blame of anyone. For this is the necessary pact which God has taken upon the world when He said: 'And remember Allah took a covenant from the People of the Book, to make it known and clear to mankind, and not to hide it' [Koranic verse; Al-Imran 3:187]. So, you should reveal to people their religion and you should rouse them to conduct jihad for His sake. The Almighty said: 'O Messenger, rouse the Believers to the fight' [Koranic verse; Al-Anfal 8:65].

"Oh you merchants and people of wealth:

"Your foremost duty is to spend your money for the sake of God Almighty. The Almighty said: 'Allah hath purchased of the believers their persons and their goods; for theirs in return is the garden of Paradise' [Koranic verse; Al-Tawbah 9:111]. He also said: 'The parable of those who spend their substance in the way of Allah is that of a grain of corn: it groweth seven ears, and each ear hath a hundred grains. Allah giveth manifold increase to whom He pleaseth: And Allah careth for all and He knoweth all things' [Koranic verse; Al-Baqarah 2:261].

"And oh you youth of Islam:

"Your foremost duty is jihad and the preparation and the pulling of the fire-bows. The Almighty said: 'Then fight and slay the Pagans wherever ye find them, and seize them, beleaguer them, and lie in wait for them in every stratagem of war' [Koranic verse; Al-Tawbah 9:5].

"And oh Muslims everywhere:

"The prophet of God, prayers and peace be upon him, said: 'One group from my ummah will always remain dominant in truth; their opponents will never be able to harm them or

afflict them until the Day of Judgment.' [Hadith]. This was narrated by Muslim. This Hadith classified people into three sects:

"1. the victorious sect: they are the people of Islam who are steadfast in [their religion] and who battle for it;

"2. the dissident sect: they are the Jews, the Christians and the people of non-belief and apostasy, in addition to Muslim fools; and

"3. the forsaken sect: they are the ones who fell behind in their support of the Muslim sect and who illustrated this to the people.

"There are no other sects; each Muslim should look at these and determine to which he belongs. The Hadith also clarifies that the victorious sect will not come to any harm by any polytheists who oppose them or by the any Muslims who let them down. The victorious sect will be triumphant and everlasting.

"We are aware of the victory which God has promised to us in His book and in the words of His prophet, but this promised victory is conditional upon our support of the religion of God and loyalty to that end. The Almighty said: 'Allah will certainly aid those who aid his cause; for verily Allah is full of Strength, Exalted in Might, able to enforce His Will' [Koranic verse; Al-Hajj 22:40]. He said: ' If ye will aid the cause of Allah, He will aid you, and plant your feet firmly' [Koranic verse; Muhammad 47:7].

"When God Almighty grants us victory, America, her allies and her supporters will not be able to stand up to us. The Almighty said: 'If Allah helps you, none can overcome you' [Koranic verse; Al-Imran 3:160].

"No matter how powerful America and her factions are, they are no match for the power of the Almighty Omnipotent [God]. God Almighty said: 'Let not the non-believers think that they can get the better of the godly: they will never frustrate them. Against them make ready your strength to the utmost of your power' [Koranic verse; Al-Anfal 8:60]. The Almighty also said: 'So fight ye against the friends of Satan: feeble indeed is the cunning of Satan' [Koranic verse; Al-Nisa 4:76].

"The number and outfitting of America's soldiers do not scare us, because we are the soldiers of God, who said: 'For to Allah belong the Forces of the heavens and the earth; and Allah is Exalted in Power, Full of Wisdom' [Koranic verse; Al-Fath 48:7].

"The economic power of America does not threaten us; God Almighty said: 'But to Allah belong the treasures of the heavens and the earth; but the Hypocrites understand not' [Koranic verse; Al-Munafiqun 63:7]. Her defense budget does not terrify us, God said: 'The Non-believers spend their wealth to hinder man from the path of Allah, and so will they continue to spend; but in the end they will have only regrets and sighs; at length they will be overcome' [Koranic verse; Al-Anfal 8:36]. The developed American defense mechanisms do not shake our foundations, God the Exalted and Almighty said: 'And they

thought that their fortresses would defend them from Allah. But the Wrath of Allah came to them from quarters from which they little expected it, and cast terror into their hearts, so that they destroyed their dwellings by their own hands and the hands of the Believers, take warning, then, O ye with eyes to see' [Koranic verse; Al-Hashr 59:2]. He also said: 'And those of the People of the Book who aided them - Allah did take them down from their strongholds and cast terror into their hearts. So that some ye slew, and some ye made prisoners. And He made you heirs of their lands, their houses, and their goods, and of a land which ye had not frequented before. And Allah has power over all things' [Koranic verse; Al-Ahzab 33:27].

"So then, oh you Muslims, have faith in the victory of God which He has promised you with. God does not break a promise; 'Allah will certainly aid those who aid his cause- for verily Allah is full of Strength, Exalted in Might, able to enforce His Will. They are those who, if We establish them in the land, establish regular prayer and give regular charity, enjoin the right and forbid wrong: with Allah rests the end and decision of all affairs' [Koranic verse; Al-Hajj 22:41].

"Peace and blessings of God be upon you.

"The servant of Islam and Muslims; the Amir of the believers, Mullah Muhammad Omar Mujahid." [end of letter]

Now, what is the opinion of the writer, those who signed [their names] along with him and all the Muslims of the world regarding this letter calling for support? The Truthful [God], who is Blessed and Almighty, said: 'Go ye forth, whether equipped lightly or heavily, and strive and struggle, with your goods and your persons, in the cause of Allah. That is best for you, if ye but knew' [Koranic verse; Al-Tawbah 9:41]. Prove your devotion by rousing the Muslims to heed the call of the alert issued by the amir of the believers, Mullah Muhammad Omar, may God protect him. Do not be concerned with Usama bin Ladin and his companions whom you have described as you have seen fit with all manner of descriptions. Send your brothers to the Taliban directly. Reaching them is easy for him who wants to do so, especially since they are in control of vast expanses of tribal areas in Pakistan.

2. Then, after the flood of blame and insults, the writer talks of the blood money of those who have been killed. I will turn my discussion to the operations of the Jihad Group, God willing.

"Chapter 16: Observations Regarding Issues Mentioned in Chapter Twelve

1. The writer of the document says: 'What is sanctioned religiously is that he who remains bound [by religion] and vows to not altercate with the ruling powers and their forces in his country should abide by that. He should not consider his vow as part of the "war of subterfuge." I say, these words are not necessary because the prisoner is hated and their jihad a duty upon them. Have you seen if they have vowed to cease of a duty that is upon them, such as prayers or fasting?

Imam Muslim narrated in his texts that Hudaifah Ibn Al-Yaman, in whom God is pleased, said: "I was not prevented from participating in [the raid of] Badr except that I and my father Hussail embarked on a raid and we encountered³⁵² the non-believers of Quraysh. They said to us 'you want Muhammad' and we said 'we do not want him, we only want the Madinah.' So they took upon us an oath and a vow to God that we would be on our way to Madinah and that we would not conduct battle with him [Muhammad]. The prophet of God, prayers and peace be upon him, came upon us and we informed him of the news. He said 'Go deny their oath and we will seek God's aid against them'" [Hadith].

Imam Nawawi clarified this Hadith by explaining:

"This Hadith indicates the permissibility of lies during times of war, and if possible, the exposition of the war is a priority. In spite of this, it is permissible to lie during times of war in order to reconcile between people. The husband lied to his wife, as the Hadith stated. Regarding the loyalty to an oath however, scholars have differed regarding the hostage swearing to his captors that no escape will be made. Al-Shafaiy, Abu Hanifa and the Kufis have stated that he is not to be bound by this, moreover, that whenever escape is possible, it should happen. Malik has said that he should be bound by the oath and they have agreed that if he is forced, then he should swear that he will not escape, but it is not an oath because he was forced to do so. As for the matter of Hudaifah and his father, they were forced to swear to the non-believers that they would not battle with the prophet, peace and prayers be upon him, in the Badr raids. The prophet ordered them to remain faithful to that oath, but this is not out of duty, for it is not a duty to uphold an oath to not conduct jihad with the imam and his deputy. But, the prophet, prayers and peace be upon him, desired that his companions not be known for breaking an oath, even though they are not bound to do so because he who spreads such rumors does not merely rely on hearsay."³⁵³

I said, God knows, because the alert issued by the imam implies that jihad is a duty, and cannot be cancelled by an oath that is forced. Imam Baihaqi denied the duty of remaining loyal to an oath if it leads to the obstruction of a duty [jihad]. He said that Hudaifah Ibn al-Yaman, in whom God is pleased, said: "I was not prevented from participating in [the raid of] Badr except that I and my father Hussail embarked on a raid." He said: "We encountered the non-believers of Quraysh, and they said, 'you want Muhammad' so we said that we do not want him, we only want the Madinah. They took an oath of God upon us that we would depart to Madinah and ask God for his aid regarding them." This was narrated by Muslim in his text regarding Abu Bakr Abdullah Ibn Muhammad Ibn Abu Shibbah. That is because their departure did not lead to the rejection of a duty upon them since their participation in the raid was not required of them, neither did it lead them to committing a prohibited action because going back to the people of Quraysh and living among them would rouse incitement upon the prophet, and only God knows.³⁵⁴ I say, there is no doubt that today, jihad an obligation upon our heads.

³⁵² Meaning: captured

³⁵³ The explanation of Nawawi regarding Muslim (part 6, page 245)

³⁵⁴ Al-Sunan al-Kubra of Al-Baihaqi (part 9, page 145)

Al-Abdari al-Maliki, may God have mercy upon him, said: "Of the interesting stories, [it is said], if they force him not to conduct jihad against them, it is preferable to me that they do not conduct raids against them, except for the necessity of spreading Islam."³⁵⁵ I said: And if this is about the jihad in aggression, what then of jihad in self-defense? Is there a more serious need than to thrust non-believers and the enemies of Muslims away from the Muslims, their lands and their sanctuaries? We come across the saying of the shaykh of Islam, may God have mercy upon him: "As for jihad in self-defense, it is the most serious type of defending sanctuaries and religion from an aggressor. It is a communal duty. The aggressive enemy who is destroying the religion [Islam] and the world requires the biggest duty -- after the duty of faith- to expel him."³⁵⁶

Ibn Al-Qiyyam agreed that the nullification of vows with the polytheists, if they take place without the agreement of a Muslim, is harmless to Muslims and gave the following event as an example. He said: 'It was of his council that if any of his enemies took an oath upon themselves to one of his companions that was harmless to Muslims but without his knowledge, he let them go, as the oath they took upon themselves with Hudaifah and his father Hussail, that they do not fight them with him, prayers and peace of God be upon him. He [the prophet] let that pass for them and told them 'Go deny their oath and we will seek God's aid against them'.³⁵⁷

Therefore, he who agrees with Ibn Al-Qiyyam understands that the oath taken by a Muslim without his cooperation, and that is harmful to Muslims, is void and no harm is worse than leaving jihad against the enemy who is a destroyer of religion and the world, as we mentioned about the shaykh of Islam Ibn Taymiyyah, may God have mercy upon him.

2. Also, the writer of the document did not forget to inflect the section with its share of insults and abuse, as if it is prerequisite for publication!

Chapter 17: Observations Regarding Issues Mentioned in Chapter Thirteen

The writer of the document says: "I have seen in our modern times some who call for the rule of Islamic Shari'ah and who raise the banner of jihad for that cause, but who do not apply the religious laws upon themselves or within their Islamic community, if they should meet any disagreement. I used to say that if those who are required to apply Shari'ah do not apply it upon themselves when they are in a weakened state, what will they do when they are powerful and assume the rule of a country? I have referred to them in my book 'Al-Jami' Fi Talab al-Ilm al-Sharif [Gathering the Pursuit of Noble Knowledge] in 1993. This was the diligence of the Jews, as God described them in His Almighty saying: 'They say, 'If ye are given this, take it, but if not, beware!' If any one's trial is intended by Allah, thou hast no authority in the least for him against Allah' [Koranic verse; Al-Ma'idah 5:41]. This is also the diligence of the hypocrites whom God

³⁵⁵ Al-Taj wa al-Iklil by Mulhtassar Khalil (part 5, page 287)

³⁵⁶ The major fatwas of Ibn Taymiyyah. Part 4, page 609

³⁵⁷ Zad al-Ma'ad (part 3, page 124)

Almighty described in His words: 'When they are summoned to Allah and His apostle, in order that He may judge between them, behold some of them decline to come. But if the right is on their side, they come to him with all submission. Is it that there is a disease in their hearts? Or do they doubt, or are they in fear, that Allah and His Messenger will deal unjustly with them? Nay, it is they themselves who do wrong' [Koranic verse; Al-Nur 24:48-50]."

There is no good that will come out of all those for their disobedience of the Shari'ah, as God Almighty verily said: "If Allah had found in them any good. He would indeed have made them listen: As it is, if He had made them listen, they would but have turned back and declined Faith" [Koranic verse; Al-Anfal 8:23]. What is hated about these rulers not applying Shari'ah, they themselves do when they are weakened.

This is one of the reasons why God has turned His back on some of the Islamic groups. He who has gone through the trials I have gone through has gained enough knowledge as I have. I have now become their principal reference for opinions and desires, but not for religiously sanctioned laws.

I say: it is a great pity that these are the same words of the author in his book "Al-Jami" with little additions or deductions. The text of his words in "Al-Jami" [states]:

"I have seen Islamic groups that refuse to refer to religiously sanctioned laws in [solving] their disputes. Their groups were established only to battle against those who rule against the laws of God; if they do not proselytize for the rule of God, they are opposed. They are more worthy of jihad than their rulers and this is obvious hypocrisy, as the Almighty has said: 'When it is said to them: 'Come to what Allah hath revealed, and to the Messenger. Thou seest the Hypocrites avert their faces from thee in disgust' [Koranic verse; Al-Nisa 4:61]. God willed that I be a mediator between the parties made up of the famous proselytizers, and when truth become unavoidable, they fled from it and desired to comply with what was required of him. So I said, by God, God will not bless us with an Islamic rule until the day that we are satisfied with God's will amongst us. God Almighty said: 'Verily never will Allah change the condition of a people until they change it themselves with their own souls' [Koranic verse; Al-Ra'ad 13:11].³⁵⁸

"The story of the incident which the writer referred to is that the two martyrs Abu Abd-al-Rahman Al-Kandi and Shaykh Abdullah Azzam, may God have mercy upon them both, were involved in a combined rescue effort. Then, a disagreement developed between them and they decided to resort to [external] mediation. They chose two mediators one of whom was the author of the document. I did not witness the mediation, but the author of the document said to me: 'The result came out for the benefit of Abu Abd-al-Rahman Al-Kandi against shaykh Abdullah Azzam, may God have mercy upon them both. Shaykh Abdullah -according to the author of the document- fled from the application of the judgment. I did not hear the story from shaykh Abdullah Azzam nor from shaykh Abu Abd-al-Rahman Al-Kandi, may God have mercy upon them both."

³⁵⁸ Al-Jami' Fi Talab al-Ilm al-Sharif, section 2, pages 1022 and 1023.

The important thing is that the author of the document considered Shaykh Abdullah Azzam's fleeing from what was ruled against him as rejection of the ruling of Shari'ah. Imagine that! Because of this, he was strongly described as an "assiduous Jew" and an "assiduous hypocrite" and as one of all those who accuse the rulers of not following Shari'ah and who are guilty of the same themselves. [He was described as] "taking his main reference to be opinion and desire and not religious sanctions," as "more deserving of jihad than his rulers" and as "openly hypocritical." This inflexible principle was one of the reasons of disagreement between him and his brothers.

Perhaps shaykh Abd-al-Rahman, may God have mercy upon him, had a point of view. We did not ask him neither did we hear from him; we only knew him as the spiritual, worshipping, devout, godly, pious scholar who was one of the people of determination and patience and who upheld this religion to the fullest extent. We consider him as such, may God also consider him that way. And even if he erred in clarification or in his point of view, are we to say such things about him such as that which the author of the document said?

What is amazing is that the author of the document, after the martyrdom of shaykh Abdullah Azzam, wrote his message "Critique upon Critique" or in response to the Sifr Al-Hawali and his commentary on the book written by the mujahid Shaykh Abdullah Azzam [entitled] "Defending the Lands of the Muslims is the Most Important Duty of an Individual." He asked me to carry it to the students of the shaykh and to inform them that his message is one of greetings of loyalty from the jihadist group of Shaykh Abdullah Azzam.

However, when the author of the document began to stray from his mujahidin brothers, he began to reveal these thoughts which he recorded in the book "Al-Jami," which he repeated and most unfortunately in this document, which shows the major contradictions of the author of the message. This gruffness, distaste and unfairness toward the people of jihad is met with submissiveness, leniency and surrender to the biggest criminals. I have referred to this approach in the 16th observation of my comments on the material of the message.

Chapter Eighteen: Operations of the Jihad Group in Egypt

1. I promised the readers that I will postpone talking about the operations of the jihad group in Egypt until the end of this chapter and now is the time to keep that promise. I say with the help of God, the writer of the document [Rationalization of Jihad] portrayed the operations of the jihad group as a group of fools and agents -- according to his claim - - who woke up suddenly from their sleep and decided to blow up and strike, killing innocent people, including the child Shimaa, God's mercy be upon her, were the reason thousands entered prison and then they fled. Accordingly, he wrote the document of surrender to the regime to rationalize or to destroy the jihad work. This concise and restricted image about the mania of getting out of prison by any means cannot reflect the truth, or even get the respect of any researcher who is looking for justice whether he

opposes or agree. Therefore, I am compelled to address in detail, an issue that one day the author of the document was among the most knowledgeable of its facts.

2. Not to prolong this for the reader, I will start my speech from the [time] Husni Mubarak assumed power, and say, "Husni Mubarak took power after Sadat through the fake Peoples' Council, protected by the army and security services and Husni Mubarak continued on the former's corrupted path."

A. An absence of Shari'ah in the government and society and combating against the values and ethics of Islam.

B. Complete surrender to the Americans and opening the country to their forces, [military] bases, experts, and facilitation.

C. Continuing on the same policy of normalization with Israel.

D. Cooperation with the Americans and Jews in attacking Iraq and then besieging it.

E. Oppressing the people and using the means of repression and torture and violating the sanctities of any serious opponent.

F. Economic corruption and the economy of paralysis, associates and the corrupted class that benefited and destroyed the industrial base of Egypt and ruined its agriculture.

G. Closing any prospect for peaceful change or even a peaceful, effective and productive opposition.

H. Planning to heir [his son] from the day he assumed power, he is the only president in the world who does not have a vice president, even a nominal vice president. Choosing a vice president is risky; Husni was a vice president and then became president.

I. Allowing some political games through formal political parties, newspapers, along with some fraudulent elections, that do not affect the policies of the regime and do not affect its benefits and earnings, and do not prevent it from continuing its crimes and most importantly, it does not affect the American Zionist scheme, but in fact, it is one of its prerequisites. Like a criminal who encourages you to take vitamins in order to maintain your health and your soundness, and then offers you poison in the vitamin bottle. If you take it by yourself, that is what he wants, and if you question or abstain, his angels of punishment surround you and force you to drink it. But in either case you will not be sound and healthy.

This was and still is the reality in front of every honest free [man]. When an opponent opposes, the shouters scream at him saying, 'the country is experiencing a change toward freedoms and progress, haven't you seen the bold newspapers? Don't you look at the elections where they used to get 15 seats and now acquired 80? Don't you see those who are released from prisons? Don't you see the satellite channels and the media's roar?

All of this and the plan to destroy the land and people is proceeding on its way, an assault against the Nation's creed, freedom, dignity, wealth, land, and attacks on Iraq, Afghanistan and besieging Gaza, with some temporary perfumes in an attempt to cover the foul [smell] that irritates the nose, which led Egypt from being a country that led the Islamic and Arab World and the defender of Islam against the Crusaders and Tatars, to become a tail belonging to the Americans.

3. Let me return to the first years of Mubarak's reign so that I do not elongate. I say it was clear that pertaining to this corruption and the widespread complex spoiling, there was no solution except rejection, and the legitimate vision, which the Muslims learned from their religion and that God blessed them with, is the promotion of virtue and prevention of vice and its climax is jihad. It was and is still obvious to everyone who is just and can see, that this corrupted reality will not change by softness and submission, but it will only change by force. Even this document, which they promote, acknowledges this in its folds, as the main idea in the document says that we are weak and incapable of change, so let us raise our hands and flee.

4. We started after our release from prison to prepare for this jihadist change. We were certain that the matter requires extensive preparation, groups, supporters and awareness. Therefore, we began a campaign of ideological, intellectual and political awareness in which the author of the document strongly participated in and he is still adhering to many of its beliefs, even if he conceals or indirectly hides them.

We began to mobilize supporters and organizing them and we started the preparation of a military nucleus and exerted our maximum ability to train it. Our efforts pertaining to the military or the jihadist nucleus was not our means to overthrow the regime, but it was our means to educate and alert the nation of which nowadays the Al-Qa'ida of Jihad [Organization] is successful. Mainly through the operations against the enemies of the nation of Jews and Americans, the nation will restore its hope of pride and confidence in itself and begin to participate in confronting injustice and the aggressors. We expected, which is exactly what happened today, that by our confrontation of the Americans and the Jews, these corrupt regimes will leap to defend them, thereby practically revealing themselves to their people.

5. At the beginning of nineties, two important developments occurred:

A. First, the beginning of the American pursuit campaign of the jihadist trend in general, which started by expelling them from Afghanistan and then arrived in every place without any confrontation from us to the Americans.

B. The second matter is the arrest of a large number of our brothers in the Jihad Group and presenting eight hundred of them to military courts, which was known as the case of the "Al-Fatah Front" and where the court sentenced four of them to death by execution. The government's newspapers were proud of the arrest of eight hundred members of the Jihad Group without the launching of a single shot. We decided to enter the confrontation

battle with the government, although our previous strategy was patience, lurking, spreading and recruiting constituents in preparation for the battle of change.

"Why did we decide to enter into the confrontation battle with the government?"

"We decided to enter the battle to stay alive to keep the idea of jihad alive, and not to break our spirits and the nation's spirit after we are gone. We decided to enter the battle to preserve the will for fighting and to make unsuccessful the government's despairing campaign. We have decided to enter the confrontation to avoid being fugitives, whose main hope is political asylum, or maintaining their families or surrendering or recanting. We decided to confront, so as not to extinguish the flame of jihad even if it is extinguished at some point and to carry it from generation to generation until it reaches the generation of victory, may God make us of them.

We decided to confront so that our seeds would remain in the soil waiting for the spring season, instead of plucking it out by our hands. We decided to confront so that we become a group for every mujahid who joins the march and to develop our jihad with our mujahidin brothers in the lands of Islam.

Since the assassination of Anwar al-Sadat, the oppression campaign aimed at breaking the will of the Islamic movement, especially its solid core represented by the jihadist groups. This policy took a serious escalatory trend since Zaki Badr assumed the Ministry of the Interior, where he publicly started to brag that the treatment of the Islamic groups was to strike them in the core of the heart.

The objective of the oppression campaign was clear, which was to plant despair in the hearts of the Muslim youth, to mislead them that any resistance is useless and will only lead them to disasters and calamities, and that the only way is to surrender, such as the attempts of these documents to mislead them.

The result of the silence of a response to this campaign confirmed that the Islamic Movement lost its confidence in itself, and their retreat, seclusion, silence and a return to the Al-Nasir [Jamal Abd al Nasir former Egyptian president] terror era. Despair against the effectiveness of any resistance was the cornerstone of the Jewish expansion policy in the region. The Jews realized that the suppression of resistance will only succeed if they plant the spirit of despair in the Muslims hearts.

The response to this assault campaign through jihadists operations will not only prevent the Muslim youth from despair, but it will also fill their souls with hope and self-confidence, after confidence in God Almighty. The Muslim youths have discovered that their enemy is not a legend that cannot be defeated, but they are humans holding tightly to life and that defeating them is not a difficult matter.

The effect of the jihadist resistance will not only stop at spreading hope in the hearts of the Muslim youth , but it will also direct the same weapon to the supporters of the regime; defeating them through psychological warfare, to break their morale as they watch their

colleagues dying around them. Furthermore, the escalation of jihadist action to defeat the American and Jewish targets revives the spirit of resistance among the people, who consider the Jews and the Americans as a horrible symbol of arrogance and tyranny. For the sake of this, it was necessary to resist, but the resistance must continue.

Today, when I look at the reality and the recent past, I feel God's blessings to us, as our resistance policy of steadfastness and not surrendering is successful. By God's grace we have achieved more than we expected in these few years. Any fair analyst of the situation can realize the disasters that could have occurred if Anwar al-Sadat was not killed, or if the resistance did not continue against the Egyptian government. I can strongly say, that if Anwar al-Sadat had not been killed, and if the Islamic Movement of Egypt did not resist, Egypt and other countries in the region, would have by now been divided under the influence of America and Zionist expansion.

Even at the level of freedoms, which the surrendered and secularists in Egypt mislead by and say that there is a democratic transformation in Egypt, and a growing trend toward freedoms and other lies. If Anwar al-Sadat was not killed and if the mujahidin did not confront the agent government, the secularists, the peaceful Islamic trends, and even the leaders of the Copts [Egyptian Christians], would have been in prison forever. Didn't Al-Sadat include them in the reservation decree in the Istiqbal Tura prison? They were only set free because of Khalid al-Islambuli and his righteous friends, God's mercy be upon them, and the Muslim's martyrs.

Then the Muslim Brotherhood came out from prison and instead of thanking those who set them free, Al-Talmasani said that the killing of Al-Sadat is like the killing of Uthman Ibn Afhan, may God be pleased with him. They did not rest until they participated in a demonstration of hypocrisy, which emerged from the People's Council to the Republican Palace, and they pledged allegiance to Husni Mubarak, the killer of Kamal al-Sananiri, God's mercy be upon him, as President for a second term. They then say that the "violence" group has retreated to the doctrine of the Muslim Brotherhood. I think that those, whose second mentor had conducted a meeting with the murderer of their first mentor and said, "a dignified meeting with a generous King," and whose new guidance office went on to sign in the record of honors register in Abdin Palace, announcing their loyalty to the one who murdered their shaykh; have no right to talk about reviews.

This reminds me about what I recorded in the second edition of my book "Fursan Taht Rayat al-Nabi Sallah Allah Alyah Wa Salam" [knights under the banner of the prophet, prayers and peace be upon him] about the professor, the lawyer, Fathi Radwan, God's mercy be upon him, when I went to him in his office to thank him for voluntarily defending me, after God bestowed me with release from prison. He received me with generosity and hospitality and said to me: "that he thanks me for the present"³⁵⁹ that I sent to him, and he considered that just my thanks and gratitude to him is a great appreciation to him, and in fact, he is the one who should thank me. Al-Sadat prepared the Al-Istiqbal

³⁵⁹ I asked my family while I was in prison to send him the book 'Al-Itigahat al-Wataniyah Fee Al-Adab al-Arabi al-Muasir' by Professor Muhammad Muhammad Hussayn, may God's mercy be upon him, as a nominal present to express my gratitude.

[reception] prison for his opponents, and he intended to imprison us there and to not let us out, and you and he (meant Khalid al-Islambuli and his companions - may God's mercy be upon them, and the mujahidin youth) freed us from prison.

I was very touched by the gratefulness of this experienced political fighter, and I compared him with great remorse with the leaders of the Islamic Movements, who Khalid al-Islambuli and his companions, may God's mercy be upon them, freed from prison. They then claimed that the killing of Al-Sadat is a crime and that Al-Sadat died a martyr. Now I compare him to those who are begging the government to release them by expressing their remorse about the killing of Al-Sadat.

"God is exalted, oh Salama Ibn Umar, preservation of the self has humiliated men's dignity

"Give up life it comes to you spontaneously, isn't it destined to vanish

"Why do you beg for something that will not remain [life], soon it will be changed by days."³⁶⁰ [end of poetry]

I do apologize to the respected reader for this digression, but I am like what Mutamim Ibn Nuwayrah said in his eulogy to his brother Malik:

"At the grave yard my brother blamed me for tears shed

"He said do you cry at every grave that you see at the curve or on the highland."³⁶¹

I said to him that grief brings grief, so leave me all; this grave is Malik's grave.

6. We pursued confrontation, which our honorable brothers in the Islamic Group were ahead of us [in conducting]. In my view, our brothers in the Islamic Group had a fundamental problem, which was their excessive respect of their imprisoned leaders that imposed themselves on the leaders outside. The result was that they pushed them to a premature confrontation to lighten the government's pressure on them in prison. Then the disaster occurred, when they killed the [Islamic] Group, by their surrender in prisons for the sake of their release, even if that led them to acknowledge Husni Mubarak as a President, and Al-Sadat as a martyr; suffocating and killing the Group.

One of the fundamental problems of our brothers in the Islamic Group, was their excessive respect to the brothers in the first rank, whom they called the big [respected] brothers, and the second rank swallowed this excessive respect and promoted it to those who came after them, and the Group, was established in that way. They gave those big brothers, in the bylaws of the Group, the right to conduct fateful decisions in the Group. Those who remained outside were only implementing the general outline, which was sent to them by the big brothers. This has been a problem between us and our brothers in the Islamic Group, and it thwarted several attempts of unity. We were supposed to present all what we have reached to the big brothers, to read what they wish and we had to accept

³⁶⁰ The poem is by Abu al-Atahi addressing Salm al-Khasir, 'Al-Mawsuah al-Shi'riyah' Abu al-Atahi, Al-Aghani, the news and heritage of Salm al-khasir and his ancestor J. 19 P. 283.

³⁶¹ Means uneven land

their true leadership. Since this perception is illogical it crashed all attempts of unity; that unity that was destined to rise, no one would have known how the matter would go? God forgive the big brothers.

Despite the conviction of many leaders outside by our reasoning, they used to disclose to us that this an issue that the Group is founded on, and could not be breached, and that we must deal with it as a reality and find practical solutions that adapt to it. Our response was that this is not permissible and not possible.

More importantly, the forces of evil and investigations [police] manipulated the big brothers and started to issue their initiatives. Those outside were confused and perplexed, but everyone was keen and called on the brothers to be keen on the unity of the Group, without realizing that this unity will pull them along with the big brothers to the investigation's abyss.

When we asked them to address these concessions they used weak pretexts; such as we do not know the truth about what is happening and we do not want to escalate the confrontation with them so they would not continue in concessions. We had sent to them through intermediaries, and we await the response, and we are trying to reach a compromise with them to the end of these justifications. Unfortunately, the mediators were part of the investigations conspiracy, which continued to weaken the foundation of the Islamic Group exploiting the anxiety of those who were imprisoned to get out of jail, and confusion of those who were outside and their continuation in living the illusion of the big brothers, who know more than what we know and who will never surrender.

In an attempt to contain the situation, those who were outside issued a statement, approving the initiative as a truce with the government and that was a step on the road of tearing and suffocating the Group. While those who were outside approved to end military action and instigating it, the big brothers continued to surrender until they recognized the legitimacy of Husni Mubarak, even praising him for his commitment to the Palestinian cause, visualize! Considering Al-Sadat as a martyr and the Taliban as idiots because they did not accept the American offer to hand over bin Ladin, and that we were the ones who provoked America, which was not seeking to be hostile to the Muslims and that they will volunteer to report any person whom they suspect of working against the government. Here, some of the leaderships outside screamed: "We did not agree and recognize that, but it was too late, and the Group was eliminated."

When the events of September came, the big brothers advanced against Al-Qa'ida to reap real benefits! All of this was because our brothers in the Group handed over their guidance to their big brothers, who are controlled by the [Bureau of] Investigations until this day, and who continue to be closely monitored after their release and are not allowed to meet with the media and attend public meetings except by the consent of the Pashas and Bayk [official rank used during the Ottoman Empire along with Pasha] in the State Security. They are even punished for any deviation from obedience or rebellion. The obvious evidence to that is what happened to Salah Hashim of torture and detention for almost a year, although he is one of the fathers of the concessions.

More importantly, what matters to us in this context; is the utmost precaution against the leadership of those who are captured, and what they issue should be reviewed and evaluated by the scale of Shari'ah, the scale of reality and the interests of jihad, no matter what happens to their views and directives; to blindly follow them will lead to harmful disasters.

7. To return to the [subject] of the framework of Jihad in Egypt, I would say, after several rounds, the regime started to shake and it became inevitable to seek to transform the battle against the Jihadist Islamic Movement to an international battle. The regime was unable to meet the rising jihad tide, which threatened its entity and directed consecutive blows to the regime's head.

8. The regime in Egypt consists of one pharaoh and a group of hypocritical beneficiaries, the worshipers of the salary and benefits, who revolve in its orbit. The pharaoh's selfishness and his clinging to the chair [power], reached a stage where he did not appoint a vice president for the last 26 years that he spent in ruling Egypt and if the pharaoh drops dead the whole regime will be perplexed and lost.

The mujahidin have benefited from previous experiences in their struggle with the pharaoh and his regime. Therefore, they decided that the leadership and its supporting branches should remain outside [abroad]. Since all the previous mujahidin groups and their components used to exist inside [locally] and once the security forces reached one of the constituents, it begins the brutal torture until it reaches the leadership. If it reaches the leadership it squeezes them with brutal torture until it obtains all the information. Accordingly, the mujahidin decided that the Group's leadership, its brainpower and the controlling centers remain far from the brutality of the regime, while the Group subordinates spreads inside. If the security services controlled a group, another group will be formed, consequently the jihad will continue. Because of this policy, the mujahidin's campaigns escalated, by God's grace, until it directed several strikes to the regime's head, which is due to God's destiny alone, he was saved.

9. Since the regime was certain about its inability to face the rising jihadist tide, it appealed to the new Caesars in Washington and actively sought to convince them that its fall would mean the loss of their interests in the Middle East and will threaten it in the rest of the Islamic world.

After America was convinced that the regime could not stand up alone in front of this jihadist campaign and that the spirit of jihad will probably turn the matters upside down in the region and expel America from the region, then the earthquake, which the West is shaking of the possibility of its occurrence; which is the establishment of the State of the Islamic Caliphate in Egypt, the country that is destined, God willing, to rise. Since Egypt represents an influence in the heart of the Islamic world, it is capable to lead the entire Islamic world in its jihad against the West; and it is a candidate, which Muslims around the world will rally behind. Then, history will revolve, God willing, around a new cycle in the opposite direction against the empire of America and the West's domination.

10. This convinced America and it began a pursuit campaign of the mujahidin from Egypt around the world, after the Egyptian government failed to confront them and stop their escalating tide. This campaign has begun by expelling them from Afghanistan and now the campaign is twice its former status; thus began American pressure on most of the countries to hand over the mujahidin or to expel them.

11. The mujahidin went through a difficult period, but the trial was a gift in the form of a tribulation. The mujahidin decided to direct their strikes to the head of global atheism and the largest devil, and the dawn of the Muslim nation's jihad against its enemies, the Crusaders and the Jews emerged, which was a great breakthrough that God with His wisdom guided the mujahidin to. God Almighty said: "Fighting is ordained for you, even though it be hateful to you; but it may well be that you hate a thing the while it is good for you, and it may well be that you love a thing the while it is bad for you: and God knows, whereas you do not know" [Koranic verse; Al-Baqarah 2:216].

12. Therefore, saying that the Egyptian regime had managed to suppress the jihad movement in Egypt, is a saying contrary to the reality. The fact is, the Egyptian regime has suffered from the escalating strikes of the mujahidin, which almost reached its head [Husni Mubarak] and defeated it, and sought the help of the Americans to pursue the mujahidin. The mujahidin allied with their brothers, and created the Global Islamic Front for Jihad against the Jews and the Crusaders, and then the Al-Qa'ida of Jihad [Organization], launched a global campaign against the head of the infidels, America, and spread jihad against it throughout the world. They conducted two jihadist wars against it in Iraq and Afghanistan, and then the jihadist operations returned to Egypt. This is the truth, which the regime and the Americans are revolving around.

13. Those who skillfully boast about the Egyptian regime's suppressing of the Jihadist Movement forgot and disregarded the ultimate price paid by Egypt for that. They forgot the brutal torture campaign and assaults on the honors, even every value and principle, the military courts with ready sentences, approximately 130 death sentences, long imprisonment sentence and even detentions without charge to the end of this dirty series. The Americans have and are still directly supervising this campaign. They also forgot that they and the Americans used to vilify the Soviet Union and the Warsaw Pact countries for conducting the same methods to suppress their people, and eventually, the Soviet Union failed and Warsaw Pact collapsed.

14. The important lesson that we must learn from this period; is that the battle between Islam and atheism cannot be confined to a country or region, because the enemies of Islam allied against it from everywhere and everywhere. Therefore, Muslims must face this alliance on two fronts:

a. First, striking the Jewish and Crusader interests, whose countries are involved in aggression against Muslims, so that the nation will rise and participate in the jihad against America and Israel.

b. Second, to work hard to change these wicked corrupt regimes.

15. Someone might say, "Don't you think that the price was high?"

My answer is, yes, the price is exorbitant for a worthwhile goal that deserves that price. God Almighty said: 'Or do ye think that ye shall enter the Garden of bliss without such: 'trials as came to those who passed away before you? They encountered suffering and adversity, and were so shaken in spirit that even the Messenger and those of faith who were with him cried: 'When will come the help of Allah.' Ah! Verily, the help of Allah is always near!' [Koranic verse; Al-Baqarah 2:214]

"The one, who wants to engage a beautiful woman, does not think that her dowry is expensive." [end of poetry]

To clarify what I meant, I will say:

A. The price was expensive, but also the achievements were significant, praise to God, among these achievements [are the following]:

1. The jihadist movement's power increased: the comparisons became clear between the martyr's groups - as we presume – of Sayyid Qutb, in the sixties in seeking to prepare forces to respond to Abdal Nasir's brutality campaigns and between what the jihadist movement accomplished today and the increased growth of the jihadist movement.

The jihadist movement did not accomplish this successful stage, which made it the forefront of the Muslim Nation in the face of the current Zionist Crusader campaign by retreating, defeat, flattering the ruler, denial of the Islamic rule and to the origin of its beliefs, recantations and rationalization documents. It did not reach that level by denying the Shari'ah ruling and by attempting to beg for a few seats in the legislative councils, but it reached that by remaining steadfast on the origins of monotheism and Shari'ah ruling, by donating and the continuous sacrifice of lives, money and hundreds of martyrs, thousands of prisoners and wounded, disabled, widows and orphans. It reached that by immigration and being pursued, in the absence of family, in the absence of the homeland and the life of tenderness and comfort, positions, profit and loss, trade and spoils. The Almighty, the Truth, the Blessed said: "How many of the prophets fought in Allah's way, and with them fought large bands of godly men? But they never lost heart if they met with disaster in Allah's way, nor did they weaken in will nor give in. And Allah Loves those who are firm and steadfast All that they said were: 'Our Lord! Forgive us our sins and anything we may have done that transgressed our duty: Establish our feet firmly, and help us against those that resist Faith. And Allah gave them a reward in this world, and the excellent reward of the Hereafter. For Allah Loveth those who do good.'" [Koranic verses, Al-Imran 3:146 to 148]

Al-Samual said:

"If the person did not soil his honor with shortcomings, then everything he wears is beautiful

"And if he does not blame himself for his oppression, then there is no way for glory."³⁶²
[end of poetry]

2. Among these accomplishments is the clarification of thought and methodology: the Islamic Movement was able to explain - to a large extent - the fundamental characteristics of its methodology depending on strong evidence from the Koran, the Sunnah and the Consensus of the renowned scholars, which have provided a solid base to its banner that attracted every day, praise to God Almighty, new supporters.

3. Among these accomplishments is the broad media communication between the mujahidin vanguard and their nation. Michael Scheuer³⁶³ says: He³⁶⁴ and his supporters spent a huge amount of money, time and thinking to build a global media and propaganda system. Nowadays, this system works with all its capacity, Bin Ladin and Al-Zawahiri could appear and capture the international media whenever they want. In the same respect the existence of Al-Qa'ida on several sites on the internet that continuously show their religious and political comments and their news report in front of their most important supporters; the high and middle class in the Muslim World who are knowledgeable about the Internet.³⁶⁵

4. Among these achievements is popularity: no doubt the Mujahidin Islamic Movement have achieved during that period a great and growing popularity, especially among the ranks of youth. However, the Islamic Movement by striking America and Israel and by being engaged in two jihadist war in Iraq and Afghanistan, gained the love and support of a wide audience from the Muslim nation, and it became the symbol of the people's resistance to the Zionist Crusader campaign against the Muslim Nation.

B. Therefore, this is the way. It is sufficient that I cite an example of the Islamic conquests that have been established in a century, a state that educated the whole world from Andalusia to the outskirts of China, about monotheism and good manners. How costly was this historic transition in the progress of mankind? Tens of thousands of martyrs from the companions and their followers, may God be pleased with them, sacrificed their lives for God's path.

16 - After this introduction, I will turn to what is stated by the author of the document regarding the operations of the Jihad Group in Egypt:

³⁶² The poetry by Al-Samua'l Bin Adyia, 'Al-Muswah al-Al-Shar'iah' Al-Samua'l Al-Mustatatrif - chapter 28 of Al-Fakhr wa Al-Mufakhara wa Al-Tafadula wa-Al-Tafawat ; J. Page 292.

³⁶³ Michael Scheuer worked for 22 years with the CIA, before his resignation in 2004. He was the president of the 'Bin Ladin Unit' in the counter terrorism center from 1996 to 1999. He is the anonymous author of the book 'Through Our Enemies Eyes,' Usama bin Ladin and the Radical Islam and the future of America' and 'the Imperial hubris: Why the West is losing the war on Terrorism'.

³⁶⁴ Shaykh Usama bin Ladin, may God protect him

³⁶⁵ Michael Scheuer, Can Al-Qa'ida Endure Beyond bin Ladin, Terrorism Focus, Volume II. Issue 20, October 31, 2005.

A. At first, the writer must answer an important question, which is the following: Were the Prime Minister, Atif Sidqi and the Interior Minister Hassan al-Alfi two criminals who disclaimed Islam, were submissive to the United States, wasted Palestine, acknowledged the legitimacy of Israel and deserve to be killed? Or are they the most pure and virtuous people and among God's righteous people? Or are they among the most pure and virtuous than God's righteous people? This is a very serious question, and the answer regarding it would change the description of both operations, from jihad in God's path, to two capital offenses.

B. It is clear from the narrative style of the writer that the incidents of attack on the Interior Minister and the Prime Minister is the method of intelligence reports; that becomes clear by the scrutiny of the words and the narrative phrases, for example:

1. The writer stated the phrase (Al-Zawahiri issues an assignment for the elements of the organization), and he mentioned the word (leader) and they are terms used by the Investigation and carried by the newspapers, and is not used by those who belong to Islamic Movements. Those who belong to the Islamic Movements use the phrases (Al-Jamah) [the group] or Al-akh [the brother] so and so.

2. The names he mentioned are full [first, middle and last] names. If we assume that the name Nazyh Nushy Rashid is known to him, from where did he come up with the full name of Diauddin Hafiz Mahmud? I do not know his full name, and I only know that his name is Dia, may God have mercy on him and on all the Muslim martyrs. Also, from where did he get the full names of the three who died in the Minister of the Interior's incident? It is obvious that there is someone who reported and dictated to him the incident, which took place fourteen years ago.

C. The writer completely neglected the narration by the Jihad Group of the two incidents, which he knew through living with the Group, but he was able to read it from the newspapers. The newspapers reported excerpts from the prosecution's investigations with the brothers at that time, or from my book (Knights under the banner of the prophet, prayers and peace be upon him), which the Al-Sharq al-Awsat [newspaper] published parts from it. If he says that he was in prison when the Al-Sharq al-Awsat published the book; was he in prison when he was living with the group? Also, when he wrote the document he was in prison; that provided him with the information? If he says that he remembers it from memory, why did his memory not help him with the narration of his brothers? Unfortunately, the reader will see that the counterterrorism center in the American army was more equitable than the proselytizer of rationalization; they reported the narration from my book (Knights under the banner of the prophet, prayers and peace be upon him) regarding the Atif Sidqi incident.

D. More importantly, how did the two incidents occur?

1. The minister of the interior incident was conducted through a martyrdom operation conducted by the martyred brother -- as we consider him -- Diauddin, God's mercy be upon him, and the martyr brother -- as we consider him -- Nazyh Nashy, God's mercy be

upon him, did not take part in the attack, but he was following the incident and was injured. The minister of interior was not killed in the incident, but his arm was broken by shrapnel and he was protected from the rest of the shrapnel by a pile of files that were placed between him and the explosion. He was reviewing the officer's files, who were candidates to be promoted in an expected promotions movement. Following the incident the minister's guards fired a heavy hail of gunfire as well as the guards on the side door of American University, which was facing the incident.

Nazyh Nashy, may God's mercy be upon him, was seriously injured, while the Minister of the Interior was saved. Nazyh was transferred to Al-Qasr al-Ayni hospital and they tried to save him, but his soul went to its protector [God], we ask God's mercy and acceptance of him. From his body they identified him. He, may God's mercy be upon him, was wanted for a long time.

Nazyh Nashy Rashid is one of the heroes of Islam in Egypt, who were not fully acknowledged. He sacrificed himself and his money and emigrated with his family, he prepared and planned and fought by himself; a long story from the thousands of stories of sacrifice in the cause of God, which today is denied by the owners of the rationalization documents.

The question that is surprising, if the package was insufficient to kill the Interior Minister, how did it kill Nazyh Nashy, who was standing far away on the sidewalk? Then we got a story from our brothers in Egypt, that Nazyh - may God's mercy be upon him - saw a woman walking into the bombing area at the time of the incident, he rushed to warn her, and she was saved while he was seriously wounded.

Those who were killed in the incident, we do not know whom they are? Are they from the guards of the minister or the police or others? Whether they were killed by the explosion's shrapnel or by the bullets of Minister of the Interior guards or the police? Who killed whom?

Unfortunately, the only available narration is by the intelligence, it is the narration of those who are unjust, those who have no religion, even to the writer of the rationalization.

For our part, if those were ordinary Muslims who were killed unintentionally, we are responsible for their Diyah [blood money paid in compensation to the family of those who killed], which I will clarify in details when I talk about the incident of the Prime Minister.

2. How did the attack incident of the Prime Minister occur?

A. The orders to our mujahidin brothers in Egypt was to explore the American and Israeli targets and monitor them, the brothers actually monitored a number of these goals. They then sent to us that the convoy of the Prime Minister Atif Sidqi, was under surveillance and that they could easily execute the attack, and then they would continue their

campaign of the Israeli and American targets. We agreed, as he represents the second man in the proxy government of the United States and Israel.

B. Our brothers who executed the attack explored the site of the attack and found a school under construction, and they thought that it was empty of students and placed the booby trapped car in front of the parking area, considering that this place will only affect the prime minister's convoy, but it turned out later that the outer part of the school was only under renovation and the rest of the school was working.

The prime minister survived the attack after his car exited the explosion area in about half a second after getting hit by a fragment of the explosion, but a girl named Shimaa was hit. She was a student at the neighboring school and was standing near the site of the incident. The government utilized the killing of the child Shimaa, may God's mercy be upon her, and portrayed the incident as an attack by Jihad Group on the child Shimaa and not on the Prime Minister, Atif Sidqi. The newspapers showed pictures of Shimaa's parents wailing on the death of their daughter and Shimaa's early childhood pictures. It tried to inflame the feelings of the public by such means, to direct people's attention away from the fundamental issue in the conflict between the mujahidin and the proxy government of America and Israel.

We were anguished by the unintentional killing of this innocent girl, but we had no choice and we must continue our jihad against the government that is fighting God's ruling and is loyal to His enemies. We have made an effort in taking care and precautions against injuring any Muslim. We warned people several times -- especially after the attack on the Interior Minister Hassan al-Alfi -- to stay away from the headquarters of the elements of the regimes, their homes and the routes of their movement. The elements of the regime are not privileged by houses, offices and processions far from the public; they mingle with the public and take protection in the crowds. We have no choice except targeting them after warning the general public. Our brother Al-Sayyid Salah - may God's mercy be upon him - summarized this position -- when asked by the prosecution about the killing of the child Shimaa -- he said that he "regretted the death of this child but the jihad must not stop."

With regard to the implications of unintentionally injuring Muslims in the attacks, we chose to pay Diyah to the parents of the deceased, taking the strongest consensus regarding the matter, although there are many scholars, who believe that there is no Diyah or penance in such incidences, but we opted for caution in religion and we chose the strongest consensus. I explained in details the matter in Chapter Eight on Al-Taturus [human shields].

As I explained this issue in detail in my statement entitled "Shifa Sidur Al-Muminin" [healing the faithfuls heart], issued on March 1996.³⁶⁶

³⁶⁶ The Shari'ah basics for this general tasks- Shifa Siduar Al-Muminin- the second part: the second issue: the ruling of targeting the infidels if among them are Muslims and those who are impermissible to be killed.

I repeated this commitment in my book (Knights under the banner of the prophet, prayers and peace be upon him), which was stolen by the Al-Sharq al-Awsat newspaper and published parts of it in late 2001.

My attorney, Professor Mahfuz Azam, the lawyer,³⁶⁷ had presented a case to the Egyptian judiciary by the general power of attorney granted to him by me asking for compensation for the torture that happened to me in prison. The court issued him compensation in the amount of 3000 Egyptians pounds and the Ministry of the Interior told him that the compensation is in the headquarters of the Department of the State Security Investigation. If Ayman al-Zawahiri wants it he must come to receive it!

I did not accept this compensation for two reasons: first, it had been issued by a secular court that rules without the revelation of God. Second, I do not sell what I received from those criminals, either they repent and return to Islam and at that time, I will waive all my rights that they owe me, or they remain in their crimes and I demand my right and the rights of all Muslims in life and the hereafter, because they did not torture me due to a personal conflict between us but they tortured me to fight Islam.

I asked my attorney, Professor Mahfuz Azam, the lawyer, to demand from the State Security Department to transfer this amount to Shima'a's father, as a part of the Diah and as a gesture in good faith toward him. I ask God to support us in paying the rest.

If we want to put Shima'a's case in the right scale, then we must put on the other side of the scale our girls and women who became orphans and widowed without fault, because their fathers and husbands conducted an honest duty, the duty of jihad in God's path.

The regime took me to trial along with 280 brothers and the prosecution demanded our execution. It means it sentenced my young daughter - who was two years old - and my brother's daughters to become orphans. Why didn't the government and its media cry about our daughters and took interest in them? Why didn't they cry about the daughter of the brother Sayyid Qarni, whom the police killed when she ran scared from the shooting when the police stormed his house? Why didn't they cry about the thousands of virtuous Muslim women who were arrested or hurt or threatened in the State Security Services?³⁶⁸ Why didn't they cry about the tens of thousands of our women and sisters and mothers who stand at the prisons gates hoping to visit their sons, brothers and husbands? Why didn't they cry on their tragedy?

Sanaa Abdul Rahman's arm was broken when the police - brutally - hit her and her daughter Khadija, who is three years old in front of the Istiqbal Tora prison, because the waiting mothers started to cry and scream when one of the detainees on his way to court

³⁶⁷ My only attorney in Egypt is Professor Mafuz Azam, the lawyer, may God rewards him abundantly, and I have no other attorney beside him. There is a person who alleges that he is my attorney, friend and my colleague in prison and outside prison, unfortunately all these allegations is not true.

³⁶⁸ Torture in general and to women in particular became very famous in Egypt, and everyone knows about it. Review for example and not as a limitation, the international pardon council- Egypt: 'victim women because of kinship' Document number MDe 96/13/12, and the United Nations Document No. A/56/38, para.344.

said to them: "the detainees are dying, do anything, go to the Attorney General", and the Al-Shaab newspaper published a picture of Sanaa with her arm in a cast and next to her was her daughter Khadija.³⁶⁹

Who prevented the hijab in schools and universities to fight the ethics of Islam, and to compel our daughters to wear Western clothing and grooming? Who publishes obscene things in the media and encourages vice?

Who tortured the women from the people of Sinai and pulled their hijab, the veil and cursed their fathers, mothers and religion? I referred to some of these crimes in Chapter Six.

We have fought this regime that fights Islam to protect our daughters and daughters of Muslims and to protect Shimaa and every Shimaa [child].

Unfortunately, the style of the writer agrees with the recommendations, which were advised by the Center for Counter-Terrorism in the American army, where they copied excerpts from my book (Knights under the banner of the prophet, prayers and peace be upon him) about the death of Shimaa - may God have mercy on her. They invented a term and called it "the effect of Shimaa" and they then said what I translated:

"The United States Government must finance the propaganda campaigns that focus on transforming the Muslims public opinion against the jihadists, but in a very secretive and indirect manner. The United States must invest on the influence of 'the effect of Shimaa,' especially in the dissemination of images of jihadist attacks that killed Muslim children.

"In light of the previous points, which explained the disastrous effects of the United States direct work in the region, it is essential that the United States works behind the scenes.

"Therefore, the propaganda campaigns, such as those we have mentioned previously, must be managed carefully by professionals using the same strategies and information and the excellent organizations that were used efficiently by the United States in the cold war."³⁷⁰

But the difference between the style of the writer and the style of the counter-terrorism center in the American army is that the latter was more honest in copying, they copied the text of my wording from my book.

³⁶⁹ Al-Shaab Newspaper, the issue 18/2/1994 page 7.

³⁷⁰ The United States Government must fund media campaigns that focus on turning Muslim public opinion against the jihadist, but in a very low key and indirect manner .In particular, the U.S. must harness the power of the 'Shayma Effect', broadcasting images of jihadist attacks that have killed Muslim children. In light of the foregoing points highlighting the deleterious effects of direct U.S. action in the region, it is essential that the U.S. operate behind the scenes. Thus, media campaigns like those mentioned above must be carefully managed by professionals using some of the same, excellent information strategies and organizations that the U.S. employed so effectively in the Cold War.

Chapter Nineteen: Observations on What Was Stated in Chapters Fourteen and Fifteen

1. The writer of the document mentioned the story of our master Abdallah bin Huzayfah al-Sahamy, may God be pleased with him, with the King of Rome and that he had kissed his head and that because of this kiss the King set him free with eighty other Muslims prisoners. By mentioning this story, does the writer of the document want to send some sort of message? Does he want to say that he is not articulating the truth that is in his heart? And that my main goal is to free the largest number of prisoners, even if it seems that I honor and respect the major criminals and satisfy them with some of what they want, consequently do not take everything in my documents seriously!

Is it possible that this interpretation is right or it is only an absolute imagination? Our master, Abdallah bin Huzayfah al-Sahamy - may God be pleased with him - did not insult his Muslim brothers, did not change the fundamentals of fiqh [Islamic jurisprudence] and he did not put restrictions on jihad to make it difficult to be conducted. Also, some of what the writer stated in his document, he had stated before in his book 'Al-Jami'. Consequently, is this presumption an indulgence in good opinion? Our master, Abdallah bin Huzayfah - may God be pleased with him - had entered into an agreement with the Roman King for the release of prisoners, could this be understood that there is an agreement for the release of the captives? If this is true, isn't the nation entitled to know? Is the issuance of this document within the agreement?

"The days will reveal to you what you are ignorant about; and you will receive information on what you did not know." [end of poetry]

2. The writer mentioned Palestine and Iraq, and said: "Without jihad in Palestine the Jews would have long ago encroached on the neighboring countries and without jihad in Iraq, America would have long ago encroached on Syria or enslaved the people of the region."

I wonder:

A. Which jihad could be established in Palestine and Iraq according to this document? It is sufficient to empower against jihad in any country the six components, the six forbidden, the six options and the six obstacles so that it would evaporate as alcohol evaporates.

B. Let the writer look at the jihad in Iraq and asks himself; was it possible for this historic heroism to be established based on his theories? Let him apply to it the six components; funding is impossible, Dar al-Nusrah is missing, children and women are shelled, the land that they favor does not exist, competency is absent, it is not possible to distinguish the ranks. Then, how did they conduct an illegal jihad - according to the writer - and despite that defeat America, which decided to leave. They must be wrong!

C. Hence, who are those conducting jihad in Iraq? Aren't most of them allies of Al-Qa'ida, the Al-Qa'ida that includes those whom the writer desirously insulted from his

descriptive dictionary, and despite that, by the grace of God, they defeat the Americans! They must be wrong!

D. With regard to Palestine, you cannot even think of the six components, forget even talking about them. There, the Israeli planes and tanks pursue them inside their cars and homes. An internal and external enemy, an economic blockade, continuous penetrations and tens of thousands of prisoners; and Israel withdraws, how? They must need a new document! I ask the kind brother, the writer of the document, to read it once more, or even easier than that [reading], to change the title.

E. Also a simple question; the writer mentioned Palestine and Iraq, why did he not mention Afghanistan?

3. Then the writer said: "Hundreds of individuals belonging to the different jihad factions in Egypt signed and agreed on the document, and their names and signatures are on file with the concerned authorities."

I wonder:

A. Hundreds signed, what did the thousands of detainees do?

With regard to the hundreds who signed, the Al-Haqiqah al-Duwaliyah newspaper published the following report: "The jihad detainees reject Sayyid Imam's intellectual reviews."

Dr. Sayyid Imam is the founder of the organization and its former amir.

The members of the jihad organization detained in the prisons of Al-Wadi al Jadid [New Valley], Al-Maraj, and Abu Zabal, high security, confirmed their rejection of the reviews that are led by Sayyid Imam and they characterized them as products of State Security Services, and that they were produced at this specific time, because of the proximity of the issuance of the Anti-Terrorism Act and because the State was forced to close the file of those detained by the emergency law, of which the members of jihad, represent the majority. The detainees' families confirmed that the State Security prevented them from visiting their relatives in the prisons of Al-Wadi al-Jadid, Al-Maraj, and Abu Zabal, to silence them and to ensure that their true opinions and positions do not reach the public opinion in light of the media support of the state to Sayyid Imam's reviews.

A jihadist source announced that the jihadists in prison are suffering and live in harsh conditions these days, where they have been prevented from exercise and some of them were placed in disciplinary cells; among them are Tawfiq al-Faqi, Sami Amin Marzuk, who is suffering from severe chest attacks and Taha Mansur. In addition to stripping them of all their personal belongings, such as their writing tools, papers and books, the prison's management gave every detainee only two government blankets in this bitter cold.

Among the most prominent of those who rejected the initiative are Muhammad al-Zawahiri, the brother of Ayman al-Zawahiri, Ahmad Salamah Mabruk, Magdi Salim, Muhammad al-Aswani, Ahmad Ashush, Tawfiq al-Faqi, Ashraf Hijazi and Sami Amin, in addition to a group of officers who were arrested after the events of 11 September on charges of practicing activities opposing the American presence.

On the other hand, Ahmad Hilmi, the representative of the Freedom Center for Political Rights and the attorney of the detained from the sons of Sinai said, "Fifteen of them had begun a hunger strike after attempts by the Security [Services] to obtain their signatures to acknowledge the fiqh revisions of the jihad organization that were prepared by Dr. Sayyid Imam, the founder of the organization and its former amir." Hilmi, who is authorized to defend 46 detainees on account of the Sharm al-Shaykh and Dahab explosions, added that the Sinai detainees revealed to him last June that the prison officials had attempted to convince them to prepare a review document of their own, pointing out that those detainees are not organizational [people], that they are incapable of preparing that document and in fact they do not understand what is the meaning of reviews.

He stressed that after the failure of officials to convince the sons of Sinai to issue a document of their own; they are trying now to connect them to the jihad reviews. He confirmed that the Sinai detainees do not have any political or organizational background.

He added, "The defense body does not object to their audits of the reviews, which the officials want, but on condition that this takes place through their lawyers, clarifying that under pressure the detainees might sign false confessions that would harm their position in the case." Ahmad Al-Suwarki, one of the sons of Sinai, said that the hunger strike was started last Saturday by 15 of the Sinai detainees because of the Dahab bombings; among them are Jamal Salman Zarie, Ahmad Abdallah Abu-al-Faytah, Abdallah al-Salim Abu-Surur and Ahmad Muslah Nasyr, who objected to the prohibition of their visitation rights after they refused to sign the recent fiqh reviews by Dr. Sayyid Imam.³⁷¹

B. Their names are listed with the competent authorities. May I ask in what are they competent? [Are they] competent in killing and torturing Muslims and firmly establishing injustice, corruption, and defending treason and agents?

Al-Mutanabi said: "How much laughter do we have in Egypt, but laughter that [in reality] seems like weeping." [end of poetry]

God suffices and he is the best benefactor.

Conclusion

At the end of this message, I will direct four messages:

In the first message, I say to all Muslims, that what the "Rationalization Document" presents, is the Islam that the United States and the West wants and will be satisfied with; Islam without jihad, or promotion of virtue, or prevention of vice, or preparation, or the declaration of the truth in front of the unjust or support to the mujahidin.

The Muslim nation portrayed by that document is the nation that America and the West desire and are content with; a nation that is incapable, submissive, in fear, on the run, secluded, withdrawn, involved with earning their living and taking care of children.

Therefore, I consider this document an insult to the striving, patient and dependant on God Muslim nation, which has provided and is still providing thousands of martyrs and double the number of wounded, prisoners, orphans and widows, without retreating, tardiness or regression, and is inflicting on their enemies, by God's grace, the most crushing strikes.

Since I consider this document as an insult to the Muslim nation, I have chosen the name "Exoneration" as a response to it, to express the innocence of the nation from this insult directed toward it. Some might ask, what is the disgrace if the nation at one stage, is weak, defeated, and subdued? My response is, it is not a disgrace, but the disgrace is when a nation is capable of dealing with aggression, despite what God has provided it of faith, determination, men, capabilities and money, and then they rely or became accused of weakness.

As Al-Mutanabi said: I did not see the flaws of peoples as a disgrace, like the deficiencies of those who are capable to accomplish."

Prior to Al-Mutanabi, Al-Afwah al-Awadi said: "I did not see the flaws of people as a disgrace, like the inability of those capable of perfection."

This is the flaw that we should be acquitted of and that is the insult we must refute.

The nation that subdued the Crusaders alliance in Iraq and Afghanistan, Algeria and Somalia is not a weak nation. The nation, that stood up to the savage Russia, four and a half centuries ago in the Caucasus, is not a powerless nation. The nation that expelled the Jews from Gaza is not a paralyzed nation.; the nation that gave birth to Imam Shamil, Umar al-Mukhtar, Hassan al-Banna, Izz al-Din al-Qassam, Sayyid Qutb and Khalid al-Islambuli, Issam al-Qamari, Abdullah Azzam, Abu Ubaydah al-Banchari, the leader Abu-Hafs , Muhammad Atta, Khattab, Shamil Basayev, Aslan Maskhadov, Zelimkhan Yandarbiyev, Ahmad Yassin, Abd al-Aziz al-Rantisi, Abu-al-Walid al-Ghamdi, Abu Umar al-Sayf, Abdallah al-Rasud, Abu-Mus'ab al-Zarqawi and Mullah Dadollah isn't a barren nation; and the nation whose emigrant and mujahidin sons stood their ground against the fiercest Crusade in the history of Islam, isn't a submissive nation.

The second message is to the Intelligence officers who produced this document. I say to them: your play is poorly directed, even if you direct a thousand documents; the truth is superior, clearer, more lucid and plain to be concealed. [God Almighty said:] 'Honor

belongs to Allah and His Messenger, and to the Believers; but the Hypocrites know not' [Koranic verse; Al-Munafiqun 63:8].

"This is the talk of the soul when it reveals my humanity and sways after a few seconds'
"And it says to me, that life is for a purpose that rises above the applause to the tyrants'
"Even if your free soul is suppressed, it will veil their horizons with smoke'
"And your body wounds from the branding of their whips is the indication of light that the aggressor fears'
"The tears of the prisoner there in his chains and the blood of the martyr will meet here'
"Even when they fill the land only the rebellious flow remains."³⁷² [end of poetry]

"In the third message I say to our steadfast brothers in prisons: be patient, endure, forgive and reconcile with your brothers who participated or will participate in such propaganda. May God gather Muslims to what He loves and accepts.

In the fourth message I say to our brothers who wrote, approved, and supported this propaganda; may God forgive and guide you to His straight path, after all this steadfastness and patience you fall in this trap?

The criminals will not be satisfied with what you wrote and I think they will continue to pressure you until you reach what your ancestors had reached in the retreats; who have declared their regret and remorse for what they had committed and they acknowledged Husni Mubarak as a President and Al-Sadat as a martyr.

I say to them, we extend to you our hands and open our hearts, do not support the greatest criminals, whose defeat has begun, against your mujahidin and steadfast brothers.

I say to them, why did you allow yourselves to write, consent and sign this incorrect fiqh [Shari'ah jurisprudence], and these insults and verbal abuse of your brothers?

With regard to the cursing and fabrication against me, I say to you: "If cursing, insulting and defaming me will get you out of prison, you can insult me as you wish, and I will not just forgive you, but I will be happy to be the reason of your salvation."

On the other hand, if you use cursing and insulting me as a means to help the tyrants against the mujahidin, to confuse those who lagged behind and to disappoint for the benefit of the enemies of the nation, the Jews and the Crusaders, I will not forgive you, because the matter surpassed me and becomes assistance to the enemies of Islam.

Muhammad Iqbal, God's mercy be upon him, said:

"Some might detach from the group smoothly, but that still hurts the unity.
"The good times for those who ignored it, passed without mentioning and without effect."

³⁷² The poem is 'Risalah Fee Laylat al-Tanfiz' by Hashim al-Rifai, may God have mercy on him.

If our brothers forgot or pretend to have forgotten or they are forced to forget their brothers and the days that we spent together in hardship and ease, in prosperity and difficulty, we will not forget and we will not forget what they did. We ask God to unite us in what is good.

"What is between me and my brothers is completely different, than what is between me and my cousins.

"If they back bite me, I spare them and if they destroy my glory I will build for them glory.

"If they start with enmity I will not respond to them except by reasoning

"If they cut the bond of relationship, I will connect to them with love and sincere affection." [end of poetry]

If I voiced in this message anything rough or harsh, I did not intend to personally slander anyone, but I intended to support the truth; then let my brothers' advice me if they see a departure from equity and justice.

I did not bear the difficulty of writing these pages except to support the truth that I believe in, and I am waiving any personal right that I have toward my brothers, and I am patient and forgiving of every insult that is directed to me. If I insulted or transgressed upon them, they should forgive and reconcile, and God knows the intention and He guides the path.

Our last supplication, praise be to God, the God of all creations and prayers and peace be upon our prophet Muhammad and his family and his companions.