

## **LETTER FROM LIBERAL ARABS & MUSLIMS**

**TO THE UNITED NATIONS SECURITY COUNCIL & THE U.N. SECRETARY GENERAL**

**REQUESTING THE ESTABLISHMENT OF AN INTERNATIONAL TRIBUNAL**

**FOR THE PROSECUTION OF TERRORISTS**

The following is a letter prepared by Dr. Jawad Hashim (Iraq's former Minister of Planning), Al-Afif Al-Akhder (The Tunisian Intellectual), and Dr. Shakir Al-Nabulsi (The Jordanian writer and author) calling upon the Security Council to proceed in establishing an International Tribunal to prosecute individuals, groups, or entities including, but not limited to, Muslim clerics who issue religious edicts (fatwas) inciting terrorist acts.

## **Their excellencies President and members of the UN-SC.**

### **H.E. – The Secretary General of the UN.**

On October 8, 2004, the UNSC unanimously adopted Resolution 1566 (2004) condemning all terrorist acts “as one of the most serious threats to peace and international stability”. In **reaffirming** its Resolutions 1267 of October 15, 1999; and 1373 of September 28, 2001; as well as its other resolutions concerning threats to international peace and security caused by terrorism; and in **recalling** its Resolution 1540 (2004) of April 28, 2004; Resolution 1566 decides:

*“...to establish a working group consisted of all members of the Security Council to consider and submit recommendations to the Council on practical measures to be imposed upon individuals, groups or entities involved in or associated with terrorist activities,...including more effective procedures considered to be appropriate for bringing them to justice through prosecution or extradition, freezing of their financial assets, preventing their movement through the territories of Member States, preventing supply to them of all types of arms and related material, and on the procedures for implementing these measures.”*

As you are deliberating to recommend practical measures to be imposed on individuals, groups, or entities involved in or associated with terrorist activities pursuant to Resolution 1566, we, the signatories of this letter, a group of Arab and Muslim liberals, would like to draw your attention to an extremely dangerous source of terrorism. This source is the purported religious pronouncements “fatwas” issued by some psychotic members of dogmatic Muslims encouraging the commission of terrorist acts in the name of and under the banner of Islam.

It is not enough for the Security Council to adopt resolutions “condemning” terrorism. What will be more effective is the establishment of an **International Tribunal** affiliated to the UN organization for the prosecution of individuals, groups, or entities involved, directly or indirectly, with terrorist activities including, but not limited to, “fatwas” issued by religious clerics in the name of Islam calling upon Muslims to commit terrorist acts.

By these “fatwas” all terrorists have died, or will die, fully convinced that they will immediately enter Paradise. Of course, we are not excluding other causes for committing terrorist acts, such as the ticking-bomb of population explosion with its resultant illiteracy, poverty, unemployment, backwardness in education systems, reactionary religious teaching, and, above all, living under dictatorial systems of governments in almost all Arab countries.

But despite the above causes, certain religious fatwas remain the pivotal cause of terrorist acts. Fatwas which clothe such terrorist acts with legitimacy as being one of the sacred tenets of Muslim faith.

We can provide you with an exhaustive lists of fatwas which incite terrorist acts, but the following few may suffice:

- When the presiding judge of the Egyptian Court asked Sheikh Mohamed Al-Ghazali (a leader in the Egyptian Muslim Brotherhood movement) to opine about the murder of Faraj Foda (an Egyptian secular intellectual) in 1992, Sheikh Al-Ghazali's opinion was, "*The killing of Faraj Foda was in fact the implementation of the punishment against an apostate which the imam (the state) has failed to implement (undertake).*"

When the defendant heard Al-Ghazali's opinion he shouted, "*Now I will die with a clear conscience (for murdering Mr. Foda).*"
- On February 13, 2002, the London-based Al-Hayat newspapers published a fatwa issued by the Saudi Sheikh Ali Bin Khodair Al-Khodhari approving and condoning Al-Qaida's 9/11 terrorist acts in New York and Washington. In his fatwa, the Sheikh said, "*It is astonishing to mourn the [American] victims as being innocents. Those victims may be classified as infidel Americans which do not deserve being mourned, because each American, as to his relation to American Government, is a warrior, or supporter, in money or opinion. It is legitimate to kill all of them as combatant; or non-combatant, such as the old, the blind, or non-Muslims... .*"

- On February 13, 2002, the London-based Al-Hayat newspaper also published another fatwa issued by the Saudi Sheikh Safar Bin Abdulrahman Al-Hawali in which he described the 9/11 attacks as an equivalent given in return for President Clinton missile attack on Al-Qaida's training camps after the terrorists attack on the American Embassy in Nairobi, Kenya. He went on to condone the attack on the World Trade Center and the Pentagon describing them as centers for money laundering, devil's nest, spying cell, and the mafia retreat.
- The fatwa issued by Sheikh Yousif Al-Qardhawi permitting the killing of "fetuses" (unborn) jews, because (according to him) when jews are born and grown-up they will join the Israeli army. Furthermore, on September 3, 2004, (at the Egyptian Journalist Union) Al-Qardhawi issued a fatwa to kill all American civilians working in Iraq. And on July 3, 2004, he issued another fatwa (published in Al-Ahram Al-Arabi) permitting the killing of Muslim intellectuals as being apostates, claiming that Isla justify the killing of such apostates.
- The fatwa issued by Rashid Al-Ghannoushi (Tunisian) according to which he permits killing all civilians in Israel, because (according to his fatwa) *"these are no civilians in Israel. The population – males, females, and children— is the army reserve soldiers, thus could be killed."*

**As it is difficult**, if not impossible, to prosecute these extremists in their native Arab or Islamic countries, they continue to issue and publish their fatwas inciting acts of terror under the false umbrella of Islam. **As the fatwas** issued by the extremist Muslims clerics encourage the commission of terrorist acts to provoke a state of terror, and, **due to the importance** of combating terrorism as a matter of urgency, we, the signatories of this letter, respectfully submit to your excellencies and to the Working Group Constituted pursuant to Article-9 of Resolution 1566 to create an **International Tribunal** to prosecute all terrorists, whether individuals, groups, or entities, including individuals who incite terrorism through the issuance of fatwas in the name of religion.

Sincerely yours,

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**Jawad Hashim**

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**Shakir Al-Nabulsi**

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**Alafif Al-Akhdher**