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COMMISSION ON HUMAN RIGHTS
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Item 2, 5 (a) and 6 (c) of the provisional agenda

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

**PREVENTION OF DISCRIMINATION: RACISM, RACIAL DISCRIMINATION AND
XENOPHOBIA**

**SPECIFIC HUMAN RIGHTS ISSUES: NEW PRIORITIES, IN PARTICULAR
TERRORISM AND COUNTER-TERRORISM**

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

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

[29 June 2005]

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

Historical Background: Jihad Ideologies and their Muslim Victims

Introduction:

1. On 18 April 2005 during the 61st session of the Commission on Human Rights (CHR), a Parallel NGO Conference (Victims of Jihad: Muslims, Dhimmis, Apostates, and Women) was held, sponsored by three NGOs: the Association for World Education (AWE), the International Humanist and Ethical Union (IHEU), and the Association of World Citizens (AWC).

2. The subjects discussed during eight hours at the Conference by historians, writers and human rights defenders are of crucial interest for human rights worldwide. The dire effects of a growing "Ideology of Jihad" is most pertinent to item 2 of the Sub-Commission's agenda, as CHR resolution 8 (XXIII) of 16 March 1967, § 2, requests "information on violations of human rights and fundamental freedoms from all available sources for the use of the Commission." Items 5 and 6 are also relevant. This scholarly statement, presented by Johannes J.G. Jansen, Professor of Arabic and Islamic Studies at Utrecht University / The Netherlands, is reproduced as a written statement in view of its importance for understanding the historical background of the current "Jihad Ideology."

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3. In the earliest period of the history of Islam, in the years before 660, a novel Muslim religious movement appeared that claimed the monopoly on representing 'real Islam,' and regarded all other Muslims as apostates if they refused to join their movement. Christians and Jews may have been relatively safe from the aggression of this sect-like movement, but born Muslims are reported to have been ruthlessly killed if they rejected the absolute claims this novel group made. If they refused to join, they were accused of having committed the sin of apostasy, and killed.

4. The Caliphs in Damascus and later in Baghdad, who represented mainstream Islam, fought these movements desperately. Eventually, the armies that the Caliphs sent out crushed them in the last decades of the 9th century AD. It is, of course, not easy to find out whether the historical reports that were written about these movements are accurate. Their enemies wrote most of these reports, and they may have been inclined to misrepresent what they regarded as an extremely dangerous group of sects.

5. These sects had soon diversified into a group of loosely related movements, all with roughly similar ideologies. These novel movements came to be called *khawaarig*, which is Arabic for 'people going out', perhaps to be understood as 'activists', who did not quietly sit at home but who 'went out' to do God's work. The thinkers of these novel movements are probably the ones responsible for creating the important Islamic theological technical term *takfiir*. This ancient term has become of crucial importance for understanding the ideology of a number of modern novel Islamic movements.

6. *Takfiir* is a verbal noun of the Arabic verb *kaffara*, which means 'to accuse someone of unbelief'. When a Muslim is accused of being an unbeliever, this accusation implies that he has committed apostasy from Islam, an act that is seen as a capital crime by Islamic sharia-law. When only self-confessed apostates would be threatened with the death penalty as a punishment for their apostasy, this would be bad enough, but the situation is actually more serious than that.

7. It has not been uncommon in the long history of Islam that Islamic activists pronounced *takfiir* upon their political enemies, or upon independent thinkers, or even upon religious reformers. Often, such people were not guilty of no more than slightly disagreeing with their accusers. Nevertheless they had to suffer the full consequences of *takfiir* pronounced upon them, and from then on, had to fear for their lives. All sort of politicians, thinkers and reformers have in this way been accused of apostasy on grounds that an outsider may have some difficulty in understanding.

8. Muslims legal scholars who joined the accusers usually justified their position by pointing to an exclamation found in Koran 2:85, “What, do you believe in part of the Book, and do you disbelieve in part?” Here ‘do you disbelieve’ is the translation of Arabic *takfuruuna*, a word from the same root as *takfiir*. To an Arab ear there is an obvious connection between this crystal-clear Koranic condemnation of someone who disbelieves part of the book and the theological technical term *takfiir*. The relevant verse might as well be translated as: “What! Do you believe in part of the book, but at the same time you dare to be an unbeliever concerning other parts?”

9. It is in this perspective that we should understand the following long but classic statement by Ibn Taymiyya, a theologian who lived around the year 1300. According to him:

Any group of people that rebels against any single prescript of the clear and reliably transmitted prescripts of Islam has to be fought, according to the leading scholars of Islam, even if the members of this group pronounce the Islamic confession of faith. If such people make a public formal confession of their faith, but, at the same time, refuse to carry out the five daily prayers, then it is obligatory to fight them. If they refuse to pay the religious zakaat-tax, it is obligatory to fight them until they do so. Similarly, if they refuse to keep the fast of the month of Ramadan or to perform the Pilgrimage to Mecca, and similarly if they refuse to forbid abominations or adultery or gambling or wine or anything else that is forbidden by the laws of Islam. Similarly [they have to be fought and killed] if they refuse to apply the judgement of the Book and the Example of the Prophet to matters of life and property, or merchandise and commodities of any kind. Similarly [they have to be fought and killed] if they refuse to compel to what is good and to prohibit what is bad, or refuse to fight the infidels until they surrender to the Muslims and humbly pay the poll tax. Similarly if they introduce innovations that are contrary to the Book and the Example of the Apostle and that are not consistent with the example of the pious forefathers, like introducing deviant opinions concerning the names of God or verses from the Koran.

10. And so on, and so on. Any disagreement on even the smallest detail of the law is here labeled as apostasy, and Ibn Taymiyya¹ does not hesitate to threaten someone who deviates, no matter how minimally, with war and *takfiir*. In the case of Ibn Taymiyya these threats were made against the rulers of his day. If they permitted their subjects to hold opinions or commit acts that were not in agreement with Ibn Taymiyya’s own views, these rulers were labeled as apostates, and had to be dealt with accordingly. This view is known as *takfiir al-haakim*, literally: ‘labeling the ruler as an unbeliever’ – in practice: ‘exposing the ruler as an apostate’. If such thoughts and ideas were limited to the writings of medieval thinkers, there would be little reason for concern today. But contemporary activists and pamphleteers repeat the long passage quoted above literally, and often.

11. In the middle of the 18th century, in the days of Bach and Mozart, a small number of Muslims went even further than Ibn Taymiyya. The Wahhabi movement², which started in the North of the Arabian Peninsula, taught that the individual members of a community that deviated from the Wahhabi interpretation of Islam, were also equally guilty of apostasy, and had to be fought, and subsequently be robbed, enslaved or killed. This view became known as *takfiir al-mugtama*: 'branding society as unbelieving'. In the first decade of the 19th century the Wahhabi armies sacked the Shi'i shrines in Kerbela, and massacred its Shi'i inhabitants. They, however, did not limit themselves to Shi'is. The towns of Medina, Ta'if, Mecca and Jeddah, all in present-day Saudi Arabia, were also sacked. Only in 1818 did an Egyptian army managed to stop them. The number of Muslim victims of this Wahhabi Jihad must have been considerable.

12. Using an idiom that differed only slightly from the Wahhabi idiom, two writers in the middle of twentieth century again preached Jihad against Muslims who thought of themselves as Muslims and who obediently followed the instructions of their Ulema, and had little reason to suspect that they ran the risk of being accused of apostasy. The first of these writers was the Pakistani activist Abu Ala al-Maudoodi, the second the Egyptian Sayyid Qutb.

13. These two men had not been trained as Ulema, but had been provided with a secular education. They were intellectuals and journalists, both words used in their Western pejorative meaning. They nevertheless convinced many Muslims that this world was the theater of an on-going battle between Islam and its enemies, and that everybody who did not want to apply Islam as strictly as Ibn Taymiyya had wanted was, in reality, an unbeliever who had to be killed. There are today few Islamic bookshops that do not offer books or pamphlets by these two men.

14. The assassins of the Egyptian President Sadat in 1981 took the teachings of Sayyid Qutb and Ibn Taymiyya to their logical consequence, and killed Sadat for not ruling Egypt by the laws of the Sharia. They have left an elaborate statement to this effect which they had entitled: 'The Neglected Duty', that is the neglected duty of Jihad against rulers that do not rule by what God has sent down. Amongst the many Muslim victims of Jihad, Sadat is certainly one of the most prominent.

15. He was, however, not the first Egyptian Muslim politician who was murdered by people who thought of themselves as Jihad-fighters. Already in the summer of 1977, an obscure religious movement has kidnapped and killed an Egyptian former Minister of Religious affairs, *or waziir al-awqaaf*, to be more precise, Minister of Religious Endowments. The name of the unhappy minister was Dr Sheikh Muhammad Hasan Ad-Dhahabi, and the group that committed this act called itself *Gamaa<at al-Muslimiin*, or The Collective of Muslims. Its enemies, however, called it *Gamaa<at at-Takfiir*, The Takfiir-collective.

16. This name was justified in so far as that *takfiir* was an important principle of the group. Members who considered leaving the group, were threatened with *takfiir*, and regarded as having committed apostasy from true Islam. Soon members who wanted to leave the group discovered that this was highly dangerous, and that they might as well turn to the Egyptian secret police and offer themselves as informers. The result was a Gordian knot of betrayal, provocation and intrigue that ended with a shoot-out in early July 1977. In March 1978 five leaders of the group were hanged in the execution chamber of Cairo's central prison. They themselves, and their victims, were Muslim victims of Jihad indeed.

17. A certain Nasr Abu Zayd was professor of Koranic Studies in the faculty of Arts of the University of Cairo in Guiza. His predecessor, Mohammed Khalafallah had been in serious difficulties in the 1940s and 1950s, but the difficulties Nasr Abu Zayd got into were much more serious. Abu Zayd suggested that the Koran, being a text, had to be studied the way texts are studied. The wrath of the fundamentalists is easily provoked, and Nasr Abu Zayd made no effort to befriend them when he wrote:

The demand for the application of the Sharia and regarding this demand as a primary issue in contemporary religious thought is an assault on reality. To reduce the aims of religion to stoning adulterers and cutting of the hand of thieves does not do justice to the Islamic revelation³.

18. His enemies took him to court for these and similar statements, demanding that his marriage be annulled, since he was an apostate from Islam. The court in Guizah ruled in Nasr Abu Zayd favour, but the Cairo Court of Appeal ruled against him in June 1995. The Egyptian government quickly got him out of the country, first to Spain, then to the Netherlands, where he still lives in exile. There is no doubt amongst his many Muslim students from Indonesia and elsewhere in the Muslim world, that he is a Muslim. Nevertheless, he is a victim of Jihad, who desperately longs for a return to his homeland.

19. His fate will not encourage students in the Muslim world to express opinions of whatever nature about the Koran. Nevertheless, compared to Dr Farag Foda he has been lucky. A fundamentalist gunman assassinated Dr Foda in the streets of Cairo on June 8, 1992. His crime was to have made fun of prominent fundamentalists, and having ridiculed their obsession with the koranic punishments for adultery.

20. The list of Muslim victims of Jihad can be made much longer, but the principle is always the same. The victim has expressed opinions that can only be seen as an attempt at opening a discussion on religious reform, or they have been Muslims following an age-old and perfectly respectable Islamic tradition that had one defect only: it differed from that of their murderous opponents.

21. The conclusion must be that under such circumstances, reform becomes difficult to imagine, and even internal Muslim dialogue, for instance between Sunni's and Shi'is, becomes hazardous to the participants.

Notes

1. Most of the presentations made at the conference may be found at: www.iheu.org/unchr2005; for that by Prof. Jansen, see: <http://www.iheu.org/modules/bfsection/article.php?articled=409>
2. See J.J.G. Jansen, The Neglected Duty, New York 1986, pp. 170-171.
3. Hamid Algar, Wahhabism: A Critical Essay, Oneonta (Islamic Publications International) 2002.
4. Nasr Hamid Abu Zayd, Mafhuum al-Nass, Cairo 1993, 17.

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