

A statement from *qaidat al-jihad* regarding the mandates of the heroes and the legality of the operations in New York and Washington

April 24, 2004

[Please note: Images may have been removed from this document. Page numbers have been added.]

In the name of Allah, the merciful, the compassionate.

Praise to the Lord of the universe who said in his book, "Fight those who do not believe in Allah or the last day and who do not prohibit what Allah and His messenger have prohibited, those who do not obey the religion of truth from those who were given the book. Fight them until they pay the poll tax and are humbled." Prayers and peace be upon the unique leader of the warriors (*mujahideen*), Muhammad ibn Abdullah who said to unbelievers, "I have come to you with slaughter." May the most excellent prayers and perfect greetings be upon him, his family, and his friends.

Allah has given success to a group of young men of Islam with his favor and generosity, and has shown his prosperity and kindness because he has restored to the *ummah* some of its truth. He has made the Crusader enemy drink from the cup that they made us drink from for decades and decades. The heroes who offered themselves for the destruction of the strongholds of the enemy did not offer themselves in order to gain earthly possessions, or temporary fame, or a transitory desire. Rather, they offered their souls as a sacrifice for the religion of Allah almighty, defending Muslims whom American hands had mistreated by various types of torture and forms of domination and subjugation in every place.

We offer support for the progress of the ummah's jihad, sacrifice, and martyrdom. The first charge of the heroes of the New York and Washington attacks was obedience to all of their orders, an obedience that was established before their departure to the enemy's land, beginning with the hero Ahmad al-Ghamdi, may Allah almighty have mercy on him.

We call attention to this obedience only to make evident to the ummah that the only motive these young men had was to defend the religion of Allah, their dignity, and their honor. It was not done as a service to humanity or as an attempt to side with Eastern ideologies opposed to the West. Rather, it was a service to Islam in defense of its people, a pure act of their will, done submissively, not grudgingly. We also call attention to it so that it might be a message to all the enemies of the ummah. With an iron hand, we will deliver its contents to the heads of our enemies, no matter how strong they are and no matter how weak we are. We deliver it at this time in particular in order to assure the ummah, which is currently experiencing tragedy in every place. The only way to liberation from this humiliation is the sword, which is the only language the enemy understands that will deter it.

We know some of our anxious brothers will say that the publication of this directive will amount to nothing but a document that will condemn the warriors (*mujahideen*). If they hide it and do not let the enemy condemn them, they think that will be better.

But we say that the tyrannical enemy is not in need of directives or justifications in order to continue its war against Islam and Muslims which it began many decades ago. By Allah, what are the directives that condemn the Palestinian people and have allowed massacres against them for more than fifty years and into the present day at the hands of a Jewish Crusade? What is the charge against the people of Iraq so that they are besieged and killed in a way that history has not seen previously? What are the directives that condemn the Muslims of Bosnia and Herzegovina and allow the Crusader West, with America at its head, to give free rein to their Serbian ally to annihilate and remove the Muslim people from the area under the cover of the United Nations? What is the crime of the Kashmiri people, and what are the directives that the "servants of the cow" lord over them, so that their blood has been shed for more than fifty years? What crime have the Muslims of Chechnya, Afghanistan, and the Republics of Central Asia committed that the tyrannical Crusader Soviet military machine, followed by the Communist one, can sweep them away and then kill, destroy, and remove tens of thousands of them? What kind of authority did America possess on the day it destroyed Afghanistan by killing and banishing the Muslims in it? Before that, it established an unjust blockade against it under the cover of the United Nations. Under the same cover it tore apart Indonesia and deported the Muslims of Timor to the Moluccas Islands and Poso. Also under the protection of nations, it entered Somalia, murdered, and took possession of the land of Islam there. It was also the chief supporter of the Crusader regime in the Philippines in order to remove our Muslim brothers present there. Beyond this, there are many other issues too numerous to mention. We must state that all the Muslim peoples whom the worldwide Zionist Crusade has annihilated did not commit any crime except to say, "Allah is our Lord." The Zionist Crusade coalition does not need directives or guilty verdicts against Muslims to begin its war or to continue it. It did not stand around with its hands tied previously, waiting for excuses to launch its wars of extermination against Muslims. Enough of the ummah foolishly thinking that this coalition is dependent upon reasons from the Muslims themselves in order to engage in activities of annihilation, violation, and expulsion against Muslims.

It is also foolish for a Muslim to think that the Crusader enemy was waiting for justifications to attack Muslims, banish them, and wage war against their religion. It is stupidity for a Muslim to think that the Crusader Zionist public opinion which backs its government was waiting for some action from Muslims in order to support the Crusader war against Islam and thereby enkindle a spirit of hostility against Islam and Muslims. The Crusader Zionist public opinion has expended all it has in order to stand behind the nations of the cross, executing their war against Islam and Muslims from the beginning of the colonization of Islamic countries until the present day. If the successive Crusader Zionist governments had not received support from their people, their war against Islam and Muslims would not have taken such an obvious and conspicuous form. It is something that would not attain legitimacy except by the voices of the people. It has been enough for us to ignorantly and foolishly think these thoughts that, in fact, have no merit.

We have put forth this directive in order to deliver a new blow to America and to expose to the world the fallacy of the American propaganda which claims it has irrefutable evidence regarding the warriors (mujahideen) who carried out the operation. It claims it has twenty-four thousand threads leading to knowledge of the agents of the operation. But what appears to it as evidence weaker than a spider's web, and the American case cannot rely upon it to indict the suspects, let

alone convince the world with it. In this directive we say to America that hiding all trace of the agents of the operation was not something we considered. Rather, some of the heroes were intent on leaving Islamic fingerprints on the operation. This is a new blow received by the American security agency that has looked here and there in confusion unlike anything ever seen before. On account of the hunt for a trace of the heroes who entered their country, noses have sniffed with honor and pride.

By means of this document we send a message to America and those behind it. We are coming, by the will of Allah almighty, no matter what America does. It will never be safe from the fury of Muslims. America is the one who began the war, and it will lose the battle by the permission of Allah almighty.

These great events which changed the face of history on such a grand scale occurred in the ummah, and it will be a great regret to anyone who blames those who brought about the operation of September. Those ignorant ones do not speak with legal evidence or reasonable logic. Rather, they speak in their masters' languages and in the concepts of the enemy of the ummah. Let all know that those who undertook these operations did so in order to ask for the favor of Allah, may He be praised and exalted. Let all know as well that many souls died on account of these operations, the first among them the souls of the heroes. We should never think little of the passing of souls, especially the Muslims among them. And this is what compels us to pay attention to the issue of legal evidence from all its angles, without privileging one side over another and without ignoring one matter on account of another. After study and deliberation, we have found that operations like this are what will return its glory to the ummah and convince the oppressive enemy of the rights of the Islamic community.

We pass on to an initial report, without details or exposition, regarding the evidence of the legality of this kind of operation. Let it be a quick message to those who dress their political opinions in the garb of a legal ruling. Let it also be a call to those who oppose and condemn the operations to obey Allah, repent, and return to the legal evidence. Cowardice in defending the warriors (mujhadeen) is no better than being silent. Allah is our guide and the guide of all Muslims. We summarize the exposition of the argument in what follows.

First of all, America's status among Muslims is the same as that of the Jews -- they are both people of war. What is permissible regarding the right of the occupying enemy to the land of Palestine permits the right of anything like it, which is then backed and supported.

If you are surprised by this, you will truly be surprised by those who rule that the martyrdom operations in Palestine in which civilians fall victim are among the highest forms of jihad, and then rule that the martyrdom operations in America are wrong because of civilian deaths. This inconsistency is very strange! How can one permit the killing of the branch and not permit the killing of the supporting trunk? All who permit martyrdom operations against the Jews in Palestine must allow them in America. If not, the inconsistency leads to nothing but a type of game playing with the legal ruling.

Truly, America is not, nor has it ever been, a land of treaty or alliance. If we were to line up with

the other side and say that it is a land of peace, we would say that it has turned into a land of war. That occurred with its violation of the treaty and its help to the Jews for more than fifty years in occupying Palestine, banishing its people, and killing them. It is a land of war that violated its treaty when it attacked and blockaded Iraq, attacked and blockaded Sudan, attacked and blockaded Afghanistan. It has oppressed Muslims in every place for decades and has openly supported their enemies against them.

People who do not understand the sense of the legal evidence have already denied this and said that women, elderly, and children were among the victims of the operations in America. They say, "Islam forbids the shedding of their blood, so how can the operations be legally permissible?"

We say that the prohibition against the blood of women, children, and the elderly is not an absolute prohibition. Rather, there are special conditions in which it is permissible to kill them if they are among the people of war, and these conditions exist in specific circumstances. We say that a number of protected people were among the victims of the September operations in America, but they do not fall outside the conditions that permit killing them which we will now briefly mention. It is enough for the dissenter to decide that one of the conditions applies in order to say that the operations are permissible. It is not necessary that all the conditions are met; only one suffices. These conditions are the following.

First: It is allowed for Muslims to kill protected ones among unbelievers as an act of reciprocity. If the unbelievers have targeted Muslim women, children, and elderly, it is permissible for Muslims to respond in kind and kill those similar to those whom the unbelievers killed. As Allah almighty says, "You may transgress against those who have transgressed against you just as they have transgressed against you." There currently exists an extermination effort against the Islamic peoples that has America's blessing, not just by virtue of its effective cooperation, but by America's activity. The best witness to this is what is happening with the full knowledge of the world in the Palestinian cities of Jenin, Nablus, Ramallah, and elsewhere. Every day, all can follow the atrocious slaughter going on there with American support that is aimed at children, women, and the elderly. Are Muslims not permitted to respond in the same way and kill those among the Americans who are like the Muslims they are killing? Certainly! By Allah, it is truly a right for Muslims.

Second: It is allowed for Muslims to kill protected ones among unbelievers in the event of an attack against them in which it is not possible to differentiate the protected ones from the combatants or from the strongholds. It is permissible to kill them incidentally and unintentionally according to the saying of the Prophet. When he was asked, as in al-Bukhari, about the offspring and women of unbelievers who stayed with the unbelievers and were killed, he said, "They are from among them." This indicates the permission to kill women and children because of their fathers if they can not be distinguished. In the account of Muslim he said, "They are from their fathers."

Third: It is allowed for Muslims to kill protected ones among unbelievers on the condition that the protected ones have assisted in combat, whether in deed, word, mind, or any other form of

assistance, according to the prophetic command. This is what happened at the time of Abu Dawud and others who were involved in the murder of Duraid Ibn al-Samma. When he was 120 years old he went out with the Hawazin tribe to advise them. They consulted him on battle procedure and he went from being a protected one to being a target because of his advice regarding the war against Islam.

Fourth: It is allowed for Muslims to kill protected ones among unbelievers in the event of a need to burn the strongholds or fields of the enemy so as to weaken its strength in order to conquer the stronghold or topple the state. It is permissible even if protected ones are among the victims, as the Prophet did among the Bani Nadir.

Fifth: It is allowed for Muslims to kill protected ones among unbelievers when they are using heavy weapons that do not distinguish between combatants and protected ones, as the Prophet did in Taif when he attacked its people with catapults.

Sixth: It is allowed for Muslims to kill protected ones among unbelievers when the enemy is shielded by their women or children. If it is not possible to engage in battle and hold back their evil from the land of Islam, it is the consensus that it is permissible for them to kill the human shields.

Seventh: It is allowed for Muslims to kill protected ones among unbelievers if the people of a treaty violate their treaty and the leader must kill them in order to teach them a lesson. This is just as the Prophet did among the Bani Qariza.

Someone might ask, "What permits the killing of the Muslims who were legitimately in the World Trade Center? We agree that the protected ones among the unbelievers fall under one of the previously mentioned conditions. But where do we place the Muslims who were working there during the attacks?"

We say the answer to this question can be found among seven views. Here, too, it is enough to determine that one of them applies to say it is permissible.

First: It is necessary to determine the justifications of the one doing the action if he is a Muslim. If the justifications are tantamount to a state of emergency, the action is permitted.

Second: The majority opinion rests upon the idea that only unbelievers were present in the targets that were hit, and acting in accordance with the majority opinion in legal rulings is what a responsible party must do.

Third: Al-Shafii and the distinguished jurists in the Hanafi school believe it is permissible to burn, drown, and demolish a country of those who make war even if Muslims might be killed by such actions. This is so because holding back from the buildings that contain Muslims leads to an interruption in the jihad. The distinguished ones reply that the verse that begins, "For if believing men..." does not refer to prohibition. If that is so, the activities of this operation are allowed.

Fourth: The indiscriminate and universal application of the aforementioned verse leads to the suspension of the practice of jihad against all warring nations because there does not exist a country today that does not contain a large number of Muslims. Today, wars kill large numbers of people. The application of the verse is absurd because it invalidates the practice of jihad without proof.

Fifth: The solution to the issue of what to do with one who is at fault for killing a Muslim living among a warring people is obscured in a situation like ours. The solution is to pay half the blood money just as Muhammad ruled for those who killed the Muslims of Khatham who were living in the midst of a people of war. The Messenger paid half the blood money and did not cover up their killing, censure it, curse it, or rid them of it. Rather, he rid them of those who lived among them.

Sixth: The conduct of a Muslim who assists and strengthens unbelievers might be permitted according to earthly judgment. But his eternal judgment is based on his intention, just as Allah made the army fail that attacked the Kaba while some of its members were not from among them.

After determining that the permissibility of these operations is not objectionable from the legal side, we now turn to respond to those who prohibit the actions from the point of view of things conducive to good and things conducive to evil, also known as delegated authorities.

The teaching that the negative benefits of doing this or that action are more than the negative benefits of refraining from it, or the positive benefits of refraining from it are greater than the positive benefits of doing it, is not decreed for every one. It is not a statement that one utters from both knowledge and ignorance. Rather, delegated authorities have their principles, and it is not permitted for someone to teach it until one knows its principles.

Delegated authorities are a type of analogy because the efficient cause is a basic element of analogy. The cause must have appropriateness, and appropriateness can be divided into four types. One type is delegated appropriateness. This is a cause that is comprised of wisdom and legal utility, religious or secular, as a sign that the lawgiver did not bring about what would invalidate it or command it. This type is what is called delegated authority. The nature of delegated authorities becomes clear in mentioning their five precepts.

First, they must be necessary. Second, they must be universal. That is, they must be of benefit to all Muslims. Third, they must be conclusive. That is, they should not invalidate any other evidence or source. Fourth, following them should not lead to an evil equal to or greater than them. Fifth, following them should not lead to the suppression of a good equal to or greater than them.

When these precepts are known, it remains for the one who wishes to cite them to establish an important working principle: the principle of jurisprudence based on factual evidence found in the situation for which he wishes to determine the degree of good and evil. This allows him to

ascertain the precise object of the *fatwa* before the fatwa is brought against it.

Despite the clarity of the matter and the obvious nature of the evidence, however, it is regrettable that many of the motives were destroyed in the comforting of America, the expressions of sorrow for her, and the legal rulings to assist her and to donate blood for her innocent (!!) victims. Legally incriminating the one who carried out the operations and expelling him from Islam is also regrettable, as is giving the Crusaders the green light to exact revenge on Muslims. This teaches all those who issue opinions that America may pursue the Afghans and Sheikh Usama bin Laden, may Allah protect him. We warn them about apostasy because of their assistance to the Crusaders by word or by their legal rulings to Arab governments that cooperation against terrorism (by this they mean the mujahideen) is lawful. This is defiant apostasy!

These comments about the permissibility of the martyrdom operations in the attack of New York and Washington are taken from the book *The Truth about the New Crusader War*. Whoever wants further evidence and a detailed discussion of the matter should consult the entire book.

Allah is the guide to the straight path. May Allah's peace be upon the messenger of Allah and upon his family and companions.

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