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Abstract: This is a series of papers that translate and analyze articles, reports, religious decrees, and other documents, written primarily in Arabic by Islamist scholars, clerics, operatives, or intellectuals.

Making the Beast Kosher:
A Jihadi Fatwa on Saddam Hussein's Death Sentence

By Reuven Paz

Introduction

It took only an hour or so after the direct broadcast of Saddam Hussein's death sentence for the supporters of global Jihad to post in the main Jihadi-Salafi forum—Al-Hesbah—a well-reasoned fatwa if to regard him a Martyr (*Shahid*) in Jihadi-Salafi eyes.¹ The fatwa by the Jihadi-Salafi Kuwaiti Sheikh Hamed al-Ali, has been probably written before the expected sentence.

Sheikh Hamed al-Ali can be viewed today as the leading living scholar of the younger generation of Jihadi-Salafiyah in Arabia, after the death and imprisonment of some of his Saudi colleagues. He is very popular within the “Jihadi virtual community” on the Internet, and his residency in Kuwait seems to provide him some more freedom. Despite his arrest for a short while two years ago, it seems that the Kuwaiti authorities do not limit his freedom of speech, as long as he does not attack them. Only last week Al-Ali was “crowned” by one of the leading clerics of the older generation of Jihadi-Salafis—Abu Basir al-Tartousi in London. On November 1st 2006, Al-Tartousi posted on the front page of his web site an extraordinary letter in support for Al-Ali.² In the past year, Abu Basir has regained his senior position among Jihadi-Salafi circles, after a harsh criticism over him following his positions

¹ See the fatwa on-line in: <http://www.al-hesbah.org/v/showthread.php?t=94491> and in: [http://www.e-prism.org/images/Hamed al-Ali - Fatwa about Saddam sentence - 5 Nov06.pdf](http://www.e-prism.org/images/Hamed_al-Ali_-_Fatwa_about_Saddam_sentence_-_5_Nov06.pdf)

² See the letter on-line in: <http://www.abubaseer.bizland.com/refutation/read/f%2081.doc>



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against the suicide operations in London in July 2005, and his hinted criticism over Zarqawi's extremist Takfiri doctrines in Iraq. The killing of Zarqawi in June 2006, the takeover by Dr. Ayman Zawahiri of directing Al-Qaeda in Iraq, and the absence of leading imprisoned scholars such as Abu Muhammad al-Maqdisi, Abu Qutadah, and the Saudi Suleiman al-`Alawan from the Jihadi scene, assisted Abu Basir to regain his senior position. The public "letter of decoration" to Hamed al-Ali is a kind of transferring "the torch" to the younger generation of Jihadi-Salafi clerics, whose fatwas are vital for Al-Qaeda and affiliated groups, and their supporters. Therefore, the present fatwa by Hamed al-Ali on Saddam Hussein should be regarded important, not only in reference to the Jihadi-Salafis, but also for the future relations between the various components of the Iraqi Sunni insurgency.

Saddam Hussein in Jihadi-Salafi eyes

The attitude towards Saddam Hussein has been controversial in Jihadi-Salafi circles since early 2003, on the eve of the collapse of his regime and later on his arrest. On one hand it was obvious that Saddam was a "Pharaoh"—the highest degree of an apostate ruler—like most of the Arab dictators and rulers. His animosity towards the Islamic movements in Iraq, and his Ba`athi regime and ideology turned him into an enemy, more than the killing of innocent Shi'is or Kurds. Yet, he was threatened and then removed by the "Greater Satan"—the Crusader-Zionist conspiracy—and was fighting another Satan—the Iranian Safawids—and therefore, was also perceived as a kind of defender of the Arab-Muslim honor and Caliphate. He also had a history of fighting the United States in 1991. Therefore, he was an enemy, but not an immediate one compare to the Americans. Many of the Jihadis also stuck to the rule of the Prophet that "a corrupted or unjust ruler is always better than no ruler, what might lead to chaos or civil war – *Fitnah*.

As the Iraqi Jihadi insurgency emerged, there were very few references to Saddam Hussein by Jihadi-Salafis, especially that the Sunni insurgency involved many volunteers from Arab countries who had no special attitude towards him. Later on there was a start of involvement of Saddam loyalists, remains of the old Iraqi military forces, and ex-Ba`athi members, in forming insurgent groups that fought under the same doctrinal strategy as Al-Qaeda or other Salafi Iraqi groups. In the past year, under Al-Qaeda leadership, the insurgency formed a strong anti-Shi'i notion and became also part of a kind of Sunni Iraqi nationalism vis-à-vis the Shi'is and the Kurds. This process, in addition to a certain more human image of Saddam the prisoner in court, and the rage over the instability of the country as a result of the American occupation, may have softened the animosity towards Saddam in the past. In the period of 2004-2006 we could find some sympathetic writings on Saddam Hussein in Jihadi forums. However, these writings might have been written by non-Iraqi supporters of global Jihad.

The Fatwa – Should Saddam be a *Shahid*?

Hamed al-Ali's fatwa is a response to a question how to relate to Saddam if he is executed by the enemy, knowing his past acts against his people, his being a dictator, and since he did not



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resist the Americans and surrendered. It is unknown whether the person who asked the question, if there is one at all, is an Iraqi.

At the beginning of the fatwa Al-Ali tries to avoid a direct answer or to direct his readers to a certain conclusion, claiming that “it is not our task to decide, but Allah’s.” However, he provides Saddam with “circumstantial discounts” – we do not know if Saddam is still an infidel Ba`athi or changed his mindset; we do not know the real circumstances of his arrest, but only the American version, which we cannot trust since they are “our worst enemy”; he was probably drugged by gas before his arrest; Saddam acts were within the hostility between us and the enemy; Saddam’s “crimes” were done before the invasion of Kuwait. At that period he was not viewed as enemy or criminal by the West. They did so only when he endangered their oil interests; all the Arab rulers shared his crimes and should be tried with him; the United States removed Mussadek in Iran when he wanted to nationalize the Iranian oil and supported the Shah instead. Later on they supported Saddam and encouraged him in his war against Iran under Khomeini, and supplied him with every weapon possible. This was the period when he used chemical weapons against the Kurds. Later on the Americans seduced him to occupy Kuwait in order that they could occupy Arabia and then Iraq, as happened in fact. Therefore, all the Arab rulers share these crimes with Saddam and he should not be the only one to be tried. Moreover, many more Kurds were killed as a result of the internal conflicts within the Kurds between the Barazanis and the Talebanis than by Saddam Hussein, but many people do not know that, since they are misled by the Western propaganda.

Al-Ali’s conclusion is that the Jihadis should acknowledge two elements:

- Everything that took place in the Arab history in the past century, without exception, is a result of the strategy and policy of the imperialist “Zionized Crusaders.” Hence, all the policies of the Arab despots and dictators are also a result of this imperialism.
- The Muslims can change these circumstances only by returning to their true religion. They should target their war to their real historic and strategic enemy and expel them from their lands. The Muslims should not let the enemy affect them through its false propaganda and divert them from the core of their strategic conflict.

In other words – do not let the enemy engage us in issues such as Saddam Hussein’s crimes instead of the real problem.

Al-Ali’s conclusion is to leave the issue to Allah, who has already punished Saddam Hussein in this world, by his removal, killing his sons, the loss of his fortune, etc. Now Saddam is dependent upon Allah’s mercy. However, Al-Ali wishes him such a mercy. He does not declare Saddam a Shahid in case of his execution, but wishes Allah to forgive him and accept him in haven not hell.



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Conclusion

Al-Ali's fatwa reflects a forgiving attitude on one hand, and a change that took place in the Arab world on the background of the occupation of Iraq and the situation there, where stability, even a vicious one, was replaced by what is viewed by them a hopeless reality that might tear Iraq into at least three pieces. Among the first responses to the sentence we should also note that all the Islamic movements from the school of the Muslim Brotherhood condemned the sentence as well, including the less anti-American Hamas, and the Iraqi Brotherhood (the Iraqi Islamic Party), which supports the democratic process in Iraq.

Al-Ali did not fully answer the question and left the Martyrdom issue to Allah to decide. However, he used a very softened tone that might sound to his Jihadi-Salafi followers as an opposition to the sentence, and a kind of defense on Saddam Hussein, who in his terms, acted according to the norms of the other Arab dictators, who were tools in the hands of the "Zionist-Crusader" plot against Islam and the Muslims.

But, the more important implications of this fatwa should be viewed on the background of the present Iraqi scene, especially among the Iraqi Sunnis. The fatwa sends a message to the non-Jihadi groups that take part in the Iraqi Sunni insurgency, that Al-Qaeda is open to cooperation with any Sunni element that is fighting the real enemy – the United States and the Shi'ah. Saddam Hussein the individual is not important and all the Jihadis can do is wishing him the mercy of Allah. He is not declared a Shahid but they do not oppose it if Allah accepts his repentance. However, he is not an enemy, an infidel, or a cruel dictator. He is just a victim of the global plot against the Muslims, who has already been punished in this world, unlike the other Arab rulers.

Just few weeks ago Al-Qaeda declared the foundation of a "Sunni Islamic independent State." For some reason, this declaration has not gained almost any notice in the Western media, which may view it as a pretentious episode. However, whoever carefully reads the Jihadi-Salafi forums in the last months, can see how keen are ALL the various Sunni Iraqi insurgent groups to use these Jihadi forums as a platform for their messages and indoctrination, regardless of their disputes, competition, or different original ideology. No matter how serious the "Islamic State" is, there seems to be a notion of more united strategy among the Sunni groups. The fatwa of Hamed al-Ali provides this notion a better chance from the side of the Jihadi-Salafis.