

“Whoever retaliates against oppression and is then further persecuted for doing so, will receive the help of God, if he fights the oppressors.” (22:60)

So, therefore, on the authority of the Divine Will, it may be concluded that the freedom fighters and the oppressed persons fighting for their rights cannot be labeled as terrorists if they use their secret weapon of causing terror among the oppressors.

Now the question is: What is the solution of world or national terrorism? The only answer is:

- (i) The super powers should allow the oppressed nations to live with the same right to liberty, independence, sovereignty and dignity as they want to enjoy for themselves.
- (ii) There should be war for peace against every kind of injustice and not for domination.
- (iii) There should be no exploitation of any kind by the super powers;
- (iv) Prevent the storm of persecution, oppression and cruelties to the poor people;

Otherwise, the declaration of the Supreme Authority is:

“Thus God made them (Pharoahs) a thing of past and made them an example for the future.”(42:56, 28:40)

“Neither the heavens wept for them nor did the earth shed tear over them.”(4:29)

“God is long of reach. He is swift in chastising and severe in punishment.” (40:3)

Let me predict, on the authority of Divine Will, that the Pharoahs of the present days are destined to meet the same tragic end as had been the fate of Pharoahs of past.



revenge and the attack made by those persons upon the oppressors to seek their remedy certainly causes panic. Sometimes, the desperate persons attack the interest of the powerful nations or the group of persons at the cost of their lives.

The persons who fight for their rights cannot be called to be terrorists when they revolt against the nation who have subjugated them. The Divine Will is :

“Deal with them so as to strike fear in those who are behind them, so that they may perhaps take a lesson.” (8:57)

Now-a-days, there are many ways to cause terrorism and the whole of the world seems to have united to combat the terrorism. But no useful results can be achieved unless the causes are identified and removed, the main cause being injustice. If you:

- (i) Squeeze the last drop of blood of the have-nots, they shall scream;
- (ii) Suppress the poor nations, they will burst;
- (iii) If the west imposes its life style of:
  - (a) Bisexual
  - (b) Homosexual
  - (c) Trans-sexual
  - (d) Omnisexual
 there shall be a storm of protest among the Muslim nations.

It is imperative, therefore, to solve the conflicts between various regions of the world. Unless the grievance of the aggrieved nations are redressed, terrorism cannot be done away with from the world by bullet. It is unfortunate that so far the world has not been able to define terrorism.

It is generally believed that every group of persons has a right of self-determination of their fate. If this right is denied and the aggrieved persons resort to assert their right, they cannot be called terrorists rather they shall be called freedom fighters and if their struggle is succeeded they become the heroes of their people. They have sanction from Allah Almighty to fight for their rights against the oppressors, The Divine revelation is:

“Since they have been grossly wronged, sanction is given to them to rebel their oppressors.” (22:39)

“What ails you that you do not fight in the way of Allah. Feeble men and women are crying “O Allah! rescue us from this Town, the people of which are oppressors. And give us from your presence some protecting friend. O God! send to us from your presence some defenders.” (4:75)

It is thus clear that if you deprive a person or group of persons or a nation of his legitimate right and persecute or oppress them, they have a right to fight against the oppressors by all the means they can avail. Surely, the oppressed people cannot face the persecution of the oppressors for lack of sources, arms and material strength. They, therefore, adopt such measures as create panic among rank and file of the oppressors. They, therefore, resort to strike and hide, kill and run. It is a matter of historical record that terrorism has been the effective weapon that the oppressed populations have always employed against the oppressors because it has been the only weapon available to them.

Literally terror means panic and, therefore, terrorism means the state of terror. In general term, terrorism means to create unsafety in the mind of any citizen.

There are number of elements which cause terrorism or there are quite a number of reasons which compel or force a person to resort to the act of terrorism and most important of them is the sense of deprivation of one's right or a sense of denial of justice to a person, group of persons or a nation. The denial of justice to a person causes hatred against the oppressor. Similarly, if a group of powerful persons deprives the poor of their rights, it creates hatred among the poor against them. Similarly, the act of powerful nations to deprive the poor nations of their legitimate rights create discontentment among the poor nations. If the deprived persons are not so powerful to face the oppressors, they always adopt the secret measures to satisfy their

“To visit any wrong-doer with punishment from above or below or to bewilder him with mal-dissention and make him test of tyranny of one another.” (6:65)

Having made everything of the universe to the service of human beings. Allah Almighty commands:

“God enjoys justice on you who believe, do justice and be steadfast in your evidence and staunch in your judgement as witness for God and do justice even if this might be against your interest or of your parents or nearest kin or on some rich person or some poor person. Do not be governed by personal feelings or desires lest you lapse from the true.”(4:135)

The imperative importance of justice has been stated in the Divine Law for the guidance of human beings as under:

“Let your decision be in accordance with Law revealed by Allah and not in accordance with human desire. Be on your guard that they are not able to make you defy from Divine Law. When they turn away from the Divine Law, it means that Allah intends that they suffer the dire consequences of their own wrong doings; most of them being wrong-doers. They want the matter be decided according to pagan practice; though for those who are firm in faith dispensation as that of God.” (5:49)

When there is no justice or the scale of justice is imbalanced, this world becomes under the rule of wrong-doers, oppressors and persecutors. Allah does not like tyranny and oppression. He forbids wrongful oppression and persecution. When the people are oppressed, they have a right to defend themselves. The Divine Will is:

“Allah forbids wrongful oppression, when believers are oppressed they may defend themselves. Whosoever defends against it, no recourse is open against him. Recourse is open against those who rabble in the land and do wrong to fellow human beings. For such, they will have a painful doom. Persecution is worst than slaughter.”(42:41-42)

material universe revolves. It is described in the Holy Quran:

“It is God who has subjected to your service whatever is in the heavens and on the earth. The Sun, the Moon and the stars all are subservient to His command. It is He who has constrained them all to be of service to you.” (45:13 & 7:54)

Now let us see what is the law of Nature and Divine commandments. It is described in 5 Ayats of the Holy Quran as :

“The sun and the moon, each float in its own orbit; to the term appointed for it and in the course ordained for it. They have been made punctual and constant, it is not for any one to overtake the other.”

(55:5, 21:33, 36:4)

“And the stars and trees humbly submit to His will”

(55:6)

“And He has raised Heaven high and set up measures of gravity to sustain it.” (55:7)

Then comes the Divine commandment in mandatory form:

“Do not imbalance the scale of justice.” (55:8)

All the units or planets of the universe do not trespass into the orbit of the other nor any one of these units overtakes the other.

If any unit of the universe trespasses into the orbit of other; the whole universe shall be destroyed.

The man being the centre of the universe and the agent or viceroy of Allah Almighty, has also been ordained:

“Not to transgress the scale of justice.”

and has been directed:

“Not to make the scale of justice imbalance.” (55:9)

So, if the human beings imbalance the scale of justice, there will be disorder in their life and Allah Almighty has created mankind for the sole purpose that they serve the Divine Will and that they should observe equality and justice in their dealings and that they do not imbalance the scale of justice. Allah Almighty is all-powerful:

Allah has put into motion two kinds of law for the purpose of helping man in performance of his duties. They are :

- (i) Law of Nature: It is related to man's material progress. The whole of the material universe is invested with the appropriate impetus of this law and is impelled by it. There is no direct revelation concerning this law.
- (i) Divine Law : (or Divine commandments of Law of Shariah) It consists of Divine revelation. It comprises rules and principles for the conduct of human beings. The contravention of this law invites Divine displeasures. So, it is only by conformity of this law that man can succeed in fulfilling the purposes for which he has been created and the violation of it arrests his progress towards his objectives.

The whole system of the universe runs on the basis of these laws. Both these laws are made by God and are, therefore, His will, and man has no share in framing them. So long as these two streams continue to run in parallel channels, the world goes on progressing in peace and man is able to set up a beneficent system of government upon earth. But when these two streams begin to run in opposite directions, or in other words, when human reason is diverted from the course which runs parallel to Divine guidance and is thus deprived of Divine blessing, the world becomes a prey of conflict and disorder. It is then ruled neither according to God's Divine Law nor by man but becomes subject to evil forces because man can claim to be human only so long as he follows Divine guidance, when he ceases to do that he descends to the level of brutes.

Man has been created to illustrate in his own life the attributes of Allah and he is regent of Allah in this world. He is thus the central point of this material universe. In other words man is the sun, around which the whole

# **Law Relating to Freedom Movements & Terrorism**

by

Ch. Muhammad Idrees  
Adv. Supreme Court of Pakistan

A conference of advocates of Supreme Court of Pakistan had been held on 30/31.3.2002 at Islamabad under the auspices of Supreme Court Bar Association with the caption "PEACE THROUGH LAW". The delegates from all over the country participated in this conference. A five-member delegation from Sri Nagar, Held-Kashmir also participated in the conference. There had been four sessions in all and specific topics were allotted for each session. First session of 31<sup>st</sup> March was reserved for "Law Relating to Freedom Movements & Terrorism".

Ch. Muhammad Idrees, Advocate Supreme Court, presented his paper in the first session of 31.3.2002 and received standing ovation and loud applauding. This paper is being presented below.

Law is an undefined term. However, most of the celebrated commentators signify it to be the will of the ruler to regulate the conduct of the citizens of his country. Allah, the Almighty, being the Supreme Ruler, it is, therefore, the will of Allah to regulate the mankind and all other units of universe in performance of their duties.