SUICIDE ATTACKS: MARTYRDOM OPERATIONS OR ACTS OF PERFIDY?*

Muhammad Munir

One of the most disturbing developments in the history of warfare under Islamic law and international humanitarian law is the phenomenon of suicide attacks. These operations are carried out in many conflicts around the world, and have become a prominent feature in the present Iraq war,1 the occupied Palestinian territories,2 Afghanistan, Yemen, Somalia, and Pakistan.3 In this work, I shall focus on their use by Muslims from the perspective of Islamic jus in bello.

Historically, the first organized suicide attacks in Islam were carried out by the Nizari Ismāʿīlī, a Shīʿite community.4 It was Hasan-e Sabbah

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* This contribution is based on thoughts already developed by the author in “Suicide Attacks and Islamic Law”, International Review of the Red Cross 90 (2008).
1 Up-to-date statistics are hard to come by in Iraq, but a report in the Boston Globe on 10 June 2005 quoted statements by Pentagon officials (who asked to remain anonymous) that over 50 per cent of the 70 insurgency attacks per day (on average) were carried out by suicide bombers. Casualty levels fluctuate wildly, but average around twelve deaths per suicide attack. Majority of suicide attacks originate from al-Qaeda and are carried out by zealous recruits from all over the Muslim world who are flooding into Iraq. Other organizations that have also carried out suicide attacks are the Salafi-jihādi umbrella group Jaish Ansar al-Sunnah (JAS) and the Shīʿah cleric Moqtada al-Sadr’s Mahdi Army [see Abdel-Bari Atwan, The Secret History of Al-Qa’ida (London: Saqi Books, 2006), 100].
2 In Palestine most resistance organizations now have a suicide wing. The most active since the outbreak of the second intifāḍah have been Hamas, the al-Aqsa Martyrs’ Brigade (part of Fatah) and the Palestinian Islamic Jihad (PIJ) [see Christoph Reuter, My Life is a Weapon. A Modern History of Suicide Bombing (Princeton: Princeton University Press, 2004; reprinted, Manas Publications, Delhi, 2005), 79–114].
3 In Pakistan, 41 suicide attacks were reported in 2011 killing 628 persons while in 2010 there were 49 suicide attacks killing 1,167. In the worst suicide attack on 13 May 2011, a twin suicide attack killed 90 people, including 73 Paramilitary Forces personnel in the Charsadda District of Khyber Paktunkhwa; see <www.satp.org/satporgtp/countries/pakistan/> (accessed 20 October 2012).
4 After the death of the 6th imām, Ja’far al-Sadiq, the majority of Shīʿah acknowledged Imām Musa Kazim as their 7th imām, whereas the minority upheld the claims of his elder brother Isma’il. After the foundation of the Fatimid State in Tunisia by ‘Ubayd-Allah al-Mahdi (909–934), his descendant al-Mu’izz Li-Din Allah (953–975) established the Fatimid Caliphate in Egypt. Al-Mustansir was the 8th Fatimid caliph and one of his sons, al-Musta’li, became the 9th Fatimid caliph and was the Imām of the western Ismāʿīlī, whereas his other son Nizar was the imām of the Nizaris or eastern Ismāʿīlī. Both types of Ismāʿīlī are found in India and Pakistan: The eastern Ismāʿīlī are the followers of the present Aga Khan, and
who initiated an open revolt against the Seljuk emirs (Arabic ʿamīr—
“commander” or “prince”) and laid down the foundations of an independ-
ent Nizari Ismāʿīlī State based on their fortress of Almut. The Seljuk vizir, Nizam al-Mulk (d. 1092), is thought to have been the first prominent victim of the Nizari devotees (fīdaʾīs).5

There are many questions that need to be addressed in this discussion. For instance, what is the position of Islamic law vis-à-vis suicide attacks? Are they martyrdom operations or perfidious acts? Are there any circumstances imaginable in which such attacks are allowed? Can the heroism of the companions of the Prophet and Imām Ḥusayn on battlefields be con-
sidered as equivalent to suicide attacks? Who can carry out such attacks and against whom can they be carried out? Can women, children, and civilians be the target of such attacks? Are suicide attacks allowed by the Layha for the mujāhidīn in Afghanistan which they claim is based on Islamic law?6

RULINGS OF SELECTED MUSLIM SCHOLARS REGARDING SUICIDE ATTACKS

On 18 April 1983, the Lebanese Shiʿite organization Islamic Jihad (the pre-
cursor of Hisbollah, i.e. the Party of God) carried out suicide attacks on the US Embassy in West Beirut, killing 63 staff members. On 23 October that same year, the headquarters of the US and French forces in Beirut were attacked by suicide bombers, resulting in the death of 298 military men and women. According to Saʿad-Ghorayeb, these suicide attacks took place because Khomeini, the supreme Shiʿite leader or “marjaʿa”,7 authorized them. The “martyrs”, as he termed them, at the US Marines’ compound

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6 See The Islamic Emirate of Afghanistan Layha [Rules] for the Mujahidīn, May 2010 edition, 4 (hereinafter: the Layha). As of today there have been three editions of the so called Layha. It was first published on 1 August 2007, the second edition was published on 9 May 2009, and the third and the present one is published on 29 May 2010.

7 Individual Shiʿites are bound to accept a marjaʿa’s opinion in fiqh (Muslim jurispru-
dence) matters without any dissent.