

*REGINA*

*V*

*SULAYMAN BILAL ZAIN-UL-ABIDIN  
(Formerly FRANK ETIM)*

*Defendant*

=====  
*Brief details about the case*  
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Defendant was arrested on the 1<sup>st</sup> October 2001; he was retained in custody for 4 days and charged on the 4<sup>th</sup> October 2001. He was acquitted on the 9 August 2002. He died on the 22 December 2002 and his funeral took place on the 23 December 2002.

Various evidence was produced which showed that the defendant did not invite terrorist training. Further what was being offered was nothing more than training which 125 other firms offer in any event and yet these firms are not prosecuted, why not? - Because they are not Muslims. Yet only one Muslim firm was providing the same training and that firm was closed down and prosecuted - this is a clear indication of the two tier

system that exists in the country - one law for the Muslim and one for the non Muslims.

**How the defendants come to be arrested on this case?**

**David Gardiner** from the **Jewish Community Security Trust** which is also linked with the Jewish Board of Defence, forwarded information ABOUT THE Defendant's website to the newspaper journalist Nigel Rosser when he states that he is contacted by the journalist.

**An article than appears in the Evening Standard on the 21<sup>st</sup> September 2001;**

The defendant did not attempt to run away but instead on the advice of his solicitors went to the police station to seek protection.

It was as a result of the newspaper article that the defendant was arrested.

The Defendant was charged on two accounts;

**Charge 1)**

**Statement of Offence**

INVITING ANOTHER TO RECEIVE WEAPONS TRAINING,  
contrary to Section 54(3)(a)(b) of Terrorism Act  
2000.

**Particulars of Offence**

SULAYMAN ZAIN-UL-ABIDIN a.k.a Francis Etim  
between 21<sup>st</sup> day of July 2000 and the 2<sup>nd</sup> day of  
October 2001 invited a person or persons unknown  
to receive instruction or training in the making  
or use of firearms or explosives.

The Terrorism Act came into force February 2001.  
The defendant was arrested on 1<sup>st</sup> October 2001.

**Charge 2)**

**Statement of offence**

POSSESSING A FIREARM WITHOUT A FIREARM  
CERTIFICATE, contrary to Section 1(1) of the  
Firearms Act 1968.

**Particulars of offence**

SULAYMAN ZAIN-UL-ABIDIN a.k.a Francis Etim on the  
1<sup>st</sup> day of October 2001 had in his possession a  
firearm namely a Jager Rifle to which Section 1  
of the Firearms Act 1968 applied without holding  
a firearm certificate in force at the time.

As the defendant had a website called the ultimate Jihad  
challenge. It was important to note that this case was  
concerned with the word Jihad.

**Q. What is Jihad?**

Jihad, often translated as 'holy war' in the media, has become one of the most  
prominent terms symbolising the attitude of Modern Islam. The media seemingly  
portray Islam as a bloodthirsty, militant ideology prepared to go any length to gain  
world domination and establishing a brutal, but divine religious order. For many it

conjures up images of bearded, irrational fundamentalists marching down a street armed with guns and swords shouting “Allahu Akbar”

Jihad, linguistically it is the verbal noun of the trilateral Arabic root, ja-ha-da, which means to strive, exert oneself (active participle being mujahid). The word has a very broad meaning as it could mean to strive in a number of different ways; mentally, spiritually as well as physically. From the same root, by modifying it slightly, one can, for example, derive the word ijihad, which means to apply oneself to the best of ones ability. Interestingly it is used to describe the work of a legalist (active participle mujtahid, jurist).

Jihad is often equated with qital which means to fight. Unlike jihad the scope of the word qital is considerably restricted. The latter is derived from the root form, qa-ta-la which means to kill. The Quran uses both these words. Where the instruction is specifically for fighting qital is used. However when jihad is used it usually implies a broader meaning, for example in most cases where jihad is mentioned it is qualified with its scope, e.g.; bi amwalikum, with your wealth or bi anfusikum, with your lives. To resist immoral desire is a jihad, to wake up at dawn to say the morning prayer is a jihad, to speak the truth of jihad. In fact it is related that prophet Muhammad (PBUH) that to speak the truth before a harsh ruler is the most superior form of jihad. This statement not only indicated that jihad is not restricted to armed warfare but there are different levels of jihad. (This could be compared to the Platonic theory of the struggle between the different components of the soul as explicated in the Republic. Interestingly he derived the description of the self by analogy to the state. Hence, just as the spirit ought to be checked by the intellect so too is the national army (auxiliary)

to be checked by the wise (in his case the ‘philosopher ruler’). Plato too saw the outward struggle to be a mere extension of the inward struggle.)

All Muslims are generally in agreement with the basic text of the Quran, beyond that however there is a widespread disagreement. The best way to appreciate the concept of Jihad would be to first understand the goals that it is intended to attain. Moreover such an approach would help put the many variant explanations into perspective.

It is related from tradition that Prophet Muhammad (PBUH) said that Islam is founded on five pillars and that if there were to be a sixth pillar then that would be jihad. Furthermore he also described Islam as a house with jihad as its roof. On grounds of these and other such indications, and in line with the end goals of Islamic Law, Muslim jurists have concluded that the purpose of jihad is to assist in the attainment and safeguarding of justice which by extension entails the protection of the basic ingredients of human welfare namely, life, property, religion etc. This is why classical texts on Islamic Law place jihad under the heading of justice.

While very few would object to a jihad, or for that matter any other struggle, in self defence, an issue that has caused most controversy is what is sometimes called an offensive Jihad. The purpose of offensive jihad is to remove obstacles that may hinder the attainment of justice. In the case of the self it would be to reform one's character so that one is less inclined to desiring things forbidden by the law. In the case of the outer struggle it would be an endeavour to remove forces threatening basic human welfare.

In this connection it is interesting to note that while Qur'an categorically forbids coercing individuals into accepting the faith, Jihad may be used to bring about a situation in which all individuals are not allowed to practise their faith but are free to embrace Islam. From a dogmatic point of view jihad is considered a means to providing every individual with the opportunity to choose eternal salvation. In this regard it is considered the collective responsibility of all Muslims states to inform the peoples of the world about Islam. This latter point may be equated to the modern notion of freedom of speech.

External Jihad, other than strict self defence, can only be executed by a legitimate authority. Individuals are not allowed to take the law into their own hands. By 'law' it means the law of the land. It is the consensual opinion of Muslim jurists that all Muslims must abide by the laws of the land regardless of whether the ruler is a Muslim or otherwise. (That is unless they are ordered to do something that clearly goes against Islamic Law.)

There is a clear obligation for every Muslim person to do Jihad.

In the Hadith, i.e. which is the saying of the prophet Mohammed (P.B.U.H).

There are 4 very well known records or Hadith in the Muslims book;

The main book is the Quran which is the divine word of God. The following or saying of the prophet Mohammed is called the Hadith.

In the Maliki book of Hadith;

**"No deed is equivalent to Jihad"**

In the Hadith of Sahih Bakhari volume page 391;

**"Who is the best among people "**

**"A believer who performs Jihad with his life and wealth"**

A person who does Jihad in Allah's path is more superior to other Muslims. This is stated in the **Quran; 4:95.**

**"Allah has preferred in grades those who strive hard and fight with their wealth and lives above those who sit (at Home). Unto each, Allah has promised good (paradise), but Allah has preferred those who strive hard and fight above those who sit (at home) by a huge reward."**

## **Jihad in Quran and Hadith**

It is therefore a direct breach of a person's religious obligation to state that a person cannot perform Jihad or that a person is committing an offence under the Terrorist Act 2000 as this is a direct breach of the Human Rights Act.

## **The types of jihad**

### **Acquiring Military Training**

Generally military training ought to be acquired by every healthy Muslim.

Jihad is compulsory for every Muslim to deny Jihad means that you are not a Muslim. The subject of Jihad has been expressed in many different ways in numerous verses in the Quran. The verses explain in detail the clear objectives and benefits of Jihad.

The Hadith books all refer to Jihad.

Sahih Bukhari consists of 241 chapters under the title of Jihad, volume 4 page 34 to 275.

Sahih Muslim consists of 100 chapters under the title Jihad, volume 3 pages 942 to 1063.

Tirmizi Sharif consists of 115 chapters under the title of Jihad not available in English.

Abu Dawood Sharif consists of 172 chapters under the title of Jihad page 684 to 776 volumes 11.

Nasai Sharif consists of 48 chapters under the title of Jihad page 53 to 66 volumes 2.