

Annexure

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Annexure A1 The Islamic obligation of establishing political structures

A1.1 Hizb ut-Tahrir was established in response to the saying of Allah (subhanahu wa ta'ala),

ولتكن منكم أمة يدعون إلى الخير ويأمرون بالمعروف وينهون عن المنكر وأولئك هم المفلحون

“Let there be among you a group that invites to the good, orders what is right and forbids what is evil, and they are those who are successful” [Surah Aali Imran 3:104]

Here Allah (subhanahu wa ta'ala) has ordered the Muslims that there must be a structured group amongst them which is to perform two duties: Firstly, to invite to the good, i.e. to invite to Islam; and secondly, to order what is right and forbid what is evil (amr bi'lma'ruf wa nahy anil-munkar)

In origin, this order to establish a structured group is a request. However, there is a conjunction (qareena) to the effect that this is a decisive request (command), because the work of the structured group, as defined in the above verse (inviting to Islam, ordering what is right and forbidding what is evil), is an obligation upon Muslims; they have to perform it as confirmed in many verses of the Qur'an and the ahadith of the Messenger of Allah (salAllaho alayhi wa sallam) which indicate that. The Messenger of Allah (salAllaho alayhi wa sallam) said in a hadith,

«والذي نفسي بيده لتأمرن بالمعروف ولتنهون عن المنكر، أو ليوشكن الله أن يبعث عليكم عقاباً من عنده، ثم لتدعنه فلا يستجاب لكم»

"By Him in Whose hand is my soul, you must order all that is right and forbid all that is evil, otherwise Allah will be about to send His punishment upon you. And then if you pray to Him (to ask Him), He would not answer you." [Reported by Tirmizi]

This hadith contains a qareena (conjunction) of punishment by Allah (subhanahu wa ta'ala). This means that the command to order all that is right and forbid all that is evil is jaazim (decisive), establishing this as a fard (compulsory) and not merely a request. So, there must always be at least one structured group in the Ummah that undertakes this function.

A1.2 In fact, the ayah permits more than one political party to exist. This is because the reference to the structured group is in the indefinite article, which in Arabic grammar indicates the plural form. So, the Khilafah will allow all political structures to function openly, without the need for licences and with only one condition, that they are founded on Islam.

A1.3 Islam has also determined the manner in which each political party must order what is right and forbid what is evil. The ayah mentions both al-maruf (the good) and al-munkar (the evil) in the definite article, which in Arabic grammar means all that is right and all that is wrong. As the state and the authority is the origin of all the good and the means to prevent all the wrong, the duty of the group is connected with the rule and government. Hence the structured group must engage in politics, which is the taking care of people's affairs by the Shari'ah rules. In the Khilafah State, all such structures will actively account the Khaleefah over his adherence to Islam.

Annexure A2 Hizb ut-Tahrir works to re-establish the Khilafah which is an Islamic obligation.

A2.1 Allah (subhanahu wa ta'ala) has obliged the Muslims to govern all their affairs by Islam, which is impossible without a Khilafah State which implements Islam upon the people. Since the destruction of the Khilafah Muslims have been living without an Islamic State and are obliged by Islam to restore the Khilafah State. Any neglect in this duty is a sin, punishable by Allah (subhanahu wa ta'ala). RasulAllah (sallAllaho alayhi wa sallam) said,

«ومن مات وليس في عنقه بيعة مات ميتة جاهلية»

“Whosoever dies without having a pledge of allegiance (to the Khaleefah) on his neck, dies a death as those in the days of Jahiliyyah.” (Sahih Muslim)

Any neglect in this duty is a severe negligence, as the implementation, protection and execution of Islam is dependent on the re-establishment of the Khilafah State.

Annexure A3. The Khilafah is the only method for the complete implementation of Islam.

A3.1 In Islam, Ruling (al-hukm), Reign (al-mulk) and Authority (al-sultan) have the same meaning which is the authority that executes the rules, or it is the task of the leadership (al-imarah) which the Shar'a has made an obligation on Muslims to establish. The task of al-imarah is to avert injustice and to settle disputes that may arise. In other words the ruling means the guardianship, as revealed by Allah. He (subhanahu wa ta'ala) said,

يا أيها الذين آمنوا أطيعوا الله وأطيعوا الرسول وأولي الأمر منكم

“Obey Allah and obey the Messenger and those of you in authority” [Surah An-Nisa: 59]

Therefore to rule is to actively look after the people's affairs. Since Islam is an ideology that covers the state, society and life as a whole, the ruling becomes part of it, and the Muslims are commanded to implement this ruling by establishing the state i.e. to govern by the Islamic laws. A host of verses have been revealed in the Qur'an confirming the obligation of ruling by all that Allah has revealed. Allah says:

فاحكم بينهم بما أنزل الله ولا تتبع أهواءهم عما جاءك من الحق

“So judge between them by that which Allah has revealed and follow not their desires away from the truth that has come to you.” [Surah Al-Ma'idah: 48]

وأن احكم بينهم بما أنزل الله ولا تتبع أهواءهم واحذروا أن يفتنوك عن بعض ما أنزل الله إليك

“Judge between them by that which Allah has revealed and follow not their desires and beware of them lest they seduce you from some part of that which Allah has revealed to you.” [Surah Al-Ma'idah: 49]

A3.2 Islam has determined that the structure of the Islamic government to be the system of Khilafah and it is the only system of ruling of the Islamic State. Muslim narrated on the authority of Abu Hurayrah (radiAllaho an) that the Messenger of Allah (salAllaho alayhi wa sallam) said in a hadith,

«كانت بنو إسرائيل تسوسهم الأنبياء، كلما هلك نبي خلفه نبي، وأنه لا نبي بعدي، وستكون خلفاء فتكثر»

"The political affairs of Bani Israel (People of Israel) were conducted by Prophets. Whenever a Prophet died, another Prophet succeeded. And there will be no Prophet after me. But, there will be Khalifahs. And there will be many of them." (Sahih Muslim)

This hadith is one of many divine evidences that the Islamic Structure of government after RasulAllah (sallAllaho alayhi wa sallam) is the Khilafah. The hadith also specifies the matter in which succession by the Khulafa'a would arise i.e. politics, as the hadith mentions the derivative of the word *siyasa*, politics, when describing the role of the Prophets (alayhum salaam). This matter is further clarified when RasulAllah (sallAllaho alayhi wa sallam) stated that there would be no Prophet after him (sallAllaho alayhi wa sallam). Therefore, the Khulafa'a succeed RasulAllah (sallAllaho alayhi wa sallam) only in the matter of looking after the political affairs of the people.

The Khilafah is a political and an executive body entrusted with the duty of implementing and executing the laws of Islam and of conveying the Islamic Message to the entire world by means of Da'wah and Jihad. It is the only method that Islam has laid down to implement its systems and general laws in life and society. It is the soul of the existence of Islam in temporal life, for without it, Islam would completely recede from being an ideology and system of life and it would be confined to merely being a host of spiritual rites and moral values. Therefore the state is a permanent body and not a temporary one.

The Khilafah state is neither a dictatorship nor a democracy, as no single man or assembly of men is sovereign. In the Islamic State, Allah (subhanahu wa ta'ala) alone is Sovereign and is the sole Legislator. So, in the Khilafah neither the elected Khaleefah nor the elected members of the Council of the Ummah are sovereign legislators. As such the Khilafah system is a superior ruling system as the origin of law are the divine texts revealed by Allah (subhanahu wa ta'ala) rather than the limited minds of men, which are subject to difference, disparity, bias and contradiction in making laws.

Annexure A4 The methodology of Hizb ut-Tahrir to establish the Khilafah

A4.1 The methodology adopted by Hizb ut-Tahrir to convey the da'wah is Shari'ah Law derived from the Seerah of the Messenger of Allah (sallAllaho alayhi wa sallam) in his conveying of the da'wah. This is so because it is obligatory to follow him (sallAllaho alayhi wa sallam), as Allah (subhanahu wa ta'ala) says,

لقد كان لكم في رسول الله أسوة حسنة لمن كان يرجو الله واليوم الآخر وذكر الله كثيرا

“Surely, in the Messenger of Allah, is the best example for those who believe in Allah and the Last Day and remember Allah often” [Surah al-Ahzab 33:21]

There are many other such verses which denote that following the Messenger of Allah (sallAllaho alayhi wa sallam), taking him as an example and taking all aspects of the deen from him is obligatory.

By studying the life of the Messenger of Allah (sallAllaho alayhi wa sallam) from the time he (sallAllaho alayhi wa sallam) first called the people in Makkah to Islam until he (sallAllaho alayhi wa sallam) brought about an Islamic State in Madinah, through peaceful political and intellectual change, it is evident that he (sallAllaho alayhi wa sallam) has a clearly defined approach.

A4.2 Since 1953, Hizb ut-Tahrir has been working within the Ummah so that she adopts Islam as her cause and is led to restore the Khilafah and the ruling by all that Allah (subhanahu wa ta'ala) has revealed. The Hizb engages with the Ummah in order to encourage her to adopt Islam and to carry its vital issues. This is done through creating the public awareness about the Islamic thoughts and rules which the Hizb adopted, so that the Muslims would take them as their own thoughts, in order to act upon them and carry them for their establishment in life, and to join the Hizb in the activity for establishing the Khilafah, and appointing a Khalifah, so as to resume the Islamic way of life and to carry the Islamic Da'wah to the world. The Hizb collectively addresses the Ummah, limiting its address to the intellectual and political domain only, by undertaking the following actions:

The concentrated culturing in the circles for individuals; in order to build the body of the Hizb and to increase its numbers by founding the Islamic personalities who are capable of carrying the Da'wah and entering the arena of the intellectual struggle and political struggle.

Collective culturing of the masses by the thoughts and rules of Islam which the Hizb adopted through organising lessons in the mosques, conferences, lectures, places of public gathering, newspapers, books and leaflets, so as to give the Ummah a public awareness and to interact with it. This would mould the Ummah with Islam and thereby establish the popular form amongst it, which would enable the Hizb to lead the Ummah to establish the Khilafah and bring back the rule of Allah.

The Intellectual Struggle against the Kufr creeds, systems and thoughts; and the false creeds, erroneous thoughts and wrong concepts revealing their falsehood, error and contradiction with Islam in order to purify the Ummah against them and their effect.

The Political Struggle, which involves:

Revealing to the Ummah the reality of the Western imperialism that she lives under. Hizb ut-Tahrir discloses all manner of Western colonialist plans, whether in economy, ruling, foreign policy, education or military, and expose colonialist conspiracies in order to liberate the Ummah from Western domination.

Challenging the rulers in the Arab and Muslim countries; this is done through exposing them, bringing them to task every time they deny and rob the rights of the Muslim Ummah, or show carelessness in performing their duties towards the Ummah, or neglect any matter concerning the Ummah, or contradict the rules of Islam. Hizb ut-Tahrir works to remove their ruling that is based on implementing the Kufr laws and systems and to replace it with the rule of Islam. Indeed, accounting the ruler is an Islamic obligation. Islam orders that the Muslims must work to account the rulers if they were careless in their duty towards the Muslims or neglected any of their affairs or conflicted with any of the Islamic laws or ruled by anything other than what Allah

(subhanahu wa ta'ala) has revealed. Islam has placed the reproaching or accounting the rulers as a great obligation. The Sunnah establishes that he who dies as a result of undertaking this obligation is held in the highest esteem. The Messenger of Allah (sallAllaho alayhi wa sallam) said in a Hadith,

«أفضل الجهاد كلمة حق عند سلطان جائر»

“The best jihad is to say the truth before a tyrant ruler.” [Abu Dawud and At-Tirmidhi]

The Messenger of Allah (salAllaho alayhi wa sallam) said in a hadith,

«سيد الشهداء حمزة ورجل قام إلى إمام جائر فنصحه فقتله»

“The prince of martyrs is Hamzah and the man who stood facing a tyrant ruler, gave him the correct advice and the ruler killed him.” [Reported by al-Haakim]

Adopting the interests of the Ummah and caring for its affairs according to the rules of Shari'ah. So, Hizb ut-Tahrir on a consistent basis adopts the interests of the Ummah, whether they be related to economy, such as the exploitation of her raw material by the colonialist, or foreign policy, such as America's attempt to weaken Pakistan before India, or any other societal issue.

Annexure A5 Hizb ut-Tahrir rejects material, violent or military struggle to re-establish the Khilafah

A5.1 Though Hizb ut-Tahrir committed itself to be open, clear and challengingly in its da'wah, it restricted itself to political actions alone and did not exceed them by resorting to material actions or militancy against the rulers or against those who opposed its da'wah. Hizb ut-Tahrir strictly follows the example of the Messenger of Allah (sallAllaho alayhi wa sallam) who restricted himself in Makkah solely to the da'wah and he (sallAllaho alayhi wa sallam) did not carry out any material actions to establish the Islamic State. Hizb ut-Tahrir has clearly published the Islamic evidences that prohibit the material struggle. In the book, "Hizb ut-Tahrir" the Hizb states that, "And when the people of the Second pledge of 'Aqabah proposed that he give them permission to fight the people of Mina with the sword, he answered them saying:

«لم نؤمر بذلك بعد»

'We have not been ordered to do that yet.'

And Allah (subhanahu wa ta'ala) asked him (sallAllaho alayhi wasallam) to be patient about the persecution as the Messengers of Allah before him had been, when Allah (subhanahu wa ta'ala) said to them,

ولقد كذبت رسل من قبلك فصبروا على ما كذبوا وأؤنوا حتى أتاهم نصرنا

'Messengers indeed have been denied before you, and yet they remained patient after the rejection (of their message) and they were patient against the persecution till our victory reached them' [Surah An'Aam 6:34]"

A5.2 So, despite cruel oppression by rulers of the Islamic world against it for many decades and although many of members of Hizb ut-Tahrir have been martyred under torture by government agencies, Hizb ut-Tahrir restricts its political struggle to the peaceful styles and means. This decades long consistency is because Hizb ut-Tahrir is bound strictly to the methodology of the Rasool Allah (sallAllaho alayhi wa sallam) in this call. And he (sallAllaho alayhi wa sallam) did not adopt the methodology of armed struggle despite the worst brutality of the Kuffar of the Makkah.

Annexure A6 Hizb ut-Tahrir rejects sectarianism absolutely

A6.1 In the book of Hizb ut-Tahrir, entitled “Hizb ut-Tahrir,” it is stated that, “*The Party [Hizb ut-Tahrir] accepts Muslim men and women as its members regardless of whether they are Arab or non-Arab, white or coloured, since it is a party for all Muslims. It invites all Muslims to carry Islam and adopt its systems regardless of their nationalities, colours and madhahib (Schools of Thought), as it looks to all of them according to the viewpoint of Islam.*” [The book ‘Hizb ut-Tahrir’ is attached as Annexure D6]

A6.2 In Hizb ut-Tahrir’s adopted book ‘Ash-Shaksiya tul Islamiyah’ (The Islamic Personality) Vol. 1 under the heading of ‘Moving from one mujtahid to another’ it is stated: *However, the reality of taqleed has led the Muslims to follow the opinions of certain mujtahids whom they assigned as imams for themselves and they adopted the rules these mujtahids deduced by their ijtiḥad, as a mazhab for themselves. So the Shafi’is, Hanafis, Malikis, Hanbalis, Ja’faris, Zaidis and so on, have a tangible presence amongst the Muslims. Even though these people follow the Shar’ai rules deduced by their mujtahids, their action is legitimate, because it constitutes the following of a Shar’ai rule.*

A6.3 Hizb ut-Tahrir has widely distributed a leaflet entitled “O Muslims, beware of the sectarian fighting” in Pakistan and Iraq among other Muslim countries. It states: “*Indeed, Hizb ut-Tahrir has warned you on numerous occasions about falling into the trap of the Kuffar occupier’s plans under the leadership of America. We warned about assisting them and their agents in Iraq and elsewhere, those who care nothing for people’s affairs or their security. The Hizb calls you O Muslims, especially in Iraq, to deal with the terrible incident with awareness and wisdom, and to turn the plotting of your enemies against them, so do not fight each other. Rather target your arrows at the Kuffar occupiers, those who are lying in wait for you. They are behind all the fitnah planted amongst you and the source of every misfortune afflicting you. They want to divide you and cause you to fight each other so that you lose courage and lose your strength.*” (To read the whole leaflet please see Annexure D5.1)

Annexure B1 Statements by Governments/State Courts Confirming Hizb ut-Tahrir as Non-Violent

B1.1 U.S. Policy in Central Asia: Frequently Asked Questions

Prepared by State Dept.'s Office of Central Asian Affairs

20November2002

<http://usinfo.state.gov/xarchives/display.html?p=washfile-english&y=2002&m=November&x=20021120175001jthomas@pd.state.gov0.4453089&t=xarchives/xarchitem.html>

Following is a fact sheet prepared by the State Department's Office of Central Asian Affairs on frequently asked questions about U.S. policy in Central Asia:

(begin fact sheet)

U.S. Department of State
Office of Central Asian Affairs

FREQUENTLY ASKED QUESTIONS ABOUT U.S. POLICY IN CENTRAL ASIA

[Text Omitted]

Q: What is the terrorist threat in Central Asia? Are there terrorist groups in Central Asia?

A: The terrorist threat in Central Asia comes mainly from extremist groups that developed their presence in the region after the fall of the Soviet Union in 1991 and that identify their political causes with Islam. The most active of these groups is the Islamic Movement of Uzbekistan (IMU), by some reports now the Islamic Movement of Central Asia. The State Department designated the IMU a Foreign Terrorist Organization in September 2000 after it conducted violent attacks against the governments of Central Asia. It has publicly called for the overthrow of the Government of Uzbekistan and has claimed responsibility for violent attacks in the territories of Uzbekistan and Kyrgyzstan. Although they operated mainly from their bases in Afghanistan, the IMU also had established bases in Tajikistan prior to Operation Enduring Freedom; however, the government of Tajikistan pushed the vast majority of IMU fighters out of the country early in 2001. The IMU's actions over the years have resulted in the deaths of civilians, as well as Uzbek and Kyrgyz military personnel, and kidnappings of citizens and foreign nationals, including citizens of the United States. The IMU established close political and military ties to al-Qa'ida and received al-Qa'ida funds. The IMU fought for the Taliban in Afghanistan against coalition forces in Operation Enduring Freedom. Although disrupted and degraded as a cohesive organization by Coalition operations in Afghanistan, remnants of the IMU continue to pose a terrorist threat to friends and allies in Central Asia and Coalition forces operating in Afghanistan and elsewhere in the region. The United States re-designated the IMU as a Foreign Terrorist Organization in September 2002. The East Turkistan Uighur movement has also produced a terrorist group, the East Turkistan Islamic Movement (ETIM). ETIM is a violent group believed responsible for committing numerous acts of terrorism in China, including bombings of buses, movie theaters, department stores, markets, and hotels; assassinations; and arson. From 1990 to 2001, members of ETIM reportedly committed over 200 acts of terrorism in China, resulting in at least 162 deaths and over 440 injuries. It includes components in Turkey, Kazakhstan, Pakistan, Afghanistan, and the Xinjiang Province of China. Its objective is the creation of a fundamentalist Muslim state called "East Turkistan."

Although ETIM originally did not target U.S. nationals or other foreigners within China or plan attacks outside of China, there is evidence that ETIM members have changed tactics. In May, Kyrgyzstan deported two suspected ETIM members to China on the grounds that they were planning terrorist attacks, including assaults on foreign embassies. The United States has designated the ETIM as a Foreign Terrorist Organization.

The United States is also closely monitoring the Hizb ut-Tahrir al Islami (HT) movement, which has called for the overthrow of the governments of Central Asia. Despite its inflammatory, anti-Semitic, and intolerant rhetoric, it professes non-violence. Because there is little if any evidence that HT has committed acts of violence to achieve its political goals, the United States has not designated it a Foreign Terrorist Organization.

Q: If the Hizb ut-Tahrir (HT) is not a terrorist group and professes non-violence, why is the United States concerned about it?

A: HT is a secretive, cell-based, transnational extremist organization with support among some Muslims in Asia, Europe, and the Middle East, and with an organizational base in London. It has urged the overthrow of governments across the Islamic world and the establishment of a borderless, theocratic Islamic caliphate.

HT was founded in the Middle East in the 1950s. It promotes a utopian view of political Islam under which social problems like corruption and poverty would be eradicated by the strict application of sharia (Islamic law). HT uses a mixture of local history, arguments about socio-economic and political conditions, and advocacy for international religious solidarity to promote its cause.

HT is organized in secretive, five-member cells whose members later form their own groups or halkas. Only the leader of each halka has a connection to a higher halka. Public expression of its views usually is conducted through leaflets, and recruitment generally is conducted through friends and family, mirroring traditional social constructs. Members often emphasize the "inner jihad," or a psychological transformation, as the impetus for joining the group. This method has helped HT spread rapidly, especially in Kyrgyzstan. HT, at least in Uzbekistan, has a core of well-educated members. More recently it has expanded membership to rural areas and the less educated.

In Central Asia, HT members are generally ethnic Uzbeks, but recently the group has been active recruiting members in Kyrgyzstan and Tajikistan, perhaps due to pressure on its members by the government of Uzbekistan. Outside Uzbekistan, HT's appeal has centered on discontent with Kyrgyz and Tajik government policies toward religious practices. Some HT activity has been noticed in Southern Kazakhstan.

November 20, 2002

(end fact sheet)

(Distributed by the Office of International Information Programs, U.S. Department of State.
Web site: <http://usinfo.state.gov>)

B1.2 Testimony before the US House Committee on International Relations

Fiona Hill, Senior Fellow, The Brookings Institution
"Central Asia: Terrorism, Religious Extremism, and Regional Stability"
Testimony before the House Committee on International Relations
Subcommittee on the Middle East and Central Asia
[Source: http://commdocs.house.gov/committees/intlrel/hfa90361.000/hfa90361_0f.htm]
[Source: http://wwwc.house.gov/international_relations/108/90361.pdf]

While the IMU's status and its capacity for future action as the Islamic Party of Turkestan remains unclear, attention in Central Asia has since shifted to *Hizb ut-Tahrir* (HT). This London-based Islamic movement, which steadily increased its influence in the region in the 1990s, is now seen as a potential source of threat. Like the IMU, HT in Central Asia, espouses the creation of a region-wide Islamic form of governance (based on the model of the Ottoman-era caliphate). But unlike the IMU, **HT seeks to secure its goal through grassroots activism and purportedly peaceful means.**

B1.3 DENMARK- Speech by Prime Minister-Ander Fogh Rasmussen

05.06.2004

One can hardly believe that this is going on in a modern country such as Denmark. But the democratic rights are not incorporated in the backbone of all parts of society.

Even though we can despise the opinions, which Hizb ut-Tahrir advocate, and will in any given time fight against these opinions, we have to be very cautious in how we fight against them. A democracy has limits to its behaviour. The fight for democracy can not be fought with undemocratic means - with suppression of freedom of speech and freedom of association - and with banning. We have to demand the same from ourself as we demand from our opponents. This is the conditions of democracy. For some it is a yoke to take one's opponents into consideration. For democrat's it is a hallmark.

Hizb ut-Tahrir shall not be banned just because their opinions are abominable. The same counts for Nazis, Communists and other anti-democrats. They shall have the possibility to express their opinion without suppression. Firstly because in a democracy one has the right to have detestable opinions - and secondly because their opinions in themself act as a deterrent to others.

In Denmark there is room for all religious convictions - including Christian and Muslim fundamentalists. In Denmark we decide for ourself whether we want to wear a cap, skullcap or headscarf. But as I said we shouldn't be so tolerant that we accept anything. The boundary is where unpleasant opinions become criminal offences. We have to strike at the first throw with stones, first threat or first act of violence. The Constitution has to protect us all.

B1.4 TURKEY DECISION OF TURKISH STATE COURT

REPUBLIC OF TURKEY COURT OF STATE SECURITY NO.2 ADDITIONAL RESOLUTION OF THE EVIDENCES

No. of Merits (the form)	: 168-2001	
No. of Resolution	: 27-2002	
No. of Merits of the Attorney General	: 255-2001	
President	: Yunis Kurrah Bek Uglu	: (26059)
Member	: Muhammad Marrash	: (27851)
Member	: Ramadan Aksan	: (29196)
Republic Attorney	: Salem Dmergi	: (31600)
Clerk	: Hussein Kurrah Kush	: (75)

The Resolution

The convicted -because of their membership in the organization of Hizb ut-Tahrir and supporting it- presented a request to cancel the resolution of the sentence pronounced in their right, and thus give the resolution of innocence, because the accusations attributed to them do not form illegal issues, according to the amendments carried out in law No. 4928 and No. 4963, besides the paragraph 1 and 2 from item 1 from the law of fighting terrorism No. 3713 and paragraph 2 from item No.7, and which was implemented after the sentence was pronounced in their right.

It was decided to open a session, concerning all the convicted according to the laws of item 2 from the Turkish laws of penalty, because of the law amendments which were carried out for the law item No.4928 besides item one from law No.3713 in benefit of the convicted, which was implemented on 19.07.2003 AD and the amendments in laws which were carried out for law No.4963 and item 7/2 from law No.3713 which was implemented on 07.08.2003 AD after the sentence resolution was pronounced in their right.

The prosecution committee (office of the Attorney General) asked -after studying the lawsuit prepared by it, in its session dated 19.12.2003 AD- to declare innocent all the

accused according to the amendments in laws, in item No. 1/7 and 2/7 from law No.3713 which confirms that the convicted did not use force or violence which means that they did not commit a deed of crime, besides that the leaflets which were distributed does not imply violence or force or lead to encouraging the methods of terrorism, also based on the second item from the Turkish law of penalty, taken into consideration.

The prosecution committee –after studying the lawsuit prepared by it in its session dated 20.02.2003AD– to sentence sending the lawsuit file of all the convicted to the Court of Hard Labor according to the items of the Turkish law of penalty No.3-2/312 because of the amendments which took place in law No.4928 and the first and second paragraphs from item 7 from law No.3713 which implies that the amendment of defining terrorism and organization, as a consequence of this, **the organization of Hizb ut-Tahrir becomes outside the field of this definition, it is understood that the actions of the convicted which resulted out of political or social goals, were not changed to form an organization in order to commit crime**, besides that, all the previous sentences in the right of the convicted were cancelled, with all the law results which are attributed to it, upon that it was requested to send the file mentioned previously to the Court of Hard Labor.

The Amendments which were carried out in law No.3713:

By carrying out the legal amendments in law No.4928 and the amendment in item No.1 and 2 from the law of fighting terrorism No.3713 which was implemented on 19.07.2003 AD where “Terrorism and organization” were newly defined as follows:

“it is the deed done by a person or persons associated with an organization, which is considered a criminal act, aiming to change the basis of the political, juristic, social, secular, and economic systems, related to the Turkish Republic and manifested in the constitution, by using terrorism, violence and force, by one of the methods of pressure, frightening, boredom, domination or threatening, besides damaging the national unity -land and people- and putting the Turkish State and the Republican System in danger, and weakening the ruling authority of the state or destroying it or seizing it, destroying the essential rights and freedoms, and damaging the internal and external security and the governmental system of the state or damaging the general health”.

The amendment was done briefly as follows: If two or more persons united aiming to accomplish terrorist actions mentioned in the first paragraph, are considered to have formed the organization registered in this law. Also the amendment equivalent to what preceded, which was implemented on 07.08.2003 for law No.4963 and the first paragraph from item No.2/7 from law 3713 as follows: “Those who make propaganda which leads to encouraging violence and terrorism, or helping the associates with the organization, which was established according to the paragraph mentioned above, will be punished by....” And equivalent to amending the declared law, which defines terrorism in the first item from law no. 3731, at the time when it was talking about force and violence before the amendment, violence and force became from the basic conditions after the amendment, in other words, if force and violence were not used, then it is not possible to say that it is terrorist or terrorist organization.

Also the amendment equivalent to the first item from law No.3713 for the second paragraph from item 7 which implies the following: In order to make a crime considered as propaganda for terrorist organization, then it should be carried out by the methods of encouraging violence or terrorism.”

The organization of Hizb ut-Tahrir:

As is manifested through the decisive resolution of our court carried out previously, concerning implementation:

Under the Justification that those associated with Hizb ut-Tahrir had met among themselves to form an organized structure, aiming to establish the State of Khilafah on the basis of Islamic Shari'ah, by means of moral pressure and threatening the society, Hizb ut-Tahrir organization was acknowledged as a terrorist organization by our court, within the frame work of law No.3713.

Here: the foundation structure of the organization was evaluated, by taking into consideration the goals and element of threat, it was found that the element of threat for the system was enough to accept it as a terrorist organization. But according to the amendment which was carried out in the first item of law No.3713, which conditions force and violence as a basic condition, it is a duty to examine if the structure had resorted to power and violence or not.

It was certain that the structure called Hizb ut-Tahrir did not follow the method of practicing force and violence in its actions, through the information which came to our court from the Department of Public Security and through the contents of the file. Upon that it is not possible to describe Hizb ut-Tahrir as a terrorist organization, equivalent to the new amendments in the law. But when the structure called Hizb ut-Tahrir practices force and violence, then it will -no doubt- be considered as a terrorist organization. Yet after the amendments which were carried in law No.3713 it is not possible to describe Hizb ut-Tahrir in its current situation as a terrorist organization within the frame work of law No.3713.

Evaluation of the evidences and justifications:

The result of the trial in the public lawsuit which was commenced in the right of Ramzi Uzur and his friends, because of their association with the terrorist Hizb ut-Tahrir organization and giving support to it:

With the statement of our court which includes the resolution No.27/2002 and No. of the merits 168/2001 dated 13.03.2002 AD, it was manifested that according item 2/7 from law No.3713, the decisive resolution was carried out in the right of the accused: Ramzi Uzur, Tunjai Keleg Kaya, Hakan Uzbek, Muhamet Bolot, Uktai Bura, Izzat Tuklu Uglu, Murat Yagli, Ali Kaya, and Sadek Uzdemir because of their association with Hizb ut-Tahrir organization, and the accused: Khaleel Karsli Uglu, Yusuf Kabukai, Yaseen Kujash, Meteen Imkeez Uglu, Yashar Uzz, Sinan Iedu Khan, Jihan Nurat, Kamal Uzbek and Muhamet Sibahi because of their giving support to Hizb ut-Tahrir organization.

According to the contents of the file, it was manifested that the accused occupied posts inside Hizb ut-Tahrir, and were present in the work of the basic cells, and that they practiced the work of the cells in the subjects concerned with Hizb ut-Tahrir, in the meetings which were held generally in the houses, and that the participants in the work of the cells swore the oath of homage and distributed leaflets signed by Hizb ut-Tahrir, aiming to draw the attention of the nation to some subjects and for propaganda.

As is manifested through the statements concerning Hizb ut-Tahrir, being associated to this structure and taking lessons in the mentioned cells and swearing the oath of homage, such matters are considered enough for the membership of the organization. **Therefore Hizb ut-Tahrir was not accepted as a terrorist organization because practicing force and violence in the structure called Hizb ut-Tahrir, were not confirmed. In this case, and as long as there is no terrorist organization, therefore the elements of being associated to the organization will not be provided as well.**

On the other hand, if we come to the incident of distributing the pamphlets related to Hizb ut-Tahrir concerning propaganda: We should be certain when examining the contents of the pamphlets, if it led to encouraging the methods of force and terrorism or not. In this case, **when we examine the leaflet which was distributed by some of the accused and signed by the name of Wilayat Turkey. We notice that it does not include encouraging the practice of force or terrorism.**

No matter what, the demand of the lawsuit giving the resolution of sending back the file to another court, because this lawsuit does not enter in the field of its lawsuits, because Hizb ut-Tahrir remained outside the terrorist organizations, within the framework of amendments carried out in law No.3713, and that the procedures of the accused concerning formation of the structure, originated from a political or social point of view, **because the aim of Hizb ut-Tahrir is to establish the State of Khilafah on the basis of the Islamic Shari'ah, and because there are no evidences in the file, which prove that they formed the structure in order to commit the guilt, therefore they did not commit the guilt stated in the Turkish law of penalty No.313.**

It is not possible also to implement item No.171 from the Turkish law of penalty in this incident, because in the case of evaluating this structure, to be an agreement among the accused, no evidences were found to prove that they will change the system by special methods.

Upon what was mentioned above, and according to the contents of all the files, then accusing the accused to be associated with the organization and supporting it, through making propaganda for the organization, do not form elements for committing a legal guilt, it is a duty to reach a conviction, and the result of innocence from the charges attributed to them, besides the innocence from all the accusations directed to them, and which a decisive resolution was carried out, by the statement of our court which includes resolution No.27/2002, and the merit No.168/2001 dated 13.03.2002 AD.

Sentence Resolution

Upon the justifications manifested above:

1) Cancelling the decisive resolution with all its consequences and legal results, by taking into consideration, the statement carried out by our court on 13.03.2002 AD and No. 27/2002 and merit No.168/2001 in the right of the convicted: Ramzi Uzur, Tunjai Keleg Kaya, Hakan Uzbek, Muhamet Bolot, Uktai Bora, Izzat Tuglu Uglu, Murat Yaghi, Ali Kaya, Sadek Uzdameer, Khaleel Karsli Uglu, Yusuf Kabukai, Yaseen Kujash, Miteen Amkeez Uglu, Yasher Uz, Sinan Iadukan, Jihan Turut, Kamal Uzbek and Muhamet Sibahi.

2) No matter what, commencing a public lawsuit was demanded, to punish the convicted because of their association with the prohibited Hizb ut-Tahrir, according to item 1/7 from law No.3713, it was decided to announce innocent the names listed one by one after carrying out the sentence resolution, because of the amendments in law, which were carried out for law No.3713 and law No.4928, where the accusations attributed to them got out from being prohibited deeds by law, the accused are: Ramzi Uzur, Tunjai Keleg Kaya, Hakan Uzbek, Muhamet Bolot, Uktai Bora, Izzat Tuglu Uglu, Murat Yagli, Ali Kaya, and Sadek Uzdemir.

3) No matter what, commencing a public lawsuit was demanded, to punish the convicted because of their association with the prohibited Hizb ut-Tahrir and running it according to item 2/7 from law No.3713, it was decided to announce innocent the names listed one by one, after carrying out the sentence resolution, because of the amendments in law, carried out in item 20 from law No.4928 and item 30 from law No.4963 and in law no. 3713, where the accusations attributed to them, got out from being prohibited deeds by law, the accused are: Khaleel Karsli Uglu, Yusuf Kabukaya, Yaseen Kujash, Miteen Amkeez Uglu, Yashar Uz, Sinan Iedukan, Jihan Turat, Kamal Uzbek and Muhamet Sibahi.

4) Sending a memorandum in order to send back the papers without implementation, to the location of the general Attorney of the Republic, to the court of State Security in Ankara.

5) Sending the pendant of the resolution, concerning the decisive sentence carried out in the right of the convicted, to the Ministry of Justice/General Department for Archives and Statistics.

6) Refusing the demand to take a resolution, concerning the return of cash money penalties, implemented in the right of some of the convicted and their attorneys.

Upon what was mentioned above, the resolution -which was carried out by unanimity of voices- was read aloud in front of the accused: Uktai Bura, Yusuf Kabuka, Miteen Amkeez Uglu, Hakan Uzbek, Ali Kaya, Jihan Turat, Murat Yagli, Izzat Tuklu Uglu, Sinan Iedukan, with the attorney of the accused the lawyer: Gurbuz Seljuk and in the presence of the General Attorney of the court of State Security Salem Dmerji, and keeping all the law paths open and that was on 20.02.2004 AD.

Official stamp and signatures

President
26059 Signature

Member
27851 Signature

Member
29196 Signature

Clerk
75

Signature

ANNEXURE B2 STATEMENTS BY HUMAN RIGHTS GROUPS

B2.1 HUMAN RIGHTS WATCH

Human Rights Watch (Mar 2004), 'Creating Enemies of the State: Religious Persecution in Uzbekistan',

Available at: http://www.hrw.org/reports/2004/uzbekistan0304/4.htm#_Toc65397915

“Hizb ut-Tahrir is an international Islamic organization with branches in many parts of the world, including the Middle East and Europe. Hizb ut-Tahrir propagates a particular vision of an Islamic state. Its aims are restoration of the Caliphate, or Islamic rule, in Central Asia and other traditionally Muslim lands, and the practice of Islamic piety, as the group interprets it, (e.g., praying five times daily, shunning alcohol and tobacco, and, for women, wearing clothing that covers the body and sometimes the face). **Hizb ut-Tahrir renounces violence as a means to achieve reestablishment of the Caliphate.** However, it does not reject the use of violence during armed conflicts already under way and in which the group regards Muslims as struggling against oppressors, such as Palestinian violence against Israeli occupation...”

“Some in the diplomatic community, in particular the U.S. government, consider Hizb ut-Tahrir to be a political organization and therefore argue that imprisoned Hizb ut-Tahrir members are not victims of religious persecution. But religion and politics are inseparable in Hizb ut-Tahrir’s ideology and activities, and one of the chief reasons Uzbek authorities arrest members is the religious ideas Hizb ut-Tahrir promotes: the reestablishment of the Caliphate and strict observance of the Koran. Even if one accepts that there is a political component to Hizb ut-Tahrir’s ideology, methods, and goals, this does not vitiate the right of that group’s members to be protected from religion-based persecution.”

B2.2 AMNESTY INTERNATIONAL

Amnesty International Report 1997: Jordan

Available at: <http://www.amnesty.org/ailib/aireport/ar97/MDE16.htm>

“A total of 107 detainees were released in royal amnesties in November and December.

Prisoners of conscience who remained in prison during the year included 'Ata' Abu'l-Rushta, spokesperson for the *Hizb al-Tahrir fi'l-'Urdun* (Ipj), Liberation Party in Jordan, a party seeking to re-establish the Islamic Caliphate, was sentenced to three years' imprisonment in February by the State Security Court for lese-majesty under Article 195(1) of the Penal Code in connection with an interview he had given to the newspaper *al-Hiwar* (see *Amnesty International Report 1996*). The statements on which the charges were based did not advocate violence. Leith Shubeilat, head of the Engineers' Union and an Islamist leader, who had been arrested in December 1995 (see *Amnesty International Report 1996*) and sentenced to three years' imprisonment in March by the State Security Court on charges that included lese-majesty, was released in November when King Hussein bin Talal came personally to the prison and granted him an amnesty. Four other members of the Ipj, sentenced in previous years for distributing leaflets, remained held as prisoners of conscience (see *Amnesty International Report 1995*).”

ANNEXURE B3 STATEMENTS BY THINK-TANKS

B3.1 JANES INTELLIGENCE REVIEW

Makarenko, T. (2002b), 'The Changing Dynamics of Central Asian Terrorism', *Jane's Intelligence Review*, February 2002

Available at: http://www.cornellcaspien.com/briefs/020201_CA_Terrorism.html

Not officially regarded as a terrorist group by the Western-led coalition against terrorism or by the governments of Central Asia, Hizb ut-Tahrir ('Party of Freedom') is a peaceful party seeking to establish an Islamic state in Central Asia and install a legal system based on sharia law. Not legally allowed to register in any Central Asian republic because its form of Islam deviates from the more moderate interpretations supported by the Central Asian states, members of Hizb ut-Tahrir have been forced underground. As a result, the group operates in highly secretive, small independent cells.

Despite its peaceful stance, members or alleged members of Hizb ut-Tahrir are commonly targeted by the security services of Central Asian states - especially in Uzbekistan, and increasingly in Kyrgyzstan. Unfortunately, continued human rights abuses directed against Hizb ut-Tahrir members and any Muslims practising outside the parameters of state-sponsored Islam is creating widespread frustration

B3.2 INTERNATIONAL CRISIS GROUP (ICG)

Radical Islam in Central Asia: Responding to Hizb ut-Tahrir

Asia Report N°58 ,30 June 2003

Available at: <http://www.crisisgroup.org/home/index.cfm?id=1441&l=1>

See executive summary and recommendations

'Hizb ut-Tahrir al-Islami (The Hizb of Islamic Liberation) stands apart from better known radical Islamist movements by its apparent opposition to the use of violence.'...

... 'But despite the allegations of governments, there is no proof of its involvement in terrorist activities in Central Asia or elsewhere.'...

'The international community has a key role to play. It should resist temptation (and requests from Central Asian governments) to ban Hizb ut-Tahrir since driving it underground would only make it more secretive and conspiratorial and probably more radical. Rather, it is in Western interests to press states such as Uzbekistan to take urgent measures to change the environment in which Hizb ut-Tahrir thrives. Closed political systems, lack of freedom of speech, lack of economic progress, and unreformed and brutal security services all contribute to the growth of radical opposition groups. It is in the security interests of the international community to ensure that political opposition to unpopular regimes does not by default coalesce into a more militant group, with a more violent and dangerous agenda than the present-day Hizb ut-Tahrir'

B3.3 THE BROOKINGS INSTITUTION

Countering The Call: The U.S., Hizb ut-Tahrir, And Religious Extremism In Central Asia

By Alisher Khamidov, July, 2003

Available at: <http://www.brookings.edu/dybdocroot/fp/saban/khamidov20030701.pdf>

"With over 4,000 troops stationed in the region and \$580 million in annual aid, the U.S. certainly has a vested interest in preserving stability in Central Asia. However, Hizb ut-Tahrir also represents a challenge for broader U.S. policy towards Muslim states and movements. How the United States chooses to respond to the emergence of HT in conjunction with governments in the region, as well as more broadly, sets a framework for how the United States will deal with Islamist groups nominally committed to nonviolent social change, who enjoy increasing grassroots support. **Indeed, it is the party's [Hizb ut-Tahrir's] very commitment to nonviolence as a form of political protest that places it in a different category from groups engaged in terror tactics.** The manner in which the

party can be induced to move from religiously inspired extremist protests to engagement in mainstream political life in Central Asia may provide key lessons for crafting a well informed policy toward similar Muslim movements elsewhere in the world.”

“...Third, an extremely significant factor in HT’s popularity is the party’s rejection of violence as a political means, unlike the IMU. In a region where memories of bloody ethnic clashes between Uzbeks and Meskhetian Turks (1989), and Uzbeks and Kyrgyz (1990) are still fresh, the incursions of the Islamic Movement of Uzbekistan in 1999 and 2000 fueled popular aversion to violent methods. Hizb ut-Tahrir’s call for a supra-national Islamic identity and cooperation between all Muslim countries appears attractive to segments of the population, particularly in cases where political and social differences between various ethnic communities have created tension in the region.”

"Avoid Designating HT as a Terrorist Organization

As the example of the Muslim Brotherhood in Egypt demonstrates, **lumping Hizb ut-Tahrir and the IMU together in the same category of terrorist organizations would be a simplistic move that could legitimize the repressive measures of Central Asian governments.** Having asserted links to terrorist activity, Central Asian authorities have now banned HT. They also continuously lobby western governments to recognize the HT as a terrorist organization to help cut off its international funding and connections. This suppression is partly rooted in secular leaders’ fears that the party’s growing appeal for social and political justice challenges their legitimacy in the public eyes. Although such fears have a degree of credibility, it is the violent suppression of opposition movements and unwillingness to foster open political debate that undermine the legitimacy of regional governments.

ANNEXURE B4 STATEMENTS BY MAGAZINES/JOURNALISTS

B4.1 TIME magazine reports, "...Hizb ut-Tahrir (Islamic Liberation Party), a 50-year-old pan-Islamic political organization that seeks to establish a modern version of the caliphate that ruled parts of the Arab world from Muhammad's death until 1924, when Turkey's Kemal Atatürk officially laid it to rest. ...The police visited Assem, Hizb ut-Tahrir's "representative member" in Germany, as part of their investigation of the group. They took away documents and computer discs, but Assem was not arrested. German authorities are worried that the group's anticapitalist and anti-American rhetoric could incite terrorism, **though no one has accused Hizb ut-Tahrir of violence. "We've been watching them for years," says a German intelligence official. "What concerns us is that they've got a lot of support among extremists at universities, although they also appear to be nonviolent."** [‘The Many Faces Of Islam’, Dec. 16, 2002 issue of TIME Europe magazine, <http://www.time.com/time/europe/magazine/article/0,13005,901021216-397459,00.html>]

B4.2 The Times Online reported, "It is described in an internal [UK] Home Office briefing note as a **‘radical, but to date non-violent Islamist group’**. The note described the organisation as **‘an independent political party that is active in many countries across the world. HT's activities centre on intellectual reasoning, logic arguments and political lobbying. The party adheres to the Islamic sharia law in all aspects of its work.’** ” [‘Guardian man fired after blog attack’, Times Online, 25th July 2005, <http://www.timesonline.co.uk/article/0,,1-1707775,00.html>]

B4.3 The Ealing TIMES reported, "Members of the Watford Muslim community signed a statement to be sent to the Prime Minister, calling for the Government to rethink its anti-terror legislation, which will see groups such as Hizb ut-Tahrir outlawed. The statement, signed by seven of the area's prominent Muslims, reads: **‘The proposal to ban the non-violent Islamic political party, Hizb ut-Tahrir, is an unwise step and would set a dangerous precedent. Groups that simply articulate political opinions, however one may disagree with them, should be combatted through debate and not censorship.’** ...Former Conservative parliamentary candidate, Ali Miraj, said: **‘Hizb ut-Tahrir are certainly a non-violent group’** ...The Liberal Democrat councillor said: **‘Hizb ut-Tahrir is not a terrorist organisation. They are just a political party.’** ” [‘Muslim leaders oppose ban on fundamentalist group’, Ealing TIMES Online, 5th September 2005, http://www.ealingtimes.co.uk/news/asianspotlight/spotlight/display.var.627542.0.muslim_leaders_oppose_ban_on_fundamentalist_group.php]

B4.4 **“Hizb ut-Tahrir does not advocate a violent overthrow of Muslim regimes... Instead HT believes in winning over mass support,** believing that one day these supporters will rise up in peaceful demonstrations and overthrow the regimes of Central Asia. In the repressive climate of Central Asia this – combined with the HT’s growing popularity – is enough to ensure government crackdowns against the movement, particularly in Islam Karimov’s Uzbekistan” [‘Jihad: the Rise of Militant Islam in Central Asia’ by Ahmed Rashid]

Annexure C1 The Government permitted American forces to use Pakistani soil to wage a brutal crusade against the Muslims of Afghanistan.

C1.1 From 1979 until 1989, Pakistan fully supported the Afghan mujahideen against the Soviet invasion. After the fall of Najibullah in 1992, Pakistan heavily backed the Taliban in their conquest of nearly all of Afghanistan, maintaining all along that a stable and friendly Afghanistan was essential for Pakistan's survival.

C1.2 Following Musharraf's decision to join Bush's crusade against Islam, Musharraf not only placed all of Pakistan's facilities and assets at America's disposal to destroy the Taliban he also committed the strategic blunder of bringing the strongly Pro-Indian and vehemently anti-Pakistan Northern Alliance into Kabul.

C1.3 On 9th Aug 2004, The Washington Times reported, *"During the invasion of Afghanistan in December 2001, the Pakistani president allowed his soil to be used by U.S. special-operations forces and the Predator spy drone to begin missions across the border. During the subsequent counter-insurgency that continues today, he took an even bigger step. For the first time in memory, a president of Pakistan sent Government troops into the vast tribal lands bordering Afghanistan. They are hunting for Bin Laden and, in the process, confronting and killing Al-Qaeda terrorists."* ['Elite veterans prowl Pakistan', 09/08/2004, <http://www.washtimes.com/national/20040809-123148-7868r.htm>]

Annexure C2 Pakistan's air space, air bases and waterways were handed over to the Americans.

C2.1 Musharraf repeatedly claimed throughout Operation Enduring Freedom that there were only a dozen or so American 'advisers' in Pakistan, and that the U.S. would use Pakistani facilities only for reconnaissance purposes-not attacking targets in Afghanistan. However the official website of U.S. Central Command states that "up till Oct 2002, some of the specific assistance provided by Pakistan is as follows:

C2.2 In order to meet the requirements of U.S./Coalition forces, Pakistan provided five airbases/airfields. However in emergency planes could land anywhere in Pakistan. On average 0.4 million litres of fuel per day has been provided to the U.S. forces. A total of 57800 sorties have been generated from Pakistan's airspace/soil.

C2.3 In order to facilitate the launching of air ops into Afghanistan, Pakistan provided 2/3 of its airspace as an air corridor to the U.S./Coalition Forces. By doing so, Pakistan had to reschedule/redirect many of its commercial flights.

C2.4 The Pakistan navy provided landing facilities to the US/Coalition forces at Pasni. According to the U.S. Marine Corps Gazette of June 2002, the Coalition Naval Operations at Pasni were the largest amphibious operations in size, duration and depth that the Marine Corps had conducted since the Korean war. In all 8000 marines, 330 vehicles and over 1350 tons of equipment were offloaded and later flown to Kandahar.

Source: ['US Centcom report causes stir', The NEWS International, 20th May 2003]

Annexure C3 The Government compromised Pakistan's internal security by permitting the stationing of FBI officers in Pakistan

C3.1 In May 2002, the U.S. Ambassador Wendy Chamberlain, confirmed that the FBI is to have a permanent role in Pakistan. Ms Chamberlain said in an interview to the New York Times on 12 May 2002, 'Where going to have FBI guys there on a continual basis, not just coming in for 2 weeks and leaving, but stationed there.' ['FBI to Stay in Pakistan: Wendy', The NEWS International, 13th May, 2002]

C3.2 In January 2003, the FBI conducted raids in Karachi, "*Over the past week the FBI along with Pakistani security officials, has conducted a series of raids and arrests in various parts of Karachi, the country's main financial centre, as it steps up its search for Al-Qaeda suspects.*" ['Pakistani backlash to FBI raids' Asia Times Online, 15/01/03, http://www.atimes.com/atimes/South_Asia/EA15Df01.html]

C3.3 The News newspaper reported that the FBI is, "seeking, and getting, the private account details of remittances being sent into banks in Pakistan from anywhere in the world". The paper continued. "*Under an agreement between the authorities of the United States and Pakistan, banks in Pakistan will be giving details of remittances flowing in or out of foreign currency accounts, which will be handed over to the FBI.*" ['Pak Banks Sharing FCA details with FBI', The News International, 1st Oct, 2003]

Annexure C4 The Government withdrew its support to the Kashmiri resistance

C4.1 No previous Pakistani leader has ever taken the steps Musharraf has over Kashmir. Musharraf has steered Pakistan's age old policy of supporting the Kashmir cause and internationalising the situation to a complete abandonment of the Kashmiri cause. On 1/6/2000 Musharraf said to a CNN reporter, *"First of all, you said - you used the term "terrorism." Well, I beg to differ. There is no terrorism going on. There is a freedom struggle going on. It's a human rights issue which is going on in Kashmir in the Indian part of Kashmir. It's a human rights issue that is of concern."*
[\[http://www.pak.gov.pk/CE_Addresses/ce_cnn-insight.htm,](http://www.pak.gov.pk/CE_Addresses/ce_cnn-insight.htm)
[http://transcripts.cnn.com/TRANSCRIPTS/0006/01/i_ins.00.html\]](http://transcripts.cnn.com/TRANSCRIPTS/0006/01/i_ins.00.html)

C4.2 Under American instructions Musharraf terminated the resistance in Kashmir. On 18/12/01, the White House spokesman, Ari Fleischer said: *"The President has made it clear, and Secretary Powell has spoken with President Musharraf, that it's important for Pakistan to curb the extremists. And what's important, from the President's point of view, for both India and Pakistan, is to fight terrorism, and to fight the terrorists who are trying to de-stabilize the region. They have a common cause against terrorist enemies. This is not a reason for India and Pakistan to take action against each other. This is a time for India and Pakistan to take action against the terrorists."*
[\[http://www.whitehouse.gov/news/releases/2001/12/20011218-3.html\]](http://www.whitehouse.gov/news/releases/2001/12/20011218-3.html)

C4.3 On 30/12/01 Musharraf changed his position. He said: *"I would like to eradicate militancy, extremism, intolerance from Pakistani society and I wish to eradicate all forms of terrorism on Pakistani land."* Then by his orders, Pakistani authorities detained Azhar Masood, and Hafiz Mohammad Saeed, heads of Lashkar-e-Taiba and Jaish-e-Mohammad. They froze assets, closed offices and detained scores of their followers all over Pakistan. He also proceeded to declare four other groups to be outlawed. So in a matter of days Musharraf who supported the struggle in Kashmir and refused to equate it with terrorism changed his position.

Annexure C5 The Government used the Pakistani army to kill its own citizens in the tribal belt.

C5.1 During the 1970's and 1980's, Pakistan encouraged the influx of Muslims from all over the world to participate in the jihad against Soviet forces in Afghanistan. These fighters settled in Afghanistan and the tribal areas of Pakistan where they inter-married and had families. Their children-now born and raised in the tribal areas are being hunted as 'foreign terrorists'. The Pakistan Army's campaign has included aerial bombardment of villages and has inflicted large numbers of civilian casualties. In an interview with the BBC, the Human Rights Commission of Pakistan (HRCP'S) Afrasiab Khattak said, *"Reports tell us of up to 50 000 people who have been displaced. But the Government has not taken a single step to rehabilitate them or provide relief, food, medicine, anything. It's not allowing the ICRC or any other agency in. It is an armed conflict, but the Government is in a total state of denial"*. [BBC World Service, 24/09/04, http://www.satribune.com/archives/sept04/P1_bbc.htm]

C5.2 The Pakistani operations which led to this killing and displacement of civilians began at the behest of the Americans. On 10 January 2004, the U.S. Secretary of state Colin Powell said *"It (Tribal Area) is also a very wild area, a very rugged terrain, and it's not the easiest thing in the world to send Americans across into tribal areas... So what we are doing is cooperating with the Pakistanis, making it clear to the Pakistanis that we want them to do everything they can to bring that area under control... I am pleased that President Musharraf has responded to our overtures and is conducting new military operations in that region."* [<http://www.state.gov/secretary/former/powell/remarks/28045.htm>]. The Americans are playing a vital role in this, according to the Washington Post Aug 6 2004, the CIA is providing millions of dollars and the NSA is gathering and processing electronic intercepts for carrying out a large-scale operation against suspected members of Al-Qaeda in Waziristan tribal region and other areas of Pakistan. [Pakistan Pressures Al Qaeda, 6/08/04, <http://www.washingtonpost.com/wp-dyn/articles/A43940-2004Aug5.html>]

Annexure C6 The Government through its Privatisation plan has strengthened the control of foreign companies over Pakistan's economy

C6.1 During Musharraf's tenure privatisation of key industries has outpaced that of his predecessors. Under Musharraf, Pakistan's privatisation commission has approved the sale of a 51% stake in United bank , the country's fourth largest bank, along with 5% of the National bank of Pakistan, the sale of 26% of Pakistan oilfields as well as a 26% in PTCL. [*'Pakistan delays telecom sell-off'*, BBC online, 20/09/2002, <http://news.bbc.co.uk/1/hi/business/2270190.stm>]

C6.2 Musharraf has also opened up Pakistan's agricultural sector to foreigners. Western multinationals have targeted ownership of Pakistan's agriculture because Pakistan is already one of the foremost agricultural powers. The Government's Board of Investment (BOI) brochure for corporate agricultural farming outlines the commitment to establish foreign domination of Pakistan's agriculture. BOI promises there will be "*no ceiling on land-holding*" and "*state land can be purchased, or leased for 50 years and extendable for another 49 years*". Also the foreign landowners can easily increase their advantage over domestic producers by importing agricultural tools cheaply and easily. The Government has confirmed that there will be "*0% customs duty on import of agricultural machinery, equipment and implements*". [http://www.pakboi.gov.pk/Industry_Data/corporate_agriculture_farming1.html]

Annexure C7 The Government Through its Education Reforms is Polluting the Islamic Character of our Children

C7.1 On 8 May 2002 the Co-chair of the World Bank-UNESCO Task force on Higher Education in Developing Countries, Professor Henry Rovosky and the U.S. National Security Adviser, Condoleeza Rice, met Pakistan's Education Minister, Zubaida Jalal, to review Pakistan's education reforms. After the meeting, America revealed that it is backing education reforms to make Pakistan moderate. The State Department Spokesman, Richard Boucher, announced American support for *"moving Pakistan toward a more modern and moderate course where education plays a very key role"* [<http://www.islamonline.net/english/news/2002-03/10/article24.shtml>]. Thus the Government began changing Pakistan's education system so that Pakistani children adopt Western values. The Western influence was openly admitted by a World Bank-UNESCO report on "Higher Education in Developing Countries: Peril and Promises" which advocates liberal education based on Western values and norms. The report states that *"this particular method of education has Western roots"*. [<http://www.tthe.net/report/downloads/report/whole.pdf>]

Annexure C8 Accounting the Ruler is an Islamic Obligation

C8.1 Allah (swt) made it obligatory upon the Muslims to obey the rulers and to account them for their actions and behaviour, and the order for the Muslims to account the rulers is decisive. He (swt) ordered them to work to change them if they oppressed the Ummah or were careless in their duty towards them or neglected any of their affairs or conflicted with any of the Islamic laws or ruled by anything other than what Allah (swt) revealed.

The Messenger of Allah (sallAllaho alayhi wa sallam) said,

«أفضل الجهاد كلمة حق عند سلطان جائر»

“The best jihad is to say the truth before a tyrant ruler.” [Abu Dawud and At-Tirmidhi]

«سيد الشهداء حمزة ورجل قام إلى إمام جائر فنصحه فقتله»

“The prince of martyrs is Hamzah and the man who stood facing a tyrant ruler, gave him the correct advice and the ruler killed him.” [reported by al-Haakim]

The Messenger of Allah (salAllaho alayhi wa sallam) said in a hadith,

«والذي نفسي بيده لتأمرن بالمعروف ولتنهون عن المنكر، أو ليوشكن الله أن يبعث عليكم عقاباً من عنده، ثم لتدعنه فلا يستجاب لكم»

"By Him in Whose hand is my soul, you must order all that is right and forbid all that is evil, otherwise Allah will be about to send His punishment upon you. And then if you pray to Him (to ask Him), He would not answer you." [Reported by Tirmizi]

This hadith contains a qareena (conjunction) of punishment by Allah (subhanahu wa ta'ala). This means that the command to order all that is right and forbid all that is evil is jaazim (decisive), establishing this as a fard (compulsory) and not merely a request.

Annexure C9 US feels threatened from Hizb ut-Tahrir and the return of the Khilafah

C9.1 Dr. Ariel Cohen a Research Fellow at The Heritage Foundation in his paper “*Hizb ut-Tahrir: An Emerging Threat To U.S. Interests In Central Asia*” writes: “**Hizb ut-Tahrir al-Islami is an emerging threat to American interests and the countries in which it operates.** It has 5,000–10,000 hard-core members, and many more supporters in former Soviet Central Asia (e.g., Uzbekistan, Kyrgyzstan, and Tajikistan), and is expanding its operations to oil-rich Kazakhstan. Over 10,000 members are active in Pakistan, Syria, Turkey, and Indonesia. At least 500 are already behind bars in Uzbekistan alone, and hundreds are in custody in the Middle East.”

[Source: <http://www.heritage.org/Research/RussiaandEurasia/BG1656es.cfm>]

C9.2 On July 23, 2003, Dr. Fiona Hill a Senior Fellow of The Brookings Institution, in her congressional hearing before the House Committee on International Relations said: “While the IMU’s status and its capacity for future action as the Islamic Party of Turkestan remains unclear, **attention in Central Asia has since shifted to Hizb ut-Tahrir (HT). This London-based Islamic movement, which steadily increased its influence in the region in the 1990s, is now seen as a potential source of threat.** Like the IMU, HT in Central Asia, espouses the creation of a region-wide Islamic form of governance (based on the model of the Ottoman-era caliphate). But unlike the IMU, HT seeks to secure its goal through grassroots activism and purportedly peaceful means. After bomb explosions in Tashkent and IMU raids in 1999, HT drew an explicit distinction in its outreach and recruitment between its peaceful activities and the violence of the IMU.

[Source: http://commdocs.house.gov/committees/intlrel/hfa90361.000/hfa90361_0f.htm]

[Source: http://wwwc.house.gov/international_relations/108/90361.pdf]

C9.3 Stephen Bowers a Professor of Political Science at James Madison University and the Director of the William R. Nelson Institute in his paper entitled ‘Hizb ut-Tahrir in Tajikistan’ states: “**Hizb ut-Tahrir, unlike the Islamic Movement of Uzbekistan, is a long term, significant threat to Western interests in Central Asia. In fact, the threat posed by HUT may be greater than that posed by Al Qaeda.**”

[Source: <http://www.jmu.edu/orgs/wrni/HUTinTajikistan.pdf>]

ANNEXURE D1 COPY OF BAN NOTIFICATION- attached

ANNEXURE D2 COPY OF ATC III KARACHI JUDGEMENT -attached

**ANNEXURE D3 COPY OF LAHORE HIGH COURT-MULTAN BENCH
JUDGEMENT- attached**

**ANNEXURE D4 COPY OF LAHORE HIGH COURT LAHORE
JUDGEMENT -attached**

**ANNEXURE D5 TWO LEAFLETS REFERRING TO SUNNI-SHIA
BROTHERHOOD- attached**

ANNEXURE D6 THE BOOK ENTITLED "Hizb ut-Tahrir" – attached