

STATEMENT BY H.E. AMB. DR. WAFIK ZAHER KAMIL, SECRETARY GENERAL, AALCO AT THE INAUGURAL SESSION OF THE MEETING OF INTERNATIONAL EXPERTS ON HUMAN RIGHTS IN ISLAM, KUALA LUMPUR, 15 MAY 2006

Hon'ble Dato' Seri Mohammed Nazri Abdul Aziz, Minister in the Prime Minister's Department of Malaysia

Hon'ble Dato' Seri Shahrizat Abdul Jalil, Minister of Women, Family and Community Development, Malaysia

H.E. Dr. Abdullah Saleh S. Alhidaithy, Deputy Minister for Judicial Affairs, Kingdom of Saudi Arabia

Hon'ble Tan Sri Abdul Gani Patail, Attorney General of Malaysia and Chairman, MIEHRI

Excellencies, Distinguished Delegates, Ladies, and Gentlemen

At the outset, I would like to welcome you all to this important "Meeting of International Experts on Human Rights in Islam", on behalf of Asian African Legal Consultative Organization (AALCO) and on my own behalf. I am very much honored to have the opportunity to participate in this extremely important Meeting organized by the Government of Malaysia in collaboration with the AALCO and the Kingdom of Saudi Arabia and it would serve as another milestone in the history of the Organisation.

Excellencies,

I would like to seize this opportunity to express my heartfelt appreciation to the Government of Malaysia and H.E.Hon.Tan Sri Abdul Gani Patail, the Attorney General of Malaysia for making these exceptional arrangements for an exceptional topic. I am confident that this five day Meeting would be an excellent opportunity for the Member States of AALCO, intellectuals and scholars to address various topics regarding Islamic law and to explore the human rights principles in Islam with a view to reflecting the shining image of Islam, in general and the issue of human rights in Islam, in particular. I wish that this Meeting would have focused and fruitful discussions on the topics selected for Deliberations.

It may be recalled that the idea of dealing with the topic "Human Rights in Islam" was taken up by AALCO at its 41st Session (Abuja, Nigeria, 2002) at the initiative of the Kingdom of Saudi Arabia and was deliberated in the subsequent Sessions. In the Forty-Forth Session of AALCO held in Nairobi, Kenya (2005), the Head of the Delegation of Malaysia, H.E.Hon.Tan Sri Abdul Gani Patail, Attorney General of Malaysia, proposed to convene an Expert Meeting comprising Member States of AALCO and a galaxy of scholars, experts and diplomats to achieve a concrete study in respect of the issue of human rights in Islam in its wider dimensions. This proposal was met by a unanimous approval. Therefore, the Malaysian Delegation expressed its preparedness to host the meeting of the experts in collaboration with the AALCO Secretariat and the Kingdom of Saudi Arabia, the initiator of the subject matter. This Meeting is being convened pursuant to this decision.

Excellencies,

As we all see, the topics to be deliberated are covering an excellent and wide range of subjects tackling almost all angles of this topic, with the aim to reflect its manifold dimensions.

Firstly, this topic attains significance in the present context, as it has been a historical fact that there have been systematic efforts from certain quarters to malign Islam and its teachings. In the present context of targeting a particular religious faith in the ongoing 'war against terrorism', it is high time to emphasize that Islam advocates peace and peaceful coexistence. No verse in the Holy Quran preaches mass destruction of any group of people, nor does it allow for violence as a form of expression, nor the blind killing of innocent civilians including women and children, nor considers as martyrs those who commit suicide by blasting themselves with the aim of killing others. Holy Quran lays down that "Whosoever kills a human being (without any reason like) manslaughter, or corruption on earth, it is thought he had killed all mankind." We all know that in all its defensive wars during the early era of Islam led by the Prophet himself he fought against atheists who set up a strong opposition to the new monotheist religion only to defend Truth, Faith and Noble Principles revealed to the Prophet. There might be a certain section of the community who use religion to justify their unjust violence which goes against the basic tenets of Islam. However, tolerance, not compulsion, is the teaching of Islam. Defamation of a particular religion or belief would contribute further to the misinformation campaign and would certainly affect the peaceful co-existence of various religious and ethnic groups.

Secondly, There exist a misconception that it was the West which contributed much to the development of international law in general, and human rights law, in particular. To address this misconception, it would be appropriate to highlight some of the contributions of Islam in developing the law of nations, particularly in the field of human rights, law of war, law of international trade and law of treaties.

With regard to law of war Islam strictly prohibits, among others, cruel way of killing, killing of non-combatants, killing of prisoners of war, mutilation of human beings as well as animals, unnecessary destruction of harvest and cutting of trees, adultery and fornication with captive women, killing of envoys, massacre in the defeated territory and the use of poisonous weapons. At the battle of Badr the Prophet ordered, "Take heed of the recommendation to treat the prisoners". Prisoners must be fed in accordance with the Quranic injunctions and their dignity is to be respected.

With regard to law of treaties, Islam prescribes utmost good faith in the observance of a treaty, irrespective of formalities. Muslims were obliged to honor their treaties "to the end of their term" and "not to break oaths after making them". *Pacta sunt servanda* was the underlying principle. The Caliph Abu Bakr, in a proclamation to his soldiers, exhorted them as follows: 'Let there be no perfidy, no falsehood in your treaties

with the enemy; be faithful in all things, proving yourselves upright and noble and maintaining your word and promises truly”.

Also, Islam has contributed immensely to the development of trade law and to the growth of fresh principles of commercial law against the background of fundamental principles of good faith, including international trading treaties between States and individuals and safe conduct of traders in foreign territory.

Among other branches of international law to which Islam made contribution include, law of diplomatic protection, including safe conduct of envoys and foreigners; law of asylum and private international law. I would like to quote Judge Weeramantry, Former Judge and Vice President of the International Court of Justice at The Hague in this regard, “ Article 38 (1) (b) of the Statute of the International Court of Justice, requires the ICJ to apply ‘the general principles of law recognized by civilized nations’. Having regard to the large number of Islamic nations now members of the United Nations, the international law of Islam is a body of knowledge which the world court cannot afford to ignore. Indeed it must necessarily make an impact upon the content of contemporary international law.”

Thirdly, Yet another significance of this Meeting stems from the position of many Asian, African and non-western countries that the Western countries are imposing the “Western interpretation” of human rights on them. Among current international human rights interpretations, some of which are considered by Muslims as insensitive to Islamic religious and moral viewpoints and also disregarding the cultural specificities of various countries of the Asia and Africa. Cairo Declaration on Human Rights in Islam, a document issued by the member states of the Organization of the Islamic Conference and purporting to define Islamic teachings on human rights was an attempt to address this debate. Cairo Declaration while affirming that fundamental rights and universal freedoms in Islam are an integral part of the Islamic religion, reaffirms that “the civilizing and historical role of the Islamic Ummah which God made the best nation that has given mankind a universal and well-balanced civilization in which harmony is established between this life and the hereafter and knowledge is combined with faith; and the role that this Ummah should play to guide a humanity confused by competing trends and ideologies and to provide solutions to the chronic problems of this materialistic civilization”. This Meeting is an excellent opportunity to have an in-depth analysis on this ongoing debate.

Fourthly, A remarkable feature of Islam is that it is not only a religion, but also a moral code and a legal system. Exploring the human rights principles of Islam and analyzing them in the background of the current international world order is an important commitment. Islam has guaranteed a series of civil, political, economic, social and cultural rights. To mention a few, right to Life, Right to Freedom, Right to Equality and against non-discrimination, right to freedom from slavery and servitude, rights of Orphans, prevention of corruption, freedom from poverty and indigence, freedom from oppression, duty to trade honestly and right to education. Also, Human rights principles are embedded in the Islamic criminal justice system.

Excellencies,

Since the inclusion of Item “Human Rights in Islam” in the agenda of AALCO, it has been deliberated in all the subsequent Annual Sessions. I would like to convey that in our Reports for the past Annual Sessions we have done extensive research to explore the human rights aspects in Islam from civil law and criminal law point of view. We would like to engage in more research and activities in future with the active cooperation and participation from the Member States.

Excellencies,

Islamic law from its inception was conceived as international in scope and was directed to all humanity. It is essentially a law of peace, built on human equality, religious tolerance and universal brotherhood.

To conclude, I would like to draw attention to the speech delivered by Prophet Muhammad during the Farewell Pilgrimage. Prophet Muhammad declared human rights when he said, “O mankind! Your Lord is one, and your father is one, you all belong to Adam and Adam was made of clay. The best of you in the sight of Allah is the one who is most righteous. There is no superiority for an Arab over a non Arab except for by righteousness.” In his blessed speech, Prophet Muhammad, summarized the position of Islam towards human rights very clearly: People are equal in the shared value of humanity. They are like the teeth of a comb in terms of equality. There must be no preferences among people except for piety on the basis of their good deeds as well as what each of them accomplishes for his Lord, himself, his nation and the human society.

With this message I once again welcome all of you to this important meeting

Thank you, Excellencies