

Editor's note: This is an excerpt from an upcoming research report written by Rolf Mowatt-Larssen, examining the debate within Muslim societies on the use of weapons of mass destruction. Mowatt-Larssen's article published on Nov. 12, 2010, on Foreign Policy.com, warning of a heightened risk of another Al Qaeda attack, is based on this section of the research report. Mowatt-Larssen, a former senior CIA officer, is a senior fellow at the Belfer Center for Science and International Affairs at Harvard Kennedy School.

Al Qaeda's Religious Justification of Nuclear Terrorism

"This vanguard constitutes the solid base [qaeda in Arabic] for the hoped-for society ... We shall continue the jihad no matter how long the way, until the last breath and the last beat of the pulse—or until we see the Islamic state established."¹ Abdullah Azzam

When legendary jihadist Abdullah Azzam was assassinated under mysterious circumstances in November 1989, suspects in his murder included Osama bin Laden and Egyptian Islamic Jihad (EIJ) leader Ayman al-Zawahiri. After the Soviets were expelled from Afghanistan, Azzam sought to shift jihad to his homeland, Palestine. Zawahiri sought to focus the jihad on Egypt and the other secular Muslim states, in hopes of restoring the caliphate, the rule of Islamic clerics, which had ended after the dissolution of the Ottoman Empire in 1924. After Islamic rule had been re-established in the Islamic world, Zawahiri wrote, "then history would make a new turn, God willing, in the opposite direction against the empire of the United States and the world's Jewish government."²

It is not clear who killed Azzam, but his departure from the scene played into Osama bin Laden's hands, by shifting the target of the jihad not to Israel or to Egypt, but to the United States. When bin Laden formed Al Qaeda a year earlier, Zawahiri was convinced to throw in his lot with this "heaven-sent man,"³ as Azzam had characterized bin Laden, principally because Zawahiri felt stymied in fulfilling his lifelong dream of overthrowing the Egyptian regime.

Bin Laden would develop an idea that would breathe life back into Zawahiri's dreams: the United States must become the target of the jihad. If the Americans could be provoked into war, they could be defeated like the Soviets, and expelled from Muslim lands for good. The fall of the U.S. superpower would lead to the overthrow of secular Arab states. This insight led to successive Al Qaeda strikes against the U.S., including the unsuccessful bombing of the World Trade Center (1993), bombings of two U.S. embassies in East Africa (1998), and the bombing of the USS Cole (2000). It was not evident at the time, but the road to 9/11 began on the day Al Qaeda was formed.

It was with a grim mood of impending confrontation with the United States that the two Al Qaeda leaders shared an interest in acquiring weapons of mass destruction. By 1992, Al Qaeda was already dabbling in the nuclear black market. Undaunted by a series of scams by hustlers and con men, bin Laden and Zawahiri remained alert to opportunities to buy, steal, or build a bomb. After Al Qaeda was expelled from Sudan in 1994, Ayman Zawahiri mysteriously dropped out of sight. For two years, the Egyptian doctor and two of his top lieutenants traveled extensively to Russia, Yemen, Malaysia, Singapore, and China. The purpose of their travels has never been established, but Zawahiri's associations during his travels, and own statements,

suggest that he and his cohorts may have been hunting for weapons of mass destruction (WMD).⁴

It is no coincidence that 1998 was the year that Osama bin Laden openly declared war on the U.S., publicly stated that it was his Islamic duty to acquire WMD, and secretly launched the operational plan for the 9/11 attack. Bin Laden privately expressed frustration that two brazen assaults against U.S. government interests abroad had failed to provoke the U.S. into invading Afghanistan.⁵ He formalized an agreement within Al Qaeda to attack the “far enemy,” the U.S., before the “near enemy,” the Muslim states. The Al Qaeda high command secretly initiated the operational planning that would culminate in the 9/11 attack. They began chemical, biological, and nuclear programs under the direct supervision of Zawahiri and senior Al Qaeda members. At around this time, Zawahiri also began piecing together two separate Pakistani and Malaysian-based networks to develop an anthrax weapon for use in the United States.⁶

Osama bin Laden 1998 “fatwa”

“All these crimes and sins committed by the Americans are a clear declaration of war on God, his messenger, and Muslims. And ulema have throughout Islamic history unanimously agreed that the jihad is an individual duty if the enemy destroys the Muslim countries. This was revealed by Imam bin-Qadamah in ‘Al- Mughni,’ Imam al-Kisa’i in ‘Al-Bada’i,’ al-Qurtubi in his interpretation, and the shaykh of al-Islam in his books, where he said: ‘As for the fighting to repulse [an enemy], it is aimed at defending sanctity and religion, and it is a duty as agreed [by the ulema]. Nothing is more sacred than belief except repulsing an enemy who is attacking religion and life.’”

“On that basis, and in compliance with God's order, we issue the following fatwa to all Muslims: The ruling to kill the Americans and their allies -- civilians and military -- is an individual duty for every Muslim who can do it in any country in which it is possible to do it, in order to liberate the al-Aqsa Mosque and the holy mosque [Mecca] from their grip, and in order for their armies to move out of all the lands of Islam, defeated and unable to threaten any Muslim. This is in accordance with the words of Almighty God, ‘and fight the pagans all together as they fight you all together,’ and ‘fight them until there is no more tumult or oppression, and there prevail justice and faith in God.’”⁷

Issuing this fatwa served several objectives. First, Osama bin Laden became the unquestioned leader of a global jihad, and the mastermind behind the movement’s decision to declare war on America. Although Osama bin Laden had no authority to issue a fatwa, he embraced an opportunity to seek “God’s approval” for the decision to escalate the conflict to the next stage. By authoring the fatwa himself, bin Laden also assumed a role as chief cleric in charge of translating Islamist extremist theology and ideology into action. This positioned him to anticipate and preempt interference from Sunni clerics who were opposed to Al Qaeda.

By declaring it to be his “*Islamic duty*” to acquire WMD, the Al Qaeda leader envisioned the introduction of WMD (by either side) in the atmosphere of all out war that was sure to follow 9/11; he pre-justified their use on religious grounds. Finally, bin Laden made it a religious duty for his followers to pursue WMD. Henceforth, Ayman Zawahiri made it his mission to develop

the religious case for using WMD, in parallel with his efforts to acquire operational capability for future attacks against the U.S.

Zawahiri's Project

Ayman Zawahiri on video tape, commenting on the 9/11 attack, in presence of Osama bin Laden and an unidentified Saudi cleric.

"This great victory was possible only by the grace of God," he says with quiet pride. "This was not just a human achievement—it was a *holy act*. (emphasis added) These nineteen brave men who gave their lives for the cause of God will be well taken care of. God granted them the strength to do what they did. There's no comparison between the power of these nineteen men and the power of America, and there's no comparison between the destruction these nineteen men caused and the destruction America caused."⁸

Not long after 9/11, the Al Qaeda core began taking steps to substantiate the use of WMD on religious grounds. In mid summer 2002, the group had begun making probes to quietly obtain a fatwa from clerics in Saudi Arabia to support what appeared to be a significant shift in tactics, based on intelligence that was available at the time. Al Qaeda seniors in Saudi Arabia approached unnamed clerics who had endorsed the 9/11 attack, but were apparently rebuffed. At the time, there was a question as to whether senior clerics in the desert Kingdom were willing to accept the obvious implications of raising the stakes to such a scale.⁹

In late fall 2002, a terrorist cell associated with Al Qaeda completed planning for a chemical attack on the New York City subway, utilizing a cyanide gas dispersal device called the "mobtaker." Operatives sought permission from the Al Qaeda core to carry out the attack. Ayman Zawahiri, who was unaware of the plan in its earlier planning stages, called off the attack because he had "*something better*" in mind.¹⁰

Around the same time, Al Qaeda's chief in Saudi Arabia, Abu Bakr al-Azdi, was in communication with senior Al Qaeda in Iran regarding the potential purchase of "three Russian nuclear devices." This small group, reportedly under house arrest in Iran at the time, included an assortment of key WMD-associated seniors, including Sayf al-Adl, Abd al-Aziz al-Masri, and Sulayman Abu Ghayth al-Libi. Former Egyptian Army officer Sayf al-Adl was in the very top tier of the Al Qaeda core leadership¹¹; Abd al-Aziz al-Masri, a dedicated nuclear operative, had conducted nuclear-related experiments in the Afghanistan desert in the late 1990s; and Abu Ghayth, Al Qaeda's press spokesman, had publicly stated in June 2002 that it was justifiable to kill four million Americans.¹²

Based on a series of exchanges among Saudi operatives, Al Qaeda seniors in Iran, and Osama bin Laden and Ayman Zawahiri, Abu Bakr was directed by Sayf al-Adl to purchase the three devices, provided that a Pakistan (nuclear) specialist was able to verify the goods.¹³ Al Qaeda was cautiously and deliberately proceeding with their plans to purchase the three alleged "nuclear devices."

At the same time, operational preparations were nearing completion for Al Qaeda bombings of U.S. and Saudi targets in the Kingdom. Intelligence reporting produced growing signs of terrorist plotting that indicated Al Qaeda had decided to raise the stakes by undertaking attacks against the Saudi royal family. There were also signs they were considering the use of some form of WMD against U.S. and possibly U.K. targets, either inside or outside the Gulf region.

Parallel to operational planning, Al Qaeda continued to prepare to unveil a fatwa authorizing the use of weapons of mass destruction. Radical Saudi clerics Nasir Sheik al-Fahd, Ali al-Khudayr, and Ahmed al-Khaldi had drawn up and co-signed a religious ruling (fatwa) authorizing the use of WMD against the U.S. and the U.K. Nasir al-Fahd, a senior Muslim cleric who is closely associated with Al Qaeda, has written dozens of books and publications containing religious edicts against the U.S. and anyone cooperating with it. Among his well-known pronouncements is that “anyone assisting the Americans is an infidel.” His treatises incite animosity toward the west, Christianity, and particularly Americans.

Following the terrorist attacks in Riyadh on May 12, 2003, Saudi security forces launched an extensive manhunt for the three radical clerics. In a panic, Nasir al-Fahd posted the fatwa on May 21, 2003, just before he was captured by Saudi security forces in the city of Medina.¹⁴

Al-Fahd offered three central arguments for using WMD in his fatwa:¹⁵

“One kills in a good manner only when one can. If those engaged in jihad cannot do so, for example when they are forced to bomb, destroy, burn or flood, it is permissible.”

“One avoids killing women and children only when one can distinguish them. If one cannot do so, as when infidels make a night attack or invade, they may be killed as collateral to the fighters.”

“Similarly, killing a Muslim is forbidden and not permitted; but if those engaged in jihad are forced to kill him because they cannot repel the infidels or fight them otherwise, it is permitted, as when the Muslim is being used as a living shield.”

The arrest of the three clerics created a backlash and led to rumors that two of the clerics—al-Khudayr and al-Khaldi—were killed during an arrest attempt. The rumors of their death aroused an outcry and calls for revenge surfaced on many web sites associated with Al Qaeda.¹⁶ Figures close to bin Laden reported that news that the two clerics had been killed greatly affected bin Laden, who pledged to avenge their deaths by harming the al-Saud family “*in a way never before seen in the past.*”¹⁷ Saudi Interior Minister Prince bin Nayyif confirmed that the three clerics were in custody, but denied any of them had died.¹⁸

Throughout the summer of 2003, Saudi security forces conducted a series of raids that decimated the Al Qaeda organization in Saudi Arabia. In June, senior Al Qaeda leader Yusef al-Ayeri was killed at a roadblock in a shootout with Saudi security forces.¹⁹ Saudi security officials responded decisively to arrest and interrogate anyone having any connection to the WMD fatwa.

While under detention, Nasir al-Fahd recanted several of his fatwas on Saudi television – he referred to his previous views as being a “grave mistake.” It is unclear whether the WMD fatwa was among them.²⁰ In retrospect, the ambiguity of al-Fahd’s recantation was purposeful. He subsequently wrote a letter from prison in which he asked his associates to spread the word that his recantation was coerced by Saudi authorities.

The text of Nasir al-Fahd’s letter from prison is as follows:

'Shawwāl, 1425 H

In the name of Allah, the Beneficent, the Merciful

"Praise be to Allāh, and may peace and blessings be upon the Messenger of Allāh, to proceed:

Springing from Allāh’s saying:

“But they never lost heart for that which did befall them in Allah’s Way, nor did they weaken nor degrade themselves. And Allah loves As-Sabirin.

I write these words, and I declare before that, that I have dug a grave in my cell, and divorced this world thrice and have cut any link between it and me; and after this I say, and rely upon Allāh and seek His help...”

“And may Allah reward all those who help spread, print and publish this on the internet and media channels.”²¹

The Al Qaeda fatwa story drifted into obscurity after al-Fahd’s letter from prison. Did the fatwa continue to have the endorsement of the Al Qaeda leadership? Was Zawahiri’s involvement in commissioning a WMD fatwa related exclusively to the nuclear deal, or did it serve a broader purpose in Al Qaeda’s future plans? Would the fatwa be required to justify a future WMD attack? If so, it would be vital to clarify such questions to ensure there is a widely accepted understanding that the case has already been made to justify the use of WMD, explain that the fatwa remains valid.

In November 2007, Sayid Imam Abdel-Aziz al-Sharif, also known as Dr. Fadl, issued from his prison cell in Cairo, with the approval and encouragement of Egyptian authorities, an 111-page document entitled “Rationalizing Jihadist Action in Egypt and the World.” This document rejected his influential jihadist manifestos from 1988. Al-Sharif showed the document he wrote to the imprisoned leaders of al-Jihad for approval. The Islamic Research Academy at al-Azhar approved it and recommended that it be published. According to al-Sharif, he wrote his searing condemnation of Al Qaeda in an effort to put a stop to an ideology of violence and terrorism. From his perspective, he believed Al Qaeda had distorted the true meaning of jihad.²²

Ayman Zawahiri’s book “Exoneration”

In March 2008, Ayman Zawahiri responded directly to Dr. Fadl with a book of his own that was posted on the internet, entitled “Exoneration.” Zawahiri goes to great lengths to refute, essentially thought by thought, Dr. Fadl’s text. And perhaps convincingly to any reader, he instills a canyon of doubt into the independence of the authorship, and whether or not it was

written under duress. It looks as though he is genuinely dismayed by how critical the text was against him, Al Qaeda and their tactics, but understands the prisoner's dilemma, and outlines a number of scenarios that may have occurred--leaning on one: the version of Dr. Fadl's text is one which is both coerced and tailored to American and State Security interests as to clamp down on the "*disturbing of public order.*"²³

Zawahiri devotes roughly the first half of the book to refute Dr. Fadl's thoughts and assertions by targeting them line by line and citing scholar by scholar and cleric by cleric. In the middle, he apologizes for going off on a tangent, and plunges into an analysis of every one of Al Qaeda's beliefs and tactics, celebrates his fallen and captured colleagues, and outlines why the "war" has been fought a certain way and will continue to be fought a certain way, with America as the No. 1 enemy of Islam.

Refuting Dr. Fadl's text and justifying WMD has the *ability* to serve two purposes: address Al Qaeda's past actions, and vigorously defend them, while at the same time, justify and explain the reasons and goals for the group's future attacks. It therefore has the *potential* to be both looking backward *and* looking forward.

Zawahiri's WMD fatwa

"Shaykh Nasir bin-Hamad al-Fahd....According to reports he is still in jail clinging firmly to righteousness. We know for certain that he has recanted what he said on a television show during which he was questioned by A'id al-Qarni. Regarding that show, the shaykh and his colleagues said that they were coerced and found interpretations of Shari'ah that they could say what the government wanted them to say because it promised to release them afterward. It did not release them. He said: If I had known what was going to happen, I would not have surrendered to the police detectives but would have fought until I was killed. He sent several messages out of his jail that show he is still firm on the path of righteousness. We pray to God to give him and all Muslims firmness in righteousness and a good end."²⁴

With these words, Ayman Zawahiri resurrects Nasir al-Fahd from the obscurity of prison, answers the questions surrounding al-Fahd's recantation, breathes life back into the dormant fatwa, and gives it a contemporary purpose. In so doing, Zawahiri makes the fatwa his and Al Qaeda's own.

Nasir al-Fahd's 2003 fatwa is built in its entirety into "Exoneration": the same ideas, thoughts, examples and scholars to justify equal retaliation-- "repaying like for like." The similarities between the two texts are nothing short of striking. Virtually every single cleric, scholar, and example used by al-Fahd to justify the use of WMD has been resurrected in near-symmetry throughout "Exoneration." While a handful of the same individuals were cited by both al-Fahd and Zawahiri to justify different issues, nearly 30 authors were identically sourced with correlating content. Indeed, Zawahiri tended to expand on the thoughts and ideas of al-Fahd by diving into a more comprehensive justification with even further citations.

Zawahiri raises key Quranic themes to justify the use of WMD to include: the legality of killing women, children, and the elderly, the use of Muslim shields, the inevitability of environmental destruction, notions of retaliatory use and deterrence, attacking in the night and unintentionally harming noncombatants, among other such issues. Indeed, not only are the same scholars, clerics and quotations recounted in “Exoneration,” but many of the same examples are used nearly verbatim, including the Prophet’s reported sayings in the context of night raids and the harming of noncombatants, as well as the Prophet’s attack on the village of al-Ta’if using a catapult—thereby permitting the use of weapons of “general destruction” incapable of distinguishing between innocent civilians and combatants.²⁵

He offers a meticulously researched case to support the judgment that using weapons of mass destruction should be judged on intent rather than on results. The same reasoning is applied in a detailed expository on such matters as loyalty to the state, contracts, obligations and treaties, the permissibility of espionage, and deception and trickery. For example, on the topic of Muslims killed in combat unintentionally, in the fight against infidels: *"When Muslims fight non-believers, any Muslim who is killed is a martyr."*²⁶

Symmetry between 2003 WMD fatwa and 2008 “Exoneration”

There is no compelling need for Zawahiri to duplicate and expand on, albeit under the cloak of another purpose, the very same ideas of al-Fahd in vivid detail and similarity, often expanding on the issues to provide further legitimacy. While it appears these issues can be bifurcated throughout his text into different themes without any reference to the 2003 WMD fatwa, a large portion of the text is indeed not only similar in many respects, but provides more “proof” of its validity. Only four months had elapsed from Dr. Fadl’s book to completing “Exoneration,” raising the distinct possibility Zawahiri was focused on the subject of WMD for reasons unrelated to the publication of Dr. Fadl’s critique.

Nasir al-Fahd (2003)	Ayman Zawahiri (2008)
<i>Justifying the Unintentional Killing of Noncombatants during Night Raids and General Destruction—including Women, Children and the Elderly</i>	
al-Sa’b ibn Jaththamah Ibn Qudamah Ahmad ibn Hanbal al-Tahawi Salamah ibn al-Akwa al-Rahibani al-Tabari al-Bayhaqi Abu Dawud	al-Sa'b Bin-Jaththamah Ibn Qudamah Ahmad ibn Hanbal al-Tahawi Salamah ibn al-Akwa al-Nawawi al-Bukhari Imam al-Shirazi Malik al-Shafi’I Abu Hanifa Ibn Abd al-Birr

	Abu Bakr al-Jassas
<i>Justifying Environmental Destruction, Burning, Flooding, and Agricultural Harm</i>	
Ahmad ibn Hanbal Abu Dawud Usamah ibn Zayd Malik Ibn al-Qasim Al-Sahfi'I Ishaq al-Thawri al-Tirmidhi al-San'ani al-Mawwaq Ashhab Ibn Majah al-Bukhari al-'Ayni Ibn 'Umar	Ahmad ibn Hanbal Abu Dawud Usama Ibn Zayd Malik Ibn al-Qasim al-Shafi'i Ishaq al-Thawri Nafi' Abu Hanifa Ibn Taymiyyah al-Zuhari Yahya Ibn Yahya Muhammad Ibn Rumh al-Layth Qutaybah Ibn Sa'id Imam al-Kasani
<i>Justifying the Unintentional Killing of Muslims used as Human Shields--under the Principle of Necessity--to Defeat an Enemy</i>	
Ibn Taymiyah al-Shafi'I al-Sarakhsi Abu Bakr al-Jassas al-Mawwaq Ashhab al-Shaybani	Ibn-Taymiyyah al-Shafi'I al-Sarakhsi Ibn Qudamah al-Awza'I Abu Hanifah al-Thawri Ibn-Qasim Abu al-Layth al-San'ani Imam al-Kasani

Zawahiri's three operational messages

For Al Qaeda, the process of procuring a fatwa is part of a ritual process for an impending attack. The 1998 fatwa was issued in support of 9/11. The 2003 fatwa was published to accompany concrete operational planning that was underway at that time. In 2008, Zawahiri is issuing a warning of an impending attack.

In "Exoneration," Zawahiri's words soar beyond the scale of Dr. Fadl's critique of Al Qaeda. The Al Qaeda leader is not simply addressing alleged past mistakes in course of rebutting an argument made by an imprisoned former associate: he is pre-justifying a future, unprecedented

attack capable of producing mass casualties. He takes pains to ensure he cannot be seen approaching this task lightly. His tone is somber and weighty; he acknowledges causing mass casualties requires special justification – to his evident satisfaction, he provides it.

Zawahiri's effort to strengthen al-Fahd's WMD fatwa is much more concrete and purposeful than the theological orientation with which the 2003 fatwa was written. As a cleric, al-Fahd likely did not know the operational intent that rested behind his legal argument. However, like bin Laden's 1998 fatwa, Zawahiri serves as both cleric and operational planner—he knows the specific purpose for which the fatwa is being issued. Zawahiri is making his case on both religious and operational levels.

First message: America is the target

In making a meticulous religious justification for using WMD, Zawahiri explicitly names the U.S. as the intended target of a mass casualty attack. He quotes al-Fahd with respect to the legitimacy of waging jihad outside of Iraq: "*There is no doubt that the greatest enemy of Islam and Muslims at this time is the Americans.*"²⁷

Zawahiri goes on to explain why he considers the United States to be a "*single juridical entity*" under Islam.²⁸ The implications are chilling: it means all Americans are valid targets, whether they are men, women, or children. His careful word choice reflects a seriousness of purpose; he takes the responsibility for justifying mass casualties very seriously. In quoting the Quran and Hadiths on this matter, he cites various view points, some of which support his judgments, some of which do not. At times, he dramatically prefaces his conclusion with "*I say...*" to signify his judgments that digress from the views held by some Islamic scholars.²⁹ His use of the first person also signifies the authority he seeks for himself as an arbiter on Islamic law.

First quoting that "*artillery bombardment is permissible when the jihad needs or requires it,*"³⁰ Zawahiri quotes Nasir al-Fahd fatwa:

"If a bomb were dropped on them, destroying 10 million of them and burning as much of their land as they have burned of Muslim land that would be permissible without any need to mention any other proof. We might need other proofs if we wanted to destroy more than this number of them!"³¹

Harkening to the use of the term "artillery" from Truman to justify the bombing of Hiroshima, it certainly is an interesting coincidence that Zawahiri's text uses the phrase "*artillery bombardments*" in the context of general destruction. It very well could be, for him, just another weapon that cannot distinguish, such as the often-mentioned catapult, and thus justifies the use of such a weapon identically in the modern era.

That said, Zawahiri's argument leads to his view that that the introduction of the means of mass destruction has become a necessary means of confronting a stubborn superpower. In this context, Al Qaeda's deputy leader would no doubt agree with Harvard's Graham Allison, who observed that you cannot "*kill four million people by hijacking airplanes and crashing them into buildings.*"³²

Second message: The use of WMD is necessary

Zawahiri's complex reasons for redefining the rules of waging war as the West understands them has a strong ideological component, perhaps best expressed by his mentor, Sayyid Qutb, in his book "Milestones."

"The Islamic Jihad has no relationship to modern warfare, either in its causes or in the way it is conducted."

"(Islam) is a practical movement which progresses stage by stage, and at every stage it provides resources according to the practical needs of the situation and prepares the ground for the next one. It does not face practical problems with abstract theories, nor does it confront various stages with unchangeable means. Those who talk about Jihad in Islam and quote Quranic verses do not take into account this aspect, nor do they understand the nature of the various stages through which this movement develops, or the relationship of the verses revealed at various occasions with each stage. Thus, when they speak about Jihad, they speak clumsily and mix up the various stages distorting the whole concept of Jihad and deriving from the Quranic verses final principles and generalities for which there is no justification. This is because they regard every verse in the Quran as it were a final principle in this religion."

"This group of thinkers, who are a product of the present Muslim generation, have nothing but the label of Islam and have laid down their spiritual and rational arms in defeat. They say, 'Islam has prescribed a defensive war!' And think that they have done good for their religion by depriving it of their method, which is to abolish all injustice from the earth, to bring people to the worship of God alone, and to bring them out of servitude to others to into the servants of the Lord. Islam does not force people to accept its belief, but it wants to provide a free environment in which they will have choice of beliefs. What it wants is to abolish those oppressive political systems under which people are prevented from expressing their freedom to choose whatever beliefs they want, and after that it gives them complete freedom to decide whether they will accept Islam or not."³³

In the terms of examining Al Qaeda's many declarations over the years, each stage of the "global jihad" serves to take the movement one step further on the path to its ultimate objective—to challenge world order and create conditions more conducive to the spread of the ideology of Islamist extremism. The 9/11 attack against the U.S. heralded a new stage in the struggle.

Zawahiri explains why the next stage in this conflict is at hand, historically, ideologically, and practically speaking; this next stage may require Al Qaeda to kill not merely thousands of people, but millions of people.

But the Egyptian doctor extends his argument – Al Qaeda must choose a means of attack commensurate with their goals. His argument flows between making the case for causing

general destruction, on the one hand, to reaffirming the continuing importance of the U.S. as the central target of jihad, on the other hand.

To drive home the connection between using WMD and Al Qaeda's concrete objectives and current plans, Zawahiri once again quotes Nasir al-Fahd to unambiguously associate Al Qaeda's "success" in the past with its prospects for the future.

"Someone might say: Where is the victory that this attack (9/11) brought? The answer is: If the attack only turned upside down their history, power balances, strategic and military doctrines, and global order, that is enough of a victory. The raid was a momentous historical junction that caused many ideas and studies to be reconsidered."

"The event's greatness is evident in five aspects."

"One: It restored Islam to the forefront in the wars against the infidels whereas formerly nationalist and ethnic factors and interests were the primary factors in provoking wars and conflicts. It thus brought out the crusader hostile spirit from its concealment and forced it into action."

"Two: It gave prominence to the great role of jihad in overturning global balances."

"Third: It ended the idea that "national states" control "politics" and declare "peace" or "war." The management of the conflict is no in the hands of persons of a particular national affiliation but is in the hands of people spread – as the Americans say—over more than 60 countries who are joined by nothing else except salafi jihadist Islam or what they call "Wahabi" Islam. Indeed the four brigades that struck America were commanded by four men of four different nationalities. One was from Egypt, the second from the Gulf, the third from Syria, and the fourth from al-Hijaz."

"Four: It irreversibly ended the era when the United States could attack the Muslims with impunity, God willing."

"Five: It was the beginning of the collapse of the "New World Order," which the Americans enjoyed for a few years only and it marked the beginning of America's total collapse, God willing."

"The cycle of terror continues. We believe that this is in fulfillment of the oath made by Abu-Abdallah [bin Laden], may God give him victory, that the Americans would never know security."³⁴

Third: Al Qaeda's best is yet to come

"...one hour in the path of jihad is worth more than 70 years of praying at home"³⁵
Abdullah Azzam

Zawahiri is a man of action, not contemplation. His tone leaves little question that he believes the notion of exoneration is premature. He is confident that the final chapter has not been written in terms of judging Al Qaeda's actions, and in assessing their impact on history. This feeling of incompleteness is palpable; he reflects his own doubts, acknowledges mistakes, and reminisces about the past. He exudes a reflective, expectant mood as he pays tribute to Al Qaeda's past successes and conducts a nostalgic roll call of prominent jihadists and clerics – at times, it reads like his personal martyr document.

Zawahiri appears to have used his book as a means of engaging in a bit of deception and misdirection; he has not repeated Nasir al-Fahd's mistake in openly declaring his 2003 WMD fatwa as such, lest it betray Al Qaeda's attack planning that may be underway. Instead, Zawahiri has hidden his fatwa and operational messages in plain sight of writing a rebuttal to Dr. Fadl.

Because the document was written to respond to Dr. Fadl personally, one might imagine Zawahiri's apology to Dr. Fadl along the lines of this imaginary tribute—"this is the hardest thing I've ever had to write, using you Dr. Fadl, as a ploy, and degrading your thoughts and ideas despite their release under clear duress, but I am doing so to cloak an even larger strike, and for that you must forgive me, and understand my true intentions. In the same spirit, we, Al Qaeda have cut jihadists loose to plan attacks like the Christmas day flight and Times Square bombing—in the hope they will distract the infidels from a main event that is something altogether different."

Zawahiri may well recall the fate Shogo Asahara, who failed to fulfill his prophecy to bring down the Japanese government by impetuously launching a hastily planned sarin gas (chemical) attack on the Tokyo subway.³⁶ Al Qaeda is not likely to make the same mistake. Pakistani journalist Hamid Mir hinted as much when he noted that whatever one thinks of Al Qaeda, *they always do what they say they are going to do*.³⁷ Mir, who has interviewed Osama bin Laden and Zawahiri, added that the Al Qaeda leader's favorite Quranic verse is "*I will be patient until patience is outworn by patience*."³⁸

The aging jihadist provides a hint of what he has in mind, when he refers to the need to correct the "people's mood."

"Chiefly, that they spoiled the Muslim people's mood because they were so great and powerful causing people to stop showing interest in lesser jihadist actions. For example if what happened in Indonesia had happened before the jihadist acts in America, they would have had a greater effect on the people, who would have rejoiced more. The people showed less attention to them because the image of the collapse of the two New York towers was something like a dream causing many other actions to appear smaller for a long time. This is the bad aspect, that it spoiled our mood and the people's mood. Our mood will not be corrected until the United States vanishes and is followed by the Jewish state."³⁹

Near the end of "Exoneration," Zawahiri issues a warning:

"Read the history books well and use them to forecast the future. America has been broken in Iraq and Afghanistan and it is now gathering her belongings and picking up the pieces of what is left to her before departing. The Muslim nation and her jihadist pathfinders, on the other hand, are increasing in capabilities and power as time passes. This is the historical timeline which is clear to any comprehending mind." ⁴⁰

Making good on this wistful vision of the future is the exoneration that Zawahiri seeks. By noting that their capabilities and power is increasing, he hints at the notion of future strikes. Osama bin Laden issued a fatwa to declare war on the United States in 1998. Ayman Zawahiri issued a fatwa a decade later to announce the impending transition to the next stage of conflict. The 9/11 attack transformed Osama bin Laden into a figure of mythical proportions. After lifelong humiliation, disappointment, and questions concerning his effectiveness as a leader and operational planner, Zawahiri is desperately seeking an opportunity to become the architect of his movement's future, and the master of his own destiny.

Radical Clerics in Support of Al Qaeda (Source: Exoneration)

Name	Title	Nationality & Status
Atiyatallah	"Mujahid Scholar"	
Nasir bin-Hamad al-Fahd	Saudi Cleric	Saudi Arabian; Last report, in Saudi custody
Abu-al-Walid al-Filastini	"Mujahid, battlefront fighter, mufti and judge of mujahidin"	
Abd-al-Hakim Hassan		
Abu-Yahya al-Libi	"Teacher"	Libyan; U.S. custody
Husayn Umar Bin-Mahfuz	"Yemeni scholar"	
Abu-al-Hasan al Masri		
Abu-Abdallah al-Muhajir	"Teacher"	
Abu-Hafs al-Muritani (a.k.a. Dr. Mahfouz Oueld el Oueld)	"Scholar, poet, mujahid, author and educator"	
Abu-al-Hasan al-Qari	"Mujahidin's Koranic reciter and imam"	
Abu-al-Mundhir al-Sa'idi	"Notable of the Libyan Fighting	Libyan

	Group”	
Abu Musab al-Suri	“Mujahid Preacher”	Syrian, in Custody
Abdullah Zakiri	“No official position”	

Note: Only two passing references are made to Osama bin Laden in “Exoneration.” Zawahiri invokes Nasir al-Fahd to make his own case. In the book, Zawahiri also names 14 clerics who reputedly support Al Qaeda, offering a brief description of each one. In the event questions arise in the future concerning Zawahiri’s authority to issue a fatwa, this list of clerics may be intended to demonstrate Al Qaeda’s support from co-called Islamic clerics and scholars. As always, Zawahiri has thought through his argument to the last detail.

¹ "The Solid Base" (Al-Qaeda), *Al-Jihad* (journal), April 1988, n.41

² Wright, *Looming Towers*, Knopf (2006), p.46

³ Ibid

⁴ Lawrence Wright. “The Man Behind Bin Laden.” *The New Yorker* (September 16, 2002)

http://www.newyorker.com/archive/2002/09/16/020916fa_fact2

Author’s Note: The substance of Mr Wright’s text was confirmed and amplified in my discussions with foreign intelligence officials. Ayman Zawahiri himself has stated that Al Qaeda operatives sought and obtained nuclear weapons from the FSU; no specific information has surfaced, to my knowledge, that substantiates his public assertion. It would seem highly unlikely that Al Qaeda would make an off hand, public assertion of this sort if they actually obtained bona fide nuclear weapons usable materials. However, his presumed failure to procure CBRN-related capabilities does not detract from his evident personal interest in them.

⁵ 9/11 Commission Report pg 191; amplified in my discussions with government officials

⁶ “The Terrorist Threat to the U.S. Homeland.” National Intelligence Estimate. July 2007.

⁷ Osama Bin Laden “Al Qaeda’s Fatwa” (February 23, 1998)

http://www.pbs.org/newshour/terrorism/international/fatwa_1998.html

⁸ Utube Ayman Zawahiri and bin Laden Osama bin Laden

⁹ Tenet, George. *At the Center of the Storm*. New York: HarperCollins, 2007(275-276).

¹⁰ Ibid, 275.

¹¹ “Most Wanted Terrorist: Saif Al-Adel” FBI <http://www.fbi.gov/wanted/terrorists/teraladel.htm>

¹² <http://dogbrothers.com/phpBB2/index.php?topic=1202.150>

http://www.nctc.gov/docs/ct_calendar_2010.pdf

¹³ Mowatt-Larssen, Rolf. "Al Qaeda's Pursuit of Weapons of Mass Destruction." *Foreign Policy*.

http://www.foreignpolicy.com/articles/2010/01/25/al_qaedas_pursuit_of_weapons_of_mass_destruction?page=0,2 (25 January 2010).

¹⁴ Yoni Fighel and Moshe Marzouk, “Saudi cleric Issues Fatwah on the Use of Weapons of Mass Destruction” International Institute for Counter Terrorism (May 7, 2003),

<http://www.ict.org.il/Articles/tabid/66/Articlsid/580/currentpage/19/Default.aspx>

¹⁵ al-Fahd, Nasir. "A Treatise on the Legal Status of Using Weapons of Mass Destruction Against Infidels."

<http://www.carnegieendowment.org/static/npp/fatwa.pdf> (May 2003).

¹⁶ Yossef Bodansky “The Secret History of the Iraq War,” (New York: Harper,2004) 306-307.

¹⁷ Ibid, 306.

¹⁸ Neil MacFarquhar, "Threats and Responses: Investigation; Saudis Arrest 8 in Deadly Riyadh Bombing" The New York Times (May 29, 2003) <http://www.nytimes.com/2003/05/29/world/threats-and-responses-investigation-saudis-arrest-8-in-deadly-riyadh-bombing.html?ref=nayef>

¹⁹ Cordesman, Anthony H., and Nawaf Obaid. "Al-Qaeda in Saudi Arabia ." Center for Strategic and International Studies. http://csis.org/files/media/csis/pubs/050106_al-qaedainsaudi.pdf (26 January 2005).
http://csis.org/files/media/csis/pubs/050106_al-qaedainsaudi.pdf

²⁰ U.S. Dept of State. Office of the Coordinator for Counterterrorism. "Middle East Overview." <http://www.state.gov/s/ct/rls/crt/2003/31638.htm> (29 April 2004).

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<http://www.saudi-us-relations.org/articles/2004/loi/040223->

http://www.saudinf.com/display_news.php?id=1243

<http://www.washingtontimes.com/news/2003/nov/23/20031123-111636-4783r/>

²¹ <http://forums.islamicawakening.com/fl8/letter-imprisoned-shaykh-nasir-al-fahd-518/>

<http://www.olympic.org/en/content/The-IOC/Members/Sheikh-Ahmad-Al-Fahad-AL-SABAH/>

²² Lawrence Wright, "The Rebellion Within" The New Yorker (June 2, 2008),

http://www.newyorker.com/reporting/2008/06/02/080602fa_fact_wright?currentPage=all

²³ Ibid

²⁴ Ibid, 65.

²⁵ Ayman Zawahiri, "The Exoneration," <http://www.fas.org/irp/dni/osc/exoneration.pdf> pg 39

²⁶ Ibid, 164.

²⁷ Ibid, 195.

²⁸ Ibid 58

²⁹ Ibid, 72; 92; 94

³⁰ Zawahiri, 169.

³¹ Ibid, 174.

³² "Countdown to Zero" documentary movie directed by Lucy Walker, and produced by Lawrence Bender

³³ Sayyid Qutb, "Milestones," (1964) <http://majalla.org/books/2005/qutb-nilestone.pdf>, 33.

³⁴ Ibid, 66.

³⁵ Ummah Forum. "Sheikh Abdullah Azzam - the 20th century Mujahid Imam."

<http://www.ummah.net/forum/printthread.php?t=43451> (12 September 2004).

³⁶ Kyle B. Olson, "Aum Shinrikyo: Once and Future Threat," CDC (1999)

<http://www.cdc.gov/ncidod/EID/vol15no4/olson.htm>

³⁷ "Don't underestimate your enemy. You may dislike them but they don't lie" Ryan Mauro "Al-Qaeda's Hidden Arsenal and Sponsors: Interview with Hamid Mir" *Canada Free Press* (May 25, 2006)

<http://canadafreepress.com/2006/mauro052506.htm>

³⁸ The Quran

³⁹ Ibid, 64.

⁴⁰ Zawahiri, 224.