

RSIS COMMENTARIES

RSIS Commentaries are intended to provide timely and, where appropriate, policy relevant background and analysis of contemporary developments. The views of the authors are their own and do not represent the official position of the S.Rajaratnam School of International Studies, NTU. These commentaries may be reproduced electronically or in print with prior permission from RSIS. Due recognition must be given to the author or authors and RSIS. Please email: RSISPublication@ntu.edu.sg or call (+65) 6790 6982 to speak to the Editor RSIS Commentaries, Yang Razali Kassim.

No. 77/2011 dated 12 May 2011

Osama's Burial: How It Should Have Been

By Muhammad Haniff Hassan and Zulkifli Mohamed Sultan

Synopsis

The hurried burial at sea of Osama bin Laden's body after his killing by US special forces has provoked negative perceptions among Muslims. The battle to win the hearts and minds of the Muslim masses has not been served. There are precedents to follow for such burials.

Commentary

NEWS ABOUT the killing of Osama bin Laden in a US commando raid deep inside Pakistan on 1 May 2011 surprised many across the world. While it was widely welcomed by political leaders and the people in the West, the reception in the Muslim world has been mixed.

While many Muslims patiently waited in the initial hours for details of the killing, including solid evidence that would confirm the death of Osama, they were taken aback by reports that his body had been buried in the Arabian Sea from the aircraft carrier Carl Vinson at an unidentified location. The US justified the speedy burial by arguing that Muslim tradition requires burial within 24 hours of death. It was also suggested that the choice of location was to avoid creating a shrine for Osama which could act as a rallying point for his followers.

Controversial Burial

Muslims at large were also perplexed by the rationale for the speedy sea burial. The world expected some form of proof from the US of Osama's death given the grave importance and sensitivity of the issue..lest it give rise to sinister conspiracy theories that would undermine the US war against terror.

The quick disposal of the body without providing evidence, compounded by the absence of verification by independent parties, do not sit well with the maxim that 'justice must not only be done but be seen to be done'. It is standard legal and judicial procedure for a person killed in a gun battle to be subjected to autopsy and examination by a coroner or the equivalent, and identification by family members.

Negative comments quickly emerged from Muslims around the world questioning the way the body was disposed of. Muslim religious establishments such as the Ulama Council of Indonesia (MUI) believed there were many questions still unanswered while academics such as Mahmoud Ayoub, a professor of Islamic studies at the Hartford Seminary in the US felt that the "burial at sea gives the whole story an air of incredulity".

Theologically ill informed

The US rationale of a burial within 24 hours proved to be theologically unsound.. It is true that Islamic law requires the dead to be given a quick burial. However, an exception can be made when there is a legitimate necessity such as for the purpose of criminal and judicial investigation. This exception is practised in all Muslim countries. In the case of Osama, the wide public interest provides a legitimate reason to delay the burial for due process and prudence. In Islamic history it is noted that even the burial of the Prophet Muhammad was delayed for few days to allow Muslims then to emotionally accept his demise and to decide on the appointment of his successor, the Caliph. It was stated in a fatwa of the late Sheikh Abdul Aziz Bin Baz, former Grand Mufti of Saudi Arabia, that burial can be delayed for a day for a less important reason, such as to allow the deceased's relatives an opportunity to see the body for the last time. The delay in the Prophet's burial was cited as a precedent.

Another point of contention that could have been avoided was the choice of a sea burial. Commenting on this, Mohammed al-Qubaisi, Dubai's Grand Mufti, said: "If the family does not want him, it's really simple in Islam: You dig a grave anywhere, even on a remote island, you say the prayers and that's it...Sea burials are permissible for Muslims (only) in extraordinary circumstances." Indeed, a small unidentified plot could have been alienated at any of the US island territories in the Pacific Ocean or the Caribbean.

A Clear Precedent

One exemplary practice in handling the body of a terrorist killed in a raid is the Indonesian authority's treatment of Dr. Azahari Hussin in Batu city, East Java. The Indonesian police went through the process of identifying the body of Azahari. After proper identification and evaluation by the authority, family members of Azahari were flown in from Malaysia to further confirm the identity of the deceased. The body was later flown back to Malaysia for a proper burial.

While there may be operational constraints and other reasons known only to the US authorities to justify their controversial sea burial of Osama's body, the negative perception arising from it cannot be simply dismissed. As the key to the struggle against Al Qaeda involves the winning of hearts and minds of the Muslim masses, ignoring their sensitivities is imprudent.

President Obama has decided that no image of Osama's body will be publicly displayed for fear of it being used to arouse sympathisers in a manner that could jeopardise US national security. Nevertheless, the controversy is not limited to just the absence of visual proof. Rather, it encompasses a wide range of issues involving the entire process from the handling of the body and the speedy sea burial to the lack of independent verification and the non-involvement of relatives in the matter.

It must be emphasised that the fight against terrorism is not just about the killing and capturing of the terrorists. Equally important it is about winning the hearts and minds of the Muslim masses, which could have been served by a proper handling of Osama's body.

Muhammad Haniff Hassan is an Associate Research Fellow and Zulkifli Mohamed Sultan is a researcher at the S. Rajaratnam School of International Studies (RSIS), Nanyang Technological University.