



Hamas Represents Legitimate Palestinian Resistance

A Rebuttal to Claims by the SA Jewish Report

Background

On 5 September 2024, The South African Jewish Report published an article which accuses Sheikh Riad Fataar, the president of the Muslim Judicial Council (MJC) as well as the MJC of openly and unashamedly supporting Hamas, aligning itself with its terror and its atrocities. It says that the MJC has evolved into an extremist political entity. It says that the sheikh's rhetoric opens the door to lone wolf elements that might cause harm, such as a terrorist attack.

The article quotes Sheikh Riad Fataar as saying, *"I am Hamas, Cape Town is Hamas, viva Hamas viva."* These are the impugned words leading to the above allegations.

It may be so that certain members of the Jewish community are offended by the impugned speech, however, our constitutional court said that in order to draw a line beyond which free speech is prohibited, it is not sufficient that the impugned speech is found to be offensive, shocking or disturbing, more is required. If the enquiry ends there then the infringement on free speech will be beyond what the Constitution allows. Therefore, it is not sufficient for members of the Jewish community to be offended or have their feelings hurt to qualify as hate speech and thereby limit the MJC's right to free practice of their right to freedom of expression.

Support for Hamas is Not New

Sheikh Riad Fataar explained his support for Hamas. He said that he supports Hamas because Hamas follows the verse in the Holy Quran in which God Almighty says, *"Fight those who fight you."* The article conveniently omits to print these words of the sheikh. These words draw an ideological thread through the objectives of Hamas as a resistance movement against the occupation of the lands of Palestine and an objective of the MJC who support those who resist the occupation of the lands of Palestine.

The article quotes a certain Mr Willem Els as saying that Sheikh Riad Fataar's rhetoric opens the door to lone wolf elements that might cause a terrorist attack. The MJC, the Muslims of South Africa have been supporting the struggle for the liberation of the people of Palestine for many, many years, and none of these people ever attacked anyone.

'Your Enemies are Not my Enemies'

The article quotes Daniel Bloch, the executive director of Cape South African Jewish Board of Deputies, saying that he is deeply disappointed and disturbed to hear that the MJC side so unashamedly with an internationally recognised terrorist organisation. Mr Bloch is reminded of the well-known saying that one man's terrorist is another man's freedom fighter. It may be so that Mr Bloch sees Hamas as a terrorist group. However, that is certainly not the view of Sheikh Riad Fataar or the MJC. Increasingly, it is also not the opinion of the rest of the world. The world is increasingly freeing themselves from Israeli controlled Western media outlets who have been

labelling all Palestinian resistance movements terrorist. The vast majority of the world do not share Mr Bloch's views.

It may serve as a reminder to Mr Bloch that when his counterpart in the United States of America also told our very own former president, Nelson Mandela, that they are disappointed in those that he associates with. He simply replied by saying that one of the mistakes that they make is to think that their enemies should also be his enemies. To continue with Mr Mandela's thoughts, Sheikh Riad Fataar, the MJC and UUCSA's attitude towards Hamas is determined by Hamas' attitude towards the struggle for the liberation of the people of Palestine. The constitutional court has defined hate speech as speech that travels beyond mere offensive expression and can be understood as an *"extreme detestation and vilification which risks provoking discriminatory activities against that group."* These words by our highest court should inspire Mr Bloch to condemn hate speech and hate crimes being perpetrated against the Palestinian people.

Where is the Condemnation of Hate Speech against Palestinians?

Our courts have held that speech vilifying a person or group, seek to abuse, denigrate or delegitimise them, to render them lawless, dangerous, unworthy or unacceptable in the eyes of the audience as hate speech. Expression exposing vulnerable groups to detestation and vilification goes far beyond merely discrediting, humiliating or offending the victims.

It has been well reported that the Palestinian people have been exposed to this type of vilification and de-legitimation for many years and particularly since 7 October 2023. It is well recorded that certain leaders in the "West" have been calling Palestinians and Arabs in general "animals, sub-human and inhuman animals. This explains Mr Bloch's abhorrence with drawing a moral equivalence between Israelis and Palestinians. Does this mean that Mr Bloch also believes that Palestinians are animals.

Only Israel is Right?

Mr Bloch says that the accusation of genocide against Israel is false. The International Court of Justice, the South African government, the vast majority of international law experts, including many Jews, call Israel's killing, starving and displacement of the Palestinian people since October 2023 as a genocide. Perhaps Mr Bloch can explain to us why the world is wrong and only Israel and its fast-decreasing list of friends are right. Perhaps we should pose this question to the South African Jews who also call this war by Israel a genocide. This is the real reason why only the SA Jewish Report raised the issue of Sheikh Riad Fataar's speech.

Therefore, when Sheikh Riad Fataar, the Muslim Judicial Council and the United Ulama Council of South Africa side with, align with and generally support Hamas, they do so because Hamas exists to oppose the oppression, colonisation, dehumanisation, de-legitimation and genocide being visited upon the people, the human beings of Palestine.

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