

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

It is prohibited to give yourself up to the enemy (the kuffaar)

It is about time for the scholars, da'wah carriers and students of Sharee'ah to say the truth publicly without any apologetic approach to their own brothers in the mountains of Toro Bora, the fields of Afghanistan, the valleys of Chechnya, and the cities of Iraaq.

By Allaah! You are better, more honourable, more dignified, more purified and more pious than us. By Allaah! You are practicing the Deen of Allaah and following the Sunnah of Rasoul-ullaah (saw) better than all of us. Verily the whole Ummah is needy for you, rely on you and are dignified by you. She (the Muslim Ummah) is inspired by your strength and motivated by your Jihaad and activities, which makes her move from time to time, and come out slowly by slowly from her stagnation.

I pray to almighty Allaah (swt) to accept all of your deeds and fighting in the way of Allaah. I pray to almighty Allaah to forgive our sins of slaking and relaxation by sitting back instead to be with you. Verily! You represent the best of this Ummah. You are the grand children of Abou Bakr, 'Umar, 'Uthmaan, 'Alee, Khaaled, Hamzah (radiyallaahu 'anhum) and many other lions of Tawheed, tigers of Jihaad and heroes whom everyone is terrified from. Whoever challenges you will have their noses broken and faces submerged in mud.

You will always (inshaa Allaah) humiliate the enemies of Allaah and dignify the believers. Oh brothers of Jihaad! It is about time for us to follow you, look up to you, trace your foot steps, taste some of the fear you taste, sacrifice for Jihaad some of what you have sacrificed, and not to ask for something in exchange for something, and to practise as much as we can, inshaa-Allaah.

With full confession, the virtues of the Jihaad will always be for you and may Allaah (swt) make us follow your foot steps, and the steps of the messengers and their companions (may Allaah be pleased with them). We are well aware of the fact that all the enemies of Allaah have gathered against you and conspire to kill you in order to extinguish the flame of Jihaad, but Allaah (swt) will fulfil his support even if Bush, Sharon and Fahd dislike it. Allaah (swt) says in the Qur'aan:

يُرِيدُونَ أَنْ يُطْفِئُوا نُورَ اللَّهِ بِأَفْوَاهِهِمْ وَيَأْبَى اللَّهُ إِلَّا أَنْ يُتِمَّ نُورَهُ وَلَوْ كَرِهَ الْكَافِرُونَ
هُوَ الَّذِي أَرْسَلَ رَسُولَهُ بِالْهُدَىٰ وَدِينِ الْحَقِّ لِيُظْهِرَهُ عَلَى الدِّينِ كُلِّهِ وَلَوْ كَرِهَ الْمُشْرِكُونَ

They (the non-Muslims) want to extinguish Allaah's Light (the Sharee'ah, Islaam, Tawheed etc.) with their mouths, but Allaah will not allow except that his light should be perfected (prevail) even though the Kaafiroon (disbelievers) hate (it).

It is He Who has sent His Messenger with guidance and the deen of truth (Islaam), to make it superior over all religions even though the Mushrikoun (polytheists, pagans, idolaters, disbelievers etc.) hate (it). (EMQ at-Tawbah, 9: 32-33)

Therefore we would like to remind you that you should never give yourself up or surrender to the disbelievers, and neither should you ever allow them to arrest you. Verily you know that Allaah has forbidden us to allow the kuffaar to be above us (in charge or in authority). We should continue to carry da'wah and engaging in Jihaad in order for Islaam to be dominant and for the Muslims to be dignified. Verily to die with dignity is better than to live with humiliation.

To all Muslims, scholars, students of Sharee'ah, da'wah carriers and the Mujaahideen in particular; please excuse us to advise you, remind you (and to remind ourselves) that Islaam forbids us to give ourselves up to the disbelievers or to be live under the authority of the disbelievers who are not at war with us, not to mention to give ourselves up to people who are at war with us. Therefore, whoever willingly likes to live under the

governorship of the disbelievers without one of the two following divine permits:

1. To carry da'wah to them while he is under their own covenant of security
2. To fight them during the absence of such covenant

It will become obligatory upon to make hijrah if you are capable of doing so. Allaah (swt) says in the Qur'aan:

وَلَنْ يَجْعَلَ اللَّهُ لِلْكَافِرِينَ عَلَى الْمُؤْمِنِينَ سَبِيلًا

Allaah forbids the believers to allow the disbelievers to have a way above them (to be in authority). (EMQ an-Nisaa', 4: 141)

And:

إِنَّ الَّذِينَ تَوَفَّاهُمُ الْمَلَائِكَةُ ظَالِمِي أَنْفُسِهِمْ قَالُوا فِيمَ كُنْتُمْ قَالُوا كُنَّا مُسْتَضْعَفِينَ فِي الْأَرْضِ قَالُوا أَلَمْ تَكُنْ أَرْضُ اللَّهِ وَاسِعَةً فَتُهَاجِرُوا فِيهَا فَأُولَئِكَ مَأْوَاهُمْ جَهَنَّمُ وَسَاءَتْ مَصِيرًا

إِلَّا الْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ وَالنِّسَاءِ وَالْوِلْدَانَ لَا يَسْتَطِيعُونَ حِيلَةً وَلَا يَهْتَدُونَ سَبِيلًا

فَأُولَئِكَ عَسَى اللَّهُ أَنْ يَعْفُوَ عَنْهُمْ وَكَانَ اللَّهُ غَفُورًا

وَمَنْ يُهَاجِرْ فِي سَبِيلِ اللَّهِ يَجِدْ فِي الْأَرْضِ مُرَاعِمًا كَثِيرًا وَسَعَةً وَمَنْ يَخْرُجْ مِنْ بَيْتِهِ مُهَاجِرًا إِلَى اللَّهِ وَرَسُولِهِ ثُمَّ يُدْرِكْهُ الْمَوْتُ فَقَدْ وَقَعَ أَجْرُهُ عَلَى اللَّهِ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا

Verily! As for those whom the angels take (in death) while they are wronging themselves (as they stayed among the disbelievers even though emigration was obligatory for them), they (angels) say (to them): 'In what (condition) were you?' They reply: 'We were weak and oppressed on earth.' They (angels) say: 'Was not the earth of Allaah spacious enough for you to emigrate therein?' Such men will find their abode in Hell - What an evil destination!

Except the weak ones among men, women and children who cannot devise a plan, nor are they able to direct their way.

For these there is hope that Allaah will forgive them, and Allaah is ever oft Pardoning, Oft-Forgiving.

He who emigrates (from his home) in the Cause of Allaah, will find on earth many dwelling places and plenty to live by. And whosoever leaves his home as an emigrant unto Allaah and His Messenger, and death overtakes him, his reward is then surely incumbent upon Allaah. And Allaah is ever oft Forgiving, Most Merciful." (EMQ an-Nisaa', 4: 97-100)

The hukm of giving yourself up to the kuffaar

It has been agreed upon by the people of 'ilm (the scholars), who follow the footsteps of the companions of Rasoul-ullaah (saw) that it is not allowed for a Muslim to hand himself over to the disbelievers. This has even been explained and classified in saheeh al-Bukhaarie (book 56, chapter 170, hadeeth number 3045) in the section titled: 'Can a man give himself up to a kaafir to become a prisoner?' In this chapter, Bukhaarie quotes the hadeeth of the 10 Ambassadors of the Messenger Muhammad (saw) who had been intercepted during their expedition by the Lihyaan tribe. The 10 ambassadors were surrounded in all directions and forced to give themselves up or be killed (if they refused).

The 10 Ambassadors were under the leadership of 'Aasim bin Thaabit al-Ansaarie, the son of Thaabit and the grandfather of 'Aasim bin 'Umar al-Khattaab. Three of these Ambassadors agreed to be under the captivity of the kuffaar (as they had permit) whereas 'Aasim bin Thaabit rejected and said: "By Allaah I will never give myself

up to be under the protection of the kuffaar..." and he fought till death.

أن أبا هريرة رضي الله عنه قال: بعث رسول الله صلى الله عليه وسلم عشرة رهط سرية عينا، وأمر عليهم عاصم بن ثابت الأنصاري جد عاصم بن عمر، فانطلقوا حتى إذا كانوا بالهداة، وهو بين عسفان ومكة، ذكروا الحي من هذيل، يقال لهم بنو لحيان، فنفروا لهم قريبا من مائتي رجل كلهم رام، فاقتصوا آثارهم حتى وجدوا مأكلا لهم تمرا تزودوه من المدينة، فقالوا: هذا تمر يثرب فاقتصوا آثارهم، فلما رأهم عاصم وأصحابه لجؤوا إلى فدفد وأحاط بهم القوم، فقالوا لهم: انزلوا وأعطونا بأيديكم، ولكم العهد والميثاق، ولا نقتل منكم أحدا. قال عاصم بن ثابت أمير السرية: **أما أنا فوالله لا أنزل اليوم في ذمة كافر،** اللهم أخبر عنا نبينا، فرموهم بالنبل فقتلوا عاصما في سبعة، فنزل إليهم ثلاثة رهط بالعهد والميثاق، منهم خبيب الأنصاري وابن دثنة ورجل آخر، فلما استمكنوا منهم أطلقوا أوتار قسيهم فأوثقوهم، فقال الرجل الثالث: هذا أول الغدر، والله لا أصحابكم، إن في هؤلاء لأسوة، يريد القتلى، فجرروه وعالجوه على أن يصحبهم فأبى فقتلوه، فانطلقوا بخبيب وابن دثنة حتى باعوهما بمكة بعد وقعة بدر، فابتاع خبيبا بنو الحارث بن عامر بن نوفل ابن عبد مناف، وكان خبيب هو قتل الحارث بن عامر يوم بدر، فلبث خبيب عندهم أسيرا، فأخبرني عبيد الله بن عياض: أن بنت الحارث أخبرته: أنهم حين اجتمعوا استعار منها موسى يستجد بها فأعارته، فأخذ ابنا لي وأنا غافلة حين أتاه، قالت: فوجدته مجلسه على فخذة والموسى بيده، ففزع فزعة عرفها خبيب في وجهي، فقال: تخشين أن أقتله؟ ما كنت لأفعل ذلك. والله ما رأيت أسيرا قط خيرا من خبيب، والله لقد وجدته يويوما يأكل من قطف عنب في يده، وإنه لموثق في الحديد، وما بمكة من ثمر، وكانت تقول: إنه لرزق من الله رزقه خبيبا، فلما خرجوا من الحرم ليقتلوه في الحل، قال لهم خبيب: ذروني أركع ركعتين، فتركوه فركع ركعتين، ثم قال: لولا أن تظنوا أن ما بي جزع لطولتها، اللهم أحصهم عددا:

ولست أبالي حين أقتل مسلما * على أي شق كان لله مصرعي
وذلك في ذات الإله وإن يشأ * يبارك على أوصال شلو ممزوع

فقتله ابن الحارث، فكان خبيب هو سن الركعتين لكل امرئ مسلم قتل صبورا، فاستجاب الله لعاصم بن ثابت يوم أصيب، فأخبر النبي صلى الله عليه وسلم أصحابه خبرهم وما أصيبوا. وبعث ناس من كفار قريش إلى عاصم حين حدثوا أنه قتل ليؤتوا بشيء منه يعرف، وكان قد قتل رجلا من عظمائهم يوم بدر، فبعث على عاصم مثل الظلة من الدبر، فحمته من رسولهم، فلم يقدروا على أن يقطعوا من لحمه شيئا

Narrated by Abou Hurairah: Allaah's apostle sent a *sariyyah* (army unit) of ten men as spies under the leadership of `Aasim bin Thabit al-Ansaarie, the grandfather of `Aasim bin `Umar al-Khattaab. They proceeded till they reached Hadaah, a place between `Usfaan, and Makkah, and their news reached a branch of the tribe of Hudhail called Banou Lihyaan. About two-hundred men, who were all archers, hurried to follow their tracks till they found the place where they had eaten dates they had brought with them from Madeenah. They said, 'These are the dates of Yathrib (i.e. Madeenah),' and continued following their tracks. When `Aasim and his companions saw their pursuers, they went up a high place and the infidels circled them. The infidels said to them, 'Come down and surrender, and we promise and guarantee you that we will not kill any one of you', `Aasim bin Thabit, the leader of the *sariyyah* said, 'By Allaah I will never give myself up to be under the protection of the kuffaar. O Allaah! Convey our news to your Prophet (saw).' Then the infidels threw arrows at them till they martyred `Aasim along with six other men, and three men came down accepting their promise and convention, and they were Khubaib al-Ansaarie and Ibn Dathinah and another man. So when the infidels captured them, they undid the strings of their bows and tied them. Then the third (of the captives) said, 'This is the first betrayal. By Allaah! I will not go with you. No doubt these, namely the martyred, have set a good example to us.' So, they dragged him and tried to compel him to accompany them, but as he refused, they killed him. They took Khubaib and Ibn Dathinah with them and sold them (as slaves) in Makkah (and all that took place) after the battle of Badr.

Khubaib was bought by the sons of al-Haarith bin 'Aamir bin Nawfal bin `Abdi Manaf. It was Khubaib who had killed al-Haarith bin 'Aamir on the day (of the battle of) Badr. So Khubaib remained a prisoner with those people.

Narrated az-Zuhri: 'Ubaidullaah bin 'Iyaad said that the daughter of al-Haarith had told him, 'When those people gathered (to kill Khubaib) he borrowed a razor from me to shave his pubes and I gave it to him. Then he took a son of mine while I was unaware when he came upon him. I saw him placing my son on his thigh and the razor was in his hand. I got scared so much that Khubaib noticed the agitation on my face and said, 'Are you afraid that I will kill him? No, I will never do so.' By Allaah, I never saw a prisoner better than Khubaib. By Allaah, one day I saw him eating of a bunch of grapes in his hand while he was chained in irons, and there was no fruit at that time in Makkah.' The daughter of al-Haarith used to say, 'It was a boon Allaah bestowed upon Khubaib.' When they took him out of the Sanctuary (of Makkah) to kill him outside its boundaries, Khubaib requested them to let him offer two rik`ah (prayer). They allowed him and he offered two rik`ah and then said, 'Hadn't I been afraid that you would think that I was afraid (of being killed), I would have prolonged the prayer. O Allaah, kill them all with no exception.' (He then recited the poetic verse): *'I being martyred as a Muslim, do not mind how I am killed in Allaah's cause, for my killing is for Allaah's sake, and if Allaah wishes, he will bless the amputated parts of a torn body.'* Then the son of al-Haarith killed him. So it was Khubaib who set the tradition for any Muslim sentenced to death in captivity, to offer a two rik`ah prayer (before being killed). Allaah fulfilled the invocation of `Aasim bin Thaabit on that very day on which he was martyred. The Prophet informed his companions of their news and what had happened to them. Later on when some infidels from Quraish were informed that `Aasim had been killed, they sent some people to fetch a part of his body (i.e. his head) by which he would be recognised. (That was because) `Aasim had killed one of their chiefs on the day (of the battle) of Badr. So a swarm of wasps, resembling a shady cloud, were sent (by Allaah) to hover over `Aasim and protect him from their messenger and thus they could not cut off anything from his flesh.

Imaam al-Haafiz said (in regards to this hadeeth: 'From this incident we learn that it is a permit for a man in captivity to resist as much as possible and not to let them (the kuffaar) take him even if he was to be killed, as a matter of pride and dignity, and not to let the laws of the kuffaar apply to him; that is if he wants to stand by the resolute will (not to give himself up).')

The Fuqaha (scholars) say that it is a matter of choice for a person (captured) to accept the resolute will (fight till death) or the permit (to give in if totally out numbered and faced with death) except Imaam Ahmad bin Hanbal who said that it is forbidden, and Imaam ul-Aajuri who said that Ahmad bin Hanbal said: 'I do not like a man to give himself up, rather it is dearer to me to fight his captivity even if he dies.'

Even if a person has been over taken by disbelievers and is out numbered, there is an agreement (amongst scholars) that there is more reward to take the resolute will (to fight till death) than to use the divine permit. And there is no doubt that it is better not to give yourself up to the disbelievers as surrendering yourself will have great consequences such as defeatism and humiliation, not to mention that it will break the hearts of the believers, weaken the position of the Mujaahideen, enter happiness into the hearts of the enemy, increase their moral and give them the opportunity to show off and boast themselves above the believers. Moreover it does not give the one who surrenders any security from what he feared in the first place: death, which could have lead him to become Shaheed (a martyr) and in the end results in more humiliation, faces fitnah on his deen, becomes weak and suffers from sever torture.