

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

**Bilad al-Sham Media Presents**

**Clearing the allegations against Ahlul-Jihad and clarifying the  
errors of Jama'at ISIS**

**Chapter one: Announcement of the Jama'at Islamic State's  
expansion into Sham**

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## Table of contents

<b>INTRODUCTION</b>	<b>3</b>
<b>CHAPTER 1:</b>	<b>6</b>
<b>ANNOUNCEMENT OF THE JAMA'AT ISLAMIC STATE'S EXPANSION INTO SHAM</b>	<b>6</b>
<b>THE SHAR'I (RELIGIOUS) REASONS:</b>	<b>6</b>
1) <b>NO PERMISSION FROM THEIR AMIR</b>	<b>6</b>
2) <b>THEY DID NOT CONSULT THE PEOPLE AND COMBATING ISLAMIC GROUPS OF SHAM</b>	<b>9</b>
3) <b>THEY LACK TAMKIN (AUTHORITY) IN THE LAND</b>	<b>12</b>
4) <b>THE CORRECT PROPHETIC WAY OF FORBIDDING EVIL AND COMMANDING OF GOOD</b>	<b>14</b>
<b>THE POLITICAL REASONS:</b>	<b>15</b>
1) <b>DIFFERENT ISLAMIC GROUPS IN SYRIA – FAILURE TO CONSULT THEM SOWS HATRED AND DIVIDES THE RANKS</b>	<b>15</b>
2) <b>DID NOT POSSESS THE CAPABILITIES OF RUNNING A STATE – FIQH OF PRIORITIES</b>	<b>17</b>
3) <b>WE SEE IT BETTER FOR THE LEADER IN SHAM TO BE FROM SHAM</b>	<b>19</b>
<b>REFUTATIONS TO SOME OF THE DOUBTS RAISED BY JAMA'AT AL-BAQDADI OR BY THEIR SUPPORTERS:</b>	<b>21</b>
1) <b>SHEIKH JAWLANI DISOBEYED HIS AMIR AL-BAQDADI?</b>	<b>21</b>
2) <b>SHEIKH AYMAN RULED BY THE SYKES PICOT?</b>	<b>22</b>
3) <b>THE ISLAMIC STATE WAS NOT A BRANCH OF AL-QAAIDA?</b>	<b>24</b>
4) <b>CONSULTING THE MUSLIMS BEFORE ANNOUNCING THE STATE IS THE MAZHAB OF DEMOCRACY?</b>	<b>37</b>

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

رَبِّ اشْرَحْ لِي صَدْرِي \* وَيَسِّرْ لِي أَمْرِي \* وَاحْلُلْ عُقْدَةً مِّن لِّسَانِي \* يَفْقَهُوا قَوْلِي

## **Clearing the allegations against Ahlul-Jihad and clarifying the errors of Jama'at ISIS**

(Any wordings added in between brackets whilst mentioning the words of the scholars, are added by the author of this text.)

**"Any attempt at establishing this religion, not upon the Rabbani Manhaj, will lead to failure"**

**-Al-Aqidat Wa Athariha fi Binail Jeel-  
Sheikh Abdullah Azzam rahimahullah**

### **Introduction**

It is not hidden from anyone the great corruption and damages caused to the Jihad and its objectives by the Jama'at of al-Baqdadi and the people of Sunnah went stage by stage in their dealing with this. At first they remained silent, then they found it impossible to remain silent hence they spoke out and then it became apparent to them the reality of this group hence they declared their disavowal from them.

While I write these words, I am a Muhajir to Syria and what is happening here is happening around me. So the reader should not say: "disconnected from the reality and speaking on hearsay."

And we saw from the lessons of the Prophet Yusuf alayhi al-Salam in jail, an example of introducing oneself before calling the people to Allah hence having sufficed by that amount, I would write the following words seeking the help of Allah addressing the sincere reader who is seeking the answer to his questions, and to establish the Hujjah in front of the arguer on behalf of falsehood, in order to distance the Prophetic Sunnah from the filth of innovation this group claiming to be a state have painted it with. And we understood from what came to us from the Salaf that the innovation of the innovators is more dangerous to the Ummah than the Kufr of the disbelievers though the latter is greater in deviance. The reason for that is that the former is hidden and comes in the name of Islam and closeness to Allah which lures the hearts of the ignorant worshiper towards it thus corrupting his actions of the heart and the limbs leading him to Hell fire while he thinks he is doing good all for the sake of Allah. Thus they would see from Allah what they did not expect.

Before we head into the topic, we must all agree about a few certain points and they are; 1) The obligation of following the Sunnah of the Messenger sallallahu alayhi wasallam after it has been made clear to us and leaving the word of anyone else who contradicts it. 2) That any action done in the name of the religion or to gain closeness to Allah while it contradicts the Sunnah of the Messenger sallallahu alayhi wasallam is rejected and an argument against the doer for which he deserves punishment.

The evidence for our first point is:

وَمَنْ يُشَاقِقِ الرَّسُولَ مِنْ بَعْدِ مَا تَبَيَّنَ لَهُ الْهُدَىٰ وَيَتَّبِعْ غَيْرَ سَبِيلِ الْمُؤْمِنِينَ نُوَلِّهِ مَا تَوَلَّىٰ وَنُصَلِّهِ جَهَنَّمَ ۗ وَسَاءَتْ مَصِيرًا

Meaning: “And **whoever opposes the Messenger** after guidance has become clear to him and follows other than the way of the believers - We will give him what he has taken and drive him into Hell, and evil it is as a destination.”

Surat al-Nisa: 115

An additional point of importance we may take from the above mentioned Ayat is the obligation of following the way of the believers and no one is more worthy of being included in the description of believers the way the companions of the Messenger sallallahu alayhi wasallam are worthy of it. This is as the Prophet sallallahu alayhi wasallam said in the well known Hadith: “What I and my companions are upon today.” So it is clear that the companions were upon what the Prophet was upon and that their Aqida and Manhaj is the same as the Aqida and Manhaj of the Prophet sallallahu alayhi wasallam, hence there is no point of argument for the deviants who turned aside from the understanding of the companions and justified their deviance by saying “we follow the Messenger himself.”

The evidence for our second point is:

The Prophet sallallahu alayhi wasallam said:

من عمل عملاً ليس عليه أمرنا فهو رد

Meaning: “Whoever does an action that is not in accordance with our instruction (Sunnah) will have it rejected.”

Bukhari and Muslim

So it has become clear that the one who intends to gain closeness to Allah or claims to love Allah and work for the establishment of His Deen must follow His Messenger, else his actions are rejected no matter how sincere he may be. The evidence is:

قُلْ إِنْ كُنْتُمْ تُحِبُّونَ اللَّهَ فَاتَّبِعُونِي يُحْبِبْكُمُ اللَّهُ وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ

Meaning: “Say, [O Muhammad], “If you should love Allah, then follow me, [so] Allah will love you and forgive you your sins. ””

Surat Aal-Imran: 31

So it has become clear from the Ayat that whoever does not follow the Messenger sallallahu alayhi wasallam will not gain the love of Allah, meaning his action is not accepted no matter how much great love he had for Allah and intended His face and closeness by the action. As anyone who loves Allah and intends His closeness must follow the Messenger sallallahu alayhi wasallam and only then would his action be accepted and would be achieving the love of Allah.

And our Salaf travelled the straight path which is between the two extremes and some of them said: “The Deen of Allah is between those who go extreme in it and those who neglect it.” And some of them also said: “There is no command of Allah except that Shaythan has to it two evil suggestion. It is that he either whispers extremism or he whispers negligence.”

So know dear brother that the sought out objective is not strictness, nor is it looseness. But rather the sought out objective is to follow the Quran and the Sunnah upon the understanding of the Salaf. Whatever contradicts this is in Hell fire, be it extremism or be it negligence.

Hence our Salaf understood the great danger of straying from the straight path in whatever form and this is indicated in some of their words, for example: Mujahid rahimahullah said: ***“I do not know which favor is the greatest from the two favors upon me; the favor of Allah guiding me to Islam or distancing Hawa (desires) from me.”*** And Abul ‘Aaliya rahimahullah said: ***“I do not know which favor from the two favors is greater; Allah distancing me from Shirk or distancing me from the fitna of the Khawarij.”***

And know dear brother that the sinful person upon the ‘Sunnah Aqida and Manhaj’ is more beloved to Allah than the worshiping innovative devotee. And know that this latter man is more beloved to Shaythan than the former and the former may repent to Allah from his sin as he recognizes his sin as a sin whereas the latter takes his innovation as a form of worship by which he hopes to draw close to Allah. Then how could he ever repent?

So after these two fundamentals have been set straight, we shall move onto our topic and the reader should return back to these two fundamentals while dealing with what we write below.

We ask Allah to accept from us and to rectify our mistakes.

As for the issue of Jama’at al-Baqdadi or the group known as the Islamic State in Iraq and Sham (ISIS) headed by Abu Bakr al-Baqdadi, then they have errors as well as deviances from the way of the believers and we shall mention a portion from both Insha Allah. **And we would also like**

to note that their deviances were not clear at one point in time and many of the scholars used to be lenient with them back then.

## Chapter 1:

### Announcement of the Jama'at Islamic State's expansion into Sham

As for their announcement, we see it as an error on their behalf and we do not see it as a deviance.

The reasons are from a Shar'i (religious) angle and a political angle.

#### THE SHAR'I (RELIGIOUS) REASONS:

##### 1) No permission from their Amir

They did not seek permission from their Amir, Sheikh Ayman al-Zawahiri (hafidahullah) in their declaration.

Sheikh Ayman said: *"Sheikh Abu Bakr al-Baqdadi al-Husayni erred by his announcement of an Islamic State in Iraq and Sham without seeking our permission or without consulting us."* [From the first official release from the Sheikh about the issue of the announcement of the state in Iraq and Sham]

And he also said in the same recording: *"The Islamic state in Iraq and Sham will be annulled and the work shall be continued in the name of "Islamic state of Iraq." Jabhat al-Nusra will be an independent branch of Al-Qaaida following the central command (in khuraasaan.) The space of work for the Islamic state of Iraq will be Iraq and the space of work for Jabhat al-Nusra will be Syria."*

Sheikh Ayman al-Zawahiri sent it as a letter to the Jama'at Islamic state of Iraq, Jabhat al-Nusra and Sheikh Abu Khalid al-Suri (rahimahullah) whom he set as an intercessor between the two groups. As for Jama'at al-Baqdadi (Islamic state), they raised suspicions about its validity. Then later on Sheikh Ayman al-Zawahiri sent the letter by his voice and it can be listened to from here:

<http://www.youtube.com/watch?v=Cax1C6ETCp0&feature=youtu.be>

After that, al-Adnani (the official spokesman of Jama'at al-Baqdadi) released a fiery statement where he accused Sheikh Ayman of accepting the Sykes Picot borders and refuge is sought from Allah from such lies and deception.

And the Mujahidin were tolerant of their attacks against them and their oppression towards the people of Sham until things went out of hand and during the Fitna, the central command of al-Qaaida officially disavowed itself from this group. It came in their release:

*"FIRSTLY: al-Qaaida declares that it has no links to the group called the Islamic State of Iraq and Sham. We were not informed about its creation, nor counseled. Nor were we satisfied with it rather we ordered it to stop. Hence for that reason, that group is not a branch of al-Qaaida & we have no organizational relationship with it. Nor is al-Qaaida responsible for its actions and behaviors. The branches of al-Qaaida are those that have been announced by the Central Command, those are the ones we acknowledge."*

[Statement from al-Qaaida central command: <http://justpaste.it/ea9k>]

And we should note down an important point here, it is that the Jama'at ISI (Islamic state in Iraq) was a branch of al-Qaaida and they had a binding Bay'at to Sheikh Ayman al-Zawahiri, but they expanded into Sham without his permission which he ordered to stop, but they refused his orders and continued. And they committed numerous mistakes and oppressions in Sham hence the central command of al-Qaaida declared that it has no links to the group ISIS and this should not be interpreted by the reader that the ISI group never had a Bay'at to Sheikh Ayman. But rather they did have it and that is how the Sheikh was able to order its annulment as is clear from his previously mentioned words and the statement of the central command. The words from the central command that they do not have any organizational relationship to ISIS are referring to the newly declared group which stretches to Sham. Read: "rather we ordered it to stop. Hence for that reason, ISIS is not a branch of AQ", so it is clear that this newly declared group was actually pushed out from al-Qaaida due to the mentioned reasons and the case is not that they never ever had a Bay'at to Sheikh Ayman al-Zawahiri. But rather the Mujahidin from Khuraasaan tolerated with them until their crimes, ignorance and deviance went out of hand.

And in the speech of Sheikh Ayman al-Zawahiri titled [Testimony for preserving the blood of the Mujahidin of Sham] he said: *"And I say seeking help from Allah that the Islamic State in Iraq is a branch of the al-Qaaida organization."* [End of his words] (Here the Sheikh is speaking about the Islamic state in Iraq, before it declared its expansion into Sham and committing what they committed there which lead to al-Qaaida denouncing it.)

And he clarified that even the announcement of the state in Iraq was not done by the permission of the then Amir, Sheikh Usama bin Laden rahimahullah: *“When the Islamic State in Iraq was announced, the leadership of al-Qaaida under Sheikh Usama was not asked for permission, consulted, nor even made aware of. The Martyred Sheikh Abu Hamza al-Muhajir sent a letter to the central leadership justifying the creation of the state and that its allegiance was to al-Qaaida central and that the brothers in their Shura took an oath on the Martyred Sheikh Abu Umar al-Baghdadi that his leader is Sheikh Usama bin Laden and that the Islamic State in Iraq is part of al-Qaaida. And the brothers decided to work like this but not announce it publicly due to certain political aspects as they saw in Iraq back then.”*

[Testimony for preserving the blood of the Mujahidin of Sham]

(Here the Sheikh is speaking about the former Amir of the Islamic State, Sheikh Abu Umar al-Baqdadi and he was not like the current Amir, Abu Bakr al-Baqdadi)

And it is not the policy of the central leadership of al-Qaaida to announce states at this point of time even in Iraq. Sheikh Ayman said that Sheikh Abu Yahya al-Libi rahimahullah wrote to the brothers in Iraq about it from before.

Why is it then that the announcement of the state in Iraq was tolerated by the central leadership of al-Qaaida even while it contradicted their policies while they have denounced it in Sham? The reason is that the first announcement was after Shura (consultation) of the Mujahidin in Iraq and it was not based upon shedding the blood of the Muslims whereas in Sham the reality was entirely different.

Sheikh Ayman al-Zawahiri said: *“And another question which is asked is: “why did al-Qaaida praise the Islamic State in Iraq and be satisfied with it but not with the Islamic State in Iraq and Sham? The answer is that even though the central leadership and their Amir Sheikh Usama bin Laden was not asked for permission nor consulted nor notified before announcing the state in Iraq, we decided to accept it for several reasons which differentiate between it and the state in Sham, such as:*

- a) *That the Islamic State in Iraq was not established on grounds of Fitna in which they threatened that they fear spilling of blood if we supported Jabhat al-Nusra.*
- b) *That the Islamic State in Iraq was established by a Shura of Mujahideen and tribes of Ahl al-Sunnah as was told to us by Sheikh Abu Hamza al-Muhajir and he is someone we trust due to having known him for a long time, and that he tried his best to contact other groups to join them. As for the Islamic State in Iraq and Sham, they only consulted a few sections within this group and this while Jabhat al-Nusra says they themselves were not consulted.*
- c) *Announcing the Islamic State in Iraq and Sham was clearly against the orders of the leadership of al-Qaaida who ordered not to announce any **official** presence of al-Qaaida in Sham. Rather the guidelines of the group were to not announce any Emirates/States in this stage. And this was what was confirmed in detail by Sheikh*

*Usama rahimahullah in a letter to Sheikh Atiyah rahimahullah. This letter was circulated by the Americans by the number SOCOM-2012-0000019 Orig (after they martyred him and searched his house.)*

And Sheikh Abu Yahya reminded the brothers in the Islamic State in Iraq and I reminded them again in a letter to Sheikh Abu Bakr al-Baqdadi in 25 Jumad al-Thani, year 1435. In it I said: *If you had asked our opinion before the announcement of that state, we would not have agreed to it. I and our brothers here believe that this announcement would cause more harm than benefit as the elements necessary for a state are until now not present in Sham."*

- d) *The announcement of the state caused a political crisis for the people of Sham. When America placed Jabhat al-Nusra in the list of terrorist organizations, the people of Syria came out in demonstrations in support of Nusra. But then they started to denounce this announcement which the leaders of the Islamic state gave to Assad on a golden plate. And this announcement provoked the other Jihadi groups who felt that ISIS was trying to impose themselves on them without their approval or consultation.*
- e) *The announcement of the Islamic State of Iraq and Sham caused a sharp split within the same group and it led to infighting. And Sheikh Abu Bakr al-Husayni al-Baqdadi himself threatened that any support towards Jabhat al-Nusra or delaying what he sees to be the right position, will lead to a stream of blood which indeed has happened.*
- f) *And blood is still being spilt in Sham and only if ISIS accepted the decision to end the problem which sought to stop the bloodshed of the Mujahideen and avoiding the Fitna and to focus on Iraq which needs a lot more of their efforts, if they accepted this and conducted by the Shura (consultation) and had Sam' and Ta'ah (hearing and obedience) to their leader and did not rebel against their leadership, then I think they would have saved the Muslims from this bloodshed and would have caused havoc against the Rafidhi Safawite regime and would have supported Ahl al-Sunnah in Iraq ten times more, and Alhamdulillah in any case.*

[Testimony for preserving the blood of the Mujahidin of Sham]

And the wise Sheikh was correct, it indeed caused more harm than any benefit. It indeed drove the Jihad back ages while the fruits were coming closer and closer to harvesting. And we complain to Allah.

## **2) They did not consult the people and combating Islamic groups of Sham**

They did not consult the people and the combating Islamic groups of Sham before their declaration, hence contradicted the way of the believers in the issue of Bay'at and Imarat (rulership.)

Umar radiallahu anhu said: *"If a man takes Bay'at without consulting the Muslims, then there is no Bay'at to him and those who gave their Bay'at are required to change him or kill him."* Narrated by al-Bukhari

And he said: *"the governance among the Muslims is based on Shura (consultation)."*

And Imam Ahmed said: *"The Imam is the one whom all the Muslims are agreed to call him an Imam."* Minhaj al-Sunnah 1:112

(Though we have to note that there is a valid difference of opinion whether all of Ahlul-Hal Wal-Aqd should agree or their majority would suffice for that. Regardless of that, the Jama'at of al-Baqdadi has fulfilled neither of these two conditions. On the contrary, majority of the Ahlul Hal Wal-Aqd are against them if not all of them.)

Sheikhul Islam Ibn Thaymiyya rahimahullah said: *"If it was that Umar and those with him gave Bay'at (to Abu Bakr al-Siddiq) but the rest of the companions did not, then he would not be an Imam by that. But rather he became the Imam only after the majority of the companions gave him the Bay'at."* Minhaj al-Sunnah 1:530

And he also said: *"When the people of might and strength gave Bay'at (to Uthman), he became the Imam. If for example Abdur-Rahman ibn Auf gave him the Bay'at but Ali and the other companions who are the people of might did not give him Bay'at, he would not be an Imam."* Minhaj al-Sunnah 1:533

Sheikh Abdul Aziz al-Tarifi hafidahullah said: *"It is not permissible for anyone to place his Jama'at as the pole around which all the allegiance and enmity rotates such that he does not see Bay'at or rulership except to that group. Whoever sees that way excluding the rest of the believers, then, they are from those about whom Allah said:*

إِنَّ الدِّينَ فَرَّقُوا دِينَهُمْ وَكَانُوا شِيعًا لَسْتَ مِنْهُمْ فِي شَيْءٍ

Meaning: "Indeed, those who have divided their religion and become sects - you, [O Muhammad], are not [associated] with them in anything."

Surat al-An'aam:159

*Ibn Abbas radiallahu anhuma said when he recited the Ayat: "Allah ordered the believers to stick to the Jama'at, and He forbade them from differences and division, and He informed that those who were before you were destroyed only because of their dispute and enmity in the religion of Allah"*

*And with differences and arguments, victory is gone. Allah said:*

وَلَا تَنَازَعُوا فَتَفْشَلُوا وَتَذْهَبَ رِيحُكُمْ

Meaning: “And do not dispute and [thus] lose courage and [then] your victory would depart”

*Qatada said: “And do not differ and become cowards, lest your victory is gone.”*

[Letter to the people of Sham | Sheikh al-Tarifi]

And he also said: *“While today you are fighting (the aggressing enemy; Nusayris) and you are in various groups, it is not valid for you to isolate one person for a general Bay’at which he alone possesses and necessitates (giving the Bay’at to him) from other than him. Rather (what is present today) is only a Bay’at of Jihad, fighting, steadfastness, patience, reformation and the likes. It is not valid from anyone to isolate one specific group and call their leader ‘Amir al-Mu’minin’, but rather it is the Amir of the army or raid, for the general Bay’at is taken back to the Shura (consultation) of the believers and not to any specific one group from the believers. These titles which are specific to only one group will lead to dispute, fighting, fitna and evil.*

[Letter to the people of Sham | Sheikh al-Tarifi]

And it was understood by some that the Sheikh here means that the issue of Bay’at is not valid while in war and we don’t think that this is what the Sheikh meant. For the words of the Sheikh need to be understood in light of the reality he is speaking in and it seems that he is referring to the fact that the Nusayris are still controlling vast amounts of lands and the freed lands are also not completely secured from their evil. Hence there is not enough Tamkin (authority) over the lands and we think that that is what the Sheikh meant when he said that the Bay’at is not valid for one specific person today while we are still fighting (the Nusayris) and in various groups. Meaning that we have yet not achieved enough Tamkin over the lands and that the threat of the Nusayris have not yet been removed. We think that it is far away that the Sheikh means that the Bay’at is not valid in its Hukm while the Muslims are fighting an enemy.

And the Sheikh Abdul Aziz al-Tarifi said: *“If a group from the groups or those claiming the Bay’at, gather up and claims the Bay’at for themselves, then this is not a conclusion from the majority of the groups. For that reason, this is not considered a Shar’i Bay’at, but rather an innovative (bid’i) Bay’at.”*

[End of his words || <http://www.youtube.com/watch?v=4yj3bNo-Z60>]

And he also said: *“If this matter (of the general Bay’at) does not have the agreement of the majority of the groups, then this is not considered a general Bay’at but rather will be considered an authority over an army.”* (And not generally over the people)

[End of his words || <http://www.youtube.com/watch?v=4yj3bNo-Z60>]

And it came in the statement of the central command of al-Qaaida wherein they declared themselves innocent from Jama’at ISIS:

Al-Qaaida would like to reconfirm some of the important meanings in the Jihadi work for example:

- a) **Shura and united work and making important decisions after consultation** between the Mujahideen and endorsement of their leaders.
- b) That the problems between the Mujahideen are solved amongst themselves and not through the media.
- c) That we are a part of nation and that we don't take their right to choose who will rule them as long as he meets Islamic requirements.
- d) And that we don't hasten to create states/emirates **without consulting the scholars of the mujahidin, the leaders, and the rest of the Mujahideen and Muslims** and then enforcing it on people.

Upto their statement: “And here we declare ourselves innocent from the Fitna in Sham between Mujahideen, and we declare our innocence from the blood that has been shed.”

[Statement from al-Qaaida central command: <http://justpaste.it/ea9k>]

So we should note an important point here, that is that the Jama'at of al-Baqdadi announced a state without the Shura (consultation) of the Muslims of Sham and its Islamic groups, yet were bold enough to go harsh upon those who did not accept them as a state and their Amir as their Amir while the words of the Salaf are present in front of us. Had they continued with their error while at the least giving the others the excuse of a “mistaken Ijtihad”, the issue would have been lighter than what it is right now. But they disregarded the statements of the companions and the Salaf and combated those who disagreed with them using harsh words such as their accusations on various Islamic groups and scholars that they are following the majorities and that they follow the system of Democracy because they took into consideration the opinion of the Muslims while choosing a ruler over themselves. Subhaanallah, this is indeed a blatant lie.

### 3) They lack Tamkin (authority) in the land

They lacked authority (Tamkin) in the land and different combating groups were controlling the same areas and the issue of authority was shared and not inclusive to any particular group.

Allah said:

الَّذِينَ إِنْ مَكَّنَّاهُمْ فِي الْأَرْضِ أَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ وَأَمَرُوا بِالْمَعْرُوفِ وَنَهَوْا عَنِ الْمُنْكَرِ ۗ وَلِلَّهِ

عَاقِبَةُ الْأُمُورِ

Meaning: “[And they are] those who, if We give them **authority (Tamkin)** in the land, establish prayer and give zakah and enjoin what is right and forbid what is wrong. And to Allah belongs the outcome of [all] matters.”

Surat al-Hajj: 44

See how those above mentioned actions are connected to authority (Tamkin) in the land. As for understanding the nature of Tamkin, let us read:

وَعَدَ اللَّهُ الَّذِينَ آمَنُوا مِنْكُمْ وَعَمِلُوا الصَّالِحَاتِ لَيَسْتَخْلِفَنَّهُمْ فِي الْأَرْضِ كَمَا اسْتَخْلَفَ الَّذِينَ مِنْ قَبْلِهِمْ وَلَيُمَكِّنَنَّ لَهُمْ دِينَهُمُ الَّذِي ارْتَضَىٰ لَهُمْ وَلَيُبَدِّلَنَّهُمْ مِنْ بَعْدِ خَوْفِهِمْ أَمْنًا ۗ يَعْبُدُونَنِي لَا يُشْرِكُونَ بِي شَيْئًا ۗ وَمَنْ كَفَرَ بَعْدَ ذَلِكَ فَأُولَٰئِكَ هُمُ الْفَاسِقُونَ

Meaning: “Allah has promised those who have believed among you and done righteous deeds that He will surely grant them succession [to authority] upon the earth just as He granted it to those before them and **that He will surely establish (Tamkin) for them [therein] their religion which He has preferred for them and that He will surely substitute for them, after their fear, security,** [for] they worship Me, not associating anything with Me. But whoever disbelieves after that - then those are the defiantly disobedient.”

Surat al-Noor: 55

So see how Allah connected between Tamkin (establishment/authority) over the land with the negation of fear and it being replaced with safety. So the question is, are the Syrians in a state of security or in a constant state of fear from the constant bombardment from the Nusayris? Hence where is the Tamkin? And what Tamkin is it for a specific group while various groups are in the same areas? In other words, different groups were in the same areas, hence how is the Jama'at of al-Baqdadi raised above everyone else and more over, how do they have a specific Tamkin for themselves for them to declare a state themselves without consulting the others? And what Tamkin is it that when certain fighting groups fought against them, they left the Ribat areas and other than that from their bases and fled to the Badiyas except a few areas like Raqqa? We learned from the above Ayat, the connection between Tamkin and security. And we know that the Jama'at of al-Baqdadi have neither.

Sheikh Abu Muhammad al-Maqdisi hafidahullah said: “And I would mention here the necessity of highlighting the clear difference between **‘the position of authority in war/Jihad or the authority before Tamkin (establishment on the land)’** and **‘the position of authority over the believers and an established state’** let alone the caliphate. Hence dealing with the real accurate terms and the legislative plus current reality fitting descriptions will put the matters in its correct positions.”

[Reference: Laysa Kaman Tarda bi Shiqqi Ibniha <http://tawhed.ws/r?i=17111301&str=>]

#### 4) The correct prophetic way of forbidding evil and commanding of good

They announced it in the name of uniting the ranks of the Mujahidin which is a good cause but done in the wrong way. We agree that various scattered groups is an evil and that the Muslims should be united under one banner but it should be understood that the Salaf saw that the forbidding of an evil should be done in a way that does not bring about an evil worse than what was before it.

And we said in the beginning introduction that any action done contrary to the Sunnah and the way of the believers is rejected even though the doer may have a righteous intention.

Sheikhul Islam Ibn Thaymiyya rahimahullah said: *“Whenever the evil effects of enjoining or forbidding become greater than its benefit, it is no longer part of what Allah has enjoined upon us.”*

And he also said: *“They desire to enjoin and forbid the people with their tongues and their hands absolutely and in all situations without sufficient knowledge of the Shariah, nor forbearance, nor patience, nor regard for that which is beneficial and that which has more harm than benefit and that which is possible and that which is not possible.”*

And he also said: *“This group then enjoins and forbids believing that they are in obedience to Allah while in reality they are transgressors of His boundaries. In this way, many of the deviant and misguided groups considered themselves to be enjoiners of right and forbidders of wrong such as the Khawarij, the Mu’tazila and the Raafida (Shia) and others of those who erred in understanding that which Allah gave them in terms of enjoining right and forbidding wrong and fighting Jihad and other issues. The corruption caused by this kind of enjoining and forbidding is much greater than any good which may result.”*

All the quotes of Sheikhul Islam are from his book “Enjoining the good and forbidding the evil” which is an important book, available in English online.

The Asl (basis) of the quotes of Sheikhul Islam is in the words of Allah:

وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ

Meaning: “And do not insult those they invoke other than Allah, lest they insult Allah in enmity without knowledge.”

Surat al-An’aam: 108

Though their false deities do not have any regard or honor, Allah prohibited insulting them in ways which do not have any benefit and would only lead to them insulting Allah

which is a great evil. So in order to avoid that evil, Allah prohibited it. And we have to note here that the insults which the Messengers did to the false deities which were knowledge based and tackled their minds are praiseworthy and part of our Manhaj and it does not contradict what we have said that the forbidding of an evil should not bring about an evil worse than what was before, as what the Messengers did were full of praise and benefits.

Also we should mention here the rule of Fiqh which the scholars from the Salaf stated that if two evils coincide, then the lesser evil is to be selected. And this rule of Fiqh is what Sheikhul Islam Ibn Thaymiyya was referring to in his statements which we have quoted above. For example there is an evil in a society but if removing this evil by the hand results in more evil spreading, then it is not allowed to remove it by the hand. Ofcourse leaving the evil without removing it is an evil but we are forced to do so in order to repel a greater evil which may arise. So the issue of various combating groups being scattered and disunited under various banners throughout Syria maybe an evil, but the announcement of the state will not rectify this evil and it would only take the evil from worse to worse and it has already done so. Hence we agree with the scholars who stated it incorrect to announce the state at this period of time.

So now that we have understood the principle in forbidding evil and calling to goodness, we shall now – in the coming political argument section - look at the evil of the announcement of the state at this point of time in Sham to prove bi'iznillah our saying that the evil outweighed the good they were expecting.

### **The political reasons:**

#### **1) Different Islamic groups in Syria – failure to consult them sows hatred and divides the ranks**

Different combating groups inside Syria have the same objective of establishing an Islamic state, and they had put forward martyrs for its sake, hence it is a violation of their rights by declaring a state without consulting them or having them as part of it and this will lead to various problems which we shall outline below with the help of Allah.

- a) As we mentioned, these groups had put forth extensive efforts and many of their men had been martyred for the sake of the establishment of an Islamic state, hence they deserve a say in the selection of the Amir and the politics of the state which is

to be built in Sham. This way of consultation and architecting of politics and systems is in no way contrary to Islam, but rather Allah said:

وَشَاوِرْهُمْ فِي الْأَمْرِ

Meaning: “And consult them in the matter.”

If the Messenger sallallahu alayhi wasallam was ordered to consult the believers in matters, then what more about those other than him? And this order is passed on as an order to the rulers of the Muslims that they should consult the believers in their matters and if that is the case, what more about someone who is not a ruler to begin with? What more if the topic at hand is about selecting a ruler and establishing a state which rules over all of the Muslims in the area in their religion and worldly affairs? We understand that no one should be consulted in regards to the establishment of the Islamic authority or the Islamic hukm in its **general idea**, but the Muslims are consulted in selecting **who** the ruler would be and the **system** of governance and the time of its announcement. And those who do not differentiate between both cases have a similarity to the early Khawarij who did not differentiate between selecting an arbitrator and selecting what legislation to arbitrate to!

And this way of declaring states without consulting them or giving them a part in it, breaks the hearts and disunites the ranks and may lead to inner fighting and it has already happened.

And it has come from Imam al-Shafi'i that he said about the above Ayat: “*It is to bound harmony.*” [Tafsir al-Imam al-Shafi'i, gathered by Dr. Muhammad bin Mustafa al-Farran]

The other groups would argue: “We were part of the Jihad just like Jama'at ISIS claims for themselves, hence what is it that raised them above everyone else that everyone else must obey them and give them a Bay'at when they demand it?” And this point is genuine from them as we know of nothing from the Shariah which states that the Jama'at ISIS should be placed above everyone else. We do not deny the idea of an Islamic state, but we do deny the idea of restricting it to a certain Jihadi group excluding everyone else. Allah ordered the Messenger sallallahu alayhi wasallam to consult the other believers in the matters while it is obligatory for the believers to obey the Messenger, then what more about other than him? Hence the announcement of the state by al-Baqdadi was politically wrong and would only lead to division and chaos and hatred amongst the Muslims. We state in the above section that the ordering of good must be done only when the benefits in ordering outweigh the negatives. One of the greatest benefits necessary to achieve today is the waking up of the Ummah from their slumber and uniting them Ummah upon

Tawhid and Jihad against the universal Kufr and closing down any doors which may lead to divisions and strife. As for the announcement of al-Baqdadi, this is in total contradiction to this though they intended goodness by it. We stated that no ordering of good should be done if the harm which results from it outweighs the benefit and this is even if the doer intended goodness by it.

Sheikh Ayman al-Zawahiri hafidahullah said to that effect: *“The announcement of the state caused a political crisis for the people of Sham. When America placed Jabhat al-Nusra in the list of terrorist organizations, the people of Syria came out in demonstrations in support of Nusra. But then they started to denounce this announcement which the leaders of the Islamic state gave to Assad on a golden plate. And this announcement provoked the other Jihadi groups who felt that ISIS was trying to impose themselves on them without their approval or consultation.”*

[Testimony for preserving the blood of the Mujahidin of Sham]

- b) If al-Baqdadi has the right to announce a state, then every other Islamic combating group has the right to do so as will be argued politically. So what would this lead to? Every group declaring their own state in different areas and focusing their strength in defending their “territories” thus weakening the effort exerted against the Nusayris which already is in a need for more efforts. Jama’at al-Baqdadi ISIS was able to fight the other groups and claim for themselves few areas like al-Raqqa and they claim Tamkin (authority and establishment) there. If so, every other group has areas like that and should every group declare their own small state such that there exist a dozen states inside Syria? This is wrong politically and would only lead to chaos. And this is exactly what the Nusayris wanted.

## **2) Did not possess the capabilities of running a state – Fiqh of priorities**

They did not have the capabilities of running and governing a state when they announced it. They are not able to run the affairs of the Muslims, protect them and other than that from the obligations of a state. Fighting the Nusayris is the top priority in Syria and diverting the goal from this is incorrect for now. Hence when Jama’at ISIS declares the state, this means a threat to every other group that does not give them the Bay’at and in addition it cooks up desire towards power which may divert the Muslims from fighting the top priority Nusayris to defending their own bases and fighting for power and this lacks wisdom and is against the tools of Da’wah and winning the hearts which is an essential substance in the Jihad. Hence they contradicted the scholars and the analysts of Jihad in declaring the state and again this would bring more negative effects than any benefit as the Muslims are made to divert from their top goal which is to topple the Nusayri regime in Syria.

Why do we say that the top priority in Syria is to topple the Nusayris? It is because they are an aggressive enemy which is known as al-Aduww al-Saail and this is different to any other apostate group such as those calling for Democracy. Those calling for Democracy in Syria are still fighting the state and they have not diverted from this priority to fighting the Ahlus-Sunnah, hence fighting those who call for Democracy are a lesser priority than those Nusayris who are fighting the Muslims in Syria in general.

Sheikhul Islam Ibn Thaymiyya rahimahullah said: *“There is nothing more obligatory after Iman in Allah, than to fight the aggressive enemy who violate the religion and the worldly affairs.”* [al-Fatawa al-Kubra]

Hence declaring this state would open a door for those who call for Democracy to start a war against the Islamists and this would divert the Islamists from fighting the Nusayris to fighting them and this is what the Nusayris would want. In the Shariah it is upon the Islamic authority or state to control the public affairs, the justice system and others. For example, it is upon the Islamic authority or state to run the courts and courts which do not have its permission is invalid. And it is upon the Islamic authority to bring others into their obedience by force and establish their power over the land. If this is done by one group who consider themselves a state without consultation of the other believers and the Islamic combating groups, this would lead to division, chaos and it opens doorways of Fitna and the shedding of the blood as not every group would agree to this one group. And this disagreement is not necessarily a disagreement about whether to have an Islamic state or not. Rather the disagreement is in selecting who the ruler would be and the political system of rule and the sharing of power. The declaration of al-Baqdadi was oppression upon the Islamic combating groups in Sham in particular and the people of Sham in general and oppression always leads to fitna and chaos. In addition to that, those who call for Democracy would have an easy way of raising the people against each other by saying “the Jama’at of Baqdadi has violated your rights and declared their own state without consulting you, and after their declaration, they considered themselves a state and they dealt with you as inferior such that they take charge in everything from the affairs of the people and yours, so fight them” and this would lead to internal fighting and this has happened to a great extent and has harmed the Jihad greatly, hence we are against such actions as preserving the fruits of the Jihad and the blood of the Muslims is from the greatest of priorities for us and we cannot compromise over it.

Sheikh Ayman al-Zawahiri hafidahullah sought to preserve the fruits of the Jihad and gain the trust of the Muslims of Sham when he said: *“We want an Islamic Caliphate in which the Ummah chooses its rulers with freedom and freewill, and makes a pact with them to obey them as long as they obey the Quran and the Sunnah. We accept whoever has the Shar’i qualifications chosen by the Ummah to govern it by the Quran and the Sunnah. We shall then be his loyal aids and servants. Al-Qaaida wants a Khalifa (caliph)*

*for the Ummah that it chooses by its free will and by its agreement or chosen by its majority. If the Ummah succeeds in establishing Islamic rule in one region before the establishment of the caliphate, then whoever the Ummah accepts as an Imam in this region, has the Shar'i qualifications and leads by the Quran and the Sunnah, then we will be the first to accept him as we don't want to rule, rather we want the rule of Islam. **We say it in all clarity to the Ummah in general and to our people in Sham in particular, al-Qaaida is the last one who would want to usurp your right to chose who you see fit as a Muslim ruler who would lead you with the Book and the Sunnah.** And if Allah allows for the creation of an Islamic rule in Sham, then whoever the Ummah chooses to rule there by the Book and the Sunnah will also be our choice."*

[al-Iman Yasra' al-Istikbar | Faith defeats arrogance]

And it is for the likes of these great stances we refer to Sheikh Ayman as the Hakeem of the Ummah.

### 3) We see it better for the leader in Sham to be from Sham

We see it better that the one leading in Sham be from Sham and not a foreigner and this is not recognition of Sykes Picot or sinking into nationalism. At the same time we do not consider the contradiction to this point from Jama'at al-Baqdadi ISIS as a major error, rather a smaller error of lesser gravity.

When we say this, we do not refer this matter back to the Sykes Picot or nationalism. Then what are the actual reasons for us to have said what we said?

a) The people from the same land are far more familiar with the customs and the social dealings of the people than a people who are foreigners to that land and this provides the benefit of dealing more justly with the people thus easily winning their hearts and in that is a great benefit in achieving the objectives of the Jihad. For this reason, some of the Salaf stated that the Qadi (judge) who rules over two sides should be from the same locality as those who are ruled. (Though this is not a condition if the judge understands the nature of the people and is able to rule over them justly. But our point is that importance needs to be given to this issue and that the argument we are making is valid and the Salaf highlighted this idea before us.)

But if a people who tries to rule over a land are not aware of the nature of the people and cannot understand them, this would lead to oppressing them and inturn political chaos which will lead to ruining the fruits of the Jihad.

The Prophet sallallahu alayhi wasallam said to Mu'az when he sent him to Yemen:

إِنَّكَ تَقْدَمُ عَلَى قَوْمٍ أَهْلِ كِتَابٍ، فَلْيَكُنْ أَوَّلَ مَا تَدْعُوهُمْ إِلَيْهِ عِبَادَةُ اللَّهِ

Meaning: “You are going to a people of the book, so let the first thing you call them be to worship Allah.”  
Sahih al-Bukhari

See how the Prophet sallallahu alayhi wasallam gave importance to understanding the nature of the people he is dealing with and see how his instruction to what to do next came connected to the nature of the people. So in this is a lesson for a people with intellect.

- b) It is more likely a leader from the same locality is more accepted as the people from the locality are more widely accepted thus giving him a greater support and backing such that he is able to establish Islam and confront its enemies with the Muslim people and this is an objective of Jihad which must not be overlooked. The reason that he may have better support and trust from the people is because it is more likely that he has internal ties to powerful tribes or leaders or respected elders of the community more than a foreigner and him having grown up there, his truthfulness is known more than the foreigner. And there was a benefit for the Prophet sallallahu alayhi wasallam in his Da’wah that he grew up in Makkah and the people of Makkah knew of his trustworthiness and used to mention it. And to this day, it is noted as a point in his favor in the writings of history by both Muslims and disbelievers. Moreover, in the early days of Islam, the Prophet sallallahu alayhi wasallam was provided protection from his enemies and he was able to continue the Da’wah because of the protection he was given by powerful family members and this is our point that it is better that the one trying to establish Islam in a piece of land be from the people of that land and have good connections inside the society. In addition to that, many of the scholars mentioned that the wisdom of the Prophet sallallahu alayhi wasallam in marrying certain women were to establish ties with their families and this would then be an advantage in Da’wah and it is likely that these families give Islam and the Da’wah a protection and support even if they do not actually accept it. Hence tactics as these are not Jahili impressions, nor are they coming from lack of trust in Allah.
- c) Another point is that it becomes easy for the callers of Democracy to provoke a rebellion against the Islamic groups under the guise of repelling the unjustness which may have arisen from a foreigner which we have started in the above point. Whereas it is difficult to create an uprising against Islamists who belong to the locality as those who rise shall be the fathers and those who are risen against shall be their sons or neighbors and this is far away from occurring than the former case though both are possible. Hence we see in this point a preservation of the fruits of the Jihad and a shorter journey in achieving its objectives. A fine example is how al-Qaaida of Sham has its ties deep rooted in the community and all praise is to Allah. One will see that in every block or so in some areas, there lives a Mujahid of al-Qaaida and this Mujahid has good relations with his neighbors and kind dealing with

them thus occupying a place in their hearts which would make it very difficult with the help of Allah for any of the democratic groups to raise the people against them. They are a group that is lead by a Syrian but has Muhajirin by their sides to help them and this is different to a group who has a foreign background and is helped by a number of locals.

Sheikh Abu Muhammad al-Maqdisi hafidahullah said: *“We desire that our monotheist brothers from Syria are the ones who appear in the leadership of the Jihad there guiding it. And we see in that a Maslahah (benefit) which we did outline to our Mujahid brothers and we are not pleased with neglecting this point under the claim that this is a tying of the Jihad to the divisions of Sykes Picot al-Jahili. The reason is that we are not tying this to any of that, but rather we are tying this to the book of Allah who observed this fact in regards to the Prophets. (Most of the Prophets who were sent were sent from the same locality as the people being addressed in their message.) Hence observing this in regards to those other than them is more appropriate. And similarly we tie this to the Prophetic policies which observed this fact and did not ignore it in numerous occasions.”*

[Reference: Laysa Kaman Tarda bi Shiqqi Ibniha <http://tawhed.ws/r?i=17111301&str=>]

## **Refutations to some of the doubts raised by Jama’at al-Baqdadi OR by their supporters:**

### **1) Sheikh Jawlani disobeyed his Amir al-Baqdadi?**

They say that the Amir of Jabhat al-Nusra, al-Sheikh al-Jawlani hafidahullah disobeyed and rejected the ruling of his Amir Abu Bakr al-Baqdadi when the latter announced the Islamic State in Iraq and Sham and that disobeying the Amir is not allowed for the soldier, hence the former erred and sinned.

We reply:

- a) What Abu Bakr al-Baqdadi the leader of Jama’at al-Dawlat ordered is a sin and disobedience to Allah hence there is no obedience to any of the creation in disobedience to the Creator. We say it is a disobedience to Allah because the announcement was wrong in terms of the Shariah and also it was wrong in a political sense and it would lead to a disaster over the Jihad. And the reader should refer to what has passed in this text as to why the announcement was wrong in those two senses. Long story short, Abu Bakr al-Baqdadi a regional Amir had no privileges in announcing expansions and such without first seeking

permission from his Amir Sheikh Ayman al-Zawahiri hafidahullah. And even if Sheikh al-Zawahiri was not the Amir of al-Baqdadi, we say that Sheikh al-Jawlani does not have to obey Baqdadi because he ordered disobedience to Allah. The obedience to the leaders is for the betterment of the Jihad and the Ummah, if the order of the leader is in direct contradiction to this and will only ruin the fruits of the Jihad and bring destruction to the Ummah, then such an order is against the wisdom of the legislation of obedience and thus in turn, the Maslahah of the Ummah and Jihad is given priority over the Maslahah of a group and its Amir.

- b) If the soldier sees a strong doubt against the order of his Amir, he may pause obeying the order and take the matter back to an Amir of a higher rank. The evidence is that when the Prophet sallallahu alayhi wasallam sent Khalid bin al-Walid to Banu Jazima and the latter ordered that all the prisoners be killed. But Abdullah bin Umar refrained from obeying this order along with his companions and waited until they got back to the Messenger sallallahu alayhi wasallam in order to confirm the ruling from him. But the Prophet sallallahu alayhi wasallam disavowed from the ruling of Khalid bin al-Walid. May Allah be pleased with them all. Here we understand that if the Amir orders something which contains a strong doubt then the soldier may refrain from executing it until a higher Amir confirms it. And this is exactly what Sheikh al-Jawlani hafidahullah did when al-Baqdadi announced expansion of his “state” into Sham, the former halted from executing it and raised the matter back to the Amir of both of them, Sheikh Ayman al-Zawahiri hafidahullah. Thus the Sheikh al-Zawahiri ordered the annulment of the state in Sham to which al-Baqdadi refused.
- c) If an Imam makes Ijtihad and makes a mistake, then he is forgiven. But if his mistake is made clear for him and he still persists upon his error, he is sinful. Whether he falls into the category of being sinful or forgiven, it is not allowed for others to blindly follow his mistake. Hence Sheikh al-Jawlani and the Shar’i committee of Jabhat al-Nusra announced their refusal to obey the order of Abu Bakr al-Baqdadi as he made a mistake in his announcement to which he was a Mujtahid doing Ijtihad. After that, his mistake was pointed out to him by the scholars of Jihad and the Mujahidin, yet he continued upon his error with baseless arguments and deductions far from the understanding of the Salaf. And he added to that other baseless arguments he used for shedding the blood of the Muslims and to Allah we complain.

## **2) Sheikh Ayman ruled by the Sykes Picot?**

Then Adnani came out and argued the validity of Sheikh Ayman al-Zawahiri's judgment and accused the Sheikh of ruling by the Sykes Picot plan. This is nothing except evidence of the ignorance of this man and the group who assigned him as their official spokesman. Subhaanallah, when did dividing the lands for the sake of strategy and politics become accepting the Sykes Picot al-Jahili? Then in his statement titled "This was never our Manhaj and never will it be," he was clearer in his allegation. He said: "And O you Mujahidin, O you Mujahidin, it was asked of the Islamic State to return to Iraq, **behind the covers of Sykes-Picot.**"

Read the words of Sheikh Abu Muhammad al-Maqdisi hafidahullah who said: "We desire that our monotheist brothers from Syria are the ones who appear in the leadership of the Jihad there guiding it. And we see in that a Maslahah (benefit) which we did outline to our Mujahid brothers and we are not pleased with neglecting this point under the claim that this is a tying of the Jihad to the divisions of Sykes Picot al-Jahili. The reason is that we are not tying this to any of that, but rather we are tying this to the book of Allah who observed this fact in regards to the Prophets. (Most of the Prophets who were sent were sent from the same locality as the people being addressed in their message.) Hence observing this in regards to those other than them is more appropriate. And similarly we tie this to the Prophetic policies which observed this fact and did not ignore it in numerous occasions."

[Reference: Laysa Kaman Tarda bi Shiqqi Ibnihia <http://tawhed.ws/r?i=17111301&str=>]

Someone who understands that by the mere division of Iraq and Sham for strategic work means recognizing the Sykes Picot and sinking into nationality, then this man is from the most ignorant of people and when these type of people come out to give Fatawa to the Ummah, one can understand the deviance he will deviate the Ummah by.

The reason is because the one who has messed up his Usul (fundamentals) will have his Tanzil of Ahkam (placing of rulings upon a time, place or people) messed up.

Had these people not heard the words of Allah?

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا إِنْ يُرِيدَا  
إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا

Meaning: "And if you fear dissension between the two, send an arbitrator from his people and an arbitrator from her people. If they both desire reconciliation, Allah will cause it between them."

Surat al-Nisa: 35

Is the above Ayat calling for Asabiyya or tribalism when the order was to send an arbitrator **from the people** of the two parties? Or would such people argue that the Ayat is wrong as all the Muslims are brothers and that there is no point in sending the arbitrator from the people of the two parties? Listen – May Allah have mercy on you – the issue is not like what you think. Had the truth followed your desires, the Heavens and the Earth and whoever is in them would have been ruined. This is the Shariah of Allah and does He the creator not know what is most beneficial to the creation? He with His wisdom has legislated this. The wisdom is for the betterment and reconciliation of the people. Hence sending the arbitrators from the locals has a great benefit as the local people are well known to the people of that area and trusted. The issue at hand is something we stated based on the above mentioned grounds. It was never on a day based on the borders drawn in the map of Sykes Picot al-Jahili. Also we would like to add here that some of the Salaf believed that the judge ruling over a people should be from the locality of the people whom he is ruling over. Although this is not a condition for its validity, some of the Salaf preferred such and the point we are trying to make here is that this matter has a basis from the Salaf and is not something which we innovated after learning of the Jahili Sykes Picot borders. And whoever is still doubtful about this matter, should read what has passed us in this text in the political section point 3.

### 3) The Islamic State was not a branch of al-Qaaida?

The next thing they said was that their “Islamic State” is not a group subsidiary to/owned by al-Qaaida, but rather they are independent from the latter.

Hence their official spokesman Abu Muhammad al-Adnani said: *“The Islamic State is not a branch that is subsidiary to al-Qaaida, nor was it as such in any day.”* [Apologies O Amir of al-Qaaida]

It has to be noted that al-Adnani said this right after the testimony of Sheikh Ayman al-Zawahiri that the Islamic State group in Iraq was a branch subservient to al-Qaaida under the leadership of Sheikh Usama and after that, Sheikh al-Zawahiri himself. So in the next subchapters, we shall look into this issue Insha Allah.

#### a) “Offer and Acceptance.”

Turki al-Ban’ali (Abu Sufyan al-Sulamy/Abu Humam Bakr bin Abdul Aziz) who is a famous Shar’i of the Jama’at ISIS stated in his comments about the Sheikh al-Zawahiri’s testimony: *“And the matter is not like that; however, the Bay’at is a legal contract as all other contracts, which must have **“offer and acceptance.”**”*

*And this is what the Doctor (al-Zawahiri) did not prove, and that was what everyone was waiting for from him, if it was there. All of what he was able to prove, was that it was offered to Amir al- Mu'minin Abu Bakr al- Baghdadi to give Bay'at to him, but did he do so?! This is what the Doctor (al-Zawahiri) was incapable of and turned away! Then why did he not say, while he was in a position of (making a) statement: I sent (a letter) to him that he shall give Bay'at to me secretly...so he sent me (a letter) on such and such a date: "I give Bay'at to you, to listen and obey, in strength and in difficulty!" [End of Turki's words || <http://justpaste.it/fbjs>]*

Reply: So the man has claimed that there is no document quoted by the Sheikh Ayman which talks about the acceptance of the Bay'at from Jama'at ISIS, rather, all that the Sheikh quoted was from the side of al-Qaaida in Khuraasaan speaking about a Bay'at, as per Abu Sufyan. One has to wonder whether this man actually listened to the testimony of Sheikh Ayman carefully before coming out with his "comment" piece where he bashed the Sheikh arrogantly just like his elder al-Adnani bashed Sheikh Abu Abdullah al-Shami without even understanding the intended meanings of the latter in his statement.

If Turki (Abu Sufyan) was truthful in his statement that there is no documented statement quoted by Sheikh al-Zawahiri in his testimony, attributed to Jama'at ISIS to prove the Bay'at, then what is this?

*"After this, a communication representative in the Islamic State of Iraq sent a letter to Sheikh Atiyyah rahimahullah in 20th Jumad al-Thaniyah 1432 saying: "Our Sheikh (al-Baqdadi) would like to ensure you that the situation here is getting better Alhamdulillah. And he asks what's more appropriate in your eyes with the announcement of the new leader of al-Qaaida (referring to the appointment of Sheikh al-Zawahiri as the new leader after the martyrdom of Sheikh Usama bin Laden). Do we **renew the Bay'at in public or in secret as it was understood and done before?** And we would like you to know that the brothers here are arrows in your quiver." [Testimony for preserving the blood of the Mujahidin of Sham]*

So where does Abu Sufyan Turki al-Sulamy go with his claim that there is no word quoted from the side of J.ISIS in the testimony of Sheikh Ayman or did this man try to play with words and fool the masses? We will explain here how this man played with the words and tried to imply a meaning without actually directly lying and this is what we call a Haram form of "tawriya".

Turki said: *"And the matter is not like that; however, the Bay'at is a legal contract as all other contracts, which must have **"offer and acceptance."** And*

*this is what the Doctor (al-Zawahiri) **did not prove**, and that was what everyone was waiting for from him, if it was there.” [End of his words]*

So he said that there should be offer and acceptance and then claimed that Sheikh al-Zawahiri did not prove that part and this is highlighted more in his next statement: *“All of what he was able to prove, was that it was offered to Amir al- Mu’minin Abu Bakr al- Baghdadi to give Bay’at to him, **but did he do so?!** This is what the Doctor (al-Zawahiri) was in capable of and turned away!”* [End of his words]

So here he claimed that there was no statement from al-Baqdadi to confirm the Bay’at, and he added: *“Then why did he (al-Zawahiri) not say, while he was in a position of (making a) statement: I sent (a letter) to him that he shall give Bay’at to me secretly...so he sent me (a letter) on such and such a date saying: “I give Bay’at to you, to listen and obey, in strength and in difficulty!””*

Hence one can see three statements of this man each connected to each other. At first he said that that there was nothing from the side of the J.ISIS to prove the Bay’at, and then he explained this by saying that there was no statement from Baqdadi to confirm it and then he explains how a confirmation should be. What this man ignored was that there was the letter of the communication representative sent to Sheikh Atiyah inquiring him whether to openly **renew** the Bay’at or not to Sheikh Ayman and a renewing is only for that which existed from before. Turki cleverly ignores this statement of the communications representative of his group and says that there is no such statement from Baqdadi himself and then sums that up in his own explanation that there is nothing quoted from the written documents that Baqdadi did have a Bay’at. In reality, the issue is proven from the communication representative’s letter but Turki ignored it and played around the bush and came back saying no statement from Baqdadi which may not be a direct clear cut lie, but his explanation to this that there is no statement to confirm the Bay’at is playing with words and giving out a false meaning without actually directly lying as the statement of the communication representative is enough and it belies the “explanation and summing up” of this man. And this is the case of one of their most famous scholars who has clearly done a tawriya (fraud) to strengthen his side of the argument and we are completely lost as to who can now be trustworthy from this State group as Turki (Abu Sufyan) was one of those whom we always thought would possess more sense and reason.

A tawriya is to say a statement which carries two meanings. The listener understands from it one meaning but the speaker intends a completely different meaning. And this is what Turki al-Ban’ali (Abu Sufyan) has done after he stated the importance of providing a statement from the side of J.ISIS approving the

Bay'at he stated that there is no statement recorded from Baqdadi which suggests that. So he has made it understood to the reader that there is no statement the side of the J.ISIS but what he (Turki) actually meant was that there is no statement from Baqdadi himself. But his cunning way of connecting that to his statement about the necessity of having a statement from the side of J.ISIS generally is where his deception is.

As for Tawriya, Sheikh Muhammad bin Salih al-Uthaymin rahimahullah stated: *"If someone asks our opinion about Tawriya, our reply would be that it has details to its ruling:*

- 1) *If it is to accomplish some falsehood, it is Haram.*
- 2) *If it is to accomplish something which's accomplishment is Wajib, tawriya here is Wajib.*
- 3) *If it is to accomplish a certain Maslahah or necessity, it is allowed.*
- 4) *If it is not to accomplish this, nor that (not required to do so), then the scholars differed as to its ruling."* [End of his words || Explanation of the forty Hadiths of Nawawi]

We say about the Tawriya of this man Turki that it falls in the form of the Haram as it is false witnessing and proving that which is not true. How come? This man tried to prove with his words the non-existence of any statement which establishes the presence of the Bay'at from the side of Jama'at al-Dawlat while such a statement was actually present in the testimony of Sheikh Ayman. Whether Turki accepted the statement or not is another issue which is upto him, but to make it seem to the general masses that Sheikh Ayman failed to provide such a document is lying upon the opponent.

The Prophet sallallahu alayhi wasallam said:

ألا أنبئكم بأكبر الكبائر (ثلاثاً) ؟ قالوا : بلى يا رسول الله ، قال : الإِشْرَاقُ بِاللَّهِ و  
عقوق الوالدين و جلس وكان متكئاً فقال : ألا و قول الزور " قال : فما زال يكررها  
حتى قلنا : لبيته سكت

Meaning: "Shall I not inform you of the biggest of major sins?" (x3) They said: "Yes ofcourse O Messenger of Allah." He replied: "Associating partners with Allah, disobeying parents" then he sat up straight as he was reclining prior to that, and said: "And verily giving false witnesses" - Abu Bakr said: "And he did not stop repeating that until we wished he would stop"

Bukhari and Muslim

Hence giving false witnesses is from the major sins and doing a tawriya which one uses to accomplish by it a false witness is also from the major sins as the means have the same ruling as the objectives.

And we would like to answer a question that may arise here. That is that whether the documented statements quoted by Sheikh Ayman al-Zawahiri are to be accepted as authentic or not. They were testified to be authentic from the side of J.ISIS as well when Adnani their official spokesman said addressing Sheikh al-Zawahiri: *“Verily all of what you quoted in your testimony is Sahih”* [Apologies O Amir of al-Qaaida] and the testimony Adnani is referring to is the *“testimony for preserving the blood of the Mujahidin of Sham”* wherein which the Sheikh provided all those written documents out to the open and from it we have quoted the statement of the communications representative of the Jama’at al-Dawlat which talked about renewing the Bay’at. So it means Adnani has testified that the documents and statements provided in the testimony of Sheikh Ayman to preserve the blood are all Sahih. Or it means that Adnani did not listen to the words of the Sheikh carefully before he came out with his statement *“apologies O Amir of al-Qaaida”*, which, if was the case, will not be something very surprising.

- b) The previous speeches of Sheikh Ayman al-Zawahiri which talked about the Islamic State in Iraq.

The official spokesman of the Jama’at Islamic State in Iraq and Sham, al-Adnani said: *“It is then from your (Sheikh al-Zawahiri’s) own mouth that the world hears that the organization (al-Qaaida) has been dissolved in Iraq and pledges allegiance to the State and joined it.”* [Apologies O Amir of al-Qaaida]

Adnani here is referring to the following words of Sheikh Ayman al-Zawahiri: *“Firstly, I would like to make clear that there is no such thing in Iraq right now which goes by the name; al-Qaaida. But rather, al-Qaaida of Iraq has merged with other Jihadi groups by the grace of Allah in the Islamic State of Iraq which is a legitimate emirate established upon the correct shar’i methodology which was founded through Shura (consultation) and received the Bay’at of the majority of the Mujahidin and tribes in Iraq.”*

And also the Sheikh al-Zawahiri’s following words: *“The Islamic state as a step towards establishing the caliphate, has higher rank than Jihadi groups. It is the Jihadi groups that must give the state the Bay’at and not the opposite way round.”*

One thing, Sheikh Ayman there never called it an **independent** state. Rather he called it a **legitimate** state.

Here we would like to make an important note. That is that the unclear Mutashaabih statements which can be interpreted in more than one interpretation, must be returned back to the clear Muhkam statements which's meanings are clear and cannot be interpreted except in one interpretation.

It is worth mentioning that this is how the Book of Allah is interpreted as well.

Allah said:

هُوَ الَّذِي أَنْزَلَ عَلَيْكَ الْكِتَابَ مِنْهُ آيَاتٌ مُحْكَمَاتٌ هُنَّ أُمُّ الْكِتَابِ وَأُخَرُ  
مُتَشَابِهَاتٌ ۚ فَأَمَّا الَّذِينَ فِي قُلُوبِهِمْ زَيْغٌ فَيَتَّبِعُونَ مَا تَشَابَهَ مِنْهُ ابْتِغَاءَ الْفِتْنَةِ  
وَابْتِغَاءَ تَأْوِيلِهِ

Meaning: "It is He who has sent down to you, [O Muhammad], the Book; in it are verses [that are] precise (Muhkam) - they are the foundation of the Book - and others unspecific (Mutashaabih). As for those in whose hearts is deviation [from truth], they will follow that of it which is unspecific (Mutashaabih), seeking discord and seeking an interpretation [suitable to them]"

Surat Aal-Imran: 7

Aaisha radiallahu anha reported that the Messenger sallallahu alayhi wasallam recited the above Ayat and said:

فَإِذَا رَأَيْتَ الَّذِينَ يَتَّبِعُونَ مَا تَشَابَهَ مِنْهُ فَأُولَئِكَ الَّذِينَ سَمَى اللَّهُ فَاحْذَرُوهُمْ

Meaning: "If you see those who follow the Mutashaabih from it, then they are those whom Allah mentioned. So beware of them."

Sahih al-Bukhari

Muhkam (clear and precise) statements are the statements that have one interpretation to them.

Mutashaabih (unclear and imprecise) statements are the statements that can have more than one interpretation to them.

A Muhkam (precise) Ayat for example is:

الرَّحْمَنُ عَلَى الْعَرْشِ اسْتَوَىٰ

Meaning: "The Most Merciful [who is] above the Throne established."  
Surat al-Taha: 5

So it is clear without any doubt that Allah is above the Throne above the skies. And it can never be said that Allah is present everywhere due to what this clear precise Ayat informs. A Mutashaabih Ayat on this same topic is:

وَلِلَّهِ الْمَشْرِقُ وَالْمَغْرِبُ ۚ فَأَيْنَمَا تُوَلُّوا فَثَمَّ وَجْهُ اللَّهِ ۚ إِنَّ اللَّهَ وَاسِعٌ عَلِيمٌ

Meaning: “And to Allah belongs the east and the west. So wherever you [might] turn, there is the Wajh (Face) of Allah. Indeed, Allah is all-Encompassing and Knowing.”

Surat al-Baqarat: 115

So can this last Ayat be interpreted to say that Allah is present everywhere? No by Allah it can't. Such an interpretation contradicts the clear cut precise Muhkam Ayat which we mentioned just above it. As for this second Ayat, we say it is imprecise and Mutashaabih, it is possible to interpret it in various ways including the deviant meaning that Allah is present everywhere. And it can also be interpreted that Wajh (face) here means direction and this is possible and correct in the Arabic language. Wajh can be used to refer to direction, hence looking at the context of the Ayat at hand, it is clear that Allah talked about the prayer direction, and hence Wajh of Allah here means the direction (Qiblat) of Allah. This we understood by referring this imprecise Mutashaabih Ayat to the clear Muhkam Ayat and interpreting the former in light of the latter in a way that both does not contradict.

So our point here is that the unclear Mutashaabih statements which can be interpreted with more than one interpretation should be interpreted in light of the clear Muhkam statements.

As for the two statements of Sheikh Ayman al-Zawahiri which we mentioned here in this subtopic, then they are Mutashaabih unclear statements which can be interpreted in more than one way.

But the Sheikh's 'testimony to preserve the blood of the Mujahidin of Sham' contains clear cut Muhkam statements which cannot be interpreted except in its outward meaning. Such as: *“And I say seeking help from Allah that the Islamic State in Iraq is a branch of the al-Qaaida organization.”* [Testimony for preserving the blood of the Mujahidin of Sham]

And also his statement: *“The Martyred Sheikh Abu Hamza al-Muhajir sent a letter to the central leadership justifying the creation of the state and that its allegiance was to al-Qaaida central and that the brothers in their Shura took an oath on the Martyred Sheikh Abu Umar al-Baghdadi that his leader is Sheikh Usama bin Laden and that the Islamic State in Iraq is part of al-Qaaida. And the*

*brothers decided to work like this but not announce it publicly due to certain political aspects as they saw in Iraq back then.” [Testimony for preserving the blood of the Mujahidin of Sham]*

So what are the different ways that these statements could be interpreted? There is no way except one single way that is that the Islamic State was subordinate to al-Qaaida and obedient under their command. Why? Because the statements are the statements of a testimony and the words are clear and precise to the point whereas in the previous speeches of Sheikh Ayman from some years ago, there are imprecise words which can be interpreted in different ways. And the correct interpretation is to interpret them in light of the clear precise statements present in his ‘testimony to preserve the blood of the Mujahidin of Sham’ which we have provided just now.

So let us now look at the correct interpretation of the Sheikh’s previous words. We quote Sheikh Ayman:

*“Firstly, I would like to make clear that there is no such thing in Iraq right now which goes by the name; al-Qaaida. But rather, al-Qaaida of Iraq has merged with other Jihadi groups by the grace of Allah in the Islamic State of Iraq which is a legitimate emirate established upon the correct Shar’i methodology which was founded through Shura (consultation) and received the Bay’at of the majority of the Mujahidin and tribes in Iraq.”*

And also Sheikh al-Zawahiri’s following words: *“The Islamic state as a step towards establishing the caliphate has higher rank than Jihadi groups. It is the Jihadi groups that must give the state the Bay’at and not the opposite way round.”*

It seems that the Sheikh is using a form of allowed Tawriya for a legitimate reason. We have explained what a Tawriya is and where it is allowed to make a Tawriya in this document before. A tawriya is to say a statement which carries two meanings. The listener understands from it one meaning but the speaker intends a completely different meaning. And we quoted Sheikh al-Uthaymin saying that if Tawriya is used to accomplish something Wajib, then using Tawriya is Wajib. If it is to accomplish some necessity, it is allowed.

So what is this necessity for which the Sheikh al-Zawahiri is using Tawriya? The Sheikh said: *“And the brothers (of the state in Iraq) decided to work like this but not announce it (the bay’at) publicly due to certain political aspects as they saw in Iraq back then.” [Testimony for preserving the blood of the Mujahidin of Sham]*

So the previous speeches of Sheikh al-Zawahiri where he talked about there being nothing which goes by the name al-Qaaida in Iraq dates back to the time where the presence of al-Qaaida in Iraq was kept secret. The connection of the State in Iraq to al-Qaaida was at that time a secret until al-Baqdadi clearly announced the states expansion into Sham which led to Sheikh al-Jawlani openly renewing his Bay'at to Sheikh al-Zawahiri. And this action of Sheikh al-Jawlani is a mistake according to Sheikh Ayman as the issue of the secret Bay'at was made open to the public. But we have to say that Sheikh al-Jawlani was in front of a Darurat (necessity) to do so due to the sudden declaration of Baqdadi which is feared to harm the Jihad by a great deal.

So our point here is that Sheikh Ayman was in his previous speeches using words in a way that makes it seem that the Islamic State in Iraq is not subordinate to al-Qaaida due to political reasons they saw in Iraq back then.

So we have understood the reason for the Sheikh's use of this allowed form of Tawriya. So let us now try to interpret these statements of the Sheikh in light of his precise clear statements.

*Imprecise previous statement number 1: "Firstly, I would like to make clear that there is no such thing in Iraq right now which **goes by the name; al-Qaaida**. But rather, al-Qaaida of Iraq has merged with other Jihadi groups by the grace of Allah in the Islamic State of Iraq which is a legitimate emirate established upon the correct shar'i methodology which was founded through Shura (consultation) and received the Bay'at of the majority of the Mujahidin and tribes in Iraq."*

Point 1: There is no such thing in Iraq right now which goes by the name; al-Qaaida. This statement is correct but the intended meaning is not that al-Qaaida has no authority in Iraq. Rather it means that there is no group that goes by the NAME of al-Qaaida. This is true as the Islamic State was established and this group had a secret Bay'at to al-Qaaida hence the name of al-Qaaida was erased. This is understood in light of his precise clear statement in his 'testimony': *"And I say seeking help from Allah that the Islamic State in Iraq is a branch of the al-Qaaida organization."*

And never in this statement does the Sheikh completely denounce al-Qaaida presence or authority in Iraq. Rather he only negates the name of al-Qaaida being active in Iraq and that the al-Qaaida name which was there before had merged with the other groups and established the Islamic State. And in reality, this Islamic State had a Bay'at to al-Qaaida hence the state was in other words, al-Qaaida.

*Point two: "But rather, al-Qaaida of Iraq has merged with other Jihadi groups by the grace of Allah in the Islamic State of Iraq which is a legitimate emirate*

*established upon the correct shar'i methodology which was founded through Shura (consultation) and received the Bay'at of the majority of the Mujahidin and tribes in Iraq."*

Again this is also correct as al-Qaaida in Iraq merged with the other groups under the umbrella called the Islamic State in Iraq. This does not necessarily mean that the authority of al-Qaaida ended, rather it is still possible for there to be the secret Bay'at to al-Qaaida in Khuraasaan and this we understood again from the precise clear statement of the Sheikh al-Zawahiri in his 'testimony': *"And I say seeking help from Allah that the Islamic State in Iraq is a branch of the al-Qaaida organization."*

Imprecise previous statement number 2: *"The Islamic state as a step towards establishing the caliphate, has higher rank than Jihadi groups. It is the Jihadi groups that must give the state the Bay'at and not the opposite way round."*

Here it seems from the context that the Sheikh is talking about the group Ansar al-Sunnah of Iraq and not al-Qaaida.

If it does not mean Ansar al-Sunnah, then still, it does not carry any precise meaning which can counter the precise statements of the Sheikh in his testimony. The Sheikh was asked a question about the matter of the Bay'at and he is answering and as we said before, these statements of the Sheikh came in a time where the Bay'at of the State of Iraq to al-Qaaida was kept secret hence the wordings are formed in a way to not reveal that, at the same time not lie but use a form a allowed Tawriya. The Sheikh is here answering a question and he does not directly say that al-Qaaida has a Bay'at to the Islamic State of Iraq. Rather he generally mentions that it is Jihadi groups that should give the Bay'at to the state. Now what if this state is al-Qaaida? This state was al-Qaaida as it had a direct Bay'at to al-Qaaida but the name of Qaaida was kept secret, that's all. So it means that it is groups that should give Bay'at to the state and not the opposite way round. This does not mean al-Qaaida has a Bay'at to the State because al-Qaaida is actually the state though the names differ and the details were kept secret.

So it seems that this is the correct interpretation of the previous speeches of Sheikh Ayman al-Zawahiri as this interpretation is understood in light of the clear precise words of the Sheikh, and both the clear and unclear do not contradict now. So all praise is to Allah.

- c) As for the clear statements Sheikh Ayman mentioned in the 'testimony to preserve the blood of the Mujahidin of Sham', Adnani said about it: "But this soldiery, O doctor, was to unite the word of the global Jihad as one, it was not in

power in the state, as if it was not binding upon it, neither was it obliged to it. This is but humility, humbleness and an honor to you from us.”

So Adnani is saying that the documents Sheikh Ayman provided where the Islamic State addresses the leadership of al-Qaaida as their leaders are said only in respect to them and not in a sense of having a Bay’at to them.

We say; from statements are that which are Mujmal (summed up) and statements which are Mufassal (elaborated). Hence the Mujmal summed up statements should be interpreted in light of the elaborated detailed Mufassal statements. If Adnani is referring to some Mujmal summed up statements which are possible to be interpreted in a way of respect and honor as he claimed, then in the testimony is that which is elaborated detailed Mufassal statements which cannot be interpreted the way Adnani claimed. Example:

Sheikh Ayman al-Zawahiri stated in his ‘testimony for preserving the blood’: *“Sheikh Abu Bakr al-Baghdadi sent a letter in Ramadan, 1434 to one of the officials of the group (al-Qaaida) stating: “We did not decide to remain (in Sham) except after it became clear to us that obeying our Amir in this would be considered a disobedience to Allah and a destruction for our Mujahidin, especially the Muhajirin, so we obeyed our Lord sought His pleasure over the pleasure of the Amir. And it's not said that he who disobeys the command of an Amir in which he sees destruction for the Mujahideen or a sin to Allah that he has forsaken good manners by this.”*

This is a clear statement that the nature of the relation between the Islamic State in Iraq and al-Qaaida had been the relationship between a soldier to his Amir and that there was a binding obedience upon the State towards al-Qaaida as Baqdadi is speaking the speech of it being permissible to disobey the Amir if the order of the Amir is contrary to the Shariah of Allah. And if Sheikh al-Zawahiri was not his Amir, then there is no point in saying that as its not obligatory to obey him anyway. And whoever ponders upon the context and language of speech would understand this and he would understand the lies the Jama’at of Baqdadi is making to confuse the masses and justify their actions. And also the following:

*“After this, a communication representative in the Islamic State of Iraq sent a letter to Sheikh Atiyyah rahimahullah in 20th Jumad al-Thaniyah 1432 saying: “Our Sheikh would like to ensure you that the situation here is getting better Alhamdulillah. And he asks what's more appropriate in your eyes with the announcement of the new leader of al-Qaaida (referring to the appointment of Sheikh al-Zawahiri as the new leader after the martyrdom of Sheikh Osama bin*

Laden). Do we **renew the Bay'at in public or in secret as it was understood and done before?** And we would like you to know that the brothers here are arrows in your quiver." [Testimony for preserving the blood of the Mujahidin of Sham]

And this is from the clearest of statements which prove that the Islamic State in Iraq had a binding Bay'at upon Sheikh Usama and then after him, upon Sheikh Ayman al-Zawahiri.

So any statement in which the Islamic State of Iraq addressed al-Qaaida in the tone of a soldier to his leader, then it has to be understood that it is in the context of a soldier to his leader similar to what the outward suggests and it cannot be interpreted the way Adnani the liar did when he said that its only due to respect and humbleness from the state towards al-Qaaida. Rather this is incorrect and it contradicts the clear elaborate statements present.

- d) And as an ending to this subtopic of refuting the claim that the Islamic State was not a branch of al-Qaaida, we will mention here some Shahadaat (witnesses).
- 1) Sheikh Ayman al-Zawahiri said: *"And I say seeking help from Allah that the Islamic State in Iraq is a branch of the al-Qaaida organization."* [Testimony for preserving the blood of the Mujahidin of Sham]
  - 2) A Shar'i judge of Jabhat al-Nusra, Turki al-Ash'ari (who performed a self-sacrificial attack against the Nusayris and is a man whom many from Jama'at ISIS still praise and respect) said answering a question:

*Question: "al-Salaam Alaikum Sheikh. How do I answer those who say that Sheikh Abu Bakr al-Baghdadi did not give Bay'at to Sheikh Ayman al-Zawahiri? I don't have any evidence for this, if you have any then please share it with us. I love you for the sake of Allah."*

*Answer: "wa Alaikum al-Salaam. Say to them: Turki al-Ash'ari says that Abu 'Ali al-Hamawi stated to me that Abu 'Ali al-Anbaari said to him that we are al-Qaaida and we have a Bay'at to Ayman al-Zawahiri. Also he (Turki himself) said that Abu Sulayman al-Australi said that Abu Bakr al-Baghdadi said that Ayman as-Zawahiri is my Amir/leader. Also Uthman Al-Naazih affirmed this to me. Also, all of the mujahidin that came to Syria from Khuraasaan told me that al-Baghdadi is under the command of Ayman al-Zawahiri."*

(Source: [https://twitter.com/mj\\_azam/status/428603579314618368](https://twitter.com/mj_azam/status/428603579314618368) )

- 3) Sheikh Abu Sulayman al-Muhajir (the Australian) who is a member of the main Shar'i council of Jabhat al-Nusra said that he heard al-Baqdadi say

infront of him (Abu Sulayman) and infront of Baqdadi's Shar'i Abu Bakr al-Qahtani: *"I have a true binding Bay'at to Sheikh Ayman to hear and obey in hardship and in ease."*

And the Sheikh said invoking to Allah in a Mubahala with Adnani which the latter initiated: *"I witnessed of what I saw and knew, if I lied or did a Tadlis (hide a narrator between him and Baqdadi and pretend as if he himself heard the above from Baqdadi while he only heard from someone else who heard from Baqdadi) or mixed the truth with the falsehood in my testimony then place your curse upon the liar and make him a sign to others."*

[Video one from the series of witness videos by al-Basirat | [https://twitter.com/Albasira\\_jn/status/445678456949309440](https://twitter.com/Albasira_jn/status/445678456949309440)]

- 4) The top Shar'i leader of Jabhat al-Nusra, Sheikh Abu Mariya al-Qahtani, confirmed that he has personally heard al-Baghdadi stating while swearing by Allah that he has a Bay'at to Sheikh al-Zawahiri and that al-Baghdadi would not make any decisions without first consulting his leaders in Khuraasaan. And this was in a sitting were Sheikh al-Jawlani and most of the members of Jama'at ISIS's council/Shura were all present. Sheikh Abu Mariya stated that he is willing to make Mubahala in regards to this. (Source: <http://www.youtube.com/watch?v=W8Knoqug5kY> )

And we will now mention some confessions from the side of Jama'at ISIS

- 1) The top Shar'i leader of Jama'at ISIS, Abu Bakr al-Qahtani admitted in a leaked recording that al-Baghdadi has a Bay'at to Sheikh al-Zawahiri.

In it he says that every Mujahid of Jabhat al-Nusra is obliged to give Bay'at to Jama'at ISIS, and that he personally heard from Abu Bakr al-Baghdadi that he swears by Allah that everyone that gives Bay'at to Jama'at ISIS and then Sheikh Ayman al-Zawahiri decides otherwise, then their Bay'at is dissolved (i.e. the decision would rest with Sheikh al-Zawahiri [this was before al-Qaaida central from Khuraasaan released the statement abolishing ISIS])

(Source: <http://d.pr/a/malb> )

He also states that everyone has to follow what Sheikh al-Zawahiri ordered, and whoever doesn't listen to him is a sinning.

(source: <http://www.gulfup.com/?7ihvXP>)

- 2) The previous Shar'i leader of Jama'at ISIS in Halab (Aleppo), Abu Anas al-Iraqi also confirmed in a leaked conversation between him and Sheikh Abu Mariya al-Qahtani that Jama'at ISIS is under the command of Sheikh Ayman

al-Zawahiri and the decision lies with him whether Jama'at ISIS should be abolished or not.

(Source: <http://www.gulfup.com/?E9H5Nc> )

#### 4) Consulting the Muslims before announcing the state is the Mazhab of Democracy?

In this document, we talked about the importance of Shura (consultation) between the Muslims before establishing a state and gaining the majority of the Ahlul Hal Wal-Aqd before appointing a general Amir over the Muslims.

But one of Jama'at ISIS's most famous students of knowledge, Abu Sufyan al-Sulamy (Turki al-Ban'ali/Abu Humam al-Athari) said: *"As for stipulating the Bay'at of the entire Ahlul Hal wal-Aqd, this is the saying of the Mu'tazila. And as for stipulating the Bay'at of all of the people, then this is the saying of the people of Democracy."* [End of his words | | Book: Extend the hands]

First of all, we do not think that anyone today is saying that Baqdadi should have the Bay'at of the entire Ahlul Hal wal-Aqd in order for his authority to be valid let alone all of the people. Rather we said that one must have the majority of the Ahlul Hal wal-Aqd.

But to say that it is necessary to have the Bay'at of the entire Ahlul Hal Wal-Aqd is a view specific for the Mu'tazila, then this is incorrect as Imam Ahmed bin Hanbal was of the view that the Muslims, all of them must agree with the Imam for the Imam to be an Imam. He said: *"The Imam is the one whom all the Muslims are agreed to call him an Imam."* [Minhaj al-Sunnah 1:112]

So when we say that the majority of the Ahlul Hal wal-Aqd must give consent to the person for him to qualify to be an Amir, is this considered running after majorities and believing in Democracy?

Indeed al-Adnani said: *"al-Qaaida now runs after the bandwagon of the majority and calls them as 'the Ummah'"* [From the speech: This was never our Manhaj and never will it be]

And Adnani in this statement makes various accusations against al-Qaaida but he never actually points out where the accused committed these crimes he makes up. But it is upon the one who makes the claim to bring forth the evidence. But these rules have been forgotten, and the masses have been deceived, hence it became necessary to reply even though in the Shariah it requires no reply as the burden of proof is upon the claimant. But Adnani as usual, does not point out where the accused committed the crime. He raises some crimes, and throws the allegation

towards his enemies without attempting to prove where the crime was actually committed. Hence it is a bit difficult to precisely point out what Adnani is referring to in his claims, but the predominant assumption (ghaalib al-dhann) with us is that he is referring to the issue of seeking the majority opinion before appointing the Imam. In other words, the following;

Sheikh Ayman al-Zawahiri said: *“We want an Islamic Caliphate in which the Ummah chooses its rulers with freedom and freewill, and makes a pact with them to obey them as long as they obey the Quran and the Sunnah. We accept whoever has the Shar’i qualifications chosen by the Ummah to govern it by the Quran and the Sunnah. We shall then be his loyal aids and servants. Al-Qaaida wants a Khalifa (caliph) for the Ummah that it chooses by its free will and **by its agreement or chosen by its MAJORITY**. If the Ummah succeeds in establishing Islamic rule in one region before the establishment of the caliphate, then whoever the Ummah accepts as an Imam in this region, has the Shar’i qualifications and leads by the Quran and the Sunnah, then we will be the first to accept him as we don’t want to rule, rather we want the rule of Islam. We say it in all clarity to the Ummah in general and to our people in Sham in particular, al-Qaaida is the last one who would want to usurp your right to chose who you see fit as a Muslim ruler who would lead you with the Book and the Sunnah. And if Allah allows for the creation of an Islamic rule in Sham, then whoever the Ummah chooses to rule there by the Book and the Sunnah will also be our choice.”*

[al-Iman Yasra’ al-Istikbar | Faith defeats arrogance]

So the predominant assumption with us is that Adnani is referring to that statement of Sheikh Ayman, and that is due to various reasons. Firstly, the Sheikh speaks about the Imam being appointed by the agreement of the **Ummah** or chosen by its **majority**. And Adnani is accusing al-Qaaida of running after **majorities** and that they call this as the **Ummah**. Secondly, Sheikh Ayman is speaking about Sham, and Adnani also seems to be referring to some statement of al-Qaaida in which they talked about Sham, in order to raise this allegation which he raised. Why do we say so? Because Adnani mockingly says that al-Qaaida runs after majorities and calls this as the **Ummah**. And when Adnani mentions the word “Ummah” (in a mocking gesture towards al-Qaaida) in that speech of his, he usually refers to the groups of Syria (sarcastically) because Sheikh Ayman called them as part of the Ummah in his audio letter of advice which came out at the beginning of the infighting. So it is very clear for us that Adnani is referring here to some speech of al-Qaaida where they talked about Syria. And the statement of al-Qaaida which talked about Syria, and talked about a majority, seems to be that quote of Sheikh Ayman which we just provided above. So that is the quote which perfectly matches and fits into the descriptions.

So tying this to our assumption, we reply as follows:

Al-Adnani failed to differentiate between the Hukm (rule) and the Hakim (ruler), and in this is a great error which's consequences will be severe. What Sheikh Ayman al-Zawahiri talked about was the selection of a ruler based upon the agreement of the Ummah or by the agreement of its majority and Adnani accused him of running after the bandwagon of the majorities. If a person decided to chose the Hukm (rule) based upon the majority opinion of the Ummah, then this person is worthy of the words which Adnani phrased. But the matter of selecting a ruler to rule by a certain rule (in this case the Shariah), then this is not the same as the one said before.

Selecting the ruler based upon the majority opinion is something which came to us even from the Salaf, now would Adnani accuse them of running after the majorities which is another phrase used to refer to Democracy? What would Adnani say about this? Sheikhul Islam Ibn Thaymiyya rahimahullah said: *"If it was that Umar and those with him gave Bay'at (to Abu Bakr al-Siddiq) but the rest of the companions did not, then he would not be an Imam by that. But rather he became the Imam **only after the majority** of the companions gave him the Bay'at who are the people of strength and might."* Minhaj al-Sunnah 1:530

And Imam Ahmed said: *"The Imam is the one whom all the Muslims are agreed to call him an Imam."* Minhaj al-Sunnah 1:112

Hence where is the contradiction to that when Sheikh Ayman said: *Al-Qaaida wants a Khalifa (caliph) for the Ummah that it chooses by its free will and **by its agreement or chosen by its MAJORITY.*** "

[al-Iman Yasra' al-Istikbar | Faith defeats arrogance]

Sheikh Ayman has stated two choices; that is by the agreement of the Ummah OR its majority. The agreement of the entire Ummah is the opinion of Imam Ahmed and the agreement of the majority is the opinion of Sheikhul Islam Ibn Thaymiyya and we have quoted their statements just above here for the reader to read and judge. So where is the contradiction of Sheikh Ayman to the Salaf in this matter for Adnani to accuse him in such abusive wordings? Or is the Mazhab of the Salaf considered a deviance according to this man al-Adnani? And to Allah we complain!

It seems Adnani did not differentiate between the ruler and the rule. We do not say that a man has the right to chose a rule while the rule of Allah is present, but choosing a ruler to rule by this rule is a right Allah gave to the Muslims. Sheikh Ayman al-Zawahiri only affirmed this right for the Ummah when he said: *"We say it in all clarity to the Ummah in general and to our people in Sham in particular, al-Qaaida is the last one who would want to usurp your right to chose who you see fit as a Muslim ruler who would lead you with the Book and the Sunnah."*

So ponder dear brother how the Sheikh affirmed the right for the Ummah to choose a ruler, but he did not offer them the right to chose what rule to rule by. Rather he made clear that the ruler should rule by the Book and the Sunnah. So Sheikh Ayman differed between the rule and the ruler. And this is what Adnani failed to see. Someone who has such weak understanding of issues should not be put forward to do Ijtihad and give Fatawa for the Ummah as his Usul (fundamentals) are messed up and one can imagine how terrible the Tanzil (placing of rulings) of such a man will be. But Jama'at ISIS put him forward to speak on their behalf talking to the Ummah offering them "solutions" and "rulings" to matters in regards to the blood and wealth and this is from the dangerous errors of Jama'at ISIS which their supporters failed to see.

**END OF CHAPTER ONE:**

**"ANNOUNCEMENT OF THE JAMA'AT ISLAMIC STATE'S EXPANSION INTO SHAM"**

**TO BE CONTINUED WITH A NEW CHAPTER BI'IZNILLAH**