

## Freeing the Muslim Prisoners is a duty upon all the Muslims

Since the creation of the world, the struggle against Truth and Falsehood, between Light and Darkness, between Guidance and Misguidance, between Islam and Disbelief continues and it will continue until the Day of Judgement. A struggle in which the People of Iman will often be victorious, but on occasions they may succumb to defeat and that is only because of certain surrounding factors that will do no more than delay the victory. As a result of this struggle, Allah the Supreme chooses whom He wishes from amongst His servants to honor them. From amongst us are those that succeed with the honour of martyrdom in the Cause of Allah. Amongst us are those that are tortured in the Cause of Allah, and thus some of our brothers and sisters precede us into gaining the pleasure of Allah (swt). And amongst us are those that are imprisoned and fall in to the hands of the security agencies. This is nothing more than the natural outcome of all struggles, including the Dawah to resume the Islamic way of life through the re-establishment of the Khilafah State.

The history of Islam is replete with stories of men and women facing imprisonment and abuse at the hands of oppressors. The chapter of the Prophet Yusuf [as] in the Quran vividly illustrates how dealing with unjust imprisonment is inherent to the heritage of Islam. Yusuf's (as) own test illustrates how prison is a very real expectation when faced with stark choices: **﴿قَالَ رَبِّ السِّجْنُ أَحَبُّ إِلَيَّ مِمَّا يَدْعُونَنِي إِلَيْهِ وَإِلَّا تَصْرِفْ عَنِّي كَيْدَهُنَّ أَصْبُ إِلَيْهِنَّ وَأَكُن مِّنَ الْجَاهِلِينَ فَاسْتَجَابَ لَهُ رَبُّهُ فَصَرَفَ﴾** **“He (Yusuf) said, "My Lord, prison is more to my liking than that to which they invite me. And if You do not avert from me their plan, I might incline toward them and [thus] be of the ignorant". So his Lord responded to him and averted from him their plan. Indeed, He is the Hearing, the Knowing. Then it appeared to them after they had seen the signs that he [i.e., al-'Azeez] should surely imprison him for a time.”** [TMQ Surah Yusuf 12:33-35]

Whoever turns the pages of history, will be informed that such a likelihood is the norm and that there is nothing strange about it at all. How many heroes of Islam have been killed in history? How many men have been injured and how many Da'wah carriers have been imprisoned? But, were their souls overcome with weakness? Were their hearts plagued with cowardice? We wonder, did frailty and misery creep into their hearts on account of their capture?! We have the example of Khubaib bin Adiy (ra) who fell into the hands of the Polytheists who escorted him from the Sacred Masjid-ul-Haram to kill him. He said to them, "Let me pray two rakahs." When he finished he said to them, "If it were not that you were to think that I am afraid of death, I would have lengthened my prayer." He became the first to establish the tradition of praying two rakahs before execution. He then said, "O Allah! Count them one by one! Kill them one by one! And let there not remain a single one from them alive!" He then said, "As long as I am killed as a Muslim for the Sake of Allah, I do not care on what side I fall. All this is for the sake of Allah: if He wishes, He will bless me with the reunion of the torn pieces of my body." He was then finally killed by Uqbah bin Al-Harith.

Indeed, Allah (swt) may show kindness to such a prisoner and gift him with things that soothe his heart. Khubaib (ra), for example, when he was taken prisoner, was given such kindness by Allah as related by one of the women who witnessed the event: "I have never in my life seen a prisoner in a better state than Khubaib. Indeed I saw him eat of the grapes and the fruits that were available that day in Makkah - all this while he was fettered in iron chains - it could only have been a provision provided for him by Allah." On the other hand, a prisoner may be tortured, humiliated and tested; only, however, for Allah to raise his station

and rank in Paradise. ﴿أَحْسِبَ النَّاسُ أَنْ يُتْرَكُوا أَنْ يَقُولُوا ءَامَنَّا وَهُمْ لَا يُفْتَنُونَ. وَلَقَدْ فَتَنَّا الَّذِينَ مِنْ قَبْلِهِمْ فَلَيَعْلَمَنَّ اللَّهُ الَّذِينَ صَدَقُوا وَلَيَعْلَمَنَّ الْكٰذِبِينَ﴾  
**“Do the people think that they will be left to say, "We believe" and they will not be tried? But we have certainly tried those before them, and Allah will surely make evident those who are truthful, and He will surely make evident the liars.”**  
 [TMQ -Surah Al-‘Ankabut; 29:2-3].

Such are the prisoners that have fallen into the hands of our enemies: Muslim Prisoners in Bangladesh, Egypt, India, Iraq, Jordon, Palestine, Rohingya, Russia, Syria, Turkey, Uzbekistan, Uyghur, Yemen, and in other areas of the globe. These men: they are the ones who works to bring back the hukum of Allah on this earth; they are those who works for the re-establishment of the Khilafah State; they are the ones who went forth to aid their brethren, to defend the sanctity of the Muslims and their honour at a time when many had become despondent. Moreover, some are even imprisoned for no reason except that they were Muslim. For instance, **At Guantanamo Bay (Cuba) and Abu ghraib (Iraq) prison**, which was the site of massive torture, housed a largely innocent population – **approximately 70-90 % of the prisoners were mistakenly detained, according to the Red Cross in a 2004 report. In Saudi Arabia**, number of political prisoners (Majority of them being scholars) **reach 30,000** according to the reports of Islamic Human Rights Commission. Moreover, latest prison statistics released by the **National Crime Information Bureau (NCRB)**, an Indian government agency responsible for collecting and analysing crime data shows that the number of Muslims incarcerated in jail is disproportionately higher than their numbers outside. **Muslims make up only 14.2 % of India's population but 16.6 % convicts, 18.7 % under trials and 35.8 % detenues in Indian prisons are Muslims as of 31 December, 2019.** Such people have a right over the Ummah to come to their aid and to stand by them in their trial. Such was the Messenger of Allah (saw) who ordered his Ummah, «فُكُّوا الْعَابِيَّ» **”Set free the prisoners!”** [Al-Bukhari-7173]. Imam Malik (may Allah have mercy upon him) said; **”It is obligatory upon the people to ransom the prisoners with all what they possess, and there is no difference in this (amongst the jurists), because the Prophet (saw) said «فُكُّوا الْعَابِيَّ» “Set free the prisoners!”** [Al-Bukhari-7173].

Indeed we have witnessed and the World has witnessed the footage of the tragedy that has befallen our brothers and sisters in prison all over the world. Their beards and heads shaven, stripped of all their clothing, bound from head to toe, blindfolded and deprived of all sensory perception. Where is the respect for the human soul?! Where is the respect in placing human beings in steel cages, the very sight of which reminds people of animal cages? They are not allowed to leave these cages to relieve themselves except once a day. They are taken out for questioning - hands and feet chained, with their heads lowered, their self-esteem broken and running through their thoughts are, "Where are the glorious days of the Muslims? Where are the days of the conquerors? And where are you O Muslims?"

Our prisoners live under severe hardships. Even the night, which Allah has made as a time of rest and sleep, the captors have turned it into a spectre of light with their blazing lamps. In the day, the sun burns them and in the night those blazing lamps prevent them from sleeping. So how will they taste the pleasure of sleep and how will they get to take pleasure in food and drink while they are undergoing this pain? In fact their pain is of two types. The first is the pain of living as captives under the evil rulers and our kufr enemies, and the second is the pain at the Muslims who have deserted them, that there is none standing up against their miserable treatment and that they have been forgotten about as if nothing has happened.

How can we as Muslims live in comfort? How can we find our food appealing while our brothers are held prisoners at the hands of our enemies? How can a person take pleasure in

sleep while their brothers over there are living under the humiliation of evil rulers? How can the tears of a human stop flowing while he sees his brothers over there living in conditions of misery and suffering? How can it please the Muslims to allow their brothers and sisters to be handed over to the disbelieving enemy and their agents, that they can be deported to the farthest reaches of the Earth and yet nothing is stirred in their breasts and nor do we hear from them a word or an outcry? What of the position of the Influential? What of the position of the scholars? What of the position of the so called representatives of the Muslim Ummah? Is it not obligatory for them to do something and make a stance?

No one is excused in keeping silent about this, especially as we have seen the vile treatment that has been meted out to these Muslim Prisoners who raised the head of this Ummah up high: The Messenger of Allah (saw) said: «أَطْعِمُوا الْجَائِعَ، وَعَوِّدُوا الْمَرِيضَ، وَفُكُّوا الْعَالِيَّ» **"Feed the hungry, visit the sick, and set free the prisoner."** [Al-Bhukari-5649]. The Messenger of Allah (saw) said: «مَنْ أَعْتَقَ امْرَأً مُسْلِمًا كَانَ فِكَاهَهُ مِنَ النَّارِ» **"Whoever frees a Muslim man, he will be his ransom from the Fire"** [Ibn Majah - 2522]. It has been narrated by Saeed through his chain from Hibban bin Jabalah that the Messenger of Allah (saw) said: «إِنَّ» **"Indeed it is obligatory upon the Muslims to free their captives or to pay their ransoms."**

The scholars have agreed that it is obligatory to free the Muslim prisoners by either sacrificing ourselves or by our wealth,

**Imam An-Nawawi said (Ar-Raudah 10/216):** If the enemy capture a Muslim or two, then is it equivalent to invading a Muslim land, because the sanctity of a single Muslim is greater than the sanctity of an entire state. Therefore, if the Islamic State is close to the location where the prisoner was captured, then it should release the prisoner and exact a fine from those who have captured him. (Otherwise, paying the ransom money is wajib (compulsory) if we can free the prisoner by it).

**Abu 'Abdullah Muhammad Al-Qurtubi said (Tafsir al-Qurtubi 2/26):** Our scholars have said that ransoming the prisoners with money is wajib (obligatory), even if one dirham does not remain in the Islamic Treasury.

**Al-Izz bin Abdus-Salam said (Ahkam Al-Jihad wa Fadailihi / Pg 97):** Rescuing the Muslim prisoners from the hands of the disbelievers is one of the best means of coming close to Allah. Some of the scholars have said: "If even one Muslim is captured, it becomes compulsory upon us to persevere in fighting the disbelieving enemy until we either free the Muslim captives or destroy the disbelieving enemy. Therefore, what do you say if they capture a large number of Muslims!?"

**Sheikh-ul-Islam Ibn Taymiyyah said (Al-Fatawa 28/635):** Freeing the prisoners is one of the greatest compulsory deeds and spending ransom money and other means towards that, is one of the greatest ways to come close to Allah.

**Ibn Hajar Al-Haithami said (Tuhfah Al-Muhtaj 9/237) said:** If the enemy captures a single Muslim, it becomes wajib (obligatory) on every one who has the ability, to rush to their rescue (even without seeking anyone's permission). It is apparent that it is compulsory on everyone, similar to the situation where the enemy invades our land. Moreover, saving our brothers is of a higher priority, as the sanctity of a Muslim is greater (than the sanctity of a State).

**Ibn Hajar Al-Asqalani said (Fath Al-Bari 6/167):** The saying of Imam Al-Bukhari, 'The Chapter on Freeing Prisoners' refers to freeing them from the hands of the enemy by money or by other means. The word 'Al-Fakak', where the 'fa' (Arabic letter) from the word has a fatha (it is also permissible for it to take a kasrah), means to free. This word is mentioned in

two hadiths. The first one is the hadith of Abu Musa: "Free the prisoner." Ibn Battal said that freeing the prisoners is compulsory on a collective duty (Fard Kifayah). This opinion is also held by the majority of the scholars.

### **How the Muslim Prisoners were rescued in our past History?**

Indeed the previous Muslims have left a legacy for us: exceptional examples of how Muslim prisoners were rescued from the hands of the enemy. During the 19 AH, Umar despatched an army to fight against the Byzantines. Allah (swt) willed that Abdullah ibn Hudhafah (ra) should fall captive to the Byzantines and he was brought before the Emperor. After rejecting all the proposals put forward by the Byzantine emperor, finally Abdullah bin Hudhafah was ordered to be thrown in to a pot filled with oil which was then heated under a fierce fire. As he was being taken away he began to shed tears. The emperor thought that he had at last been broken and had him brought back to him. He once more suggested that Abdullah become a Christian but to his astonishment, Abdullah refused. The emperor shouted "Damn you! Why did you weep then?". Abdullah said "I cried", because I said to myself 'You will now be thrown into this pot and your soul will depart'. What I really desired then was to have as many souls as the number of hairs on my body and to have all of them thrown into this pot for the sake of God." The tyrant then said, "Will you kiss my head? I will then set you free." Abdullah asked, "Will you set free all the Muslim prisoners also?" This the emperor agreed to do and Abdullah said to himself, "One of the enemies of God! I shall kiss his head and he shall set me and all other Muslim prisoners free. There can be no blame on me for doing this." He then went up to the emperor and kissed his forehead. All the Muslim prisoners were released and handed over to Abdullah. Abdullah ibn Hudhafah eventually came to Umar ibn al-Khattab (ra) and told him what had happened. Umar was greatly pleased and when he looked at the prisoners he said, "Every Muslim has a duty to kiss the head of Abdullah ibn Khudhafah and I shall start." Umar then got up and kissed the head of Abdullah ibn Hudhafah.

The ruler of Andalusia, Al Hakam bin Hisham, heard that a Muslim woman had been taken prisoner and had called out, "O Al Hakam! Rescue me!" the enormity of the matter overcame him. Therefore, he gathered his forces, prepared himself and moved his army towards the land of the enemy in the year 196 AH (812 CE). He drove through their land and conquered several fortresses. After all, he secured her release and then he returned back to Cordoba victorious.

During one of the Abbasid khaleefah, named AL-Mu'tasim, news reached him that a noble Muslim woman was being held captive by a Christian in Umuriyyah, that one day he slapped her in the face upon which she cried out, "O Mu'tasim!" Upon hearing this he responded to her cry, "I am coming to respond to your plea! I am coming to respond to your plea!" He then departed at the head of a army of seventy thousand soldiers until he reached Umuriyyah and conquered it. He then asked for the Christian brute, severed his head and freed the noble woman.

This is how the Muslim leaders of the past used to be: as soon as they heard a plea for help they would rush to respond and aid the oppressed. Indeed, once Umar bin Abdul Aziz wrote to some of his Mu'awins and waalis to ransom the Muslim prisoners, even if it exhausted all the wealth that was in the Islamic Treasury. If money was not enough to secure the release of prisoners, our previous leaders used other means of threats and provocations. Similarly, When Qutaibah bin Muslim (ra) ratified an agreement with the ruler of Shuman, he wrote a letter warning and threatening Naizak Turkhan to release the Muslim prisoners. Naizak was frightened and promptly obliged.

The scholars have always had a large role in encouraging people to rescue the Muslim prisoners of war, whether it was by writing to the Muslim rulers or visiting the enemy and demanding the release of the Muslim prisoners or at least in praying that Allah sets them free. Indeed Ibn Taymiyyah (rh) went to meet Hulai, one of the Mongol generals and demanded from him that he releases the Muslim prisoners, and thus he was able to rescue many of them before returning home. Similar example can be seen from Imam Al-Awzai (rh) and many others. Do the Muslim scholars of today, follow in the path of such unique examples and play their part in trying to rescue our prisoners from the hands of the wicked enemy? Are the scholars moving to advise those responsible, to make this into a real cause and issue?

### **O Muslims! O Ummah of Muhammad (saw),**

1. Keep alive the plight of the prisoners in the media, shed some light on it and expose western politics and their agent states actions towards the Muslims.

2. Account the Muslim agent rulers who follow the commands of their masters by arresting our dawah carriers for the mere propagation of ideas of Islam. And demand them to release the prisoners and to return them to their families.

3. Contact the Influentials, Ulemas, Intellectuals, Journalists and lawyers to play their respective role regarding the release of Muslim prisoners. Form a body of sincere lawyers to give weight to the issue both in their own countries and abroad. To make them pursue the legitimate and legal solutions for the Muslim prisoners.

**Finally**, today, in the absence of Islamic State, no leader who has the political will, the moral conscience, or the back-bone to genuinely stand up for and defend the Muslims who are oppressed and imprisoned. Having understood this, are we not in urgent need of a true Islamic state, system and leadership that sincerely cares for humanity and will stand for the interests of the Muslims? Then surely, if we sincerely wish to end the horrific plight of our Muslim Prisoners throughout the world, we must focus our full attention and exert our full efforts in establishing the Islamic system – the Khilafah (Caliphate) based on the method of the Prophethood, which the Messenger (saw) described as the shield and guardian of the Believers. «إِنَّمَا الْإِمَامُ جُنَّةٌ يُقَاتِلُ مِنْ وَرَائِهِ وَيَتَّقَى بِهِ» **“Verily the Imam (of the Muslims) is a shield for them. They fight behind him and they are protected by (him from tyrants and aggressors).”** [Muslim -1841]. So, we call every sincere Muslim to respond to the command of their Rabb ﴿وَإِنْ اسْتَنْصَرُواكُم فِى الدِّينِ فَعَلَيْكُمُ النَّصْرُ﴾ **“And if they seek help of you for the religion, then you must help.”** [8:72] by carrying the dawah to urgently establish the Khilafah – for without it, the persecution, slaughter and suffering of our prisoners will continue unabated!

**Written for the Central Media Office of Hizb ut Tahrir by**

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