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In the name of God, the Most Merciful, the Most Compassionate

Thanks to God, prayers and salutation upon God's messenger, his family, his supporters and followers.

To the beloved brothers, may God protect them and bless their path according to righteousness and guidance.

Peace upon thee with God's mercy and beneficence.

We ask God that this letter finds you all in the best condition, your situation in constant improvement with God's blessing in your life and in your sense of religiousness and with your expression of thanks and appreciation for such blessing, we ask God to provide you more of his great blessings.

The following is are brief comments regarding what was stated in your last letter, we ask God to inspire us with the correct path.

First: In reference to the proposed Shura at your end, which relates to elevating it to the judiciary when there is disagreement between the emir and some members, this matter is baseless. It was determined previously by Muslim scholars and they have expressed their opinions. This is not a matter that requires reconsideration, research, and effort. Therefore, this is the prerogative of the emir, his vision and effort - that is, after consulting those experts in the field - he is the one who decides and those who oppose him are not to be considered. It is not a stipulation that all decisions made by the emirs must be totally convincing to all troops, including the Shura Council. However, the Emir has to adopt a correct, clear path in making such decisions. He has to fully consult on the matter, consider changing views, and dig into the depth of research. He has to stay clear of favoring those who he feels comfortable with and stay clear from rebuffing those who disagree with him. He must establish a total transparent environment, and if he has determined, then he has to rely on God, he has to press on with his endeavors and proceed with his decision.

If the issue that he intends to present for consultation is a contentious one that offered opposing views by Muslim scholars, and one that he has not decided upon yet, then it is preferable to present such issue to the knowledgeable citizens (the Islamic Law Committee), this way it will be able to carefully study the matter, and propose derived options, and recommend the best course of action to the Emir.

As for the judiciary, it has no role in such issues, because the judiciary is more concerned with [Shari'a] cases (the presence of plaintiff, defendant, and claim). This is why Imam al-Bukhari, may God have mercy upon him said, "God has said, 'Who conducts their affairs by mutual consultation.'" (Qur'an Surah al-Shura, Verse 38) "And consult them in affairs (of moment)." (Qur'an Surah al 'Imran, Verse 159. Consultation should precede intention and determination, as God said, "Then, when thou hast made a decision, put your trust in God." (Qur'an Surah al 'Imran, Verse 159) When the Prophet, peace be upon him, has determined, no one was allowed to object to God and His Prophet.

On the day of the Uhud expedition, the Prophet Muhammad consulted his followers on whether to stay put or to embark . The advice was to embark. When he considered his nation's interest and decided, they came back and recommended staying put. However, the Prophet did not agree with them following his decision and he said, "A Prophet should not subject his nation to predicaments, until God judges." He consulted 'Ali and Usama about what al-Efk people said 'Aisha, and he listened to them. A Qur'an Surah was delivered, the archers endured, and the Prophet Muhammad was not distracted by their opposing views, but he based his decision on God's orders.

Imam Bin-Hagar, may God have mercy upon him said, "Imams following the days of Prophet Muhammad, peace be upon him used to consult trusted scholars on permissible issues, in order to decide on the easy ones. In other words, if there were no precedent rulings on the permissible issue, then whether the completion or abandonment of such action would have the same outcome, however, if there is a previous precedent, then such action should not be conducted. As for the adherence to the trusted scholars, this is a stated attribute because the untrustworthy are not to be consulted or listened to. As for his statement about the "easy ones,"

generally we lean toward simplicity and streamlining, abstaining from extremism that overburdens Muslims."

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Imam al-Shafi'i stated, "The emir is ordered to heed the consultation, as the consultants alert him to that which he is unaware and present proof that the emir might lack, but this is not to say that the emir has to adopt the consultant's views, as God has not meant it that way for anyone after God's Prophet, peace be upon him." I recommend reviewing the complete work of Imam Bin-Hagar, as it is very beneficial.

I also relay here the good work of Shaykh Rashid Rida, May God have mercy upon him, in his tafsir book, al-Manar, in his interpretation of Qur'an Surah al 'Imran regarding consultation. His writings are thorough; I agree with some and disagree with others. He stated, "The verse is direct in the sense of the permissibility of carrying out the determination of one whose requirements have been completed, the most important of which is consultation on regular matters such as military, political, or administrative matters. Breaching one's [own] determination is a personal weakness, a behavioral earthquake; no trust is given to the words or action of someone who vacillates on his own determination."

If the person who did not keep a determination is a government ruler or army commander, the appearance of a breach of determination is a breach of trust in his government and army, especially after making a decision on a matter. That is why the Prophet, peace be upon him, did not listen to those who advised him to embark on Uhud's expedition, as explained earlier, when they wanted to change their minds for fear that they had coerced the Prophet to engage the expedition.

The Prophet already made his decision and intended to proceed with an action following his seeking of advice, as we have previously stated. There is a time and a place for everything, and as long as the time for consultation has been exhausted, the time for action takes precedent. If a president decided on an issue following consultation, it is not permissible for him to breach his determination, annul his work, and if he sees the consultative body has erred in their opinion - as Prophet Muhammad, peace be upon him,

assessed regarding engaging the Uhud expedition, as we previously mentioned. This could be attributed to the rule that stated, carry out the least of two harms. What worse harm is there than someone breaching his own determination, that is in terms of weakness, failure, and defeating confidence?

Contemplate his last statements, the saying goes, what is worse harm than occupying the emir with judicial conflicts in all issues where he is in disagreement with one of the consultants? The matter could encompass several issues and not a single one, and thus, all the time will be wasted in arbitration. The conclusion is that the Judiciary is the correct choice in matters that require effort, but it is not suitable for the emir to be treated just like any member of the consultative council, which is not concerned in making a decision.

The conclusion here also is that either the decisions that come from the Shura Council are agreed upon in unanimity - and this seldom occurs - and consequently, they will pass, or (sarcasm) we will wait for the Judiciary to decide on all disagreements and then all issues under consultation will be decided by the Judge.

Shaykh 'Abdallah Bin-Jibrin, may God have mercy upon him, in a lengthy comment on the famous remark by Bin-Abu-al-'Izz in obeying those in charge in issues of effort - Ijtihad, "...anyway, we say: there is no doubt that rulers are not immune (to errors), their followers are obliged to guide and alert them to what is beneficial to the general good of society."

However, if a qualified person is chosen for administration or governorship, who possesses attributes that qualifies him to such position, then there should be no objection to that, other than stating one's point of view, or for reference sake (explanation of al-Tahhawiyyah Doctrine by Bin-Jibrin: 35/3), I recommend reading the material in its entirety as it is lengthy and I cannot present it here.

Therefore, what is meant by consultation in matters is not (to convince) all consultants of the opinion desired, as this is seldom achievable. Rather, it is to introduce, discuss, and seek opinions for the purpose of reaching the optimum one and to derive the closest one to correctness. Next is to transform words into action, from consulting to

proceeding, from vacillating to determination, and there has to be a body that determines, affirms, and proceeds to extract the issue from the circle of bewilderment, turbulence, vacillation, and conflict: Only emirs can do this, whether we say that the majority opinion is binding for them or that they chose the closest opinion to correctness and they decide with what they see fit.

There are differences between allowing all consultants to render their views regarding the concerned matter so that everyone says what he sees fit and between factoring the consultants in the determination by adopting an opinion that has been decided to be the best possible option, either through consensus or effort; this was seen in Uhud's expedition.

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The Prophet Muhammad, peace be upon him, consulted his followers and every one of them stated the point of view that he saw fit. Even 'Abdallah Bin-Abi, the head of the hypocrites, was not prevented from stating his opinion and consultation.

However, when the consultation period ended and the determination and proceeding phase began, the whole matter came under the hands of God's Prophet, peace be upon him, he did not listen after that to any other opinions, nor did he pay attention to vacillation from a hesitant person. This can be understood from the Qur'anic verse, as God said, "Consult with them in the matter, but if you determined, then rely upon God." He did not say if [all of] you determined, then rely upon God; and God only knows.

Al-Imam al-Qurtubi, may God have mercy upon him, stated, "Consultation is based on varying opinions. The person seeking consultation takes these varying views into consideration. If possible, he views the closest opinions that adhere to the Holy Qur'an and the Prophet's Sunna teachings. If God guides him, he will determine, make a decision, and rely upon God in execution. Therefore, this is the ultimate objective of the required effort, and this is how God Almighty has ordered his Prophet in this verse." (Al-Qurtubi Interpretations: 252/4).

The conclusion in this regard is that reaching a final binding decision passes through phases:

## The First Phase:

We can name it "Subjects of Consultation," which is choosing the subject matter that requires discussion, the establishment of a periodical work agenda, or is as a result of an emergency situation that requires a decisive action. It goes without saying that the matters that are presented for consultation usually do not garner unanimity or are not based on direct Qur'anic or Sunna texts.

So if the issue can be sorted out through effort and scholars have differed among themselves, then seek the advice of trusted scholars to research the position of Islamic Shari'a law. Whatever outcome they reach, it should be adopted. This is because the consultative period also relies on specialties, some of which relates to rulings that are and are not permissible, while some relate to military planning and some relate to general policies of the group, and so forth.

Every one of these specialties has their experts who specializes in its affairs who are knowledgeable about its intricacies, as Imam Bin-Khuwayz Mindad, may God have mercy upon him, stated, "Walis must consult with scholars in areas they are not familiar with in difficult religious matter, with army experts in matters concerning war, with experts in the fields of interests, and with the best of authors, ministers, and labor regarding the country's interests and development." (Tafsir al-Qurtubi--interpretations 250/4.)

Bin-Hazm, may God have mercy upon him, stated, "If the sultan encounters a conundrum that he is not certain about solving, he consults his followers, allied soldiers, with those who seek relief from their predicaments, he consults military experts on war and its policies, he seeks the advice of experts in every field. He does not rely on one man's opinion. He does not reveal what he chooses among their opinions; if they completed what they had to say, he decided based on what he learned from them." ("Bada'i' al-Salak fi-Taba'i' al-Malak": 64/1)

So if the emir differs with everyone of the various specialties and finds himself with every difference sitting in front of a judge defending his point of view, how will anything ever get done? How will decisions be implemented?

Just imagining such a scenario will highlight its dire consequences; something that Shari'a cannot do, and God knows best.

#### The Second Phase:

It is possible to name this phase "The Consultation Phase," as a working agenda is presented to the consultative council for discussion among its members. Matters are researched thoroughly, opinions are stirred up fully in clarity, directness, and faithfulness. The objective is not one member of the consultative council declaring victory for his opinion or to rigidly sticking to his own view and seeking its imposition; the objective is to reach for the most suitable opinion, the most beneficial and productive one.

#### The Third Phase:

It is possible to name it, "The Decision-Making Phase." In this phase, matters have been thoroughly researched, contemplated, considered, and views have been tossed around. Everyone from the consultative body has rendered his opinion, and presented his evidentiary proof. The emir has heard such views and listened to them carefully. The only thing left is to choose the most suitable one. If the consultative body are in agreement on one opinion, then there is no problem, the opinion is what they have reached.

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If their opinion differs, there has to be a mechanism to choose some of them so that they will be binding to all. However, due to the lack of knowledge, the successive killing of scholars and experienced persons, and due to the oppressive climate, the best course of action in a situation like ours is to adopt a majority opinion among the consultative population. It is better to accept the majority opinion, especially if it is accompanied by piety, freedom from temperaments, and keen devotion to reaching the correct course of action. This should be applied to all and wherever they are. As al-Hassan, may God have mercy upon him, stated, "Whenever people consult, God guides them to the best course of action, and God guides them to utter what is beneficial."

If the votes are equal in number, then it is preferable to adopt the side that has the emir; this is because he is the one concerned with making the decision in the first place. If opinion voting was carried out and a majority vote was chosen, this would mark the end of the consultative phase and a decision is made that will be binding to all and issued from the person in charge, who must be obeyed. At this point, disagreement will be limited to merely a personal conviction with one's point of view. As for execution and action, the person with the opposing view must listen and obey fully, just like any other soldier. He is obligated (legally) to renounce his adherence to his own view. The Judiciary should not interfere in such matters, and [Judiciary personnel] should not be the cause for preponderance. The matter at hand is not a judicial case that involves plaintiff and defendant; this is a matter of opinions that are searched and viewed.

Here we urge our esteemed brothers: be flexible, obedient, and earnestly seek consensus whenever possible. We must know that continuous differences and adherence to one's own opinion is a cause for destroying or preventing beneficence.

As it was stated in Sahih al-Bukhari, based on Anas's statement, he said, "'Abadah Bin-Samit informed me: that God's Prophet, peace be upon him, went out on al-Qadr night. There were two Muslim men skirmishing, so he said, 'I came out to inform you of al-Qadr night,' and that so and so men were fighting, hoping to benefit from this night, observe this night on odd days like in the 1/7, 1/9, and the 1/5 in the holy month of Ramadan."

So al-Badr al-'Ayni talked about the benefits of this teaching, "Bickering and disagreements is a cause of mass punishment for all. As a result of personal infighting, the Muslim nation missed out celebrating that night because of the infighting and due to the honorable presence of the Prophet."

Enough talk about that issue, we ask God to inspire us and you, the correct path and guard us from our own evils.

Second: With regard to forging a truce with apostates; you previously received talking points in that regard. In my view, this is matter of "personal effort." He who believes in its permissibility, has sufficient knowledge, and their

excuses that they relied upon is not supported by Shari'a law, especially in the times and situations that we are in. The infidels have attacked us with all its might, (their apostates and their fundamentals), the enemy made its priority to chase us even in the desolate desert that has no inhabitants.

Of course, we do have neither the energy nor the capability to confront the infidel countries all at once. So what is wrong with neutralizing some of them - those countries that need to be neutralized? This is to fragment the enemy's capability and weaken their forces. This will enable us to concentrate on the fiercest among them, those enemies who can inflict the greatest harm upon us.

Once truce is forged, it does not mean that we accept [the enemy's] infidelity, nor does it means that we stop fighting them for good. However, it means delaying them until we have the time to fight other enemies and amass sufficient power to fight all of them.

The important thing is that the brothers must all know that this is a pure personal jurisprudence effort, without unanimous consensus, and it has no relation with the issue of belief and does not interfere with the doctrine of al-Wala' wa-al-Bara' at all.

If forging truce with infidels contradicts the concept of denouncing them, then it is not permissible, even with the fundamental infidels, because the expression of enmity and hatred toward infidels encompasses all of them. With that, we came to learn the mistake of sayings like, "No Truce and No Dialogue with Apostates," making it a Jihadists motto, especially the use of the word "dialogue" - I think - the common meaning of which has not been approved by senior jurisprudent [experts] today.

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So he who ponders the permissibility of forging truce with apostates during war, this should be honored, and such persons should not be subjected to rebuke. By forging such a truce, it does not mean that the person has abandoned his "Salafi Jihadist" doctrine, as these are pretences used by some Imams. There is no doubt that forging a truce with apostates requires negotiations, follow up, correspondence, stipulating conditions, and removing others. This requires

sitting down with them and with their mediators, listening to them, or corresponding with them, writing them. So whether this process is called dialogue, negotiation, anything else, the bottom line is that truce cannot be forged without it.

Bin Mas'ud, may God approve of him, once said, "Bin-al-Nawaha and Bin-Athal, the messengers of Musaylamah, came to the Prophet, peace be upon him, and he asked them, "Do you believe that I am God's messenger? They said, 'We witness that Musaylamah is God's messenger.' So Prophet Muhammad, peace be upon him and his family, said, 'I believe in God and His Prophets; if I was a messenger killer, I would have killed you by now.' So began the Sunna tradition that messengers are not to be killed." This was narrated by Ahmad.

Na'im Bin-Mas'ud al-Ashja'i said, "I heard when the book of Musaylamah, the Liar, was read, he asked the two messengers, 'What do you think of what he said, we say the same thing he said?' So Prophet Muhammad, peace upon him and his family said, 'By God, if it wasn't that messengers are not to be killed, I would have stricken your necks.'" As narrated by Ahmad and Abu-Dawud.

Imam Bin-al-Qayyim, may God have mercy upon him, said regarding enumerating the benefits for the arrival of Bani-Hanifah delegation, "It grants permission to the Imam in corresponding with apostates, if they have power, and to address them and their infidel brethren, 'Peace upon those who follow piety,' and to reiterate that messengers are not to be killed, even if they are apostates, this is the tradition of the Sunna." Quoted from the book "Zad al-Ma'ad."

With regard to what was stated by Bin-al-Qayyim, may God have mercy upon him, in reference to apostates' messengers clearly contradicts what al-Sarkhasi al-Hanafi stated, may God have mercy upon his soul, "What is meant is that apostates have reneged on Islam after they have pledged allegiance to it; therefore, their killing is rightful action."

(Can't you see?) "If he comes to us in peace or as a messenger or not, we can't let him go back to the battlefield. First we must offer him Islam, if he becomes Muslim [all right], otherwise he will be killed in the same

fashion as those who deserve to be killed when they join the battle and then come to us under peaceful pretences.” (Sharh al-Sayr al-Kabir book: 432/4)

Thanks to God, you have among you Jihadists scholars who are knowledgeable about Jihad and its requirements, the true nature of its circumstances. Given their insight into Jihad realities, they are able to write their research and tabulate its details.

The important thing in this regard is that we carefully examine these issues away from terrorizing [exaggerating] statements and narrowing mottos, so as not to adopt a different religion. We should not make things difficult for ourselves. In areas where Shari'a law has simplified it for us, we should not limit what Shari'a has permitted us to do. But on the same token, we should not do away with Shari'a rules and disciplines. We should not look superficially on matters and base our decisions on our tendencies and imagining our interests.

We have to exert our efforts in following the statements of scholars, learning their evidentiary proof, while at the same time - and with the usual great difference - differentiate between our realities and theirs. Then we should prevail among them, coupled with the consultation with the best trusted expert scholars, we should not rush in doing that, as it is befitting for those who adopt this path to be correct or err, and in that case, they are excused and God willing, they will be rewarded.

Third: May God reward you with His beneficence for your great media efforts through al-Andalus Media Establishment. May God make it the beacon for guiding people to the true path of religion, a mantra for the revival of the meaning of honor in their hearts, bring the life of correctness through their veins. We ask God to accept those who run this media center. All Jihadists here follow its releases impatiently, yearn for its issues, and watch its creative work. Jihadists are moved by this media; sometimes you see them crying and sometimes chanting, while other times supplicating. Their hearts and souls are moved by its contents.

You probably know that the general meaning of media - and not just video releases- has become part and parcel of our fight with our criminal enemy. One of the most important battlefields that we are immersed in is people's minds. The media is a silent talking apparatus; it does not behead nor shed blood, it does not destroy a base nor dig a trench. However, it can defeat an army by destroying its morale, defeating the souls of enemy commanders, instilling despair in the depths of their hearts, and turning people against them.

But for Muslims, the media is an instrument for "incitement." Through it the fervor is enhanced, the souls ignite in zeal, the veins burst from anger, any old ambiguity is washed from their mind. The roots of despair are plucked from the hearts in order to resurrect hope and make it yearn for Paradise and meet God. It makes the whole Muslim nation unite behind its sons, and so forth, from the lofty honorable objectives that are known.

That is why total attention must be paid and full effort must be exerted; careful review and auditing must be made so that we can achieve the objective of "incitement to fight" through our media. This is considered the gate for people's support to us, their cheering to our actions, their understanding of our causes. All this requires patience, repetition, variety, simplicity, good delivery, paying attention to the varying levels of understanding among people, and their various inclination and tendencies.

We should always remember that our purpose is to guide people to the correct path of Islam - I mean all people - taking them out from darkness to daylight, plucking them from the darkness of Jahiliyyah in which they are immersed. This is whether they are aware or unaware of their situation and particularly when we are given an opportunity to address a large cross section of them, whether Muslim or otherwise.

God will be delighted if we deliver our voices (our messages) to them in their rooms, inside their houses. There is no house among the honorable or oppressed today that does not listen to the voice of Jihadists. That is why we have to exert the utmost effort to deliver the message of correctness to the people. We have to elevate our media to the highest levels of truthfulness, trustfulness, manners; we have to excel in production, delivering

superior content and format. We ask God to assist us and you, to accept from us and you, and to bless you with the correct path of beneficence and obedience and to bless your steps and ours. May God protect and support you.

Peace upon thee with God's compassion and beneficence.

Written by Abu-Yahya

Thursday, 28 Shawwal 1431 Hijri