

Press Release

General Amnesty is Invalid; there is no need for it if Islamic Sharia is applied. Those who deserve punishment should be punished, and the innocent should not be imprisoned in the first place

(Translated)

Crime is the reprehensible act, and what is reprehensible is what Sharia deems so. Therefore, an act is not considered a crime unless Sharia specifies it as reprehensible; it is then considered a crime, regardless of the degree of its reprehensibility. Thus, regardless of whether the crime is major or minor, Sharia has made the reprehensible act a punishable offense. Sin is the crime itself, and it has become customary for the purpose of punishment among humans to be deterrence, that is, to deter people from committing crimes. Islam added to this the notion of expiation, meaning that the punishment in this world expiates the punishment of the Hereafter.

And the judgment of punishment, if it is issued by human reason, that is, by limited human beings; then error in it is certain. However, if the judgment is issued by the Creator of humankind, then the possibility of error in it is negated with certainty. **﴿أَلَا يَعْلَمُ مَن خَلَقَ وَهُوَ اللَّطِيفُ الْخَبِيرُ﴾** “Does He who created not know, while He is the Subtle, the Acquainted?” [Surat Al-Mulk:14]

So the faithful Muslim who believes in the validity of Islam for every time and place does not doubt for a moment the validity and wisdom of the punishments prescribed in the Sharia, whether as deterrents or penalties.

Islamic law delineates judgment in every incident that occurs to humans, prescribing what is permissible (halal) and what is forbidden (haram). Therefore, the Sharia has issued commands and prohibitions, obligating humans to act upon what they are commanded and to avoid what they are prohibited from. If one violates these commands and prohibitions, they commit reprehensible acts, i.e., crimes, necessitating punishment for these crimes. This is so that people adhere to what Allah (swt) has commanded them and refrain from what He has prohibited. Otherwise, there would be no meaning to these commands and prohibitions if there were no consequences for disobeying them. Islamic law has elucidated that these crimes entail punishments in the Hereafter as well as punishments in this world. As for the punishment in the Hereafter, it is Allah who punishes the criminal, subjecting them to torment on the Day of Judgment, as Allah Almighty has said: **﴿يُعْرَفُ الْمُجْرِمُونَ بِسِيمَاهُمْ فَيُؤْخَذُ بِالنَّوَاصِي وَالْأَقْدَامِ﴾** “The criminals will be known by their marks, and they will be seized by the forelocks and the feet.” [Surat Ar-Rahman:41].

As for the punishment in this world, it is carried out by the ruler, i.e., by the state, through establishing the limits set by Allah, executing judgments for crimes and penalties, and enforcing regulations. This worldly punishment for the sinner for the sin they committed serves to exempt the sinner from the punishment of the Hereafter, so these punishments act as deterrents and expiations. They act as deterrents because they discourage people from committing sins and crimes, and they act as expiations because they substitute for the punishment of the Hereafter, thereby exempting the Muslim from the punishment of the Hereafter through the punishment administered by the state in this world.

As for the general amnesty issued by the regime in Jordan, as in other Muslim countries, on religious occasions or on personal occasions for the ruler, to achieve some degree of people's

satisfaction or to alleviate prison overcrowding, especially when their anger and resentment toward the ruler intensify, we say that this amnesty is fundamentally invalid and provokes resentment and disdain because its judgments are originally issued by laws unrelated to Islam. Moreover, most of these judgments are related to political actions and expressing opinions that contradict this regime, which leads to criticism and accountability. Nevertheless, when the regime imprisons these individuals, especially the advocates among them, it disregards the provisions of its obsolete constitutional laws and fabricates charges according to the judgments desired by the security apparatus and intelligence agencies for the State Security Court.

According to the amnesty law ratified by the king after the approval of the deputies in a swift session, it includes crimes, from the perspective of the regime and statutory laws, thus pardoning those who committed them, such as drug-related crimes, adultery, theft, embezzlement, breach of trust, perjury, forgery, and incitement to debauchery, among others. The amnesty will encompass the release of 7355 inmates from correctional facilities, including 4688 with various misdemeanors and 2667 with drug-related offenses. Where are the public interest and civil rights that were supposed to be justifications for this amnesty?

The exemption excluded "crimes against internal state security, sedition, terrorism, undermining the political system, crimes affecting national unity and undermining the state's financial status, as well as crimes of criminal organizations and unauthorized associations." These terms are highly elastic and vary greatly from one judge to another and from one time to another. They have been used to target individuals associated with political parties like Hizb ut Tahrir or other activists expressing their opinions and grievances from all spectrums, including those detained in protests demanding military action in support of Gaza. This is interpreted by security agencies to fit their desired condemnation under the guise of national security and societal peace requirements.

The exclusion of Shabab of Hizb ut Tahrir from the amnesty, as is the case in every amnesty, under any statutory pretext like belonging to an unauthorized association from the regime's perspective, but it is an obligation from Allah from the perspective in Islam. This is a badge of honor and distinction for them, as they work as Allah has obligated them, sincere and devoted to Him, and their reward is with Allah. They do not hope for amnesty from such regimes that have become guardians of the Ummah's enemies, subservient to them. It is not permissible for them to arrest their Shabab for carrying the call to Islam and implementing its laws in the first place.

Regarding punishments and their rulings and how they are implemented, it is incumbent upon Muslims, in the absence of a ruler who governs by Islam, the Khalifah (caliph), to exert their utmost effort in finding one. The existence of the Khilafah (caliphate) is obligatory, and any obligation not fulfilled except through it becomes obligatory. The Khalifah is the one who establishes the necessary boundaries from the Lord of the Worlds, and what cannot be accomplished except through it becomes obligatory, especially since the establishment of boundaries is a great obligation for the well-being and rectitude of the Ummah. Ibn Majah narrated in his Sunan from Abu Huraira that the Messenger of Allah (saw) said: **«حَدِّ يُعْمَلُ بِهِ فِي الْأَرْضِ، خَيْرٌ لِأَهْلِ الْأَرْضِ مِنْ أَنْ يُمَطَّرُوا أَرْبَعِينَ صَبَاحاً»** **“A legal punishment that is carried out in the land is better for the people of that land than if it were to rain for forty days.”**

«إِنَّا أَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ لِتَحْكُمَ بَيْنَ النَّاسِ بِمَا أَرَاكَ اللَّهُ وَلَا تَكُنْ لِلْخَائِنِينَ خَصِيمًا»

“Indeed, We have revealed to you, [O Muhammad], the Book in truth so you may judge between the people by that which Allah has shown you. And do not be for the deceitful an advocate.” [Surat An-Nisa:105]

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