
ISIL COMMITTEE OF RESEARCH AND FATWAS

FATWAS No. 61, 62, and 64-68

Fatwa Number: 64

Date: 29 JAN 2015

Question: Some of the brothers have committed violations in the matter of the treatment of the female slaves. These violations are not permitted by Sharia law, because these rules have not been dealt with in ages. Are there any warnings pertaining to this matter? May Allah protect you.

Praise be to Allah, prayer and peace be upon our Prophet Muhammad, his household and all of his companions.

One of the graces which Allah has bestowed upon the State of Caliphate is the conquest of large surface areas of the country and one of the inevitable consequences of the jihad of establishment is that women and children of infidels will become captives of Muslims. Consequently, it is necessary to clarify some rules pertaining to captured prisoners to avoid any violations in dealing with them.

Therefore we say, and may Allah grant us success:

- It is not permissible for the owner of a female captive to have intercourse with her until after she has had her menstrual cycle and becomes clean.
- If she does not menstruate and is pregnant, he is not allowed to have intercourse with her until after she has given birth.
- It is not permissible to cause her to abort if she is pregnant.
- If the owner of a female captive releases her, only he can have intercourse with her and he is cannot allow someone else to have intercourse with her.
- If the owner of a female captive, who has a daughter suitable for intercourse, has sexual relations with the latter, he is not permitted to have intercourse with her mother and she is permanently off-limits to him. Should he have intercourse with her mother then he is not permitted to have intercourse with her daughter and she is to be off-limits to him.
- The owner of two sisters is not allowed to have intercourse with both of them; rather he may only have intercourse with just one. The other sister is to be had by him, if he were to relinquish ownership of the first sister by selling her, giving her away or releasing her.
- If the female captive is owned by a father, his son cannot have intercourse with her and vice versa. Moreover, intercourse with his wife's female captive is also not permissible.
- If a father had intercourse with his female captive then gave her away or sold her to his son, he is not longer permitted to have intercourse with her.
- If the female captive becomes pregnant by her owner, he cannot sell her and she is released after his death.
- If the owner releases his female captive then he is not permitted to have intercourse with her afterwards because she has become free and is no longer his property.
- If two or more individuals are involved in purchasing a female captive, none of them are permitted to have intercourse with her because she is part of a joint ownership.
- It is not permissible to have intercourse with a female captive during her menstrual cycle.
- It is not permissible to have anal sex with a female captive.
- The owner of a female captive should show compassion towards her, be kind to her, not humiliate her, and not assign her work she is unable to perform.
- The owner of a female captive should not sell her to an individual whom he knows will treat her badly or do unto her what Allah has forbidden.