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16 April 2020

The Honorable President Cyril Ramaphosa

President of the Republic of South Africa

Email: abram@presidency.gov.za

presidentrsa@presidency.gov.za

The Honorable Dr Nkosazana Dlamini Zuma

Minister of Cooperative Governance and Traditional Affairs

Email: MmaphakaT@ndmc.gov.za

info@cogta.gov.za

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Dear Sir / Madam

**RE: REQUEST FOR RELAXATION OF THE LOCKDOWN REGULATIONS TO ALLOW
CONTROLLED ACCESS TO MOSQUES DURING THE SACRED MONTH OF RAMADAAN**

We act for, and on behalf of, the religious institutions, organizations and senior theologians in the Muslim community as identified in the schedule annexed hereto, marked "A". Our clients represent the broad interests of a significant part of the Muslim community in the matter of the impact of the lockdown regulations

promulgated under the Disaster Management Act, 2002, in particular insofar as they relate to the suspension of the activities of mosques and related places of worship in the country.

It is our fervent supplication that this communication finds you well by the grace and mercy of the Almighty God.

At the outset, we record our sincerest appreciation and admiration for the sterling work of our Government, under the over-arching stewardship of our Honorable President, in the fight against the coronavirus pandemic that has engulfed almost the entire world. The measures thus far taken by the Government on the advice and recommendations of the National Coronavirus Command Council represent a brave and determined effort to protect and save the lives of the people of our country. This is a very trying and challenging time in the history of our country. We pray that Almighty God by His Grace and Mercy delivers us from this pandemic with ease and comfort and makes us an even stronger and more resilient nation in its aftermath.

We are on the cusp of the holiest and most sacred month of the Islamic calendar, i.e. the month of Ramadaan, the commencement of which will coincide with the 24th April 2020. Muslims throughout the world are enjoined to steadfastly engage in prayer and fasting throughout the month. Worship in mosques in this month, in particular, is a vital discipline indispensable to the maintenance and promotion of the required ethos. Furthermore, and inasmuch as Muslims are obliged to abstain from food and drink from dawn to sunset each day, the need for daily feeding and food distribution schemes to alleviate the plight of the disadvantaged takes on a heightened significance in Ramadaan. The vast majority of mosques in our country become centers for daily feeding and food distribution schemes.

The lockdown regulations promulgated in terms of the Disaster Management Act 57 of 2002 in terms of Government Notice 318 of 2020, as amended by GN 446 of 2020, prohibit, *inter alia*, every gathering in any building, place or premises, including any place or premises used for religious purposes. The direct impact of such prohibition was to force the closure of all mosques and other places of worship in the country. It is significant that the original regulations published on 18th March 2020 did not demand the closure of mosques and other places of religious worship. They merely imposed a restriction on gatherings therein by limiting any congregation to a maximum of 100 people. We rigorously and religiously adhered to such congregational limitation at the time.

The complete closure of religious centers until 30 April 2020 in terms of the subsequent amendments to the regulations effectively means that mosques are required to remain inaccessible until at least the first week of the month of

Ramadaan, assuming for the moment that the denial of access until then would not be further extended. Such state of affairs would have an extremely disruptive and prejudicial effect on the wider Muslim community for the reasons aforementioned.

It is widely recognized that the coronavirus pandemic demands the implementation of measures to protect and promote the physical health of our citizens. There is however an equally important consideration that demands the preservation and promotion of the holistic development of people, namely the protection and promotion of their spiritual and psychological well-being. The maintenance and promotion of prayer and related disciplines of worship in environments most conducive thereto is central to that objective. The complete denial of access to mosques and other places of worship, which are considered by the faithful to be sanctuaries of peace, blessing and mercy, is bound to have a deleterious effect on the holistic well-being of people.

It is in the foregoing context that we humbly request the Presidency and the Government of our country to ameliorate the rigor of the lockdown regulations in so far as they indiscriminately impose a blanket prohibition on attendance at mosques and other places of worship. We are not requesting completely uncontrolled, unrestricted and unfettered access to mosques and other sites of worship. We accept that the requested easing of the prohibition must necessarily be subject to controls and measures that would reasonably address any potential risks associated with the potential spread of the coronavirus infection.

Any reasonable control measures that Government may deem appropriate, on the advice of the National Coronavirus Command Council, as pre-conditions for attendance and gatherings at mosques for purposes of prayer and related worship would be faithfully adhered to. Without in any way seeking to be prescriptive, these control measures may include:

- (a) a limitation of a maximum 50 people (perhaps even fewer if deemed strictly necessary) in each congregation, provided that such limitation shall in no circumstances exceed 25% of the capacity of the relevant mosque or prayer facility;
- (b) the convening, if the circumstances so dictate, of multiple congregational prayer sessions, separated by intervals of between 30 to 45 minutes between congregations, at each facility;
- (c) the imposition of sanitary measures requiring compulsory hand sanitization of all attendees at points of entry or access and the compulsory donning of face masks and gloves.

We are indeed mindful of the divergence of views within the Muslim community bearing on the question of the restoration in the present milieu of access to mosques and other places of worship. These views are far ranging and demand the uncontrolled and unfettered access to mosques, at one extreme, and a rigid and almost religious adherence to the regulations governing the lockdown at the other. The approach of our clients, however, is one that seeks to strike a delicate balance between the spiritual dimensions bearing on the matter as informed by strict Islamic Shariah law, on the one hand, and the responsibility of our nation, on the other hand, to advance the Government's policy and commitment to minimize the potential spread of viral infection by the implementation of a series of measures that are necessary in a manner that would, wherever possible, avoid negating the injunctions of faith and spirituality.

We also place on record that a large number of medical professionals in our community have pledged a firm and unwavering commitment to actively participate in the oversight and implementation of any reasonable control measures that may be imposed as preconditions to the grant of our clients' requested relaxation of the regulations.

We respectfully implore you to accede to this sincere and impassioned request.

We respectfully await your urgent response.

Yours Faithfully

A.R. KAZI

Schedule of the religious institutions, organizations, mosques and senior theologians we represent.

A. List of institutions, organizations and mosques

1. Masjide Abu Bakr Siddeeq (Phoenix)

Roundfern Close, Phoenix

Moulana Abdullah Amod

0766 094 865

2. Masjid-e-Umar Farooq

Phoenix

Moulana Ismail Adamjee

082 765 5045

3. Usmaaniyyah Musalla

Phoenix

Moulana Junaid Khan

082 563 6576

4. Broad Street Musalla

Broad Street, Durban

Imaam Abdullah Sanele

071 974 0293

5. Esnembe Masjid

Upper Tongaat

Moulana Junaid Vahed

082 265 3232

6. Spine Road Masjid

Phoenix

Moulana Muhammad Salejee

081 325 8010

7. Masjidus Salaam

Phoenix

Moulana Huzayfah Noor

084 407 9606

8. Railway Street Masjid

Tongaat

Moulana Muhammad Padia

081 582 2204

9. Lotusville Masjid

Verulam

Moulana Huzayfah Qaasim

078 613 4299

10. Ashrafiyyah Masjid

Chatsworth

Moulana Asad Haffejee

082 593 4043

11. Shallcross Masjid

Shallcross

Mufti Shuaib Patel

073 123 8897

12. Marianhill Masjid

Marianhill

Moulana Ismail Patel

062 759 0146

13. Port St Johns Masjid

Eastern Cape

Moulana Moosa Vawda

064 684 6477

14. Ndubane Masjid

Port St Johns

Moulana Ebrahim Chohan

072 2952 229

15. Ntlaza Musalla

Transkei

Moulana Moosa Vawda –

064 684 6477

16. Masjid-e-Noor (Spencer Road)

Clarestate
Moulana Muhammad Kajee
083 781 7544

17. Maclear Masjid

Eastern Cape
Moulana Moosa Vawda
064 684 6477

18. Madrasah Taleemuddeen Masjid

4 Third Avenue, Isipingo Beach
Mufti Ebrahim Salejee
031 902 9818

19. Masjidut Taqwa

Pietermaritzburg
Moulana Dawood Seedat
060 678 6280

20. Queenstown Masjid

Queenstown
Dr Muhammad Makada
082 7786 040

21. Masjid Ebrahim

Newlands
Moulana Omar Farooq Padia
072 500 5678

22. Umlazi Masjid

V Section (Umlazi)
Hafiz Hoosen Chongo
074 652 3770

23. Harrismith Masjid

Harrismith
Moulana Qaasim Chohan
083 622 4035

24. Masjidul Manaazir

Bergville
Moulana Amjad Chohan
082 357 0786

25. Masjid e Kibriyaa

Ladysmith
Moulana Saleem Vawda
083 5786 327

26. Musalla al-Ikhlaas

Hendry Road
Zakariyya Patel
083 7078616

27. Matubatuba Masjid

Matubatuba
Arshad Seedat
072 497 9016

28. Masjide Tazkiyya

Merebank
Moulana Ismail Carrim
074 2786555

29. Masjide Masehullah

Ladysmith
Hafiz Hansa Saahib
083 786 3710

30. Masjid Nurul Huda

Sydenham
Moulana Gora Salejee
074 764 7177

31. Glenearn Road Soofie Masjid

Overport
Moulana Abdul Haq Makada
082 687 0111

32. Masjid Mueenuddeen

Overport
Moulana Abdul Haq Makada
082 687 0111

33. Masjid al-Hilal

Overport
Moulana Ahmed Suleman Khatani
083 268 1786

34. Avondale Musallah

Morningside
Ikhlaas Latib
082 576 1314

35. Siraatul Haq Institute

Mufti E Saleejee
Escourt
081 271 1769

36. Chatsworth Ulama Council (Council of Muslims Theologians) Chatsworth and District

262 Lenny Naidu Drive
Bayview Chatsworth
031 400 7061

37. Harding Muslim Jamaat

Mufti Yacoob Yusuf Vally
Musgrave Street
Harding
083 786 1892

38. Musjidus Sahabaah

Ml Ahmed Motara
Hillgrove Newlands West Durban
084 578 2320

39. Musjidul Awliyaa

Ml Ahmed Motara
Kenville Durban -
084 578 2320

40. Darul Huda Musallah

Ml Ahmed Motara

Newlands

084 578 2320

41. Faidhul Islam Musallah

Ml Ahmed Motara

Phoenix

084 578 2320

42. Masjid Ebrahim

Ml Ahmed Motara

Inanada Road Newlands West

084 578 2320

B. List of Senior Muslim Theologians we represent

43. Hazrat Mufti Ebrahim Salejee

Ispingo Beach

031 902 9818

44. Hazrat Ml Haroon Abbasomar

Ispingo Beach

031 902 9818

45. Hazrat Moulana Abdul Haq Makada

Overport

082 967 8600

46. Mufti EMH Salejee

Escort

081 271 1769

47. Hazrat Moulana Shabeer Saloojee

Lenasia Johannesburg

011 859 1081

48. Hazrat Moulana Muhammad Ilyas Patel

Isipingo Beach

084 786 3420

49. Hazrat Moulana Abdul Rahman Khan

Chatworth

031 400 7061

50. Hazrat Moulana Ahmed Suleman Khatani

Overport

083 268 1786

51. Mufti Adv Emraan Vawda

Berea

Durban

083 288 4083

52. Ml Mohammed Gora Salejee

Ispingo Beach

074 764 7177

53. Hazrat Moulana Dawood Seedat

Pietermaritzburg

060 6786 280

54. Ml Ahmed Motara

Newlands

084 578 2320

55. Mufty Yacoob Yusuf Vally

Harding

083 786 1892

