



MUSLIM LAWYERS ASSOCIATION



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26 APRIL 2020
Ramadan 2, 1441 AH

THE UUCSA DEBACLE

**IN RE: MOHOMED & 2 OTHERS VS THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA & 2 OTHERS -
HIGH COURT OF SOUTH AFRICA GDP CASE NO.:
21401/2020 ("the Application")**

UUCSA sought to justify its intervention in the Application as *amicus curiae* ostensibly on the basis that it intended placing special evidence before the Court, outside the ambit of the State's case, that essentially raised Shariah related dimensions necessary for the proper and informed adjudication of the Application.

It now emerges that UUCSA's intervention in the Application was primarily motivated and informed by the object of resisting the relief sought by the Applicants, namely, the reopening of our Masaajid, *albeit* subject to precautionary measures and controls, by all means possible. UUCSA's Heads of Argument filed of record in the Application and its oral argument presented in Court abundantly demonstrate that UUCSA's intervention in the Application as *amicus* was a mere ruse to oppose the Application "through the back door". Its Heads of Argument and oral submissions raised constitutional challenges based on pure secular law considerations. UUCSA's opposition to the Application was far more vigorous and trenchant than that mounted by the State. The legal process that unfolded in relation to UUCSA stands in stark contradiction to its avowed contention that its sole objective in intervening was to **befriend and assist the Court in matters confined to the interpretation of Shariah Law that could possibly have a bearing on the Application**. It is extremely unfortunate, and in fact a damning indictment of its position, that UUCSA adopted and persisted in its stance of vigorously opposing an application that was informed by the noble object of securing the reopening of our Masaajid in a controlled and measured way subject to the congregational limitation of a maximum of four people.

Whatever the final judgment in the Application, its most compelling and enduring outcome would be the deplorable conduct of UUCSA in failing the Deen of Islam and in undermining the fundamental beliefs and convictions sincerely held by its followers.