

PO Box 3393
Port Elizabeth
6056
South Africa



20 Ramadhaan 1432 – 20 August 2011

ATTORNEY ASLAM MAYAT IRTIDAAD
CONTROVERSY
ADVOCATE KHAN CONFIRMS THE FACTS
AND SETS THE RECORD STRAIGHT

We had issued the Fatwa of Kufr against the Durban attorney, Aslam Mayat, on the basis of statements of KUFRA made by the attorney. The FATWA still stands. Subsequent to the Fatwa, incoherent attempts were made for the exoneration of attorney Aslam Mayat without him having retracted his statements of Kufr. Among the statements of Kufr unequivocally stated by attorney Aslam Mayat are: (1) Certain aayaat of the Qur'aan-e-Kareem are offensive to the Constitution of South Africa. (2) *Amal* (the Natal lawyer's body) should produce an alternative Shariah.

The call for a new 'shariah' and the insult of the Qur'aan-e-Kareem, are the worst acts of Kufr. As long as the attorney is not prepared to issue an unequivocal retraction, he should understand that he is a **MURTAD**. May Allah Ta'ala protect our Imaan.

Rebutting the attempt to malign him, Advocate Saleem Khan has issued a statement which we reproduce verbatim:

TO: JAMIATUL ULEMA, KWAZULU-NATAL

AND TO: AMAL

Dear Honourable Alims and members of Amal,

RE: NOTICE CIRCULATED BY JAMIATUL ULEMA KWAZULU-NATAL TITLED:
"CLARIFICATION MEETING BETWEEN JAMIAT KZN AND AMAL" AND RELATED
MATTERS

The abovementioned notice refers.

I have not attributed statements to Attorney Aslam Mayat falsely. This possibility must be excluded for the following reasons:-

1. The Jamiatul Ulema KwaZulu-Natal and in particular Moulana Abdullah Khan therefrom received Mr Aslam Mayat's e-mails in which such statements appear and in their circular titled "Clarification Meeting between Jamiat KZN and Amal", Jamiatul Ulema KZN state categorically that: "Adv. Khan still saw fit to circulate excerpts of the e-mail...". This establishes that the statements are excerpts from Attorney Aslam Mayat's e-mail/s;
2. I have copies of the relevant e-mails in which such statements appear, which prove their correct recordal in my letter dated 5th August 2011.

The allegations in that circular pertaining to me are inaccurate in the following respects:-

- a. The words "Aslam Mayat's Clarification" as conveyed to me by Moulana Khan was really Attorney Aslam Mayat's claim that his statements had been misinterpreted. Moulana Khan informed me that the matter had been settled but he could not explain such alleged misinterpretation. It was clear to me that he had not applied his mind adequately to such statements. This occasioned me grave concern given the gravity of such statements.
- b. On even a cursory reading of my letter dated 5th August 2011, it would be clear that I had not maligned Mr Aslam Mayat. I quoted from his statement verbatim and sought the guidance of certain Senior Alims and Senior Attorneys. It is apposite that all these Attorneys (if not most of them) are members of Amal.

On receiving Attorney Aslam Mayat's e-mails in which his said statements appear, I raised objection thereto and reprimanded him via e-mail. In that e-mail, I wrote, *inter alia*:

"Please leave to the Alims matters pertaining to Deen and if you sincerely desire to assist, then do so without questioning the injunctions of ALLAH S.W.T., the Lord of the Universe. Any assistance from you or Amal should be for the pleasure of ALLAH S.W.T. alone and made subject to the understanding that the final decision in the matter will be made by the Jamiat. Please enquire into the response which some of your comments would have elicited from Hazrath Umar R. A. had he been alive, in the physical sense, today. Please meet with Mufti Emraan Vawda and or me..."

I then received a telephone call from Moulana Abdullah Khan of the Jamiatul Ulema KZN who informed me, as I indicated in the last paragraph of my letter dated 5th August 2011, that Attorney Aslam Mayat was hurt by my criticisms. Moulana Khan also informed me then and he repeated this subsequently that Attorney Aslam Mayat claimed that his statements had been

misinterpreted. He (Moulana Khan) said that the matter had been resolved. I did not and still cannot understand how such matter had been resolved, ie. how could there have been a retraction by Attorney Aslam Mayat if his response was that his statements had been misinterpreted. This meant that Attorney Aslam Mayat's response was really that there is something wrong with the interpretation of his statements and not with the statements.

I informed Moulana Khan that I had drafted a letter in which I had quoted such statements verbatim and that I intended forwarding same to certain Senior Alims for their objective assessment and their advice on my Islamic obligations, in relation thereto ie. how is a Muslim expected to respond when he encounters statements of this nature.

I agreed to meet with Moulana Khan, Attorney Aslam Mayat, Attorney Enver Moolla, the Chairperson of Amal and Mufti Emraan Vawda who is both a Mufti and a qualified Advocate of the High Court of South Africa to address these concerns. A date and time had been set for such meeting. I informed Moulana Khan that given my opinion of the gravity of the matter, I would dispatch my letter should such meeting not materialise. I was subsequently informed, that the proposed meeting could not proceed as Attorney Aslam Mayat had other commitments. I then dispatched my letter dated 5th August 2011, per telefax.

The said notice of the Jamiatul Ulema KZN was not sent to me but it was widely circulated, not only amongst Alims but also amongst various professionals. It is unfortunate that the Jamiatul Ulema KZN disseminated such disinformation about me especially in the context of the relationship of mutual respect which I enjoyed with its previous Administrators.

Yours faithfully



MAHOMED SALEEM KHAN