

Muslim Judicial Council, Represented by Imam Gassan Solomon.
Testimony before the Truth and Reconciliation Commission, East London,
18 November 1999. [disclaimer](#)

ADMINISTERS AFFIRMATION.

IMAM GASSAN SOLOMON: Thank you very much. Chairperson of the commission, members of the commission, ladies and gentlemen, good morning, goeie more, shalom, molweni.

On behalf of the Muslim Judicial Council, I wish to express our appreciation for this opportunity in the spirit of hope to make a contribution to the truth of the past and peace and reconciliation for the future. I also wish to congratulate and thank the TRC under the leadership of Bishop Desmond Tutu for undertaking the noble task of probing the conscience of the nation in order to put our heartforth freedom on a sound spiritual footing where our different political parties, structures of government, business, the press, our different traditions and civil societies of all might rediscover the fullness of humanity together in a single nation.

Chairperson, history has planted Islam and Muslims in the Cape in South Africa more than 300 years ago. Under conditions that were not unfamiliar to the majority of people in our country. Muslims were brought to South Africa either as captured freedom fighters against Dutch colonialism in the far East, as slaves to European masters or as indentured labourers. The socio-political relations of domination at the time ensured that Islam remained a subjugated religion of a minority, enjoying neither equality nor the right to free expression. As slaves and political exiles, besides the right to worship freely, they were denied the erection of places of worship and burial ground. This is probably one of the reasons why the graves of the notables are spread far and wide into the then "bundus" of the Cape Peninsula, including the well known Robben Island. It was only in 1804 that the Betravian Republic granted the Muslims two specific privileges: apparently in anticipation of their loyalty against the invading British. The first burial grounds, the Kanabaru in the BoKaap was one. The second was a promise of a site to build a Mosque. Chairperson and Commissioners, a Mosque is the life of a Muslim community, is a vital institution. It is there at the centre of social interaction and not only a place of formal worship. A Mosque in the Islamic sense is a sense of learning and instruction, not merely in religious norms, but also of the functioning of the individual in his or her social milieu. In essence, it becomes the semanating of communal and social life and as such, an important institution in the development of the community's culture.

It was under these circumstances and its effect that the Muslim Judicial Council was formed in 1945, primarily in the interest of Muslim unity. But also, to voice a protest against oppressive laws and governmental policy. Dr Cherrister of UCT, in his book "Religions of South Africa" states according to the original statement of purpose, the

MJC was founded in the interest of all non-Europeans, who should at all times irrespective of race or creed, join forces against the oppressive forces which are endeavouring to retard their progress in all spheres in this country.

In 1961, the Muslim Judicial Council, in conjunction with the Muslim Youth Movement, Cape Town, Claremont Youth Association, Cape Vigilant's Association, Young Men's Muslim Association and a number of Muslim Religious leaders and individuals launched the Call of Islam declaration and I quote: "For too long a time now have we been together with our fellow sufferers subjugated, suffered humiliation of being regarded as being inferior beings, deprived of our basic right to earn, to learn and to worship according to the divine rule of God. We can no longer tolerate further encroachment on these, our basic rights and therefore we stand firm with our brothers in fighting the evil monster that is about to devour us, that is oppression, tyranny and baska." The declaration continues to express opposition and resistance to the Group Areas Act, pass laws, job reservations and substantiates this position with the relevant scriptural support from the holy Koran. The Call of Islam Declaration was followed by a packed meeting at the City Hall, Cape Town on the 7th May 1961. It was at this meeting that the Muslim Judicial Council declared apartheid in any form could not be condoned by Islam. On the basis of this, Achmad Davids, a Muslim historian and writer, stated in an article to the Centre of African Studies on studies in the history of Cape Town, that the Muslim Judicial Council was the first religious organisation in South Africa to declare apartheid a hierarchy.

It is within this context, Chairperson, appropriate to mention that during the 1984 Tri-cameral Parliament election campaign, that the "don't vote" charge of the MJC developed into the popularised declaration made by Muslim speakers at meetings held under the auspices of the UDF to vote for apartheid is "haram". Dr Gerrie Lubbe in his dissertation on the history of the Muslim Judicial Council states that by bringing these political terms and issues into the category of the forbidden which is the meaning of "haram", overwhelming acceptance was achieved through the use of a very concrete language known to every Muslim. To name a political system as unsuitable for human consumption was certainly most unique, but very effective. Chairperson, I have mentioned the meaning of a Mosque in the Islamic faith. It was the Group Areas Act which hurt and angered Muslims most in the 1960's. Muslim youths in 1964 reported that the powerful religious body, the Muslim Judicial Council convened a national conference to protest the Group Areas Act, a threat to their Mosques. Amongst the nine resolutions adopted at the conference were the following: That Muslims throughout the Republic should never abandon their Mosques. Where Muslims were resettled and new Mosques were built, the Mosques were ...[inaudible] the congregational prayer was previously performed, to continue with it and other daily prayers. Muslims should, under no circumstances, apply to the government for a permit to perform prayers in Mosques that have been left in proclaimed white areas. Muslims should under no circumstances compromise on these religious principles. From these resolutions, it can clearly be seen that the Muslim community viewed the Group Areas Act as an attack on its religious freedom. It was felt that the respect and

sacredness of the Mosque were violated when the people who had to use it were forcibly removed from it.

During the late sixties, the growing political awareness amongst the Cape Muslims intensified with the death of the well known and popular Imam Abdullah Harum. He was detained for almost four months under the infamous "Terrorism Act". His death sparked off wide criticism both inside and outside South Africa. Imam Abdullah Harum was the Imam at one of the Mosques affected by the Group Areas Act, the Mosque in Claremont, Cape Town. He was the chairperson of the MJC at the time of his death and his death brought about unfortunately a polarisation between the conservative and progressive members in the organisation of the Muslim Judicial Council.

In the seventies the MJC issued a very strong letter against the apartheid regime, protesting against the killing of our children and the brutality of the security forces during the riots of 1976. This protest letter received wide coverage and considerable backlash from the authorities, so much so, that the secretary of the Muslim's Council Office were raided by the Security forces. When the UDF was formed in 1983, in order to spearhead the opposition to the Tri-cameral Parliament constitutional proposals, the MJC decided to affiliate to the movement on the basis that the Muslim community is part and parcel of the oppressed and has a common struggle with the oppressed.

"The MJC believes that it cannot divorce itself from the rest of the oppressed and those with the same ideals in the formation of a united democratic front, to oppose a system of apartheid in South Africa" – Muslim News, 1983.

A protest march aimed at the release of President Nelson Mandela, then jailed ANC leader in August 1985 was banned in terms of a Magisterial Order. The march continued despite the ban, to Pollsmoor Prison. Violent clashes broke out between protesters and police and several religious leaders of various faiths were detained. One of the detainees was the Chairperson of the Muslim Judicial Council. The MJC then issued a strong statement on the unjust detention of its Chairperson and all other religious leaders. The statement further condemned the cruel, brutal and inhuman actions of the armed forces as well as their presence in the black townships and declared that the policy of apartheid, segregation and oppression was un-Islamic, abnormal and contrary to the laws of Allah.

In the mid eighties the MJC called a mass meeting at the ...[inaudible] Salaam Complex in Athlone in protest against the Trojan Horse incident. Over 7 000 people attended and subsequently the Mosque was placed under siege by the Security Forces and one person was murdered, or killed, by the Security Forces and several injured in the ensuing clashes. President Nelson Mandela, whilst in prison in Pollsmoor in March 1985 wrote a letter to the MJC in which he concludes with the following: "I want to point out that there are two evils which have confronted society right down the centuries." He then continues to elaborate on these evils and says about the

Muslim Judicial Council: "In my mind the current situation in which I cannot express myself fully and fairly, except to let you know that I consider the Muslim Judicial Council to be fully committed to the elimination of these evils. This is the reason why the MJC is an inspiration to us all, Yours sincerely, signed N.R. Mandela".

In conclusion, Chairperson, I am not here to praise the Muslim Judicial Council. Its documented records speak for themselves. However, conservatism which is almost natural to religious organisations took its toll also on the MJC and certain ambiguous tendencies were experienced within the MJC with some fundamental issues in the historic struggle for freedom in South Africa. The MJC could and should have done more. We regret this, we sincerely apologise for this shortcoming. Conservatism in other quarters of the Olamah Groupings in other parts of the country tended towards reactionary. They obstinately refused to be moved from their record of silence on any political issue which would appear to be anti-State and consequently did not join the overwhelming consensus of Muslim organisations in declaring participation in the apartheid Tri-cameral Parliament elections against the spirit of Islam. This can be construed as complicity in the apartheid crime against humanity. Pressure by radical youth groups and a wide range of organisations succeeded, however, in getting the Natal Olamah to issue a statement on the eve of the Indian elections, in that it is unacceptable because they perpetuate racism and segregation. The Transvaal Ulamah, however, were consistent in their silence. We do take collective responsibility for this unfortunate omission and apologise to those whose aid and assistance we have failed to respond in time of great need.

Finally, Chairperson, in spite of all the inherent weakness of the TRC, we believe that it does contribute towards the process of dealing with our past, and more importantly, laying the foundation for new morality based on a culture of human rights. The success of the TRC, however, is directly linked and dependent on its ability to reveal and uncover the truth. In this, the Muslim Judicial Council is prepared to co-operate and I hope and pray that they perform that function.

I wish to end by quoting two verses from the Holy Koran, which are relevant to the Truth Commission: Koran, Chapter 2, Verse 42, "And do not cover the truth with falsehood, nor conceal the truth when you know what it is." Secondly, Koran, Chapter 17, Verse 81, "And say truth has arrived and falsehood has perished for indeed falsehood is by its nature perishing".

Chairperson, Commissioners, on behalf of the Muslim Judicial Council, and the Muslim Community, particularly in the Cape, I thank you for this opportunity.

CHAIRPERSON: Imam, thank you very, very much indeed for coming. My colleague, Piet Meiring will probably ask a few questions on behalf of the panel.

PROF. P MEIRING: Imam Solomon, thank you so much again for coming. Thank you for a very comprehensive statement. We have your statement, we received the statement yesterday, and there was also one late last...yesterday sent to us by the

Muslim Youth Group, all of that will form part of the body of the material of the TRC and thank you so much for that.

There's one question I wanted to ask. At the end of your submission, you told about your commitment in helping to work towards the future of reconciliation and peace. Can you elaborate on that? What is the specific challenge, the specific thing that the Muslim community and Muslim Judicial Council will be able to contribute towards reconciliation? Will you be able, for instance, and willing to work together with the other faith groups, with the Christian churches, in the process of reconciliation in the Western Cape and all over the country too?

IMAM GASSAN SOLOMON: In response to your question I can say from the outset that at the moment, and since its inception, as the records state, that the Muslim Judicial Council, regarded working with other faith communities as important in South Africa. At the moment the Muslim Judicial Council is working together with other faith communities in areas where our society needs it most. Anti-crime for instance and generally in inter-faith activities. Therefore we will support that now and in the future. The Muslim Judicial Council, even though it has no policy yet, on how we feel for instance that we should take reconciliation forward and particularly from the hearings of the Truth commission. We believe that victims are very important in this particular process here. We are at the moment discussing our position regarding reparations. We are also discussing at the moment our position regarding the wealth tax, for instance. I cannot at the moment pronounce the position of the MJC, but soon we will come out with our statement regarding this.

REV. K MGOJO: (Side 2) ...[inaudible] by Dr Faried Esack that the Muslim community in general, especially Muslim business people benefited during the time of apartheid. And if it is so, how is the Muslim Judicial Council going to influence the Muslim community, especially the business community, to be involved in reparation when this process takes place?

IMAM GASSAN SOLOMON: I cannot agree completely with the submission of Moulana Faried Esack, Dr Faried Esack, in that the entire Muslim business community can be placed in the same position as other privileged communities.

The Muslim business community undoubtedly was part of the oppressed community and suffered as business persons, through those disabilities. Whereby they had to be very innovative in order to conduct business in certain areas or certain parts of the country. There might well be that some of them were quite smart and who have succumbed and who might have made use of the opportunities which were given to them or which were there during apartheid in terms of cheap labour, in terms of exploiting workers and so on and so on. For that we are sorry. But we cannot generally place all the Muslim business persons in the same status as other privileged groups in the country. The Muslim Judicial Council, as I have said is still at the moment considering and debating its position regarding the wealth tax, but my own opinion would be that we should come to an understanding and it is not unfamiliar to

us to give charity or wealth tax. It is not unfamiliar to Muslims for wealthy people to give to charities. And we, and I'm sure that the MJC will probably support something like that.

CHAIRPERSON: Thank you very much. We are deeply grateful and we will be sharing your insights with our colleagues as we consider what recommendations to present to the President.

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